2017-2018

HOUSE
RULES, CALENDAR & OPERATIONS

MINUTES

House Committee on Rules, Calendar, and Operations of the House
Tuesday, February 21, 2017 at 9:00am
Room 544 of the Legislative Office Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 9:00 am on February 21, 2017 in Room 544 of the Legislative Office Building. Representatives J. Bell, Blust, Boles, Brawley, Bumgardner, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

HR 144 PCS 2017 Permanent House Rules (Lewis)
Representative Lewis presented the resolution. Representative Floyd spoke on the resolution. Representative Jackson sent forth an amendment. The amendment failed. Representative Jackson sent forth a second amendment. The amendment failed. Representative Blust spoke on the resolution. Representative Floyd spoke on the resolution. Representative Dollar moved that the proposed committee substitute be given a favorable report unfavorable to the original resolution. The motion carried.

The meeting adjourned at 9:49 AM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, February 21, 2017
TIME: **9:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 114	2017 House Permanent Rules.	Representative Lewis

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:30 PM on Friday, July 07, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE COM SUB RESOLUTION, UNFAVORABLE ORIGINAL RESOLUTION

HR **114** 2017 House Permanent Rules.

Draft Number:	H114-PCS40100-SU-2
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Resolution 114

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

H114-ATU-2 [v.1]

Amends Title [NO]
H114-CSSU-2 [v.1]

Date _____,2017

Representative Jackson

moves to amend the bill on page 21, lines 31-32 by inserting the following between those lines:

"(c) Other than in a reconvened session, a vote to override a gubernatorial veto on a House or Senate bill shall be taken within five (5) days following notice of its placement on the calendar.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Resolution 114

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

H114-ATU-3 [v.4]

Amends Title [NO]
H114-CSSU-2 [v.1]

Date _____,2017

Representative Jackson

moves to amend the bill on page 14, lines 1 and 31, by deleting the phrase "15" and substituting the phrase "20".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE SIMPLE RESOLUTION 114
PROPOSED COMMITTEE SUBSTITUTE H114-CSSU-2 [v.1]
02/20/2017 10:35:58 AM

Sponsors:

Referred to:

February 16, 2017

A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2017 REGULAR SESSION.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Session of the House of Representatives of the 2017 General Assembly are:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE REGULAR SESSION OF THE 2017 GENERAL ASSEMBLY OF NORTH CAROLINA

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I. Order of Business

RULE 1. **Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2017, no sessions may be held on Friday. Without leave of the House, no session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No votes shall be held on Sunday, except for votes on motions to approve the journal and to adjourn.

RULE 1.1. **Emergencies.** – In the event of a disaster, natural or otherwise, that precludes the General Assembly from meeting in the Legislative Building, the members will be notified by the Speaker where and when the House will convene.

RULE 2. **Opening the Session.** – The Sergeant-at-Arms shall clear the House 10 minutes before the convening hour. At the convening hour on each legislative day, the Speaker shall call the members to order and shall have the session opened with prayer. At the convening hour, the Speaker, or the Speaker's designee, shall lead the members in the Pledge of Allegiance to the American Flag.

RULE 3. **Quorum.** – (a) A quorum consists of a majority of the qualified members of the House.

(b) Should the point of a quorum be raised, the doors shall be closed, and the Clerk shall call the roll of the House, after which the names of those not responding shall again be

called. In the absence of a quorum, 15 members are authorized to compel the attendance of absent members and may order that absentees for whom no sufficient excuses are made be taken into custody wherever they may be found by special messenger appointed for that purpose.

RULE 4. **Approval of Journal.** – (a) The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall cause the Journal of the House to be examined daily before the hour of convening to determine if the proceedings of the previous day have been correctly recorded.

(b) Immediately following the Pledge of Allegiance and upon appearance of a quorum, the Speaker shall call for the Journal report by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, or by a Representative designated by the Chair, as to whether the proceedings of the previous day have been correctly recorded. Without objection, the Speaker shall cause the Journal to stand approved.

RULE 5. **Order of Business of the Day.** – After the approval of the Journal of the preceding day, except by leave of the House, the House shall proceed to business in the following order:

(1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
(2) Messages from the Governor;
(3) Ratification of bills;
(4) Reports of standing committees;
(5) Reports of select committees;
(6) First reading and reference to committee of bills and resolutions;
(7) Messages from the Senate;
(8) Concurrence with Senate amendments or Senate committee substitutes;
(9) The unfinished business of the preceding day;
(10) Calendar (each category in accordance with Rule 40 – House bills first):
  a. Resolutions for adoption
  b. Conference reports for adoption
  c. Local bills (roll call), third reading
  d. Local bills (roll call), second reading
  e. Local bills, third reading
  f. Local bills, second reading
  g. Public bills (roll call), third reading
  h. Public bills (roll call), second reading
  i. Public bills and resolutions, third reading
  j. Public bills and resolutions, second reading;
(11) Reading of notices and announcements.
(12) Reading of Representative Statements of Personal Privilege.

II. Conduct of Debate

RULE 6. **Duties and Powers of the Speaker.** – The Speaker shall have general direction of the Hall, subject to more specific provisions of these rules. The Speaker may name any member to perform the duties of the chair, but substitution shall not extend beyond one day, except in the case of sickness or by leave of the House. If the Speaker is absent and has not designated a member or the Principal Clerk to perform the duties of the chair, the Speaker Pro Tempore shall preside during such absence. In the case of a vacancy in the office of the Speaker of the House of Representatives, the Principal Clerk shall preside over the House until the House elects a Speaker.

RULE 7. **Obtaining Floor.** – (a) When any member desires recognition for any purpose, the member shall rise and respectfully address the Speaker. No member shall proceed until recognized by the Speaker for a purpose.

(b) When a member desires to interrupt a member having the floor, the member shall first obtain recognition by the Speaker and permission of the member occupying the floor, and when such recognition and permission have been obtained, he or she may propound a question to the member occupying the floor; but he or she shall not otherwise interrupt the member having the floor, except as provided in subsection (c) of this rule; and the Speaker shall, without the point of order being raised, enforce this rule.

(c) A member who has obtained the floor may be interrupted only for the following reasons:

(1) A request that the member speaking yield for a question,

(2) A point of order,

(3) A parliamentary inquiry, or

(4) A question of privilege.

RULE 8. **Questions of Privilege.** – Upon recognition by the Speaker for that purpose, any member may speak to a question of privilege for a time not to exceed three minutes. Questions of privilege shall be those affecting, first, the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence over all other questions, except motions to adjourn. Privilege may not be used to explain a vote or debate a bill. The Speaker shall determine if the question is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 8.1. **Statements of personal privilege; explanation of vote.** – Upon recognition by the Speaker for that purpose, any member may speak to a question of personal privilege for a time not exceeding three minutes and may use some or all of that time to explain to the House a "Representative Statement of Personal Privilege." Upon motion supported by a majority present and voting, that statement may be spread upon the Journal. Neither personal privilege nor a Representative Statement of Personal Privilege may be used to explain a vote, debate a bill, or in any way disrupt the regular business of the House, nor shall such opportunities be used to solicit support or sponsors for any bill. The format of a Representative Statement of Personal Privilege shall be prescribed by the Chairman of the Committee on Rules, Calendar, and Operations of the House, but in any case shall speak only in the voice of the member submitting it. The Speaker shall determine if the question raised is one of personal privilege and shall, without the point of order being raised, enforce this rule.

RULE 9. **Points of Order.** – (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A three-fifths vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated, except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from the ruling of the chair and the decision by a three-fifths vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House requires it, the member shall be liable to censure by the House.

RULE 10. **Limitations on Debate.** – (a) No member shall speak on, debate, or solicit cosponsors for a bill or resolution at its first reading.

(b) No member shall speak more than twice on the main question nor longer than 15 minutes for the first speech and five minutes for the second speech; nor shall the member speak more than twice upon an amendment or motion to reconsider, re-refer, or postpone or any motion on concurrence, and then not longer than 10 minutes for the first speech and five minutes for the second speech.

(c) A member may speak only once and for not more than 10 minutes on the question of the adoption of a minority report.

(d) In computing the time allowed for argument, the time consumed in answering questions should be considered and is taken out of any time allowed that member.

(e) The House, by consent of a majority of the members present, may suspend the operation of subsections (b) through (d) of this rule during any debate on any particular question before the House.

RULE 11. **Reading of Papers.** – When there is a call for the reading of the text of a paper which has been presented to the House and there is objection to such reading, the question shall be determined by a majority vote of the members of the House present. Except for protests permitted by the Constitution, no member may have material printed in the Journal until said material has been presented to the House and the printing approved by the House, and said material shall not exceed 1,000 words.

RULE 12. **General Decorum.** – (a) The Speaker shall preserve order and decorum.

(b) Decency of speech shall be observed and disrespect to personalities carefully avoided.

(c) When the Speaker is putting any question, or addressing the House, no person shall speak, stand up, walk out of, or cross the House nor, when a member is speaking, engage in disruptive discourse or pass between the member and the chair.

(d) Food or beverages shall not be permitted on the floor of the House during the first hour of the daily session.

(e) The reading of newspapers shall not be permitted on the floor of the House while the House is in session.

(f) The consumption of food or beverages shall not be permitted in the galleries at any time.

(g) Special recitals and performances by musicians or other groups shall not be permitted on the floor of the House; and special guests of members of the House shall not be permitted on the floor of the House.

(h) Members shall observe appropriate attire, coat and tie for male members and dignified dress for female members.

(i) The use of a mobile device or cellular phone for the purpose of making or receiving a phone call shall not be permitted in the House Chamber.

(j) Placards, stickers, or signs are not permitted in the House Chamber.

III. Motions

RULE 13. **Motions Generally.** – (a) Every motion shall be reduced to writing if the Speaker or any two members request it. No motion relating to a bill shall be in order that does not identify the bill by its number and short title.

(b) When a motion is made, it shall be stated by the Speaker or, if written, it shall be handed to the chair and read aloud by the Speaker or Clerk before debate.

(c) After a motion has been stated by the Speaker or read by the Speaker or Clerk, it shall be in the possession of the House; but it may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be in possession of the House and shall not be withdrawn without leave of the House.

RULE 14. **Motions, Order of Precedence.** – When there are motions before the House, the order of precedence is as follows:

To adjourn.
To recess.
To lay on the table.
Previous question.
To postpone indefinitely.
To reconsider.

To postpone to a day certain.
To re-refer.
To amend an amendment.
To amend.
To pass the bill.

No motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to re-refer, to divide the question, or to make a particular amendment, being decided, shall be again allowed at the same stage of the bill or proposition.

RULE 15. **Motion to Adjourn.** – (a) A motion to adjourn shall be seconded before the motion is put to the vote of the House.

(b) A motion to adjourn shall be decided without debate and shall always be in order, except when the House is voting or some member is speaking; but a motion to adjourn shall not follow a motion to adjourn until debate or some other business of the House has intervened.

RULE 15.1. **Motion to adjourn or stand in recess; standard stipulations.** – A motion to adjourn or stand in recess subject to the standard stipulations shall constitute a motion to adjourn or stand in recess subject to the ratification of bills, messages from the Senate, committee reports, conference reports, referral and re-referral of bills and resolutions, appointment of conferees, introduction of bills and resolutions, committee appointments, and the reading of Representative Statements.

RULE 16. **Motion to Table.** – (a) A motion to table shall be seconded before the motion is put to the vote of the House and is in order except when a motion to adjourn or to recess is before the House.

(b) A motion to table shall be decided without debate; however, the proponent of the matter that is subject of the motion to table shall be given up to two minutes to explain the matter subject to the motion to table if the proponent has not previously explained the matter prior to the motion to table.

(c) A motion to table a bill shall constitute a motion to table the bill and all amendments thereto.

(d) When the question before the House is the adoption of an amendment to a bill or resolution, a motion to table the bill is not in order; and a motion to table an amendment applies to the amendment only, and the motion may not expressly or by implication or construction be expanded to include a motion to table the bill also.

(e) When a question has been tabled, it shall not thereafter be considered, except on motion to reconsider under Rule 18 or to remove from the table approved by a two-thirds vote.

RULE 17. **Motion to Postpone Indefinitely.** – A motion to postpone indefinitely is in order except when a motion to adjourn or to lay on the table or for the previous question or to recess is before the House. However, after one motion to postpone indefinitely has been decided, another motion to postpone indefinitely shall not be allowed at the same stage of the bill or proposition. When a question has been postponed indefinitely, it shall not thereafter be considered, except on motion to reconsider under Rule 18 or to place on the favorable calendar approved by a two-thirds vote.

RULE 18. **Motion to Reconsider.** – (a) When a question has been decided, it is in order for any member to move for the reconsideration thereof on the same or the succeeding legislative day; provided that if the vote by which the motion was originally decided was taken by a recorded vote, only a member of the prevailing side may move for reconsideration.

(b) A motion to reconsider shall be determined by a majority vote, except the following shall require a two-thirds vote: a second or subsequent motion to reconsider and a motion to reconsider:

(1) A vote upon a motion to table,
(2) A motion to postpone indefinitely,
(3) A motion to remove a bill from the unfavorable calendar,

(4) A motion that a bill be read twice on the same day, or
(5) A motion to remove from the table.

(c) A motion to reconsider the vote by which a person has been elected as Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be suspended except by a vote of three-fifths of all the members of the House.

RULE 19. **Previous Question.** – (a) The previous question may be called only by:
(1) The Chair of the Committee on Rules, Calendar, and Operations of the House;
(1a) The Vice-Chair of the Committee on Rules, Calendar, and Operations of the House if the Chair is not in the chamber or able to participate in debate;
(2) The Majority Leader;
(3) The member submitting the report on the bill or other matter under consideration;
(4) The member introducing the bill or other matter under consideration;
(5) The member in charge of the measure, who shall be designated by the chair of the standing committee reporting the same to the House at the time the bill or other matter under consideration is reported to the House or taken up for consideration.

(b) When the call for the previous question has been decided in the affirmative by a majority vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn, motion to recess, or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

(e) After the previous question is ordered by the House on the main question of second or third reading, the Majority Leader and the Minority Leader may each allocate three minutes of debate on the question. The Majority Leader and the Minority Leader may each designate another member to act under this subsection.

IV. Voting

RULE 20. **Use of Electronic Voting System.** – (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:
(1) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
a. Raising money on the credit of the State,
b. Pledging the faith of the State for the payment of a debt,
c. Imposing a State tax, or
d. Authorizing a county, municipality, or other local governmental unit to:
1. Raise money on its credit,
2. Pledge its faith for the payment of a debt, or
3. Impose a local tax.
(2) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.
(3) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.
(4) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.
(b) Votes on the following questions shall be taken on the electronic voting system:
(1) Second reading of all public bills except resolutions, all amendments to public bills offered after second reading, third reading if a public bill was amended

after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.

(2) Upon a call for division.

(3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.

(c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. Once the system is locked, the vote shall be recorded and printed.

(d) The voting station at each member's desk in the Chamber shall be used only by the member to which the station is assigned. Under no circumstances shall any other person vote at a member's station. It is a breach of the ethical obligation of a member either to request that another person vote at the requesting member's station or to vote at another member's station. The Speaker shall enforce this rule without exception.

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.

(g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic voting system, the Speaker shall announce that fact to the House, and any partial electronic voting system voting record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered that a malfunction caused an error in the electronic voting system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the House.

(h) For the purpose of identifying motions on which the vote is taken on the electronic voting system, the motions are coded as follows:

(1) To adjourn.
(2) To recess.
(3) To lay on the table.
(4) Previous question.
(5) To postpone indefinitely.
(6) To reconsider.
(7) To postpone to a day certain.
(8) To re-refer.
(9) To amend an amendment.
(10) To amend.
(11) To concur or not concur.
(12) Miscellaneous.

RULE 21. **Voice Votes; Stating Questions.** – (a) All other votes except those required to be taken on the electronic voting system shall be taken by voice vote.

(b) When a voice vote is taken, the Speaker shall put the question substantially as follows: "Those in favor (as the question may be) will say 'aye'," and after the affirmative voice has been expressed, "Those opposed will say 'no'."

(c) No statement, explanation, debate, motion, parliamentary inquiry, or point of order shall be allowed once the voice vote has begun. Any point of order or parliamentary inquiry may be raised, however, after the completion of the vote.

RULE 22. **Determining Questions.** – (a) Unless otherwise provided by the North Carolina Constitution or by these rules, all questions shall be determined by a simple majority of the members present and voting.

(b) No member may vote unless the member is in the Chamber when the question is put. This subsection of this rule cannot be suspended.

RULE 23. **Voting by Division.** – Any member may call for a division of the members upon the question before the result of the vote has been announced. Upon a call for a division, the Speaker shall cause the number voting in the affirmative and in the negative to be determined. Upon a division and count of the House on any question, no member away from the member's seat shall be counted.

RULE 24. **Roll Call Vote.** – (a) Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote.

(b) Every member who is in the Hall of the House when the question is put shall vote upon a call of the ayes and noes, unless excused pursuant to Rule 24.1A.

(c) No member may change a vote without leave of the House, but such leave shall not be granted if it affects the result or if the session in which the vote was taken has been adjourned.

RULE 24.1A. **Excuse From Deliberations and Voting on a Bill.** – (a) Any member shall, upon request, be excused in advance from the deliberations and voting on a particular bill at any time that the reason for the request arises in the proceedings on the bill.

(b) The member may make a brief oral statement of the reasons for making the request. The member shall provide to the Principal Clerk, on a form provided by the Clerk, a concise written statement of the reason for the request, and the Clerk shall include this statement in the Journal.

(c) Except as provided in subsection (e) of this rule, the member so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill, in committee or on the floor of the House at any reading, or any subsequent consideration of the bill.

(d) A member may request that his or her excuse from deliberations on a particular bill be withdrawn.

(e) By leave of the House, a member who has been excused from deliberations and voting on a bill may participate in deliberations and votes on amendments to which that member does not have any conflict that requires excusal.

RULE 24.1B. **Division of Amendments and Questions.** – (a) Any member may call for an amendment to be divided into two or more amendments to be voted on separately, and the Speaker shall determine whether the amendment admits of such a division.

(b) If a bill is subject to division into separate parts so that each part states a separate and distinct proposition capable of standing alone, a member may move that the question be divided. The motion shall be in writing, must be submitted to the Principal Clerk at the time the motion is made, and must clearly state how the question is to be divided. The Speaker shall then determine whether the bill admits of such a division. Upon a majority vote of the members present and voting, the motion shall be adopted and there shall be no further amendment or debate on any

of the distinct propositions. If the question is divided and any part thereof fails, then the bill shall be removed from the calendar and re-referred to the committee from which the bill was reported. If all parts of the divided question pass, the Speaker shall announce that the entire measure has passed second or third reading.

RULE 25. **Voting by Speaker.** – In all elections the Speaker may vote. In all other instances the Speaker may vote or may reserve this right until there is a tie in which event the Speaker may vote; but in no instance may the Speaker vote twice on the same question.

V. Committees

RULE 26. **Standing Committees Generally.** – (a) The Speaker shall appoint a chair, or cochairs, of every standing committee and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee, extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

(b) The Speaker shall establish the number of members of each standing committee and appoint the members in a manner to reflect the partisan membership of the House, except that the Committee on Ethics shall have an equal number of members of the majority and minority.

(c) Before appointing members of committees, the Speaker shall consult with the Minority Leader. The Speaker and Minority Leader shall consider members' committee preferences in making appointments and recommendations.

(d) The Speaker may name one or more vice-chairs for any standing committee.

(e) Up to two Chairs of the Appropriations Committee are entitled to vote in all other Appropriations Committees (Capital, Education, General Government, Health and Human Services, Information Technology, Justice and Public Safety, Agriculture and Natural and Economic Resources, and Transportation).

(f) Either the chair or acting chair, designated by the chair or by the Speaker, and five other members of the standing committee, or a majority of the standing committee, whichever is fewer, shall constitute a quorum of that standing committee. A quorum of less than a majority of all the members must include at least one member of the minority party.

(g) In any joint meeting of the Senate and House committees, the House standing committee reserves the right to vote separately.

RULE 26.1. **Mentions of Standing Committee Includes Select Committee.** – Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. **List of Standing Committees.** – The standing committees thereof are:

Committees

Aging

Agriculture

Alcoholic Beverage Control

Appropriations
- Appropriations, Capital
- Appropriations, Education
- Appropriations, General Government
- Appropriations, Health and Human Services
- Appropriations, Information Technology
- Appropriations, Justice and Public Safety
- Appropriations, Agriculture and Natural and Economic Resources

Appropriations, Transportation

Banking

Homelessness, Foster Care, and Dependency

Commerce and
Job Development

Education – K-12

Education – Community Colleges

Education – Universities

Elections and Ethics Law

Energy and Public Utilities

Environment

Ethics

Finance

Health

Health Care Reform

Homeland Security, Military, and
Veterans Affairs

Insurance

Judiciary I

Judiciary II

Judiciary III

Judiciary IV

Pensions and Retirement

Regulatory Reform

Rules, Calendar, and
Operations of the House

State and Local Government I

State and Local Government II

State Personnel

Transportation

University Board of Governors Nominating

Wildlife Resources

RULE 28. **Standing Committee Meetings.** – (a) Standing committees shall be furnished with suitable meeting places pursuant to a schedule established by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

(b) Subject to the provisions of subsection (c) of this rule, standing committees shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees.

(c) The chair or other presiding officer shall have general direction of the meeting place of the standing committee, and, in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the Chair or presiding officer shall have power to exclude from the session any individual or individuals so hindering the legislative business.

(d) Procedure in the standing committees shall be governed by the rules of the House, so far as the same may be applicable to such procedure. Before a question is put, any member may call for the ayes and noes. The Chair shall ask, "Is the call sustained?" If the call is sustained by one-fifth of the members present and standing, the question shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically and shall be subject to Rule 21(c).

(d1) The committee chair shall set the agenda for each committee meeting. After April 1, 2017, a committee may, provided there is a written request signed by at least two-thirds of the members of the committee, place a bill on the committee's agenda for the next regularly scheduled meeting of the committee.

(e) No standing committee shall meet on any day when the House shall not convene except by permission of the Speaker or by approval of the House by resolution adopted by a majority vote of the House.

(f) No standing committee shall meet during any session of the House. Standing committees shall meet at their regularly scheduled hour. Standing committees may meet at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House in order to assure the availability of the meeting room and that no conflicts will exist with the meetings of other bodies. All standing committee meetings shall adjourn no later than:

(1) 15 minutes preceding a regular session of the House, and

(2) 10 minutes preceding the hour of the next regularly scheduled standing committee meeting.

Action taken by a committee in violation of this rule is voidable unless taken by unanimous consent at a meeting at which a majority of all the members of the committee are present, and at least one member present is of the minority party.

(g) Any call or notice of a standing committee meeting between legislative sessions shall be sent by electronic mail to each member of the standing committee at least five days prior to such meeting. If a member of the body so requests in writing to the chair of the standing committee, the member shall also be notified of the meetings by mail at a designated address.

(h) During standing committee meetings, the chair may exercise the right to vote, or may reserve this right until there is a tie, in which event the chair may vote, but in no instance may the chair vote twice on the same question.

RULE 28.1. **Ethics Committee Investigations Into Violations of the Open Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

(b) If, after such preliminary investigation as it may make, the Committee determines to proceed with an inquiry into the conduct of any individual, the Committee shall notify the individual as to the fact of the inquiry and the charges against the individual and shall schedule one or more hearings on the matter. The individual shall have the right to present evidence, cross-examine witnesses, and be represented by counsel at any hearings.

(c) After the Committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions:

(1) Dismiss the complaint and take no further action.

(2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.

(3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.

(4) Refer the matter to the House for appropriate action.

RULE 29. **Notice of Standing Committee Meetings and Hearings.** – (a) Notice of meetings of standing committees that will occur at the regularly scheduled meeting times shall be given by one or both of the following methods:

(1) Notice given openly at a session of the House; or

(2) Notice mailed or sent by electronic mail to those who have requested notice, and to the Legislative Services Office, which shall post the notice on the General Assembly Web site.

(b) Notice of all other meetings shall be given in the House. If the meeting is scheduled to occur after adjournment, notice shall also be given by electronic mail and posting on the General Assembly Web site.

(c) The chair of the standing committee shall notify or cause to be notified the sponsor of each bill that is set for hearing or consideration before the standing committee as to the date, time, and place of that meeting.

RULE 29.1. **Public Hearings.** – (a) Requests for a public hearing shall be made in writing to the chair of the standing committee to which the bill has been referred. The chair of the standing committee may schedule a public hearing by the standing committee as a whole after the adjournment of a regular daily House session. Denial of a request made by a House member may be appealed to the Speaker.

Notice shall be given not less than five calendar days prior to public hearings. These notices shall be issued as information for the press and shall be posted in the places designated by the Principal Clerk.

(b) Persons desiring to appear and be heard at a public hearing shall submit their requests to the chair of the standing committee. The standing committee chair may designate one or more members to arrange the order of appearance of interested parties. A brief written statement of testimony may be submitted without oral presentation and shall be incorporated into the minutes of the public hearing.

RULE 29.2. **Minutes to Legislative Library.** – The chair of a standing committee shall ensure that written minutes are compiled for each of the body's meetings. The minutes shall

indicate the members present and the actions taken at the meeting. Not later than 10 days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. **Committee of the Whole House.** – (a) A Committee of the Whole House shall not be formed, except by leave of the House.

(b) After passage of a motion to form a Committee of the Whole House, the Speaker shall appoint a chair to preside in the committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. **Introduction of Bills and Resolutions.** – (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds for any purpose, but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Amendments to captions of bills are in order only if the amendment is germane to the bill. Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

(e) A Substitute Bill shall be covered with the same color jacket as the original bill and shall be prefaced as follows: "House Committee Substitute for_____."

(f) House resolutions need not be read more than twice.

(g) All memorializing, celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction and consideration in the House. The mention of a deceased person as a pretext to honor an institution or a living person is prohibited. Members should utilize a "Representative Statement of Personal Privilege," as provided in Rule 8.1, as the preferred alternative to House simple resolutions that memorialize, celebrate, commend, and commemorate, other than for those relating to deceased members of the General Assembly.

(h) Any reference in these rules to bills shall extend to resolutions unless the context requires otherwise.

RULE 31.1. **Deadlines on Introduction and Receipt; No Blank Bills; 15 Bill Limit.** – (a) All local bills must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, March 15, 2017, and must be introduced not later than 3:00 P.M. on Wednesday, March 29, 2017.

(b) All public bills or resolutions recommended by commissions or standing committees authorized or directed by act or resolution of the General Assembly (i) to report to the 2017 Regular Session of the General Assembly, or to report prior to convening of that session, or (ii) which are recommended to the 2017 Regular Session of the General Assembly by a commission or committee established directly by Chapter 120 of the General Statutes, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, February 21, 2017, and must be introduced not later than 3:00 P.M. on Wednesday, March 1, 2017.

(c) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, March 7, 2017, and must be introduced not later than 3:00 P.M. on Wednesday, March 15, 2017. A bill introduced under this subsection shall be identified as an Agency Bill after its short title or in the drafting code.

(d) All public bills that would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 and all joint resolutions and House resolutions must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Thursday, March 23, 2017, and must be introduced not later than 3:00 P.M. on Tuesday, April 11, 2017.

(e) All public bills which under Rule 38 are required to be re-referred to either or both of the Appropriations Committee or the Finance Committee must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Thursday, April 6, 2017, and must be introduced not later than 3:00 P.M. on Wednesday, April 25, 2017. If any bill is subject to the deadline under this subsection and the bill is amended so that all the provisions requiring referral to either or both of those committees under Rule 38 do not remain in the bill, it is not eligible for further consideration.

(f) A bill containing no substantive provisions may not be introduced in the House.

(g) No member may introduce more than 15 public bills. For the purpose of this subsection, the introducer is the member who is listed as the first sponsor. A member may assign a portion of this limit to another member electronically using the procedures established and published by the Principal Clerk. This subsection does not apply to bills or resolutions recommended by commissions or committees authorized or directed by act or resolution of the General Assembly (i) to report to the 2017 Regular Session of the General Assembly, or to report prior to convening of that session, or (ii) that are recommended to the Regular Session of the General Assembly by a commission or committee established directly by Chapter 120 of the General Statutes. This subsection does not apply to joint resolutions or House resolutions.

(h) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills that would be required to be re-referred to the Appropriations or Finance Committee under Rule 38 or adjournment resolutions must be received and read on the floor of the House as a message from the Senate no later than Thursday, April 27, 2017; provided that a message from the Senate received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule.

(i) This rule, other than subsections (f) and (g) does not apply to bills (i) establishing districts for Congress or State or local entities, (ii) introduced on the report of the Committees on Appropriations, Finance, or Rules, Calendar, and Operations of the House, or (iii) ratifying an amendment or amendments to the Constitution of the United States. This rule does not apply to resolutions adjourning the General Assembly sine die or to a day certain.

RULE 32. **Reference to Standing Committees; Serial Referrals.** – Each bill not introduced on the report of a standing committee shall immediately upon its first reading be referred by the Speaker to such standing committee or committee of the whole as the Speaker deems appropriate. The Speaker at the same time may order that, if the bill is reported with any favorable recommendation or without prejudice, it be re-referred automatically upon the committee report to another committee designated in the order. Each joint resolution or House resolution not introduced on the report of a standing committee shall immediately upon its first reading either be referred by the Speaker to a standing committee or be calendared on the date designated by the Speaker, as the Speaker deems appropriate.

RULE 33. **Papers Addressed to the House.** – Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker. A brief statement of the contents thereof may be made orally by the introducer before reference to a committee, but such papers shall not be debated or decided on the day of their first being read unless the House shall direct otherwise.

RULE 34. **Introduction of Resolutions and Bills.** – (a) House Bills shall be designated as "H.B.___." (No. following). A Joint Resolution shall be designated as "H.J.R.___." (No. following). A House resolution shall be designated as "H.R.___." (No. following).

Whenever any resolution or bill is filed for introduction, it shall comply with the procedures established and published by the Principal Clerk.

(b) No bill may be filed for introduction if the draft contains names preprinted on the bill jacket and body of the bill (either as primary sponsors or cosponsors) unless each such member has signed the jacket.

RULE 35. **Public and Local Bills.** – (a) The Legislative Services Officer shall cause such bills as are introduced to be duplicated in such numbers as may be specified by the Speaker. Copies shall be placed in the Printed Bills Room and made available to the committees to which the bill is referred, to individual members on request, and to the general public.

(b) A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties.

RULE 35.1. **Municipal Incorporation Reports.** – Every legislative proposal introduced in the House or received in the House from the Senate, proposing the incorporation of a municipality shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the House or by any committee of the House prior to a favorable report, a recommendation from the Municipal Incorporations Subcommittee of the Joint Legislative Committee on Local Government, established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the Municipal Incorporations Subcommittee of the Joint Legislative Committee on Local Government shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

RULE 36. **Report by Standing Committee.** – (a) **Reports.** – Bills and resolutions may be reported from the standing committee to which referred with such recommendations as the standing committee may desire to make.

(b) **Favorable Report.** – When a standing committee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day designated by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, but not on the same day that it is reported except by leave of the House, and no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

(1) The bill is re-referred to the Committee on Appropriations or Committee on Finance under Rule 38 or was serially referred under Rule 32; or

(2) The bill has not yet been placed on the calendar, and the Speaker refers the bill to another committee.

In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House orally in the House or in writing to the Principal Clerk. When a committee substitute is adopted and receives a favorable report by the committee, the standing committee chair shall submit to the standing committee the question of an unfavorable report on the original bill. The standing committee's action, if any, on the original bill shall be reported at the same time the committee substitute is reported.

(b1) **Distribution of Proposed Committee Substitutes.** – Except by leave of a committee, before a proposed committee substitute may be considered by the committee, the proposed committee substitute shall have been distributed electronically and no later than 9:00 P.M. of the preceding calendar day to the members of the committee and to the member who is listed as the first sponsor.

(c) **Report Without Prejudice.** – When a standing committee reports a bill without prejudice, the bill shall be placed on the favorable calendar in the same manner as provided in subsection (b) of this rule.

(d) **Postponed Indefinitely.** – When a standing committee reports a bill with the recommendation that it be postponed indefinitely and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(e) **Unfavorable Report.** – When a standing committee reports a bill with the recommendation that it not be passed and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(f) **Minority Report.** – When a bill is reported by a standing committee with a recommendation that it not be passed or that it be postponed indefinitely but it is accompanied by a minority report signed by at least one-fourth of the members of the standing committee who were present and voting when the bill was considered in standing committee, the question before the House shall be: "The adoption of the minority report." If the minority report is adopted by majority vote, the bill shall be placed on the favorable calendar for consideration. If the minority report fails of adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

RULE 36.1. **Fiscal Notes.** – (a) The Chair or Cochair of the Appropriations Committee, of the Finance Committee, or of the Standing Committee on Rules, Calendar, and Operations of the House, upon the floor of the House, may request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of the House and that a fiscal note be attached to the measure, which request shall be allowed when, in the opinion of the Speaker, the fiscal effects of that measure are not apparent from the language of the measure. When a request is properly made under this subsection, the bill is removed from the calendar until such time that the fiscal note is attached to the measure.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request, and a copy shall be sent by electronic mail to each member. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Speaker, the Principal Clerk, the Majority Leader, the Minority Leader, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

(c) The fiscal note shall be prepared by the Fiscal Research Division on a form approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided. The fiscal note shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note available to the membership of the House.

(d) A sponsor of a bill or amendment may deliver a copy of the bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when filed or to the amendment when its adoption is moved.

(e) The sponsor of a bill or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing the objections. These objections shall be appended to the fiscal note attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the Current Operations Appropriations Bill or the Capital Improvement Appropriations Bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 36.2. **Actuarial Notes.** – (a) Every bill or resolution proposing any change in the law relative to any:

(1) State, municipal, or other retirement system funded in whole or in part out of public funds; or

(2) Program of hospital, medical, disability, or related benefits provided for teachers and State employees, funded in whole or in part by State funds;

shall have attached to it at the time of its consideration by any standing committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee, shall be separate therefrom, and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement upon its introduction in accordance with G.S. 120-111.3.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with a request for an actuarial note, to the Fiscal Research Division, which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made, unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the actuary employed by the system or program affected by the measure. Actuarial notes shall be prepared and transmitted to the sponsor of the measure not later than two weeks after the request is received, unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. The actuarial note shall be attached to the jacket of the measure. The provisions of this subsection may be waived by the measure's sponsor for a measure affecting local government retirement or pension plans not administered by the State or any local government program of hospital, medical, disability, or related benefits for local government employees not administered by the State.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long-range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any permanent committee reports a measure to which an actuarial note is attached at the time of permanent committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, the chair of the standing committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a

State-administered retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the House.

RULE 36.3. **Local Legislation Affecting State Highway System.** – A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 36.4. **Content of Appropriations Bills.** – No provision shall be contained in any of the following bills unless it pertains to the appropriation of money or the raising or reducing of revenue: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium. If a point of order is made against such a provision and is sustained, the presiding officer shall refer the bill to the committee from which it came, with instructions for the chair of the committee to immediately report out a substitute or amendment removing the offending provision.

RULE 37. **Removing Bill From Unfavorable Calendar.** – A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

RULE 38. **Reports on Appropriation and Revenue Bills.** – (a) All standing committees, other than the Standing Committees on Appropriations, when favorably reporting any bill or resolution that:

(1) Carries an appropriation from the State; or

(2) Requires or will require in the future substantial additional State monies from the General Fund or Highway Fund to implement its provisions shall indicate same in the report, and said bill or resolution shall be referred to the Standing Committees on Appropriations for a further report before being acted upon by the House.

(b) All standing committees, other than the Standing Committee on Finance, when favorably reporting any bill that in any way or manner raises revenue, reduces revenue, levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of bonds or notes, whether public or local, shall indicate same in the report, and said bill shall be referred to the Standing Committee on Finance for a further report before being acted upon by the House. This subsection shall not apply to bills only imposing fines, forfeitures, or penalties.

RULE 39. **Discharge Petition.** – (a) A motion to discharge a committee from consideration of a bill may be filed with the Principal Clerk by a primary sponsor of that measure if accompanied by a petition asking that the committee be discharged from further consideration of the bill. No motion may be filed until 10 legislative days after the bill has been referred to the committee. No petition may be filed until notice has been given on the floor of the House that the petition is to be filed and the primary sponsor giving notice has obtained a fiscal note from the Fiscal Research Division on the bill, which note shall be attached to the petition. Members may sign the petition only in the office of the Principal Clerk, and when the signatures of 61 members appear on the petition, the Principal Clerk shall place that motion on the calendar for the next legislative day as a special order of business. Members may withdraw their names at any time until 61 names appear. If the motion is adopted by the House, then the committee to which the bill or resolution has been referred is discharged from further consideration of the bill, and that bill is placed on the calendar for the next legislative day as a special order of business. The Principal Clerk shall provide a form for discharge petitions.

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members shall be required.

RULE 39.1. **Re-Referral of Bills From One Standing Committee to Another Standing Committee.** – Upon consent of the sponsor of the bill, the Speaker, the chair of the standing committee from whom the bill is to be re-referred, and the chair of the standing committee to whom the bill is to be re-referred, the chair of the standing committee from whom the bill is to be re-referred, or the Chair of the Standing Committee on Rules, Calendar, and Operations of the House may move for a re-referral to another standing committee, and the bill shall be re-referred upon vote of the majority present during a regular session of the House.

RULE 40. **Calendars and Schedules of Business.** – The Clerk of the House shall prepare a daily schedule of business, including the Calendar of Bills and Resolutions for consideration and debate that day, in accordance with the Order of Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the order in which they are introduced. All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)). Except by leave of the House, the Speaker shall not vary from the order.

RULE 41. **Reading of Bills.** – (a) Every bill shall receive three readings in the House prior to its passage. The first reading and reference to standing committee of a House bill shall occur on the next legislative day following its introduction. The first reading and reference to standing committee of a Senate bill shall occur on the next legislative day following its receipt on messages from the Senate. The Speaker shall give notice at each subsequent reading whether it is the second or third reading.

(b) No bill shall be read more than once on the same day without the concurrence of two-thirds of the members present and voting; provided, no bill governed by Article II, Section 23 of the North Carolina Constitution herein shall be read twice on one day under any circumstance.

RULE 42. **Effect of a Defeated Bill.** – (a) Subject to the provisions of subsection (b) of this rule, after a bill has:

(1) Been tabled,
(2) Been postponed indefinitely,
(3) Failed to pass on any of its readings, or
(4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the chair, that measure shall be laid upon the table, and shall not be taken therefrom except by a two-thirds vote of the members present and voting.

(b) No local bill shall be held by the chair to embody the contents of or the principal provisions of the subject matter of any statewide measure which has been laid on the table, has failed to pass on any of its readings, or has been placed on the unfavorable calendar.

RULE 43. **Amendments.** – (a) No amendment to a measure before the House shall be in order unless the amendment is germane to the measure under consideration. A House amendment deleting a previously adopted House amendment shall not be in order. No amendment that is clearly unconstitutional shall be in order.

Only one principal (first degree) amendment shall be pending at any one time. If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule it out of order. However, any member desiring to offer a subsequent or substitute principal amendment in opposition to the pending amendment may inform the House by way of argument against the pending amendment that if it is defeated the member proposes to offer another principal amendment, and the member may then read and explain such proposed amendment.

Perfecting (or second degree) amendments may be offered and considered without limitation as to number, and in the event of multiple perfecting amendments, they shall be voted upon in inverse order.

(b) The following rules apply when considering: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium:

(1) Amendments cannot increase total spending within a committee area beyond the total for that committee as shown in the committee report.

(2) Amendments can only affect appropriations within the departments, agencies, or programs within the jurisdiction of the committee.

(3) Amendments cannot increase total spending, from any source, beyond the total amount shown in the committee report.

(4) Amendments that cause the budget to be unbalanced are not in order.

(5) Amendments cannot spend reversions.

(6) Amendments cannot make nonrecurring reductions to fund recurring items.

(c) When offering an amendment, the member shall deliver the signed original amendment to the Principal Clerk and a copy to the Chair of the Committee on Rules, Calendar, and Operations of the House.

RULE 43.1. **Engrossment.** – Bills and resolutions which originate in the House and which are amended, shall be engrossed before being sent to the Senate.

RULE 43.2. **House Concurrence in Senate Amendments to House Bills.** – When the House receives a Senate amendment to a bill originating in the House, it shall be placed on the calendar in accordance with Rule 36(b).

RULE 43.3. **Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution which reads:

"**Revenue bills.** – No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal."

If the committee substitute was referred to standing committee, the standing committee shall:

(1) Report the bill with the recommendation either that the House do concur or that the House do not concur; and

(2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.

(c) If the committee substitute for a bill is not a material amendment, the question before the House shall be concurrence.

(d) If the committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading, and the question before the House shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(e) No committee substitute adopted by the Senate for a bill originating in the House may be amended by the House.

RULE 44. **Conference Standing Committees.** – (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House, or

whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the House for a bill originating in the Senate, a conference committee may be appointed by the Speaker upon the Speaker's own motion and shall be appointed upon request by the principal sponsor of the original bill, the chair of the House standing committee that reported the bill, or the sponsor of the amendment in which the Senate refused to concur; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate. In appointing members to conference committees, the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

(b) The conference report may be made by a majority of the House members of such conference committee and shall not be amended. If the Senate has a similar rule, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. If the Senate does not have a similar rule, a conference committee report which includes significant matters that were not in difference between the houses, shall be referred to a standing committee for its recommendation before further action by the House.

(c) If the conferees fail to agree or if either house fails to adopt the report of its conferees, new conferees may be appointed.

(d) No vote shall be taken on adoption of a conference report until the next legislative day following the report, except that no vote shall be taken on adoption of a conference report on either the Current Operations Appropriations Bill or a bill generally revising the Current Operations Appropriations Act until the third legislative day following the report.

RULE 44.1. **Transmittal of Bills to Senate.** – Unless ordered by the Speaker or two-thirds vote of the members present and voting, no bill shall be sent from the House on the day of its passage, except on the last day of the session.

RULE 44.2. **Veto Override.** – (a) Other than in a reconvened session, no vote shall be taken on overriding a gubernatorial veto on a House bill until the second legislative day following notice of its placement on the calendar.

(b) Other than in a reconvened session, no vote shall be taken on overriding a gubernatorial veto on a Senate bill until the legislative day following notice of its placement on the calendar.

VII. Legislative Officers and Employees

RULE 45. **Elected Officers.** – (a) The House shall elect its Speaker from among its membership.

(b) The House shall elect its Speaker Pro Tempore from among its membership who shall perform such duties as the Speaker may assign.

(c) The House shall elect a Principal Clerk, who shall continue in office until another is elected. The Speaker may appoint a Reading Clerk and shall appoint a Sergeant-at-Arms, both of whom shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent with these rules, as the Speaker may assign. Unless directed otherwise by the Speaker on behalf of the House, the Principal Clerk or an employee designated by the Principal Clerk shall receive House bills not approved by the Governor.

RULE 46. **Assistants to Principal Clerk and Sergeant-at-Arms.** – The Principal Clerk and the Sergeant-at-Arms may appoint, with the approval of the Speaker, such assistants as may be necessary to the efficient discharge of the duties of their respective offices.

RULE 47. **Speaker's Staff; Chaplain; and Pages.** – (a) The Speaker may appoint one or more staff members to the Speaker, a Chaplain of the House, and pages to wait upon the sessions of the House.

(b) When the House is not in session, the pages shall be under the supervision of the Supervisor of Pages.

(c) The Speaker, at the request of a member, may appoint honorary pages.

RULE 48. **Member's Staff.** – (a) Each standing committee shall have a committee assistant. The committee assistant to a standing committee shall serve as staff to the chair of the standing committee.

(b) Each member shall be assigned a legislative assistant, unless the member has a committee assistant to serve as legislative assistant.

(c) The selection and retention of legislative assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Director of Legislative Assistants and shall receive compensation as prescribed by the Legislative Services Commission. Their period of employment shall comply with the period as established by the Legislative Services Commission unless employment for an extended period is approved by the Speaker. The legislative assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations. The Director of House Legislative Assistants shall be appointed by the Speaker.

RULE 49. **Compensation of Legislative Assistants.** – No person employed, serving, or appointed under Rules 46, 47, and 48 shall receive during such employment, appointment, or service any compensation from any department of the State government, and there shall not be voted, paid, or awarded any additional pay, bonus, or gratuity to any of them; but they shall receive only the pay now provided by law for such duties and services.

VIII. Privileges of the Hall

RULE 50. **Admittance to Floor.** – (a) No person except members, officers, and designated employees of the General Assembly who have been issued identification tags as provided by this rule, and former members of the General Assembly who are not registered under the provisions of Article 2 of Chapter 120C of the General Statutes, shall be allowed on the floor of the House during its session, unless permitted by the Speaker or otherwise provided by law. Employees of the General Assembly shall wear identification tags, approved by the Legislative Services Officer, when on the floor of the House.

(b) Except when a committee is meeting on the floor of the House, a person who is not authorized to be admitted to the floor under subsection (a) of this rule shall not be allowed to enter the chamber until at least five minutes after adjournment or recess of the House.

RULE 51. **Admittance of Press.** – Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect this object, as shall not interfere with the convenience of the House. Reporters admitted to the floor of the House shall observe the same requirements of attire for members contained in Rule 12(h).

RULE 52. **Extending Courtesies.** – Courtesies of the floor, galleries, or lobby shall be extended at the discretion of the Speaker and only by the Speaker. Requests by members to extend these courtesies shall be delivered to the Speaker. No member shall orally ask the Speaker to extend these courtesies during the daily session.

RULE 53. **Order in House Chamber, Galleries, and Lobby.** – In case of any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

RULE 54. **Attendance of Members.** – Members and officers of the House shall request leaves from the service of the House with the Principal Clerk.

RULE 55. **Documents to Be Signed by the Speaker.** – All acts, addresses, and resolutions and all warrants and subpoenas issued by order of the House shall be signed by the Speaker or other presiding officer.

RULE 56. **Printing or Reproducing Materials.** – There shall be no printing or reproducing of paper(s) that are not legislative in essence except upon approval of the Speaker.

RULE 57. **Placement or Circulation of Materials.** – Persons other than members of the House shall not place or cause to be placed any materials on members' desks in the House Chamber without obtaining approval of the Speaker. Any material placed on members' desks in the House Chamber, or circulated to House members anywhere in the Legislative Building or the Legislative Office Building, shall bear the name of the originator.

RULE 58. **Rules, Rescission, and Alteration.** – (a) These rules shall not be permanently rescinded or altered except by House simple resolution passed by a two-thirds vote of the members present and voting. The introducer of the resolution must on the floor of the House give notice of intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the House upon two-thirds vote of the members present and voting may temporarily suspend any rule.

RULE 59. **Cosponsorship of Bills and Resolutions, Removal of Sponsorship.** – (a) Except by leave of the primary sponsor, or as provided in subsection (d) of this rule, no member may be listed as an additional primary sponsor on a bill after the bill has been filed. Except as provided in subsection (d) of this rule, any member not listed as a preprinted cosponsor on the computer-generated draft edition who wishes to cosponsor a bill or resolution which has been introduced may do so by 5:00 P.M. of the calendar day following the adjournment of the session during which such bill or resolution was first read and referred, but only electronically under procedures approved by the Principal Clerk.

(b) Members wishing to cosponsor legislation prior to preparation of the draft should indicate such to the drafter at the time the bill is requested and before filing the bill with the Principal Clerk's office. The names of the members who are the primary sponsors shall be listed in the order requested by them, followed by the words (Primary Sponsors); and the remaining names of such members cosponsoring shall follow on the draft edition and first edition. No more than four members may be listed as primary sponsors. Names of persons cosponsoring bills thereafter under subsection (a) of this rule do not appear on subsequent editions but shall be listed in the bill status system as cosponsors.

(c) No member shall permit anyone, other than that member's committee assistant, legislative assistant, office assistant, or another member, to have possession of and solicit for bill or resolution sponsorship, the jacket of a bill or resolution.

(d) Should any member wish to remove the member's sponsorship of a bill that is substantially changed by a Senate amendment or a Senate committee substitute, the member shall notify the House Principal Clerk before the bill is considered for concurrence. If no sponsors remain on the bill, the House Principal Clerk shall notify the Chairman of the Committee on Rules, Calendar, and Operations of the House who may request that other members sponsor the bill. Removal of the first primary sponsor's name from a bill does not reduce the total number of bills introduced by the member under Rule 31.1(g), and sponsorship of a bill after removal of all sponsors is subject to Rule 31.1(g).

RULE 60. **Correcting of Typographical Errors.** – The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions or House amendments to Senate bills provided that such corrections are made before ratification and do not conflict with any actions or rules of the Senate and provided further that such correction be approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker, or other presiding officer.

RULE 61. **Assignment of Seats.** – After initial assignment of seats, a member shall continue to occupy the seat to which initially assigned until assigned a permanent seat; once assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of vacancy, the Speaker or the Chair of the Standing Committee on Rules, Calendar, and Operations of the House may assign such permanent seats as are necessary to maintain seating.

RULE 61.1. **Office Assignments.** – The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall assign to each member an office space. When

available, chairs of standing committees shall be assigned an office adjacent to the room in which the standing committee generally meets if the Chair so desires. The Speaker shall be assigned an office of his or her choice.

RULE 61.2. **Convening and Assigning Seats in the New House.** – (a) The Principal Clerk of the previous House of Representatives shall convene the House of Representatives at 12:00 P.M. on the date established by law for the convening of each regular session and preside over the body until the members elect a Speaker. In the case of a vacancy, inability, or refusal to so serve, the duty shall devolve upon the Sergeant-at-Arms of the prior House, and in the case of a vacancy in that office, or inability or refusal to so serve, the duty shall devolve upon the Reading Clerk of the prior House.

(b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House of the prior House to assign temporary seats to the members of the House of Representatives in its Chamber. In the case of the inability or refusal to serve of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker of the prior House of Representatives shall appoint a person to assign seats to members of the House of Representatives in its Chamber. In the event that the party that had a majority of members in the prior House will no longer have a majority of members in the new House, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the duty of the person nominated as Speaker by the majority party caucus for the new House, or some member-elect designated by the Speaker-nominee. In the event no party will have a majority, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the joint duty of one person chosen each by the caucuses of the two parties having the greatest numbers of members.

RULE 62. **Matters Not Covered in These Rules.** – Except as herein set out, the rules of Mason's Manual of Legislative Procedure, 2010 Edition, shall govern the operation of the House. Custom and usage may supplement these rules or Mason's Manual, but may not supercede them.

SECTION 2. This resolution is effective upon adoption.

Rules

9:08

Floyd

Jackson [v.4] Fails

Jackson [v.1] Fails

Blust

Floyd

Dollar Fav Report Aye
Unfav.

9:49

VISITOR REGISTRATION SHEET

Rules
Name of Committee

2/21/17
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Griffin	School Bds.
Rick Zechini	Williams Mullen
Leanne Winner	NCSBA

VISITOR REGISTRATION SHEET

Rules — 2/21/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ken McHon	K. M. A.
Tom Bean	EDF
Suzanne Beasley	[illegible]

House Committee on Rules, Calendar, and Operations of the House
Wednesday, March 1, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 5:00 PM on Wednesday, March 1, 2017 in room 1228 of the Legislative Building. Representatives Lewis, Davis, Stevens, Szoka, Torbett, Bell, Blust, Boles, Brawley, Bumgarder, Burr, Carney, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes Hardister, Hastings, Jackson, Johnson, Martin, McGrady, Reives, Saine, Willingham, Moore, Sauls, Ross, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills and resolutions were considered:

HJR 215 State of the State (Rep. Lewis)
A motion that a joint resolution of committee of six Representatives and six Senators shall be appointed by the presiding officers of the respective houses to invite His Excellency, Governor Roy Cooper, to address a joint session of the House of Representatives and the Senate in the Hall of the House of Representatives at 7:00 P.M. on March 13, 2017 be favorable for introduction was placed before the committee. The motion carried.

The meeting adjourned.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, March 1, 2017
TIME: **5:00 PM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HJR 215	State of State.	Representative Lewis Representative Stevens Representative J. Bell Representative Howard

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:29 PM on Friday, July 07, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE

HJR **215** State of State.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

TOTAL REPORTED: 1



HOUSE JOINT RESOLUTION 215

Sponsors:	Representatives Lewis, Stevens, J. Bell, and Howard (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*
Referred to:	Rules, Calendar, and Operations of the House

March 1, 2017

A JOINT RESOLUTION INVITING HIS EXCELLENCY, GOVERNOR ROY COOPER, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND SENATE.

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. A committee of six Representatives and six Senators shall be appointed by the presiding officers of the respective houses to invite His Excellency, Governor Roy Cooper, to address a joint session of the House of Representatives and the Senate in the Hall of the House of Representatives at 7:00 P.M. on March 13, 2017.

SECTION 2. The Honorable Roy Cooper's cabinet nominees are invited to the joint session.

SECTION 3. This resolution is effective upon ratification.

House Committee on Rules, Calendar, and Operations of the House
Tuesday, March 14, 2017 15 Minutes after Session
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 3:09pm on March 14, 2017 in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Blust, Boles, Brawley, Bumgardner, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

HB 256 2017 Appointments Bill (Lewis)
Representative Torbett moved for a favorable report. The motion carried.

The meeting adjourned at 3:11 PM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, March 14, 2017
TIME: **15 Minutes After Session**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 256	2017 Appointments Bill.	Representative Lewis

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:28 PM on Friday, July 07, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE

HB **256** Modify Various Appointments.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

TOTAL REPORTED: 1



HOUSE BILL 256

Short Title:	Modify Various Appointments.	(Public)
Sponsors:	Representative Lewis. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

March 7, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY TERMS OF APPOINTMENT FOR VARIOUS BOARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-548 reads as rewritten:

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

...

(d1) Terms of Appointment. –

(1) Length of Term. – Each member of the Council shall serve for a term of not more than three years, except that:

a. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of that term;

b. The terms of service of the members initially appointed are as specified by the appointing authority for a fewer number of years as will provide for the expiration of terms on a staggered basis and shall include the members of the existing Council to the extent possible with appropriate adjustments to their terms;

c. The appointing authority shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16; and

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

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

...."

SECTION 2. G.S. 140-5.13 reads as rewritten:

"**§ 140-5.13. Board of Trustees. – establishment; members; selection; quorum; compensation; officers; meetings.**

...

(b) The Board of Trustees of the North Carolina Museum of Art shall consist of 25 members, chosen as follows:

...

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until the member's successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All ~~regular~~ appointments by the General Assembly shall be for ~~the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive~~ terms of ~~two years.~~four years, with no person being appointed to more than three consecutive terms.

...."

SECTION 3. This act is effective when it becomes law.

Torbett 3:09

H2560 Rev.
Lewis

3:11

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Rules

DATE: 3/14/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Joe Crook
3. Name: Russell Salisbury
4. Name: Dean Marshbourne
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Committee on Rules, Calendar, and Operations of the House
Thursday, April 20, 2017 at Immediately After Session
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at Immediately After Session on April 20, 2017 in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Boles, Brawley, Burr, Carney, Davis, Dollar, Dulin, Floyd, Hanes, Hardister, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

HB 229 GSC Technical Corrections 2017. (Representative Davis)
Rep. Davis moves for a favorable report. The motion carried.

HB 743 Study Efficiency and Cost-Savings/State Govt. (Representatives Blackwell, Blust, Riddell, Collins)
Rep. Torbett moves for a favorable report. The motion carried.

HJR 765 Honor Ruth Samuelson, Former Member. (Representatives McGrady, Carney, Saine, S. Martin)
The resolution was displaced from the calendar by the Chairman.

HJR 809 Honor the Life and Memory of Robert Dalrymple. (Representatives Reives, Sauls)
Rep. Reives moves for a favorable report. The motion carried.

HB 646 ApprenticeshipNC. (Representatives S. Martin, Horn, Conrad, Brody)
Rep. Martin moves that the bill be amended (H646-ABE-28 [v.2]). The motion carried. Rep. Martin moves for a favorable report as amended and that the new bill be rolled into a PCS, unfavorable to the original. The motion carried.

HB 325 Amend Arson Law. (Representatives McNeill, Hurley)
Rep. Torbett moves that the bill be amended (H325-ASU-15 [v.1]). The motion carried. Rep. Stevens moves that the bill be amended (H325-ASU-15 [v.1]). The motion carried. Rep. Stevens moves for a favorable report as amended and that the new bill be rolled into a PCS, unfavorable to the original. The motion carried.

RESOLUTION DRH10301-LGqq-63A (Rules, Calendar and Operations of the House)
Rep. Lewis explains bill to Change Membership of the NC Medical Board. Rep. Torbett moves for a favorable report. The motion carried.

RESOLUTION DRH40504-LG-86 (Rules, Calendar and Operations of the House)
Rep. Lewis explains resolution to Honor North Carolina Veterans. Rep. Torbett moves for a favorable report. The motion carried.

RESOLUTION DRHJR40510-LG-78 (Rules, Calendar and Operations of the House)

Rep. Lewis explains resolution to confirm the Appointment of Philip Baddour III to the NC Industrial Commission. Rep. Torbett moves for a favorable report. The motion carried.

The meeting adjourned.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Corrected #2: Bill additions

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, April 20, 2017
TIME: **Immediately After Session**
LOCATION: **1228/1327 LB**
COMMENTS: **Other items for the agenda:**
-Intro for Industrial Commission Appointment
-Intro for Veterans Resolution
-Intro for Medical Board Appointment Change

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 229	GSC Technical Corrections 2017.	Representative Davis
HB 743	Study Efficiency and Cost-Savings/State Govt.	Representative Blackwell Representative Blust Representative Riddell Representative Collins
HJR 765	Honor Ruth Samuelson, Former Member.	Representative McGrady Representative Carney Representative Saine Representative S. Martin
HJR 809	Honor the Life and Memory of Robert Dalrymple.	Representative Reives Representative Sauls
HB 646	ApprenticeshipNC.	Representative S. Martin Representative Horn Representative Conrad Representative Brody
HB 325	Amend Arson Law.	Representative McNeill Representative Hurley

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:00 PM on Monday, July 10, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Corrected #2: **Bill additions**

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, April 20, 2017
TIME: **Immediately After Session**
LOCATION: **1228/1327 LB**
COMMENTS: **Other items for the agenda:**
-Intro for Industrial Commission Appointment
-Intro for Veterans Resolution
-Intro for Medical Board Appointment Change

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 229	GSC Technical Corrections 2017.	Representative Davis
HB 743	Study Efficiency and Cost-Savings/State Govt.	Representative Blackwell Representative Blust Representative Riddell Representative Collins
HJR 765	Honor Ruth Samuelson, Former Member.	Representative McGrady Representative Carney Representative Saine Representative S. Martin
HJR 809	Honor the Life and Memory of Robert Dalrymple.	Representative Reives Representative Sauls
HB 646	ApprenticeshipNC.	Representative S. Martin Representative Horn Representative Conrad Representative Brody
HB 325	Amend Arson Law/Prosecutor Funds.	Representative McNeill Representative Hurley

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:36 PM on Thursday, April 20, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Thursday, April 20, 2017, 12:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 96	Adopt State Fried Chicken Festival.	Representative Floyd Representative Boles Representative Dobson Representative C. Graham
HB 229	GSC Technical Corrections 2017.	Representative Davis
HB 743	Study Efficiency and Cost-Savings/State Govt.	Representative Blackwell Representative Blust Representative Riddell Representative Collins
HJR 765	Honor Ruth Samuelson, Former Member.	Representative McGrady Representative Carney Representative Saine Representative S. Martin
HJR 809	Honor the Life and Memory of Robert Dalrymple.	Representative Reives Representative Sauls

Presentations

Other Business

Introduction of Industrial Commission Appointment and Introduction of a Resolution Honoring Veterans

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE COM SUB NO. 2, UNFAVORABLE COM SUB NO. 1

HB **325** **(CS#1)** Amend Arson Law/Prosecutor Funds.

Draft Number:	H325-PCS40520-BK-19
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	McNeill

HB **646** **(CS#1)** ApprenticeshipNC.

Draft Number:	H646-PCS40521-BE-16
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	S. Martin

TOTAL REPORTED: 2



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE

HB **229** GSC Technical Corrections 2017.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Davis

HB **743** Study Efficiency and Cost-Savings/State Govt.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Blackwell

HJR **809** Honor the Life and Memory of Robert Dalrymple.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Reives

TOTAL REPORTED: 3



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE FOR INTRODUCTION

DRH10301-LGqq-63A A BILL TO BE ENTITLED AN ACT TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL BOARD.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE FOR INTRODUCTION

DRHR40504-LG-86 A HOUSE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO OUR VETERANS.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE FOR INTRODUCTION

DRHJR40510-LG-78 A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF PHILIP A. BADDOUR III TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

HOUSE BILL 96

Short Title:	Adopt State Fried Chicken Festival.	(Public)
Sponsors:	Representatives Floyd, Boles, Dobson, and C. Graham (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government I, if favorable, Health	

February 15, 2017

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE FAYETTEVILLE FRIED CHICKEN FESTIVAL AS THE OFFICIAL FRIED CHICKEN FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, North Carolina's poultry industry has an economic impact of over $36 billion and produces more than 126,000 jobs; and

Whereas, one of the best known poultry dishes is fried chicken, which is a common staple in many Southern households; and

Whereas, a festival designed to celebrate fried chicken will be held in the City of Fayetteville the third weekend in May in 2017, and annually thereafter; and

Whereas, the festival will bring together farmers, consumers, and cooks to show off the best that the State has to offer related to fried chicken; and

Whereas, this festival will serve as a great marketing and promotional tool for Fayetteville, surrounding communities, and the State; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-49. Fried chicken festival.**

The Fried Chicken Festival, held the third weekend of May of every year in the City of Fayetteville, is adopted as the official fried chicken festival of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.

HOUSE JOINT RESOLUTION 809

Sponsors: Representatives Reives and Sauls (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 13, 2017

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT W. DALRYMPLE, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Robert W. Dalrymple was born June 16, 1922, in Lee County to Clyde and Eunice Dalrymple; and

Whereas, Robert W. Dalrymple graduated from North Carolina State College (North Carolina State University); and

Whereas, Robert W. Dalrymple served in the United States Marines Corps, where he fought in the Pacific Theater and received a Bronze Star and a Purple Heart; and

Whereas, after serving in the military, Robert W. Dalrymple returned to Lee County, where he ran the family farm; and

Whereas, Robert W. Dalrymple served with honor and distinction in the General Assembly as a member of the House of Representatives for two terms between 1949 and 1952; and

Whereas, Robert W. Dalrymple served his community as a member and chair of the Lee County Board of Education for over 20 years, a soil and water conservation district supervisor, a trustee at Central Carolina Community College, and a charter member of the Broadway Lion's Club; and

Whereas, Robert W. Dalrymple was a lifelong member of Salem Presbyterian Church, where he served as Clerk of the Session for 50 years and was awarded Elder Emeritus; and

Whereas, Robert W. Dalrymple was preceded in death by his wife of 63 years, Nannie Lou McFarland Dalrymple; and

Whereas, Robert W. Dalrymple died on March 12, 2017, at the age of 94; and

Whereas, Robert W. Dalrymple is survived by two children and five grandchildren; and

Whereas, Robert W. Dalrymple was a caring and remarkable man, who enriched the lives of many and left an outstanding legacy of commitment to his family and community; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Robert W. Dalrymple and expresses its appreciation for the service that he rendered his community, State, and nation.

SECTION 2. The General Assembly extends its deepest sympathy to the family of Robert W. Dalrymple for the loss of a beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Robert W. Dalrymple.

SECTION 4. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

BILL DRAFT 2017-LG-78 [v.3] (03/28)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
03/28/2017 02:07:56 PM

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

Referred to:

A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF PHILIP A. BADDOUR III TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Whereas, G.S. 97-77(a1) provides that appointments by the Governor to the North Carolina Industrial Commission are subject to confirmation by the General Assembly; and

Whereas, the term of Bernadine Ballance expires on April 30, 2017; and

Whereas, the Governor wishes to appoint Philip A. Baddour III to the North Carolina Industrial Commission; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The appointment of Philip A. Baddour III to a term on the North Carolina Industrial Commission to begin on May 1, 2017, and expire on April 30, 2023, is confirmed.

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL DRH10301-LGqq-63A (03/20)

Short Title:	Change Membership of Medical Board.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-2 reads as rewritten:

"**§ 90-2. Medical Board.**

(a) There is established the North Carolina Medical Board to regulate the practice of medicine and surgery for the benefit and protection of the people of North Carolina. The Board shall consist of 13 members.

(1) Seven of the members shall be duly licensed physicians recommended by the Review Panel and appointed by the Governor as set forth in G.S. 90-3.

(2) ~~The remaining six~~ Four members shall all be appointed by the Governor as follows:

a. One shall be a duly licensed physician who is a doctor of osteopathy or a full-time faculty member of one of the medical schools in North Carolina who utilizes integrative medicine in that person's clinical practice or a member of The Old North State Medical Society. This Board position shall not be subject to recommendations of the Review Panel pursuant to G.S. 90-3.

b. ~~Three shall be public members, and these Board positions~~One shall be a public member, and this Board position shall not be subject to ~~recommendations~~ recommendation of the Review Panel pursuant to G.S. 90-3. ~~A public member shall not be a health care provider nor the spouse of a health care provider. For the purpose of Board membership, "health care provider" means any licensed health care professional, agent or employee of a health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this section, a person enrolled in a program as preparation to be a licensed health care professional or an allied health professional shall be deemed a health care provider. For purposes of this section, any person with significant financial interest in a health service or profession is not a public member.~~

c. One shall be a physician assistant as defined in G.S. 90-18.1 as recommended by the Review Panel pursuant to G.S. 90-3.

d. One shall be a nurse practitioner as defined in G.S. 90-18.2 as recommended by the Review Panel pursuant to G.S. 90-3.

(3) Two public members appointed by the General Assembly in accordance with G.S. 120-121, one upon recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate.

(a1) Each appointing and nominating authority shall endeavor to see, insofar as possible, that its appointees and nominees to the Board reflect the composition of the State with regard to gender, ethnic, racial, and age composition.

(b) No member shall serve more than two complete three-year terms in a lifetime, except that each member shall serve until a successor is chosen and qualifies.

(b1) A public member appointed pursuant to sub-subdivision (a)(2)b. and subdivision (a)(3) of this section shall not be a health care provider nor the spouse of a health care provider. For the purpose of Board membership, "health care provider" means any licensed health care professional, agent, or employee of a health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this section, a person enrolled in a program as preparation to be a licensed health care professional or an allied health professional shall be deemed a health care provider. For purposes of this section, any person with significant financial interest in a health service or profession is not a public member.

(c) Repealed by Session Laws 2003-366, s. 1, effective October 1, 2003.

(d) Any member of the Board may be removed from office by the Governor for good cause shown. Any vacancy in the physician, physician assistant, or nurse practitioner membership of the Board shall be filled for the period of the unexpired term by the Governor from a list submitted by the Review Panel pursuant to G.S. 90-3 except as provided in G.S. 90-2(a)(2)a. Any vacancy in the public membership of the Board shall be filled by the ~~Governor~~ appropriate appointing authority for the unexpired term.

(e) The North Carolina Medical Board shall have the power to acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as any private person or corporation, subject only to approval of the Governor and the Council of State as to the acquisition, rental, encumbering, leasing, and sale of real property. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board."

SECTION 2. For the term of the public member appointed by the Governor expiring in 2017, that member shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, in accordance with G.S. 120-121. For the term of the public member appointed by the Governor expiring in 2018, that member shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. As terms expire thereafter or as vacancies occur prior to the expiration of a term, the members on the Medical Board shall be appointed in accordance with G.S. 90-2, as amended by this act.

SECTION 3. This act is effective when it becomes law and applies to vacancies occurring after June 30, 2017.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

BILL DRAFT 2017-LG-86 [v.2] (04/10)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
04/19/2017 12:18:03 PM

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

Referred to:

A HOUSE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO OUR VETERANS.

Whereas, North Carolina is proud to be home to generations of brave men and women who have valiantly defended our nation and upheld its principles of democracy and freedom; and

Whereas, these veterans have placed our nation's security before their own lives, creating a debt that we can never fully repay; and

Whereas, veterans should be remembered and honored for their service and personal sacrifice for the greater good of our nation; some of whom made the ultimate sacrifice in protecting our country and the freedoms enjoyed by our citizens and all Americans; and

Whereas, North Carolina has a rich military history and is home to six major Department of Defense (DOD)/Department of Homeland Security (DHS) installations: Fort Bragg; Camp Lejeune Marine Corps Base; Cherry Point Marine Corps Air Station and Naval Air Depot; New River Marine Corps Air Station; Seymour Johnson Air Force Base; and U.S. Coast Guard Base, Elizabeth City; as well as the Sunny Point Military Ocean Terminal, the North Carolina National Guard, Reserve Components, and other DOD/DHS activities and organizations; and

Whereas, according to the most recent data from the US Department of Veterans Affairs, North Carolina's veteran population is approximately 772,421, including 594,208 serving during times of war and 178,213 serving during times of peace; and

Whereas, of the veterans living in North Carolina, 17,924 served during World War II; 47,111 served during the Korean Conflict; 243,034 served during the Vietnam Era; and more than 311,245 have served during the Gulf Wars; and

Whereas, as of 2015, North Carolina ranked sixth in the nation for military retirees numbering over 92,619 and ranked second for veterans living in rural areas numbering more than 137,000; and

Whereas, North Carolina also has over 129,000 active-duty military personnel and reserve members residing in the State, making North Carolina one of the largest active-duty military populations in our entire country; and

Whereas, the people of North Carolina are grateful to all of our heroic veterans for their selfless service to our State and our nation; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives extends its profound gratitude and appreciation to all the men and women who served in the United States Armed Forces for their selfless service.

SECTION 2. The House of Representatives wishes to honor the memory of those who have lost their lives in defense of the safety and liberty of the people of the United States of America.

SECTION 3. This resolution is effective upon adoption.

HOUSE BILL 743

Short Title:	Study Efficiency and Cost-Savings/State Govt.	(Public)
Sponsors:	Representatives Blackwell, Blust, Riddell, and Collins (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON EFFICIENCY AND COST-SAVINGS IN STATE GOVERNMENT.

The General Assembly of North Carolina enacts:

SECTION 1. There is established the Joint Legislative Study Commission on Efficiency and Cost-Savings in State Government (Commission).

SECTION 2. The Commission shall be composed of 10 members appointed as follows:

(1) Five senators appointed by the President Pro Tempore of the Senate.

(2) Five representatives appointed by the Speaker of the House of Representatives.

Vacancies on the Commission shall be filled by the appointing authority. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair. A quorum of the Commission shall be a majority of its members.

The Commission may meet at any time upon call of the chairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them, and the power to subpoena witnesses and documents.

The Legislative Services Commission, through the Legislative Services Officer, shall assign other professional staff to assist the Commission in its work. The House of Representatives' and Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

SECTION 3. The Commission shall use a zero-based budgeting review process to study whether there are obsolete programs, cost-reduction opportunities in State government, and any cases where existing funds can be redirected to meet new and changing demands for public services. The Commission shall start the review process with the Department of Administration. The Commission may require any agency under review to submit written information in a form specified by the Commission by a specified time. The Commission may

accept or reject any or part of any information submitted and require revision or resubmission. The Commission may require information as follows:

(1) Identification of decision units. – The agency shall identify decision units representing any group of services with a common set of objectives or comprising an agency program or administrative support unit.

(2) Impact of discontinuing each decision unit. – The agency shall provide a quantitative estimate of any adverse impacts that could reasonably be expected should the State discontinue a decision unit, together with a full description of the methods by which the adverse impact is estimated.

(3) Division of decision units into decision packages. – The agency shall divide each decision unit into the following four discrete decision packages:

a. Minimum. – A quantitative estimate of any adverse impacts that could reasonably be expected and an itemized account of expenditures that would be required to maintain the activity at the minimum level of service required by any statutory authorization and below which would effectively eliminate all services, together with a concise statement of the resulting quantity and quality of services. This service level shall be below the level described by sub-subdivision b. of this subdivision.

b. Reduced. – A quantitative estimate of any adverse impacts that could reasonably be expected and an itemized account of expenditures that would be required if funding were reduced by the percentage or amount specified by the Commission below the current level as defined by sub-subdivision c. of this subdivision and a concise statement of the resulting quantity and quality of services.

c. Current. – A quantitative description of benefits from and an itemized account of expenditures that would be required to maintain the activity at the current level of service, together with a full description of the methods by which the current level is determined and a concise statement of the resulting quantity and quality of services.

d. Enhanced. – A quantitative estimate of benefits that could reasonably be expected and an itemized account of expenditures that would be required to increase the current level of service, together with a full description of the methods by which the enhanced level is estimated and a concise statement of the resulting quantity and quality of services.

(4) Service delivery alternatives. – For each decision package, a description of alternative methods for delivering services which may include, but not be limited to, shedding one or more services and relying upon the free market for delivery, delegation to another level of government, using Requests for Information or competitive selection to outsource to private for-profit or nonprofit organizations, in whole or in part, including franchising, assisting or providing incubator arrangements for current State employees to form non-State organizations to compete for outsourcing opportunities, or through methods used by other states or nations.

(5) Ranking. – As instructed by the Commission, a ranking of all decision packages compared with each other without ties.

SECTION 4. The Commission shall make an interim report to the 2018 Regular Session of the 2017 General Assembly and shall make a final report to the 2019 General Assembly. The report shall include any proposed legislation. The Commission shall terminate

upon filing its final report or upon the convening of the 2019 General Assembly, whichever is earlier.

SECTION 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

HOUSE BILL 229*

Short Title:	GSC Technical Corrections 2017.	(Public)
Sponsors:	Representative Davis.	
	For a complete list of sponsors, refer to the North Carolina General Assembly web site.	
Referred to:	Rules, Calendar, and Operations of the House	

March 2, 2017

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. 1-117 reads as rewritten:

"**§ 1-117. Cross-index of lis pendens.**

Every notice of pending litigation filed under this Article shall be cross-indexed by the clerk of the superior court in a record, called the "Record of Lis Pendens," to be kept by ~~him pursuant to G.S. 2-42(6).~~the clerk under G.S. 7A-109."

SECTION 2. G.S. 7B-302(a) reads as rewritten:

"(a) When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough assessment, using either a family assessment response or an investigative assessment response, in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the assessment. When the report alleges neglect or dependency, the director shall initiate the assessment within 72 hours following receipt of the report. When the report alleges abandonment of a ~~[juvenile]~~ juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately initiate an assessment. When the report alleges abandonment, the director shall also take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall include a visit to the place where the juvenile resides, except when the report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes. When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the juvenile resides is not required. When the report alleges abandonment, the assessment shall include a request from the director to law enforcement officials to investigate through the North Carolina Center for Missing Persons and other national and State resources whether the juvenile is a missing child."

SECTION 3. G.S. 14-118.6(b1) reads as rewritten:

"(b1) When a lien or encumbrance is presented to a clerk of superior court for filing and the clerk of court has a reasonable suspicion that the lien or encumbrance is false as described in subsection (a) of this section, the clerk of court may refuse to file the lien or encumbrance. Neither the clerk of court nor the clerk's staff shall be liable for filing or the refusal to file a lien or encumbrance under this subsection. The clerk of superior court shall not file, index, or docket the

document against the property of a public officer or public employee until that document is approved by any judge of the judicial district having subject matter jurisdiction for filing by the clerk of superior ~~court by any judge of the judicial district having subject matter jurisdiction.~~ court. If the judge determines that the filing is not false, the clerk shall index the claim of lien. A lien or encumbrance filed upon order of the court under this subsection shall have a priority interest as of the date and time of indexing by the clerk of superior court. If the court finds that there is no statutory or contractual basis for the proposed filing, the court shall enter an order that the proposed filing is null and void as a matter of law, and that it shall not be filed or indexed. The clerk of superior court shall serve the order and return the original denied filing to the person or entity that presented it. The person or entity shall have 30 days from the entry of the order to appeal the order. If the order is not appealed within the applicable time period, the clerk may destroy the filing."

SECTION 4. G.S. 14-159.3(a1) reads as rewritten:

"(a1) A landowner who gives a person written consent to operate an all-terrain vehicle on ~~his or her~~ the landowner's property owes the person the same duty of care that ~~he or she~~ the landowner owes a trespasser."

SECTION 5. G.S. 14-208.6 reads as rewritten:

"**§ 14-208.6. Definitions.**

The following definitions apply in this Article:

...

(5) "Sexually violent offense" means a violation of former G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22 (second-degree forcible rape), G.S. 14-27.23 (statutory rape of a child by an adult), G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.25(a) (statutory rape of a person who is 15 years of age or younger and where the defendant is at least six years older), G.S. 14-27.26 (first-degree forcible sexual offense), G.S. 14-27.27 (second-degree forcible sexual offense), G.S. 14-27.28 (statutory sexual offense with a child by an adult), G.S. 14-27.29 (first-degree statutory sexual offense), G.S. 14-27.30(a) (statutory sexual offense with a person who is 15 years of age or younger and where the defendant is at least six years older), G.S. 14-27.31 (sexual activity by a substitute parent or custodian), G.S. 14-27.32 (sexual activity with a student), G.S. 14-27.33 (sexual battery), G.S. 14-43.11 (human trafficking) if (i) the offense is committed against a minor who is less than 18 years of age or (ii) the offense is committed against any person with the intent that they be held in sexual servitude, G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-205.2(c) or (d) (patronizing a prostitute who is a minor or a mentally disabled person), G.S. 14-205.3(b) (promoting prostitution of a minor or a mentally disabled person), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

...."

SECTION 6. G.S. 20-45 reads as rewritten:

"**§ 20-45. Seizure of documents and plates.**

(a) The Division is ~~hereby~~ authorized to take possession of any certificate of title, registration card, permit, license, or registration plate issued by it upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, or which has been unlawfully used.

(b) The Division may give notice to the owner, licensee or lessee of its authority to take possession of any certificate of title, registration card, permit, license, or registration plate issued by it and require that person to surrender it to the Commissioner or ~~his~~ the Commissioner's officers or agents. Any person who fails to surrender the certificate of title, registration card, permit, license, or registration plate or any duplicate thereof, upon personal service of notice or within 10 days after receipt of notice by mail as provided in G.S. 20-48, shall be guilty of a Class 2 misdemeanor.

(c) Any sworn law enforcement officer with jurisdiction, including a member of the State Highway Patrol, is authorized to seize the certificate of title, registration card, permit, license, or registration plate, if the officer has electronic or other notification from the Division that the item has been revoked or cancelled, or otherwise has probable cause to believe that the item has been revoked or cancelled under any law or statute, including ~~G.S. 20-309(e).~~ G.S. 20-311. If a criminal proceeding relating to a certificate of title, registration card, permit, or license is pending, the law enforcement officer in possession of that item shall retain the item pending the entry of a final judgment by a court with jurisdiction. If there is no criminal proceeding pending, the law enforcement officer shall deliver the item to the Division.

(d) Any law enforcement officer who seizes a registration plate pursuant to this section shall report the seizure to the Division within 48 hours of the seizure and shall return the registration plate, but not a fictitious registration plate, to the Division within 10 business days of the seizure."

SECTION 7. The catch line of G.S. 20-171.24 reads as rewritten:

"**§ 20-171.24. Motorized all-terrain vehicle use by municipal and county employees ~~of listed municipalities and counties~~ permitted on certain highways.**"

SECTION 8. G.S. 24-10.1(a) reads as rewritten:

"(a) Subject to the limitations contained in subsection (b) of this section, any lender may charge a party to a loan or extension of credit governed by the provisions of ~~G.S. 24-1.1, 24-1.2,~~ G.S. 24-1.1 or ~~24-1.1A~~ G.S. 24-1.1A a late payment charge as agreed upon by the parties in the loan contract."

SECTION 9. G.S. 28A-2-4 reads as rewritten:

"**§ 28A-2-4. Subject matter jurisdiction of the clerk of superior court in estate proceedings.**

(a) The clerks of superior court of this State, as ex officio judges of probate, shall have original jurisdiction of estate proceedings. Except as provided in subdivision (4) of this subsection, the jurisdiction of the clerk of superior court is exclusive. Estate proceedings include, but are not limited to, the following:

(1) Probate of wills.

(2) Granting and revoking of letters testamentary and letters of administration, or other proper letters of authority for the administration of estates.

(3) Determination of the elective share for a surviving spouse as provided in G.S. 30-3.

(4) Proceedings to ascertain heirs or devisees, to approve settlement agreements pursuant to G.S. 28A-2-10, to determine questions of construction of wills, to determine priority among creditors, to determine whether a person is in possession of property belonging to an estate, to order the recovery of property of the estate in possession of third parties, and to determine the existence or

nonexistence of any immunity, power, privilege, duty, or right. Any party or the clerk of superior court may file a notice of transfer of a proceeding pursuant to this subdivision to the Superior Court Division of the General Court of Justice as provided in G.S. 28A-2-6(h). In the absence of a transfer to superior court, Article 26 of Chapter 1 of the General Statutes shall apply to ~~a trust~~ an estate proceeding pending before the clerk of superior court to the extent consistent with this Article.

(b) Nothing in this section shall affect the right of a person to file an action in the Superior Court Division of the General Court of Justice for declaratory relief under Article 26 of Chapter 1 of the General Statutes. In the event that either the petitioner or the respondent in an estate proceeding requests declaratory relief under Article 26 of Chapter 1 of the General Statutes, either party may move for a transfer of the proceeding to the Superior Court Division of the General Court of Justice as provided in Article 21 of Chapter 7A of the General Statutes. In the absence of a removal to superior court, Article 26 of Chapter 1 of the General Statutes shall apply to an estate proceeding to the extent consistent with this Article.

(c) Without otherwise limiting the jurisdiction of the Superior Court Division of the General Court of Justice, the clerk of superior court shall not have jurisdiction under subsection (a) or ~~(c)~~ (b) of this section or G.S. 28A-2-5 of the following:

(1) Actions by or against creditors or debtors of an estate, except as provided in Article 19 of this Chapter.
(2) Actions involving claims for monetary damages, including claims for breach of fiduciary duty, fraud, and negligence.
(3) Caveats, except as provided under G.S. 31-36.
(4) Proceeding to determine proper county of venue as provided in G.S. 28A-3-2.
(5) Recovery of property transferred or conveyed by a decedent with intent to hinder, delay, or defraud creditors, pursuant to G.S. 28A-15-10(b)."

SECTION 10. G.S. 28A-19-5(b) reads as rewritten:

"(b) With respect to a contingent or unliquidated claim rejected by a personal representative pursuant to G.S. 28A-19-16, the claimant may, within the three-month period prescribed by G.S. 28A-19-16, file a petition for an order of the clerk of superior court in accordance with subsection (a) of this section, provided that nothing in this section shall require the clerk of superior court to hear and determine the validity of, priority of, or amount of a contingent or unliquidated claim that has not yet become absolute."

SECTION 11. G.S. 31B-1(a) reads as rewritten:

"(a) A person who succeeds to a property interest as:

...

(8) ~~Appointee~~ Appointee, permissible appointee, or taker in default under a power of appointment exercised by a testamentary instrument or a nontestamentary instrument;

...

may renounce at anytime, in whole or in part, the right of succession to any property or interest therein, including a future interest, by filing a written instrument under the provisions of this Chapter. A renunciation may be of a fractional share or any limited interest or estate. The renunciation shall be deemed to include the entire interest of the person whose property or interest is being renounced unless otherwise specifically limited. A person may renounce any interest in or power over property, including a power of appointment, even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to renounce. Notwithstanding the foregoing, there shall be no right of partial renunciation if the instrument creating the interest expressly so provides."

SECTION 12. G.S. 36C-8-816.1 reads as rewritten:

"**§ 36C-8-816.1. Trustee's special power to appoint to a second trust.**

(a) For purposes of this section, the following definitions apply:

(1) Current beneficiary. – A person who is a permissible distributee of trust income or principal.

(2) Original trust. – A trust established under an irrevocable trust instrument pursuant to the terms of which a trustee has a discretionary power to distribute principal or income of the trust to or for the benefit of one or more current beneficiaries of the trust.

(3) Second trust. – A trust established under an irrevocable trust instrument, the current beneficiaries of which are one or more of the current beneficiaries of the original trust. The second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument.

(b) A trustee of an original trust may, without authorization by the court, exercise the discretionary power to distribute principal or income to or for the benefit of one or more current beneficiaries of the original trust by appointing all or part of the principal or income of the original trust subject to the power in favor of a trustee of a second trust. The trustee of the original trust may exercise this power whether or not there is a current need to distribute principal or income under any standard provided in the terms of the original trust. The trustee's special power to appoint trust principal or income in further trust under this section includes the power to create the second trust. The second trust may have a duration that is longer than the duration of the first trust.

(c) The terms of the second trust shall be subject to all of the following:

(1) The beneficiaries of the second trust may include only beneficiaries of the original trust.

(2) A beneficiary who has only a future beneficial interest, vested or contingent, in the original trust cannot have the future beneficial interest accelerated to a present interest in the second trust.

(3) The terms of the second trust may not reduce any fixed income, annuity, or unitrust interest of a beneficiary in the assets of the original trust if that interest has come into effect with respect to the beneficiary.

(4) If any contribution to the original trust qualified for a marital or charitable deduction for federal income, gift, or estate tax purposes under the Internal Revenue Code, then the second trust shall not contain any provision that, if included in the original trust, would have prevented the original trust from qualifying for the deduction or that would have reduced the amount of the deduction.

(5) If contributions to the original trust have been excluded from the gift tax by the application of section 2503(b) and section 2503(c) of the Internal Revenue Code, then the second trust shall provide that the beneficiary's remainder interest in the contributions shall vest and become distributable no later than the date upon which the interest would have vested and become distributable under the terms of the original trust.

(6) If any beneficiary of the original trust has a power of withdrawal over trust property, then either:

a. The terms of the second trust must provide a power of withdrawal in the second trust identical to the power of withdrawal in the original trust; or

b. Sufficient trust property must remain in the original trust to satisfy the outstanding power of withdrawal.

(7) If a trustee of an original trust exercises a power to distribute principal or income that is subject to an ascertainable standard by appointing property to a second trust, then the power to distribute income or principal in the second trust must be subject to the same ascertainable standard as in the original trust and

must be exercisable in favor of the same current beneficiaries to whom such distribution could be made in the original trust.

(8) The second trust may confer a power of appointment upon a beneficiary of the original trust to whom or for the benefit of whom the trustee has the power to distribute principal or income of the original trust. The permissible appointees of the power of appointment conferred upon a beneficiary may include persons who are not beneficiaries of the original or second trust. The power of appointment conferred upon a beneficiary shall be subject to the provisions of G.S. 41-23 specifying the permissible period allowed for the suspension of the power of alienation of the original trust and the time from which that permissible period is computed.

(9) The terms of the second trust shall not contain any provisions that would jeopardize (i) the qualification of a transfer as a direct skip under section 2642(c) of the ~~[Internal Revenue]~~ Internal Revenue Code, (ii) if the first trust owns subchapter S Corporation stock, the election to treat a corporation as a subchapter S Corporation under section 1362 of the Internal Revenue Code, (iii) if the first trust owns an interest in property subject to the minimum distribution rules of section 401(a)(9) of the Internal Revenue Code, a favorable distribution period by shortening the minimum distribution period, or (iv) any other specific tax benefit for which ~~a contribution originally~~ the first trust was clearly designed to qualify and for which the first trust qualified or would have qualified ~~for income, gift, estate, or generation-skipping transfer tax purposes.~~ but for the enactment of this section. In this subdivision, "tax benefit" means a federal or State tax deduction, exemption, exclusion, or other benefit not otherwise listed in this section, except for the benefit from having the settlor considered the owner under sections 671 through 679 of the Internal Revenue Code. Subject to clause (ii) above, the second trust may be a trust as to which the settlor is not considered the owner under sections 671 through 679 of the Internal Revenue Code even if the settlor is considered the owner of the first trust, and the second trust may be a trust as to which the settlor of the first trust is considered the owner under sections 671 through 679 of the Internal Revenue Code, even if the settlor is not considered the owner of the first trust.

(10) Notwithstanding any other provision of this section, but subject to the limitations of subdivisions (1), (2), (4), (5), and (9) of this subsection, a trustee may exercise the power to appoint principal and income under subsection (b) of this section with respect to a disabled beneficiary's interest in the original trust to a second trust that is a supplemental needs trust that does not have (i) an ascertainable standard (or has a different ascertainable standard); (ii) a fixed income, annuity, or unitrust interest in the assets of the original trust; or (iii) a right of withdrawal, if the trustee determines that it would be in the best interest of the disabled beneficiary. For purposes of this subsection, the following apply:

a. A "supplemental needs trust" means a trust that is a discretionary trust under G.S. 36C-5-504 and relative to the original trust contains either lesser or greater restrictions on the trustee's power to distribute income or principal, and which the trustee believes would, if implemented, allow the disabled beneficiary to receive greater governmental benefits than the disabled beneficiary would receive if the power to appoint principal and income had not been exercised.

b. "Governmental benefits" means medical assistance, financial aid, or services from any local, State, or federal agency or department.

c. A "disabled beneficiary" means a current beneficiary of the original trust who the trustee determines has a condition that substantially impairs the beneficiary's ability to provide for his or her own support, care, or custody whether or not the beneficiary has been adjudicated a "disabled person" by any government agency or department.

d. The second supplemental needs trust shall not be liable to pay or reimburse the State or any government or public agency for medical assistance, financial aid, or services provided to the disabled beneficiary except as provided in the second supplemental needs trust.

(d) A trustee may not exercise the power to appoint principal or income under subsection (b) of this section if the trustee is a beneficiary of the original trust, but the remaining cotrustee or a majority of the remaining cotrustees may act for the trust. If all the trustees are beneficiaries of the original trust, then the court may appoint a special fiduciary with authority to exercise the power to appoint principal or income under subsection (b) of this section.

(e) The exercise of the power to appoint principal or income under subsection (b) of this section:

(1) Shall be considered the exercise of a power of appointment, other than a power to appoint to the trustee, the trustee's creditors, the trustee's estate, or the creditors of the trustee's estate; and

(2) Shall be subject to the provisions of G.S. 41-23 specifying the permissible period allowed for the suspension of the power of alienation of the original trust and the time from which that permissible period is computed; and

(3) Is not prohibited by a spendthrift provision or by a provision in the original trust instrument that prohibits amendment or revocation of the trust.

(f) To effect the exercise of the power to appoint principal or income under subsection (b) of this section, all of the following shall apply:

(1) The exercise of the power to appoint shall be made by an instrument in writing, signed and acknowledged by the trustee, setting forth the manner of the exercise of the power, including the terms of the second trust, and the effective date of the exercise of the power. The instrument shall be filed with the records of the original trust.

(2) The trustee shall give written notice to all qualified beneficiaries of the original trust, at least 60 days prior to the effective date of the exercise of the power to appoint, of the trustee's intention to exercise the power. The notice shall include a copy of the instrument described in subdivision (1) of this subsection.

(3) If all qualified beneficiaries waive the notice period by a signed written instrument delivered to the trustee, the trustee's power to appoint principal or income shall be exercisable after notice is waived by all qualified beneficiaries, notwithstanding the effective date of the exercise of the power.

(4) The trustee's notice under this subsection shall not limit the right of any beneficiary to object to the exercise of the trustee's power to appoint and bring an action for breach of trust seeking appropriate relief as provided by G.S. 36C-10-1001.

(g) Nothing in this section shall be construed to create or imply a duty of the trustee to exercise the power to distribute principal or income, and no inference of impropriety shall be made as a result of a trustee not exercising the power to appoint principal or income conferred under subsection (b) of this section. Nothing in this section shall be construed to abridge the right of any trustee who has a power to appoint property in further trust that arises under the terms of the original trust or under any other section of this Chapter or under another provision of law or under common law.

(h) A trustee or beneficiary may commence a proceeding to approve or disapprove a proposed exercise of the trustee's special power to appoint to a second trust pursuant to subsection (b) of this section."

SECTION 13.(a) G.S. 39-33 and G.S. 39-34 are repealed.

SECTION 13.(b) G.S. 39-35 is recodified as G.S. 31D-5-505.

SECTION 13.(c) G.S. 39-36 is recodified as G.S. 31D-4-403.1.

SECTION 14. G.S. 42A-17(a) reads as rewritten:

"(a) A vacation rental agreement shall identify the name and address of the ~~bank or savings and loan association~~ federally insured depository institution in which the tenant's security deposit and other advance payments are held in a trust account, and the landlord and real estate broker shall provide the tenant with an accounting of such deposit and payments if the tenant makes a reasonable request for an accounting prior to the tenant's occupancy of the property."

SECTION 15. G.S. 97-25(f) reads as rewritten:

"(f) In claims subject to G.S. 97-18(b) and (d), a party may file a motion as set forth in this subsection regarding a request for medical compensation or a dispute involving medical issues. The nonmoving party shall have the right to contest the motion. Motions and responses shall be submitted contemporaneously via electronic ~~mail~~ means to the Commission and to the opposing party or the opposing party's ~~attorney[, as follows]:~~attorney, as follows:

(1) A party may file a motion with the Executive Secretary for an administrative ruling regarding a request for medical compensation or a dispute involving medical issues. The motion shall be decided administratively pursuant to rules governing motions practices in contested cases. The Commission shall decide the motion within 30 days of the filing of the motion unless an extension of time to respond to the motion has been granted for good cause shown. Either party may file a motion for reconsideration of the administrative order with the Executive Secretary. Either party may request an expedited formal hearing pursuant to G.S. 97-84 and subdivision (2) of this subsection to appeal the decision of the Executive Secretary approving or denying the original motion or the motion for reconsideration. Within five days of the filing of a request for an expedited formal hearing pursuant to G.S. 97-84 and subdivision (2) of this subsection to appeal the decision of the Executive Secretary, the Commission shall assign a Deputy Commissioner to conduct the formal hearing. The decision shall not be stayed during the pendency of an appeal pursuant to G.S. 97-84 and subdivision (2) of this subsection except under those circumstances set out in subdivision (4) of this subsection. A motion to stay shall be filed with the Deputy Commissioner scheduled to conduct the formal hearing pursuant to G.S. 97-84. Either party may appeal the decision of the Deputy Commissioner pursuant to G.S. 97-84 to the Full Commission pursuant to G.S. 97-85. The decision of the Deputy Commissioner shall not be stayed during the pendency of an appeal except under those circumstances set out in subdivision (4) of this subsection. A motion to stay the decision of the Deputy Commissioner pursuant to G.S. 97-84 shall be directed to the Chair of the Commission. The Full Commission shall render a decision on the appeal of the Deputy Commissioner's decision on the motion within 60 days of the filing of the notice of appeal.

(2) In lieu of filing a motion with the Executive Secretary for an administrative ruling pursuant to subdivision (1) of this subsection, when appealing a ruling made pursuant to subdivision (1) of this subsection or when appealing an administrative ruling of the Chief Deputy or the Chief Deputy's designee on an emergency motion, a party may request a full evidentiary hearing pursuant to G.S. 97-84 on an expedited basis, limited to a request for medical compensation

or a dispute involving medical issues, by filing a motion with the Office of the Chief Deputy Commissioner. The case will not be ordered into mediation based upon a party's request for hearing on the motion or appeal under this subdivision, except upon the consent of the parties. The Commission shall set the date of the expedited hearing, which shall be held within 30 days of the filing of the motion or appeal and shall notify the parties of the time and place of the hearing on the motion or appeal. Upon request, the Commission may order expedited discovery. The record shall be closed within 60 days of the filing of the motion, or in the case of an appeal pursuant to subdivisions (1) and (3) of this subsection, within 60 days of the filing of the appeal, unless the parties agree otherwise or the Commission so orders. Transcripts of depositions shall be expedited if necessary and paid pursuant to rules promulgated by the Commission related to depositions and shall be submitted electronically to the Commission. The Commission shall decide the issue in dispute and make findings of fact based upon the preponderance of the evidence in view of the entire record. The award, together with a statement of the findings of fact, rulings of law, and other matters pertinent to the questions at issue shall be filed with the record of the proceedings within 15 days of the close of the hearing record, and a copy of the award shall immediately be sent to the parties. Either party may appeal the decision of the Deputy Commissioner pursuant to G.S. 97-84 to the Full Commission pursuant to G.S. 97-85. The decision of the Deputy Commissioner pursuant to G.S. 97-84 shall not be stayed during the pendency of an appeal except under those circumstances set out in subdivision (4) of this subsection. A motion to stay the decision of the Deputy Commissioner pursuant to G.S. 97-84 shall be directed to the Chair of the Commission. The Full Commission shall render a decision on the appeal of the Deputy Commissioner's decision on the motion within 60 days of the filing of the notice of appeal.

(3) An emergency medical motion filed by either party shall be filed with the Office of the Chief Deputy Commissioner. The Chief Deputy or Chief Deputy's designee shall rule on the motion within five days of receipt unless the Chief Deputy or Chief Deputy's designee determines that the motion is not an emergency, in which case the motion shall be referred to the Executive Secretary for an administrative ruling pursuant to subdivision (1) of this subsection. Motions requesting emergency medical relief shall contain all of the following:

a. An explanation of the medical diagnosis and treatment recommendation of the health care provider that requires emergency attention.

b. A specific statement detailing the time-sensitive nature of the request to include relevant dates and the potential for adverse consequences to the movant if the recommended relief is not provided emergently.

c. An explanation of opinions known and in the possession of the movant of additional medical or other relevant experts, independent medical examiners, and second opinion examiners.

d. Documentation known and in the possession of the movant in support of the request, including relevant medical records.

e. A representation that informal means of resolving the issue have been attempted.

Either party may appeal the decision of the Chief Deputy or the Chief Deputy's designee on the emergency motion by requesting an expedited formal hearing pursuant to G.S. 97-84 and subdivision (2) of this subsection to appeal the

administrative decision of the Chief Deputy or the Chief Deputy's designee on the emergency motion. Within five days of the filing of a request for an expedited formal hearing pursuant to G.S. 97-84 and subdivision (2) of this subsection, the Commission shall assign a Deputy Commissioner to conduct the formal hearing. The decision of the Chief Deputy or the Chief Deputy's designee shall not be stayed during the pendency of an appeal of the administrative decision except under those circumstances set out in subdivision (4) of this subsection. Any motion to stay shall be filed with the Deputy Commissioner scheduled to conduct the expedited formal hearing pursuant to G.S. 97-84 and subdivision (2) of this subsection. Either party may appeal the decision of the Deputy Commissioner pursuant to G.S. 97-84 to the Full Commission pursuant to G.S. 97-85. If so, the decision of the Deputy Commissioner shall not be stayed during the pendency of an appeal except under those circumstances set out in subdivision (4) of this subsection. Any motion to stay the decision of the Deputy Commissioner pursuant to G.S. 97-84 shall be directed to the Chair of the Commission. The Full Commission shall render a decision on the appeal of the Deputy Commissioner's decision on the motion within 60 days of the filing of the notice of appeal.

(4) The Commission shall consider, among other factors, all of the following when determining whether to grant a motion to stay filed pursuant to this subsection:

a. Whether there would be immediate and irreparable injury, harm, loss, or damage to either party.

b. The nature and cost of the medical relief sought.

c. The risk for further injury or disability to the employee inherent in the treatment or its delay.

d. Whether it has been recommended by an authorized physician.

e. Whether alternative therapeutic modalities are available and reasonable.

(5) If the Commission determines that any party has acted unreasonably by initiating or objecting to a motion filed pursuant to this section, the Commission may assess costs associated with any proceeding, including any reasonable attorneys' fees and deposition costs, against the offending party."

SECTION 16. The catch line of G.S. 108A-70.21 reads as rewritten:

"**§ 108A-70.21. Program eligibility; benefits; enrollment fee and other cost-sharing; coverage from private ~~plans; purchase of extended coverage.~~plans.**"

SECTION 17. G.S. 115C-112.6(b1)(2)d. reads as rewritten:

"d. Carryforward of funds for reimbursements. – Any unexpended scholarship funds at the end of each fiscal year shall revert to the General Fund, except that the Authority may carry forward for the next fiscal year an amount necessary to ensure that any outstanding, allowable reimbursements can be disbursed in accordance with this section. Any funds carried forward for the purpose of meeting anticipated reimbursement obligations from the prior fiscal year that are not expended shall not be used to award additional scholarships to eligible students but shall revert to the General Fund at the end of ~~the~~ that fiscal year."

SECTION 18. G.S. 120-4.16(b) reads as rewritten:

"(b) Purchase of Service Credits Through Rollover Contributions From Certain Other Plans. – Notwithstanding any other provision of this Article, and without regard to any limitations on contributions otherwise set forth in this Article, a member, who is eligible to restore or purchase membership or creditable service pursuant to the provisions of this Article, may purchase such service credits through rollover contributions to the Annuity Savings Fund from (i) an annuity

contract described in Section 403(b) of the Internal Revenue Code, (ii) an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, (iii) an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includible in gross income, or (iv) a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code. Notwithstanding the foregoing, the Retirement System shall not accept any amount as a rollover contribution unless such amount is eligible to be rolled over to a qualified trust in accordance with applicable law and the member provides evidence satisfactory to the Retirement System that such amount qualifies for rollover treatment. Unless received by the Retirement System in the form of a direct rollover, the rollover contribution must be paid to the Retirement System on or before the 60th day after the date it was received by the member.

(b1) Purchase of Service Credits Through Plan-to-Plan Transfers. – Notwithstanding any other provision of this Article, and without regard to any limitations on contributions otherwise set forth in this Article, a member, who is eligible to restore or purchase membership or creditable service pursuant to the provisions of this Article, may purchase such service credits through a direct transfer to the Annuity Savings Fund of funds from (i) an annuity contract described in Section 403(b) of the Internal Revenue Code or (ii) an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state."

SECTION 19. G.S. 120-57 is repealed.

SECTION 20. G.S. 136-41.2(c) reads as rewritten:

"(c) No municipality shall be eligible to receive funds under G.S. 136-41.1 unless it has formally adopted a budget ordinance in substantial compliance with ~~G.S. 160-410.3,~~ G.S. 159-8 and G.S. 159-13, showing revenue received from all sources, and showing that funds have been appropriated for at least two of the following municipal services if the municipality was incorporated with an effective date prior to January 1, 2000, water distribution; sewage collection or disposal; garbage and refuse collection or disposal; fire protection; police protection; street maintenance, construction, or right-of-way acquisition; or street lighting, or at least four of the following municipal services if the municipality was incorporated with an effective date of on or after January 1, 2000: (i) police protection; (ii) fire protection; (iii) solid waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning."

SECTION 21. G.S. 143-215.31(a1) reads as rewritten:

"(a1) The owner of a dam classified by the Department as a high-hazard dam or an intermediate-hazard dam shall develop an Emergency Action Plan for the dam as provided in this ~~subsection;~~subsection:

(1) The owner of the dam shall submit a proposed Emergency Action Plan for the dam within 90 days after the dam is classified as a high-hazard dam or an intermediate-hazard dam to the Department and the Department of Public Safety for their review and approval. The Department and the Department of Public Safety shall approve the Emergency Action Plan if they determine that it complies with the requirements of this subsection and will protect public health, safety, and welfare; the environment; and natural resources.

(2) The Emergency Action Plan shall include, at a minimum, all of the following:

a. A description of potential emergency conditions that could occur at the dam, including security risks.

b. A description of actions to be taken in response to an emergency condition at the dam.

c. Emergency notification procedures to aid in warning and evacuations during an emergency condition at the dam.

d. A downstream inundation map depicting areas affected by a dam failure and sudden release of the impoundment. A downstream inundation map prepared pursuant to this section does not require preparation by a licensed professional engineer or a person under the responsible charge of a licensed professional engineer unless the dam is associated with a coal combustion residuals surface impoundment, as defined by G.S. 130A-309.201.

(3) The owner of the dam shall update the Emergency Action Plan annually and shall submit it to the Department and the Department of Public Safety for their review and approval within one year of the prior approval.

(4) The Department shall provide a copy of the Emergency Action Plan to the regional offices of the Department that might respond to an emergency condition at the dam.

(5) The Department of Public Safety shall provide a copy of the Emergency Action Plan to all local emergency management agencies that might respond to an emergency condition at the dam.

(6) Information included in an Emergency Action Plan that constitutes sensitive public security information, as provided in G.S. 132-1.7, shall be maintained as confidential information and shall not be subject to disclosure under the Public Records Act. For purposes of this section, "sensitive public security information" shall include Critical Energy Infrastructure Information protected from disclosure under rules adopted by the Federal Energy Regulatory Commission in ~~18 C.F.R. § 333.112.~~18 C.F.R. § 388.112."

SECTION 22. G.S. 143-341.2(b)(3) reads as rewritten:

"(3) Auditor may audit submissions. – The State Auditor may audit submissions made to the Department of Administration pursuant to subdivision (1) of this subsection and may recover any costs incurred in ~~preforming~~ performing such an audit from the State Land Fund, in accordance with G.S. 146-72."

SECTION 23. G.S. 143B-168.5 reads as rewritten:

"**§ 143B-168.5. Child Care – special unit.**

There is established within the Department of Health and Human ~~Services~~ Services, Division of Child Development and Early Education, a special unit to deal primarily with violations involving child abuse and neglect in child care arrangements. The Child Care Commission shall make rules for the investigation of reports of child abuse or neglect and for administrative action when child abuse or neglect is substantiated, pursuant to G.S. 110-88(6a), 110-105, ~~and 110-105.2.~~110-105.3, 110-105.4, 110-105.5, and 110-105.6."

SECTION 24. G.S. 143B-394.15(c) reads as rewritten:

"(c) Membership. – The Commission shall consist of ~~39~~ 38 members, who reflect the geographic and cultural regions of the State, as follows:

...

(4) The following persons or their designees, ex officio:

a. The Governor.

b. The Lieutenant Governor.

c. The Attorney General.

d. The Secretary of ~~the Department of~~ Administration.

~~e. The Secretary of the Department of Public Safety.~~

f. The Superintendent of Public Instruction.

g. The Secretary of Public Safety.

h. The Secretary of ~~the Department of~~ Health and Human Services.

i. The Director of the Office of State Human Resources.

j. The Chair of the North Carolina Council for Women.

k. The Dean of the School of Government at the University of North Carolina at Chapel Hill.

l. The Chairman of the Governor's Crime Commission."

SECTION 25. G.S. 143B-931(b) reads as rewritten:

"(b) The Department of Public Safety may provide a criminal history record check to the board of directors of a regional school of a person who is employed at a regional school or of a person who has applied for employment at a regional school if the employee or applicant consents to the record check. The Department may also provide a criminal history record check of school personnel as defined in ~~G.S. 115C-238.56N~~ G.S. 115C-238.73 by fingerprint card to the board of directors of the regional school from the National Repositories of Criminal Histories, in accordance with ~~G.S. 115C-238.56N.~~ G.S. 115C-238.73. The information shall be kept confidential by the board of directors of the regional school as provided in ~~G.S. 115C-238.56N.~~G.S. 115C-238.73."

SECTION 26. G.S. 143C-6-4(b) reads as rewritten:

"(b) Budget Adjustments. – Notwithstanding the provisions of G.S. 143C-6-1, a State agency may, with approval of the Director of the Budget, spend more than was appropriated in the certified budget by adjusting the authorized budget for all of the following:

(1) Line items within programs. – An object or line item within a purpose or program so long as the total amount expended for the purpose or program is no more than was authorized in the certified budget for the purpose or program.

(2) Responses to extraordinary events. – A purpose or program if the overexpenditure of the purpose or program is:

a. Required by a court or Industrial Commission order;

b. Authorized under ~~G.S. 166A-19.40(a)~~ G.S. 166A-19.40(a)(1) and (c) of the North Carolina Emergency Management Act; or

c. Required to call out the North Carolina National Guard.

(3) Responses to unforeseen circumstances. – A purpose or program not subject to the provisions of subdivision (b)(2) of this subsection, if each of the following conditions is satisfied:

a. The overexpenditure is required to continue the purpose or programs due to complications or changes in circumstances that could not have been foreseen when the budget for the fiscal period was enacted.

b. The scope of the purpose or program is not increased.

c. The overexpenditure is authorized on a one-time nonrecurring basis for one year only, unless the overexpenditure is the result of (i) salary adjustments authorized by law or (ii) the establishment of time-limited positions funded with agency receipts."

SECTION 27. G.S. 146-9(b) reads as rewritten:

"(b) Notwithstanding subsection (a) of this section, or any other provision of law, prior to expiration of a lease of mineral deposits in State lands, the Department of Administration or other entity designated by the Department shall solicit competitive bids for lease of such mineral deposits, which shall include a process for upset bids as described in this subsection. An upset bid is an increased or raised bid whereby a person offers to lease such mineral rights for an amount exceeding the highest bid received in response to the initial solicitation for competitive bids, or the last upset bid, as applicable, by a minimum of five percent (5%). The process shall provide that the Department or other designated entity that issued the solicitation for competitive bids shall issue a notice of high bid to the person submitting the highest bid in response to the initial solicitation for competitive bids, or the person submitting the last upset bid, as applicable, and any other bidders that have submitted a bid in an amount seventy-five percent (75%) or more of the highest bid received in response to the initial solicitation for competitive bids, or the last upset bid, as applicable, of the highest bid received at that point within 10 days of the closure of the bidding

period, as provided in the solicitation for competitive bids, through notice delivered by any means authorized under G.S. 1A-1, Rule 4. Thereafter, an upset bid may be made by delivering to the Department or other designated entity, subject to all of the following requirements and conditions:

...

(4) When an upset bid is made as provided in this subsection, the Department or other designated entity shall notify ~~to~~ the highest prior bidder, and any other bidders that have submitted a bid in an amount seventy-five percent (75%) or more of the current high bid received in response to the initial solicitation for competitive bids, or the last upset bid, as applicable.

...."

SECTION 28. G.S. 147-12(a) reads as rewritten:

"(a) In addition to the powers and duties prescribed by the Constitution, the Governor has the powers and duties prescribed in this and the following sections:

(1) To supervise the official conduct of all executive and ministerial officers; and when the Governor deems it advisable to visit all State institutions for the purpose of inquiring into the management and needs of the same.

...

(12) To name and locate State government buildings, monuments, memorials, and improvements, as provided by ~~G.S. 143B-373(1).~~ G.S. 143B-373(a)(1).

...."

SECTION 29. G.S. 153A-340(h) reads as rewritten:

"(h) As provided in this subsection, counties may adopt temporary moratoria on any ~~county development approval required by law.~~ county development approval required by law, except for the purpose of developing and adopting new or amended plans or ordinances as to residential uses. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the board of commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 153A-323. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 153A-357 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 153A-344.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the county prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the county prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

(1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the county and why those alternative courses of action were not deemed adequate.

(2) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

(3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

(4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the county during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

No moratorium may be subsequently renewed or extended for any additional period unless the city shall have taken all reasonable and feasible steps proposed to be taken by the county in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of this subsection, including what new facts or conditions warrant the extension.

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the county shall have the burden of showing compliance with the procedural requirements of this subsection."

SECTION 30. G.S. 160A-332(a) reads as rewritten:

"(a) The suppliers of electric service inside the corporate limits of any city in which a secondary supplier was furnishing electric service on the determination ~~date (as defined in G.S. 160A-331(1))~~ date, as defined in G.S. 160A-331(1b), shall have rights and be subject to restrictions as follows:

...."

SECTION 31.(a) G.S. 160A-372(e) reads as rewritten:

"(e) The ordinance may provide that a developer may provide funds to the city whereby the city may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area. All funds received by the city pursuant to this ~~paragraph [subsection]~~ subsection shall be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this ~~paragraph [subsection]~~ subsection shall be based on the value of the development or subdivision for property tax purposes. The ordinance may allow a combination or partial payment of funds and partial dedication of land when the governing body of the city determines that this combination is in the best interests of the citizens of the area to be served."

SECTION 31.(b) G.S. 160A-372(f) reads as rewritten:

"(f) The ordinance may provide that in lieu of required street construction, a developer may be required to provide funds that the city may use for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the city pursuant to this ~~paragraph [subsection]~~ subsection shall be used only for development of roads, including design, land acquisition, and construction. However, a city may undertake these activities in conjunction with the Department of Transportation under an agreement between the city and the Department of Transportation. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The ordinance may require a

combination of partial payment of funds and partial dedication of constructed streets when the governing body of the city determines that a combination is in the best interests of the citizens of the area to be served."

SECTION 32.(a) Section 7.1 of S.L. 2014-107 reads as rewritten:

"**SECTION 7.1.** Section 5.1 of this act applies to all trusts created before, on, or after the effective date of this act. Except as otherwise provided, this act is effective when it becomes law."

SECTION 32.(b) This section becomes retroactively effective August 6, 2014.

SECTION 33. The introductory language of Section 54.5(b) of S.L. 2015-264 reads as rewritten:

"**SECTION 54.5.(b)** ~~Section 32.2(c)~~ Section 32.3(c) of S.L. 2015-241 reads as rewritten:"

SECTION 34.(a) The Revisor of Statutes shall cause to be printed an explanatory comment to G.S. 36C-1-112, prepared by the Estate Planning and Fiduciary Law Section of the North Carolina Bar Association, that Section having originally prepared Chapter 36C of the General Statutes for introduction in 2005, as the Revisor may deem appropriate.

SECTION 34.(b) The Revisor of Statutes shall cause to be printed all explanatory comments of the drafters of Sections 12 and 13(b) and (c), as the Revisor may deem appropriate.

SECTION 35. Section 5 of this act becomes effective December 1, 2015. Except as otherwise provided in this act, this act is effective when it becomes law.

General Statutes Commission
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Floyd M. Lewis
Revisor of Statutes

P. Bly Hall
Assistant Revisor of Statutes

MEMORANDUM

To: House Rules, Calendar, and Operations of the House
From: General Statutes Commission
Re: HB 229 (GSC Technical Corrections 2017)
Date: March 13, 2017

General Comments

This bill contains corrections of a technical nature to the General Statutes and session laws as recommended by the General Statutes Commission.

These amendments correct typographical, redlining, and other obvious drafting and stylistic errors, make conforming changes, make references to public officials gender neutral, update archaic phrasing, repeal duplicative and obsolete provisions, rephrase unclear provisions, recodify two statutes, and add a cross-reference.

Specific Comments

Section 1 amends G.S. 1-117 primarily to update a citation. G.S. 2-42, referred to in G.S. 1-117, was revised and transferred to G.S. 7A-109 by Section 6 of Chapter 363 of the 1971 Session Laws. In addition, the reference to clerks of superior court is made gender neutral.

Section 2 amends G.S. 7B-302(a) to insert the missing word "juvenile." Section 4 of S.L. 2016-115 amended G.S. 7B-302(a) to make amendments relating to the unlawful transfer of custody of child. Part of the amendment added the word "juvenile," but the word was not underlined. Because the amendment was in the coded bill drafting format prescribed by G.S. 120-20.1, "juvenile" was technically not actually added by that amendment and now needs to be technically inserted.

Section 3 amends G.S. 14-118.6(b1) to clarify the phrasing of the third sentence. S.L. 2015-87 added subsection (b1) to provide clerks of court with authority similar to the authority of registers of deeds to refuse to file what appear to be false liens or encumbrances against public officers or public employees or one of their immediate family members. If the clerk declines to file, the document may not be filed unless a judge approves filing. As drafted, however, the 2015 provision can be read to require the clerk to review the clerk's own actions, followed by a mandatory appeal to a judge, if the reader assumes that an "and" is missing between "by the clerk of superior court by any judge ...." The amendment in this section reverses the order of two phrases in this sentence and makes it clearer.

Section 4 amends G.S. 14-159.3(a1) to correct an inadvertent error in the 2015 amendment to this section. Among other things, the 2015 amendment made references to "landowner" gender neutral by replacing references to "his" and "he" with references to "his or hers" and "he or she." "Landowner" can, however, include corporations and other entities. Rather than use "his, her, or its" and similar phrases, the amendment in this section repeats the word "landowner."

Section 5 amends G.S. 14-208.6 to make a conforming amendment in subdivision (5), the definition of "sexually violent offense."

S.L. 2015-181 recodified the sex offenses in former Article 7A of Chapter 14 of the General Statutes into a new Article 7B of that chapter and reorganized them to separate the rape offenses from the sexual assault offenses and also to separate the offenses against children from the offenses against adults. In the process, former G.S. 14-27.2 (First degree rape) was divided into two new statutes, G.S. 14-27.21 (First degree forcible rape) and G.S. 14-27.24 (First degree statutory rape).

G.S. 14-208.6(5) included former G.S. 14-27.2 in its list of sexually violent offenses. As a result, S.L. 2015-181 should have amended G.S. 14-208.6(5) to include both new G.S. 14-27.21 and new G.S. 14-27.24 in this list as part of its conforming amendments. The 2015 session law did insert a reference to new G.S. 14-27.21, but it inadvertently failed to include new G.S. 14-27.24. The amendment in this section corrects that oversight.

Section 6 amends G.S. 20-45 in subsection (a) to eliminate an unnecessary word as legalese; in subsection (b) to make a reference to the Commissioner of Motor Vehicles gender neutral; and in subsection (c) to make a conforming amendment. The conforming amendment replaces a reference to former G.S. 20-309(e) with a reference to G.S. 20-311; S.L. 2006-213 repealed G.S. 20-309(e) and enacted new, more detailed provisions on revocation of licenses due to the cancellation of insurance. Those provisions are now contained in G.S. 20-311.

Section 7 amends the catchline of G.S. 20-171.24 to make a conforming amendment. Subsection (f) of G.S. 20-171.24, which formerly limited the application of that statute to certain listed municipalities and counties, was repealed by S.L. 2015-26. The statute therefore now applies statewide. The 2015 session law, however, failed to amend the catchline to reflect the change.

Section 8 amends G.S. 24-10.1 to delete a reference to repealed G.S. 24-1.2. That statute dealt with a special interest rate cap for installment sales. There was apparently no successor provision.

Section 9 amends G.S. 28A-2-4 to correct an obvious error in subdivision (a)(4) and one in subsection (c) and to add a cross-reference in subsection (c). G.S. 36C-2-203, the equivalent statute for trusts, was used as the model for this statute when it was enacted in 2011. Some of the changes to the text of G.S. 36C-2-203 that were needed to adapt the wording to estates rather than trusts and to allow for changes from the original text were not made. Specifically, in subdivision (a)(4), the reference in the last sentence to "a trust" proceeding should have been changed to "an estate" proceeding. The citation in the introductory language of subsection (c) to "subsection ... (c) of this section" is an obvious error; comparing the text of subsection (c) to the original model makes it apparent that the comparable reference in G.S. 28A-2-49(c) should be to subsection (b). In addition, this section adds a cross-reference to G.S. 28A-2-5.

Section 10 amends G.S. 28A-19-5(b) to correct an obvious error by inserting a missing "not."

Section 11 amends G.S. 31B-1(a) to make a conforming amendment. G.S. 31B-1(a) lists possible persons that may renounce an interest in property. Subdivision (8) lists specifically only

an "[a]ppointee" under a power of appointment with references to powers of appointment. However, G.S. 31D-4-401 expressly also allows permissible appointees and takers in default under a power of appointment to renounce, and G.S. 31B-2.1 describes how an instrument of renunciation by a permissible appointee or taker in default must be delivered.

Section 12 amends G.S. 36C-8-816.1 in subdivision (c)(9) to clarify the wording of a requirement and to correct an obvious drafting error.

G.S. 36C-8-816.1 is termed a "decanting" statute, that is, it allows a trustee to transfer the assets of one trust into another trust ("decant" from one to another), subject to certain restrictions. Subdivision (c)(9) requires that the terms of the second trust must not jeopardize any existing tax benefits. However, the current wording does not reflect the possibility that the existence of the decanting statute itself may be regarded as sufficient to disqualify the first trust from tax benefits for which it was designed to qualify. The amendment to this provision clarifies that, even assuming the possibility that the decanting statute itself may disqualify the first trust from certain tax benefits, the existence of the decanting statute is not a bar to the ability to decant. The amendment follows the wording of the equivalent provision in the Uniform Trust Decanting Act. This section also changes references in subdivision (c)(9) to "Code" to "Internal Revenue Code." Chapter 36C defines "Internal Revenue Code" but does not define "Code"; for this reason, the full defined term should be included for precision.

Section 13 repeals two statutes in Chapter 39 of the General Statutes that were made duplicative or obsolete by the enactment in 2015 of Chapter 31D of the General Statutes (Uniform Powers of Appointment Act) and recodifies two other statutes from that Chapter into Chapter 31D. Specifically, G.S. 39-33 provides a method of releasing a power of appointment that G.S. 39-34 makes non-exclusive. Essentially the same provision is now included in G.S. 31D-4-403, rendering the older statute duplicative and unnecessary. The repeal of G.S. 39-33 would in turn render G.S. 39-34 obsolete. Finally, subsections (b) and (c) of this section recodify G.S. 39-35 as G.S. 31D-5-505 and G.S. 39-36 as G.S. 31D-4-403.1.

Section 14 amends G.S. 42A-17(a) to make a conforming amendment. S.L. 2015-93 amended the primary statute on institutions in which a landlord in a vacation rental can deposit a tenant's security deposit and other advance payments to change the reference to a "bank or savings and loan association" to a "federally insured depository institution lawfully doing business in this State." G.S. 42A-17 effectively refers back to that provision by requiring the rental agreement to identify "the" institution where the security deposit is held. This section accordingly amends the wording in G.S. 42A-17(a) to conform to the new description in the primary provision.

Section 15 amends G.S. 97-25(f) to make two changes. First, the reference in the introductory language to filing "via electronic mail" is changed to "via electronic means"; the existing reference appears not to have literally meant e-mail only, since elsewhere in this same subsection (subdivision (2)) transcripts may be "submitted electronically." Second, the dangling language at the end of the introductory paragraph is corrected.

Section 16 makes a conforming amendment to the catchline of G.S. 108A-70.21. Former subsections (g) and (h) of that statute provided for the purchase of extended coverage in the North Carolina Health Insurance for Children Program. With their repeal in 2015, the reference in the catchline to "purchase of extended coverage" is no longer relevant and should be deleted.

Section 17 amends G.S. 115C-112.6(b1)(2)d. to delete an extraneous "the" in the last sentence.

Section 18 amends G.S. 120-4.16(b) by codifying the second paragraph as subsection (b1). Please note that this second paragraph has what appears to be intended as a subsection catchline.

Section 19 repeals G.S. 120-57, which sets out duties for the now-repealed Legislative Intern Program Council and is therefore obsolete.

Section 20 amends G.S. 136-41.2(c) to update a reference. G.S. 160-410.3 has been long since repealed. The comparable provisions are G.S. 159-8 and G.S. 159-13.

Section 21 amends G.S. 143-215.31(a1)(6) to correct a typographical error in the reference to a section of the Code of Federal Regulations. There is no 18 C.F.R. § 3**33**.112; the correct reference is to 18 C.F.R. § 3**88**.112.

Section 22 amends G.S. 143-341.2(b)(3) to correct a spelling error. The word "preforming" should have been "performing."

Section 23 amends G.S. 143B-168.5 to update the reference to G.S. 110-105.2, which was repealed in 2015. The comparable, more detailed, provisions are in G.S. 110-105.3, 110-105.4, 110-105.5, and 110-105.6. In addition, this section inserts a specific reference to the Division within the Department of Health and Human Services where the special unit established in this statute is located.

Section 24 amends G.S. 143B-394.15(c) to remove a duplicate entry in the list of ex officio members of the Domestic Violence Commission. The duplication occurred in 2011 when the former Departments of Correction, Crime Control and Public Safety, and Juvenile Justice were combined to create the Department of Public Safety. The ex officio members of the Domestic Violence Commission included the Secretaries of Correction and of Crime Control and Public Safety. S.L. 2011-145, which created the Department of Public Safety, included conforming amendments to change the titles of the respective Secretaries to the new title (in Sections 19.1(g) and 19.1(i)). As a result, the Secretary of Public Safety appears twice in the list in G.S. 143B-394.15(c)(4). The amendment also (i) conforms the total number of Commission members in the introductory language of subsection (c) to reflect that the Secretary of Public Safety is only one person and (ii) conforms other titles in the list.

Section 25 amends G.S. 143B-931(b) to update references to G.S. 115C-238.56N to reflect the current G.S. number, G.S. 115C-238.73.

Section 26 amends G.S. 143C-6-4(b)(2) to make a conforming change in the references to G.S. 166A-19.40, which was reorganized in the 2015 budget bill (S.L. 2015-241).

Section 27 amends G.S. 146-9(b)(4) to delete an extra word ("to").

Section 28 amends G.S. 147-12(a)(12) to update the citation to G.S. 143B-373. In 1989, the then-existing text of G.S. 143B-373 was designated as subsection (a) of that section and new subsections (b) through (d) were added. No conforming amendment, however, was made to the citation in G.S. 147-12(a)(12).

Section 29 amends G.S. 153A-340(h) to remove "garbage language" caused by a redlining error in S.L. 2011-286 that caused the phrase "county development approval required by law" to be inserted twice.

Section 30 amends the introductory language of G.S. 160A-332(a) to update a citation. The definition formerly at subdivision (1) of G.S. 160A-331 was renumbered as (1b) in 1997. This section also changes the parentheses to commas.

Section 31 amends G.S. 160A-372(e) and (f) to change references to "paragraph" to "subsection," which is now the correct term after the previously undesignated paragraphs in subsection (c) were given their own subsection designation.

Section 32(a) amends Section 7.1 of S.L. 2014-107 to make it clear that the amendment by Section 5.1 of that act applies to all trusts, regardless of when created. The 2014 act clarified that the common-law rule against accumulations no longer applies to trusts in this State. **Section 32(b)** makes the provision retroactive to the effective date of S.L. 2014-107.

Section 33 amends the introductory language of Section 54.5(b) of S.L. 2015-264 to correct a typographical error in the citation. Section 54.5(b) stated that it was amending "Section 32.**2**(c)" of S.L. 2015-241, but there was no such section and the provision actually set out was Section 32.**3**(c).

Section 34 authorizes the printing of (i) a drafter's comment to G.S. 36C-1-112, prepared by the Estate and Fiduciary Planning Section of the North Carolina Bar Association, the body that recommended the enactment of that section, and (ii) drafters' comments to the amendments to Chapters 36C and 31D of the General Statutes in keeping with the practice of the Estate and Fiduciary Planning Section of the North Carolina Bar Association.

The **final section** of the bill is the effective date section for the entire bill. It provides that, except as otherwise provided in the bill, the bill is effective when it becomes law. The retroactive effective date for Section 5, making the amendment in that section effective on the same date that S.L. 2015-181 was effective, was added by the General Assembly to the equivalent amendment in last year's technical corrections bill that was not enacted; that change has accordingly been incorporated in this year's bill.

HOUSE BILL 646: ApprenticeshipNC.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	April 20, 2017
Introduced by:	Reps. S. Martin, Horn, Conrad, Brody	**Prepared by:**	Brian Gwyn Committee Co-Counsel
Analysis of:	Second Edition		

OVERVIEW: ***The 2nd Edition of House Bill 646 would transfer the administration of the Apprenticeship Program from the Department of Commerce to the Community Colleges System Office.***

CURRENT LAW: Chapter 94 of the General Statutes creates a program within the Department of Commerce in which voluntary apprentices work under approved apprentice agreements between the apprentice and the employer. The apprentice receives training facilities and guidance from the employer, and enrolls in related supplementary education.

Under G.S. 94-2, an Apprenticeship Council is appointed to create standards for apprentice agreements and issue rules and regulations related to Chapter 94. The Director of Apprenticeship, appointed by the Secretary of Commerce, is charged with administering the Apprenticeship Program. G.S. 94-4. Apprenticeship committees are required by G.S. 94-5 for each sponsor of an apprenticeship program, which serve to advise and coordinate the experience for the apprentices, including work hours and supplemental training.

Under G.S. 94-6, apprentices must be at least 16 years of age and be covered by a written apprenticeship agreement approved by the Apprenticeship Council. The agreement must provide for at least 2,000 hours of employment and a minimum of 144 hours of related supplemental instruction each year. Adjustments to these hours can be recommended by the apprenticeship committee or sponsor, subject to the approval of the Secretary of Commerce.

Karen Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

BILL ANALYSIS: The 2nd Edition of House Bill 646 would transfer the administration of "ApprenticeshipNC" from the Department of Commerce to the Community Colleges System Office.

SECTIONS 1 & 2

Transfers ApprenticeshipNC from the Department of Commerce to the Community Colleges System Office by way of a Type I transfer.

SECTION 3

Revises Chapter 94 of the General Statutes to make conforming changes reflecting the transfer. Additionally, Sec. 3 makes the following modifications:

- Includes the following in the purposes of the program (G.S. 94-1):
    - "[C]oordinate workforce education and customized training tools to fill talent pipeline gaps, as appropriate, with local business and industry."
    - "[L]everage the collaborative and regional structure of the community college service areas with the Collaboration for Prosperity Zones set out in G.S. 143B-28.1."
- Puts the Director of ApprenticeshipNC under the supervision of the President of the North Carolina Community College System or the President's designee.
- Specifies that the Director will supervise clerical, technical, and professional staff appointed to administer the ApprenticeshipNC program. G.S. 94-3.
- Allows the State Board of Community Colleges to set the terms of office for members of the Apprenticeship Council.

SECTION 4

Allows current members of the Apprenticeship Council to serve the remainder of their terms.

SECTION 5-7

- Transfers $350,000 in recurring funds from the Department of Commerce's Workforce Investment Act funds to the Community Colleges System Office to cover administrative costs. The Department of Commerce will update the Workforce Innovation and Opportunity Act State Plan to indicate the transfer of administration to the Community Colleges System Office.
- Appropriates $500,000 in recurring funds from the General Fund to the Community Colleges System Office to increase apprenticeship opportunities across the State.

EFFECTIVE DATE: Sections 1 through 6 would become July 1, 2017. The remainder of the act would be effective when it becomes law.

HOUSE BILL 646
Committee Substitute Favorable 4/19/17

Short Title: ApprenticeshipNC. (Public)

Sponsors:

Referred to:

April 11, 2017

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE ADMINISTRATION OF THE STATE APPRENTICESHIP PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE COMMUNITY COLLEGES SYSTEM OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. All functions, powers, duties, obligations, resources, and appropriations vested in the Apprenticeship Program and the Apprenticeship Council are transferred to, vested in, and consolidated into the North Carolina Community Colleges System Office as a Type I transfer, as defined in G.S. 143A-6. The State Board of Community Colleges, the Community Colleges System Office, and the Office of State Budget and Management are authorized to take all other steps necessary to consolidate the Apprenticeship Program and the Apprenticeship Council into the Community Colleges System Office. Joint delivery of Apprenticeship and Community College workforce training programs shall ensure coordination of program delivery and appropriate classroom training supporting the needs of students and employers.

SECTION 2. Article 1 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-5.3. ApprenticeshipNC program; Apprenticeship Council; transfer.**

The ApprenticeshipNC program and the Apprenticeship Council, as contained in Chapter 94 of the General Statutes and the laws of this State, are hereby transferred by a Type I transfer to the North Carolina Community Colleges System Office."

SECTION 3. Chapter 94 of the General Statutes reads as rewritten:

"**Chapter 94.**

"~~**Apprenticeship.**~~**ApprenticeshipNC.**

"**§ 94-1. Purpose.**

The purposes of this Chapter are: to open to young people the opportunity to obtain training that will equip them for profitable employment and citizenship; to set up, as a means to this end, a program of voluntary apprenticeship under approved apprentice agreements providing facilities for their training and guidance in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education; to promote employment opportunities for young people under conditions providing adequate training and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to coordinate workforce education and customized training tools to fill talent pipeline gaps, as appropriate, with local business and industry; to establish an Apprenticeship Council and apprenticeship committees and sponsors to assist in effectuating the purposes of this Chapter; to leverage the collaborative and regional structure of the community college service

areas with the Collaboration for Prosperity Zones set out in G.S. 143B-28.1; to provide for a Director of ~~Apprenticeship~~ApprenticeshipNC within the ~~Department of Commerce;~~Community Colleges System Office; to provide for reports to the legislature and to the public regarding the status of apprentice training in the State; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends.

"§ 94-2. Apprenticeship Council.

The ~~Secretary of Commerce~~State Board of Community Colleges shall appoint an Apprenticeship Council composed of four representatives each from employer and employee organizations respectively and three representatives from the public at large. One State official designated by the Department of Public Instruction and one State official designated by the Department of ~~Community Colleges~~Commerce shall be a member ex officio of said council, without vote. The terms of office of the members of the Apprenticeship Council ~~first appointed by the Secretary of Commerce shall expire as~~shall be designated by the ~~Secretary at the time of making the appointment: two representatives each of employers and employees, being appointed for one year and one representative of the public at large being appointed for two years; and one representative each of employers, employees, and the public at large being appointed for a term of three years.~~ State Board. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his or her predecessor shall be appointed for the remainder of said term. Each member of the Council not otherwise compensated by public moneys, shall be reimbursed for transportation and shall receive such per diem compensation as is provided generally for boards and commissions under the biennial maintenance appropriation acts for each day spent in attendance at meetings of the Apprenticeship Council. The ~~Secretary of Commerce~~State Board of Community Colleges shall annually appoint one member of the Council to act as its chairman.

The Apprenticeship Council shall meet at the call of the ~~Secretary of Commerce~~State Board of Community Colleges and shall aid ~~him~~the State Board and the Community Colleges System Office in formulating policies for the effective administration of this Chapter. ~~Subject to the approval of the Secretary, the~~The Apprenticeship Council shall establish standards for apprentice ~~agreement~~ agreements which in no case shall be lower than those prescribed by this Chapter, shall ~~issue such~~recommend rules and regulations to the State Board of Community Colleges as may be necessary to carry out the intent and purposes of said Chapter, and shall perform such other functions as the ~~Secretary~~State Board of Community Colleges may direct. Not less than once a year the Apprenticeship Council shall make a report through the ~~Secretary~~Community Colleges System Office of its activities and findings to the legislature and to the public.

"§ 94-3. Director of ~~Apprenticeship.~~ApprenticeshipNC.

The ~~Secretary of Commerce~~State Board of Community Colleges is hereby directed to appoint a Director of ~~Apprenticeship~~ApprenticeshipNC, which appointment shall be subject to the confirmation of the State Apprenticeship Council by a majority vote. ~~The Secretary of Commerce~~Upon the recommendation of the Director, the State Board of Community Colleges is further authorized to appoint and employ such clerical, technical, and professional help as shall be necessary to effectuate the purposes of this Chapter. The Director shall supervise clerical, technical, and professional staff appointed to administer the ApprenticeshipNC program.

"§ 94-4. Powers and duties of Director of ~~Apprenticeship.~~ApprenticeshipNC.

The Director, under the supervision of the ~~Secretary of Commerce~~President of the North Carolina Community College System or the President's designee and with the advice and guidance of the Apprenticeship Council is authorized to administer the provisions of this Chapter; in cooperation with the Apprenticeship Council and apprenticeship committees and sponsors, to set up conditions and training standards for apprentice agreements, which conditions or standards shall in no case be lower than those prescribed by this Chapter; to act as

secretary of the Apprenticeship Council; to approve for the Council if in his or her opinion approval is for the best interest of the apprenticeship any apprentice agreement which meets the standards established under this Chapter; to terminate or cancel any apprentice agreement in accordance with the provisions of such agreement; to keep a record of apprentice agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as are necessary to carry out the intent of this Chapter, including other on-job training necessary for emergency and critical civilian production: Provided, that the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of State and local boards responsible for vocational education.

"**§ 94-5. Apprenticeship committees and program sponsors.**

(a) As used in this Chapter:

(1) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.

(2) "Apprenticeship agreement" means a written agreement between an apprentice and either his or her employer or an apprenticeship committee or sponsor acting as agent for employer(s), which agreement satisfies the requirements of G.S. 94-7.

(2a) "ApprenticeshipNC" means the statewide apprenticeship program administered by the Community Colleges System Office under this Chapter.

(3) "Sponsor" means any person, firm, corporation, organization, association or committee operating an apprenticeship program and in whose name the apprenticeship program is approved.

(4) "Employer" means any person, firm, corporation or organization employing an apprentice whether or not such person, firm, corporation or organization is a party to an apprenticeship agreement with the apprentice.

(5) "Apprenticeship committee" means those persons designated by the sponsor, and approved by the Apprenticeship Council, to act for it in the administration of the apprenticeship program. A committee may be "joint," i.e., it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) and has been established to conduct, operate or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be "unilateral" or "nonjoint" which shall mean a program sponsor in which employees or a bona fide collective bargaining agent is not a party.

(b) An apprenticeship committee may be appointed by the Apprenticeship Council in any trade or group of trades in a city or trade area, whenever the apprentice training needs of such trade or group of trades justifies such establishment.

(c) The function of the apprenticeship committee, or sponsor when there is no apprenticeship committee, shall be: to cooperate with school authorities in regard to the education of apprentices; in accordance with the standards set up by the apprenticeship committee for the same trade or group of trades, where such committee has been appointed, to work in an advisory capacity with employers and employees in matters regarding schedule of operations, application of wage rates, and working conditions for apprentices and to specify the number of apprentices which shall be employed locally in the trade under the apprenticeship agreements under this Chapter; and to adjust apprenticeship disputes, subject to the approval of the director; to ascertain the prevailing rate for journeymen in the city or trade area and specify

the graduated scale of wages applicable to apprentices in such trade in such area; to ascertain employment needs in such trade or group of trades and specify the appropriate current ratio of apprentices to journeymen; and to make recommendations for the general good of apprentices engaged in the trade or trades represented by the committee. An apprenticeship committee may appoint a representative and delegate to such representative the authority for implementation and performance of any standards adopted by the committee pursuant to any of the aforementioned functions.

"**§ 94-6. Definition of an apprentice.**

The term "apprentice," as used herein, shall mean a person at least 16 years of age who is covered by a written apprenticeship agreement approved by the Apprenticeship Council, which apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous employment for such person for his participation in an approved schedule of work experience and for organized, related supplemental instruction in technical subjects related to the trade. A minimum of 144 hours of related supplemental instruction for each year of apprenticeship is recommended. The required hours for apprenticeship agreements and the recommended hours for related supplemental instruction may be decreased or increased in accordance with standards adopted by the apprenticeship committee or sponsor, subject to approval of the ~~Secretary of Commerce.~~State Board of Community Colleges.

...

"**§ 94-9. Rotation of employment.**

For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this Chapter may in the discretion of the Director of ~~Apprenticeship~~ApprenticeshipNC be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case, the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers who will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in said agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject to the approval of the Director, to such employer or employers who shall sign in written agreement with the apprentice, and if the apprentice is a minor with his or her parent or guardian, as specified in G.S. 94-8, contracting to employ said apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the said agreement entered into between the apprentice and employer association or employee organization.

"**§ 94-10. Repealed by Session Laws 1945, c. 729, s. 2.**

"**§ 94-11. Limitation.**

Nothing in this Chapter or in any apprentice agreement approved under this Chapter shall operate to invalidate any apprenticeship provision in any collective agreement between employers and employees, setting up higher apprenticeship standards; provided, that none of the terms or provisions of this Chapter shall apply to any person, firm, corporation or crafts unless, until, and only so long as such person, firm, corporation or crafts voluntarily elects that the terms and provisions of this Chapter shall apply. Any person, firm, corporation or crafts terminating an apprenticeship agreement shall notify the Director of ~~Apprenticeship.~~ApprenticeshipNC.

"**§ 94-12.** Repealed by Session Laws 2015-241, s. 15.13, effective July 1, 2015."

SECTION 4. Notwithstanding G.S. 94-2, as amended by this act, the current members serving on the Apprenticeship Council as of July 1, 2017, shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy occurs prior to the expiration of a

term, members on the Apprenticeship Council shall be appointed by the State Board of Community Colleges in accordance with G.S. 94-2, as amended by this act.

SECTION 5. Of the Workforce Investment Act funds awarded to the Department of Commerce by the United States Department of Labor, the sum of three hundred fifty thousand dollars ($350,000) shall be transferred to the Community Colleges System Office for the administration of ApprenticeshipNC on a recurring basis for the 2017-2019 fiscal biennium.

SECTION 6. There is appropriated from the General Fund to the Community Colleges System Office the sum of five hundred thousand dollars ($500,000) in recurring funds for the 2017-2018 fiscal year to increase apprenticeship opportunities across the State.

SECTION 7. The Department of Commerce shall submit a Workforce Innovation and Opportunity Act State Plan amendment to the United States Department of Labor to designate the Community Colleges System Office as the State agency responsible for the administration of ApprenticeshipNC as provided for in this act.

SECTION 8. Sections 1 through 6 of this act become effective July 1, 2017. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 646

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

H646-ABE-28 [v.2]

Amends Title [NO]
Second Edition

Date _____,2017

Representative S. Martin

moves to amend the bill on page 5, lines 3-9 by deleting the lines;

And on page 5, line 14 by deleting the number "6" and replacing it with "4".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 325
Committee Substitute Favorable 4/4/17

Short Title: Amend Arson Law/Prosecutor Funds. (Public)

Sponsors:

Referred to:

March 14, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY AND STRENGTHEN THE CRIMINAL LAWS REGARDING ARSON AND TO APPROPRIATE FUNDS TO THE CONFERENCE OF DISTRICT ATTORNEYS TO ESTABLISH AND SUPPORT A POSITION FOR A RESOURCE PROSECUTOR.

The General Assembly of North Carolina enacts:

SECTION 1. Article 15 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-67.2. Burning caused during commission of another felony.**

If any person shall, during the commission of a felony, by means of fire or explosive, knowingly damage or knowingly cause, aid, abet, advise, encourage, hire, counsel, or procure another to damage any dwelling, structure, building, or conveyance referenced in this Article, the person shall be punished as a Class D felon."

SECTION 2. G.S. 14-69.3 reads as rewritten:

"**§ 14-69.3. Arson or other unlawful burning that results in serious injury to a ~~firefighter or~~ firefighter, law enforcement officer, fire investigator, or emergency medical technician.**

(a) The following definitions apply in this section:

(1) Emergency medical technician. – The term includes an emergency medical technician, an emergency medical technician-intermediate, and an emergency medical technician-paramedic, as those terms are defined in G.S. 131E-155.

(2) Fire investigator. – The term includes any person who, individually or as part of an investigative team, has the responsibility and authority to determine the origin, cause, or development of a fire or explosion.

(b) A person is guilty of a Class E felony if the person commits a felony under Article 15 of Chapter 14 of the General Statutes and a ~~firefighter~~ firefighter, law enforcement officer, fire investigator, or emergency medical technician suffers serious bodily injury while discharging or attempting to discharge ~~the firefighter's or emergency medical technician's~~ official duties on the property, or proximate to the property, that is the subject of the ~~firefighter's~~ firefighter's, law enforcement officer's, fire investigator's, or emergency medical technician's discharge or attempt to discharge his or her respective duties. ~~As used in this section, the term "emergency medical technician" includes an emergency medical technician, an emergency medical technician-intermediate, and an emergency medical technician-paramedic, as those terms are defined in G.S. 131E-155.~~"

SECTION 3. G.S. 58-79-1 reads as rewritten:

"**§ 58-79-1. Fires investigated; reports; records.**

The Director of the State Bureau of Investigation, through the State Bureau of Investigation, the Office of the State Fire Marshal, and the chief of the fire department, or chief of police where there is no chief of the fire department, in municipalities and towns, and the county fire marshal and the sheriff of the county and the chief of the rural fire department where such fire occurs outside of a municipality, are hereby authorized to investigate the cause, origin, and circumstances of every fire occurring in such municipalities or counties in which property has been destroyed or damaged, and shall specially make investigation whether the fire was the result of carelessness or design. A preliminary investigation shall be made by the chief of fire department or chief of police, where there is no chief of fire department in municipalities, and by the county fire marshal and the sheriff of the county or the chief of the rural fire department where such fire occurs outside of a municipality, and must be begun within three days, exclusive of Sunday, of the occurrence of the fire, and the Director of the State Bureau of Investigation, through the State Bureau of Investigation, shall have the right to supervise and direct the investigation when he deems it expedient or necessary.

The officer making the investigation of fires shall forthwith notify the Director of the State Bureau of Investigation, and must within one week of the occurrence of the fire furnish to the Director of the State Bureau of Investigation a written statement of all facts relating to the cause and origin of the fire, the kind, value and ownership of the property destroyed, and such other information as is called for by the forms provided by the Director of the State Bureau of Investigation. Departments capable of submitting the required information by the utilization of computers and related equipment, by means of an approved format of standard punch cards, magnetic tapes or an approved telecommunications system, may do so in lieu of the submission of the written statement as provided for in this section. The Director of the State Bureau of Investigation shall keep in his office a record of all reports submitted pursuant to this section. These reports shall at all times be open to public inspection."

SECTION 4. There is appropriated from the General Fund to the Conference of District Attorneys the sum of one hundred fifteen thousand six hundred three dollars ($115,603) in recurring funds and the sum of three thousand eight hundred sixty-five dollars ($3,865) in nonrecurring funds for the 2017-2018 fiscal year to establish and support a position for a resource prosecutor. The resource prosecutor will serve as a resource for prosecutors, law enforcement, firefighters, fire marshals, arson investigators, medical professionals, and other allied professionals in the State on arson and homicide cases and also develop and provide training programs for prosecutors, law enforcement officers, and other allied professionals that will improve the ability to effectively prosecute arson and homicide cases.

SECTION 5. Sections 1 and 2 of this act become effective December 1, 2017, and apply to offenses committed on or after that date. Section 4 of this act becomes effective July 1, 2017. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 325

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

H325-ASU-15 [v.1]

Amends Title [YES]
Second Edition

Date _____,2017

Representative _____

moves to amend the bill on page 1, lines 3-5 by rewriting the lines to read:
"ARSON.";

and on page 2, lines 27-38, by rewriting the lines to read:
"**SECTION 4.** Sections 1 and 2 of this act become effective December 1, 2017, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 325

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

H325-ASU-15 [v.1]

Amends Title [YES]
Second Edition

Date _____,2017

Representative Stevens

moves to amend the bill on page 1, lines 3-5 by rewriting the lines to read:
"ARSON.";

and on page 2, lines 27-38, by rewriting the lines to read:
"**SECTION 4.** Sections 1 and 2 of this act become effective December 1, 2017, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Committee Sergeants at Arms

NAME OF COMMITTEE House Comm. on Rules

DATE: 04/20/17 Room: 1228

House Sgt-At Arms:

1. Name: Young Bae
2. Name: Jim Moran
3. Name: Warren Hawkins
4. Name: Malachi McCullough
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

House Comm. on Rules — 04/20/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Hanke	SOG
Richard Bostic	NCSBA
Philip Baddour	NC Industrial Commission
Kendall Bourdon	NC Industrial Commission
Jac Turner	Duke Energy
Susan Vick	" "
Jonathan Babalas	Babalas + Assoc
Sarah Bates	" "
Chris McClure	BP
Cindy Thomas	FC
Isabel Villa-Lewis	NC REALTORS

VISITOR REGISTRATION SHEET

House Comm. on Rules — 04/20/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	Mace LPAs
Alex Holbrook	House Majority Leader staff
John Brame	Rep. John Bell

VISITOR REGISTRATION SHEET

House Comm. on Rules — 04/20/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Brian Merwald	VM
Adam Proderman	NCAB

House Committee on Rules, Calendar, and Operations of the House
Tuesday, April 25, 2017 at 2:00pm
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 2:00pm on April 25, 2017 in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Blust, Boles, Brawley, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

HJR 870 Confirm Phil Baddour/ Industrial Commission (Rules, Calendar, and Operations of the House)
Central staff explained the bill. Representative Floyd moved for a favorable report. The motion carried.

HB 148 Amend NC Constitution – Literacy Requirement (Speciale)
Representative Speciale explained the bill. Representative Davis moved for a favorable report. The motion carried.

HB 857 Study Dual Arrests in Domestic Violence Cases (Terry)
The bill was removed for consideration.

HR 715 Review Commitments to Alcohol & Drug Abuse Prev. (Farmer-Butterfield)
Representative Farmer-Butterfield explained the bill. Representative Jackson moved that the bill be favorable for adoption. The motion carried.

HB 855 Teacher Appreciation (Pierce)
Representative Pierce explained the bill. Representative Floyd moved for a favorable report. The motion carried.

HB 835 Create Chain of Survival Task Force (Carney)
Representative Carney explained the bill. Representative Floyd moved for a favorable report. The motion carried.

HB 869 Change Membership of Medical Board (Rules, Calendar, and Operations of the House)
Representative Lewis explained the bill. Representative Davis moved for a favorable report. The motion carried.

HB 871 Honoring Our Veterans (Rules, Calendar, and Operations of the House)

Representative Lewis explained the bill. Representative Jackson moved that the bill be favorable for adoption. The motion carried.

HB 808 PCS Advisory Council Review of Rare Disease Bills (Carney)
Representative Carney explained the PCS. Representative Floyd moved that the PCS be given a favorable report, unfavorable to the original bill. The motion carried.

HB 105 PCS Const. Amendment-Limit Governor/LG to 2 terms (Jones)
Representative Jones explained the PCS. Representative Blust moved that the PCS be given a favorable report, unfavorable to the original bill. The motion carried.

HB 496 Fair and Nonpartisan Ballot Placement (Jones)
Representative Jones explained the bill. Representative Davis moved for a favorable report. The motion carried.

With no further business before the committee, the meeting adjourned at 2:43 PM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

Corrected #1: Bill additions

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, April 25, 2017
TIME: **2:00 PM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HJR 870	Confirm Phil Baddour/Industrial Commission.	Representative Rules, Calendar, and Operations of the House
HB 148	Amend NC Constitution - Literacy Requirement.	Representative Speciale Representative Pittman Representative Steinburg Representative W. Richardson
HB 857	Study Dual Arrest in Domestic Violence Cases.	Representative Terry
HR 715	Renew Commitment to Alcohol & Drug Abuse Prev.	Representative Farmer-Butterfield Representative Earle Representative Meyer Representative Morey
HB 855	Teacher Appreciation.	Representative Pierce Representative Farmer-Butterfield Representative C. Graham
HB 835	Create Chain of Survival Task Force.	Representative Carney Representative Lewis Representative Earle Representative Brenden Jones
HB 869	Change Membership of Medical Board.	Representative Rules, Calendar, and Operations of the House
HR 871	Honoring Our Veterans.	Representative Rules, Calendar, and Operations of the House
HB 808	Advisory Council Review of Rare Disease Bills.	Representative Carney Representative Dollar Representative Torbett Representative Adcock

HB 105	Const. Amendment-Limit Governor/LG to 2 Terms.	Representative Bert Jones
HB 496	Fair and Nonpartisan Ballot Placement.	Representative Bert Jones

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:21 PM on Friday, July 07, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Tuesday, April 25, 2017, 2:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HJR 870	Confirm Phil Baddour/Industrial Commission.	Representative Rules, Calendar, and Operations of the House
HB 148	Amend NC Constitution - Literacy Requirement.	Representative Speciale Representative Pittman Representative Steinburg Representative W. Richardson
HB 857	Study Dual Arrest in Domestic Violence Cases.	Representative Terry
HR 715	Renew Commitment to Alcohol & Drug Abuse Prev.	Representative Farmer-Butterfield Representative Earle Representative Meyer Representative Morey
HB 855	Teacher Appreciation.	Representative Pierce Representative Farmer-Butterfield Representative C. Graham
HB 835	Create Chain of Survival Task Force.	Representative Carney Representative Lewis Representative Earle Representative Brenden Jones
HB 869	Change Membership of Medical Board.	Representative Rules, Calendar, and Operations of the House
HR 871	Honoring Our Veterans.	Representative Rules, Calendar, and Operations of the House
HB 808	Advisory Council Review of Rare Disease Bills.	Representative Carney Representative Dollar Representative Torbett Representative Adcock
HB 105	Const. Amendment-Limit Governor/LG to 2 Terms.	Representative Bert Jones
HB 496	Fair and Nonpartisan Ballot Placement.	Representative Bert Jones

Presentations

Other Business

Adjournment

House Committee on Rules, Calendar, and Operations of the House
Tuesday, April 25, 2017, 2:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
(3) HJR 870 ✓ Bell ✓	Confirm Phil Baddour/Industrial Commission. Fav	Representative Rules, Calendar, and Operations of the House
(4) HB 148 ✓ Bell	Amend NC Constitution - Literacy Requirement. Fav	Representative Speciale Representative Pittman Representative Steinburg Representative W. Richardson
~~HB 857~~	~~Study Dual Arrest in Domestic Violence Cases.~~	Representative Terry
(5) HR 715 ✓	Renew Commitment to Alcohol & Drug Abuse Prev.	Representative Farmer-Butterfield Representative Earle Representative Meyer Representative Morey
HB 855 ✓	Teacher Appreciation.	Representative Pierce Representative Farmer-Butterfield
Fav Floyd		
HB 835 ✓	Create Chain of Survival Task Force.	Representative C. Graham Representative Carney Representative Lewis Representative Earle Representative Brenden Jones
(7) HB 869 ✓ Bell ✓	Change Membership of Medical Board.	Representative Rules, Calendar, and Operations of the House
HR 871 ✓	Honoring Our Veterans.	Representative Rules, Calendar, and Operations of the House
(6) HB 808 ✓ Floyd	Advisory Council Review of Rare Disease Bills.	Representative Carney Representative Dollar Representative Torbett Representative Adcock
(1) HB 105 ✓ Dollar ✓	Const. Amendment-Limit Governor/LG to 2 Terms. Fav / Unfav	Representative Bert Jones
(2) HB 496 ✓ Bell	Fair and Nonpartisan Ballot Placement. Fav	Representative Bert Jones

12 - 8

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE

HB **148** Amend NC Constitution - Literacy Requirement.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Speciale

HB **496** Fair and Nonpartisan Ballot Placement.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Bert Jones

HB **835** Create Chain of Survival Task Force.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Carney

HB **855** Teacher Appreciation.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Pierce

HB **869** Change Membership of Medical Board.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

HJR **870** Confirm Phil Baddour/Industrial Commission.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis



FAVORABLE FOR ADOPTION

HR **715** Renew Commitment to Alcohol & Drug Abuse Prev.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Farmer-Butterfield

HR **871** Honoring Our Veterans.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

TOTAL REPORTED: 8

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **105** Const. Amendment-Limit Governor/LG to 2 Terms.

Draft Number:	H105-PCS10329-ST-9
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Bert Jones

HB **808** Advisory Council Review of Rare Disease Bills.

Draft Number:	H808-PCS40556-SU-22
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Carney

TOTAL REPORTED: 2



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.J.R. 870
Apr 21, 2017
HOUSE PRINCIPAL CLERK

H **D**

HOUSE JOINT RESOLUTION DRHJR40510-LG-78 (03/28)

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

Referred to:

A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF PHILIP A. BADDOUR III TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Whereas, G.S. 97-77(a1) provides that appointments by the Governor to the North Carolina Industrial Commission are subject to confirmation by the General Assembly; and

Whereas, the term of Bernadine Ballance expires on April 30, 2017; and

Whereas, the Governor wishes to appoint Philip A. Baddour III to the North Carolina Industrial Commission; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The appointment of Philip A. Baddour III to a term on the North Carolina Industrial Commission to begin on May 1, 2017, and expire on April 30, 2023, is confirmed.

SECTION 2. This resolution is effective upon ratification.

STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324
WWW.ETHICSCOMMISSION.NC.GOV

April 10, 2017

The Honorable Roy A. Cooper, III
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Via Email

Re: Evaluation of Statement of Economic Interest Filed By **Mr. Philip A. Baddour, III**
Prospective Appointee - North Carolina Industrial Commission

Dear Governor Cooper:

Our office is in receipt of **Mr. Philip A. Baddour, III's** 2017 Statement of Economic Interest as a prospective appointee to the **North Carolina Industrial Commission ("the Commission")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The North Carolina Industrial Commission is responsible for the administration of the Workers' Compensation Act, Law Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Acts, and the Childhood Vaccine-Related Injury Act. The Commission processes workers' compensation claims, oversees and provides for the trial of contested cases, approves settlement agreements and administers non-contested cases. The Commission also adjudicates claims made pursuant to the State Tort Claims Act.

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mr. Baddour will fill the role of a representative of employees on the Commission. He is a Deputy Commissioner for the Industrial Commission. His spouse is employed by K&L Gates law firm. In addition, he serves on the Executive Committee of Wheels 4 Hope and his spouse is a board member of Turnaround Management Association. As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should his spouse, her employer, Wheels 4 Hope or Turnaround Management Association or their employees come before the Commission for official action.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

Beth Carpenter

Beth Carpenter
SEI Unit

cc: Mr. Philip A. Baddour, III

Attachment: Ethics Education Flyer

NORTH CAROLINA STATE ETHICS COMMISSION

2017 STATEMENT OF ECONOMIC INTEREST

CONTACT INFORMATION

This contact information page will not be available on the Commission's website, but it is a public document.

919-814-3600 www.ethicscommission.nc.gov

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	**First Name**	**Middle Name**	**Last Name**	**Suffix**
Mr.	Philip	Augustine	Baddour	III

MAILING ADDRESS			
Address	**City**	**State**	**ZIP**
121 Montgomery St	Raleigh	NC	27607-0000

DAYTIME PHONE NUMBER	ALTERNATE PHONE NUMBER
919-413-0976	919-807-2534

E-MAIL ADDRESS
philip.baddour@ic.nc.gov

HOME ADDRESS:
PROVIDE YOUR HOME ADDRESS ONLY IF YOU ARE HOLDING OR SEEKING AN ELECTED OFFICE WITH A RESIDENCY REQUIREMENT. This requirement does not apply to Judicial Officers.
Judicial officer means Justice or Judge of the General Court of Justice, District Attorney, or Clerk of Court, or any individual elected or appointed to any of these positions prior to taking office.

☑ Same As Mailing Address

Address	**City**	**State**	**ZIP**

NORTH CAROLINA STATE ETHICS COMMISSION

2017 STATEMENT OF ECONOMIC INTEREST

919-814-3600 www.ethicscommission.nc.gov

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	**First Name**	**Middle Name**	**Last Name**	**Suffix**
Mr.	Philip	Augustine	Baddour	III

CURRENT EMPLOYER	JOB TITLE
NC Industrial Commission	Deputy Commissioner

NATURE OR TYPE OF BUSINESS
Legal

REASON FOR FILING (SELECT ALL THAT APPLY)	
STATE GOVERNMENT JOB (Specify Agency)	BOARD/COMMISSION (List complete name of all State boards on which you are serving or are being considered)
	Industrial Commission;
JUDICIAL OFFICER (Specify Office)	LEGISLATOR (Specify House or Senate)

A. Do other immediate family members reside in your household?

☑ Yes ☐ No

When used throughout this form, the term **Immediate family** includes your spouse (unless legally separated). It also includes members of your extended family (your and your spouse's children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those persons) **who reside in your household**.

List the full name of **all adults** and **emancipated minors** in your household. A minor is a child under 18 years old. Minors are emancipated by marriage, enlistment in the US military, or court order for emancipation.

FULL NAME OF ADULTS & EMANCIPATED MINORS	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
Margaret Rose Westbrook	Wife	K&L Gates	Partner	Law Firm

B. List **ONLY the initials** of all **unemancipated minors** in your household below. A minor is a child under 18 years old.

Note: You must list the full name of each minor child on the Confidential Form available at the end of this document.

INITIALS FOR UNEMANCIPATED CHILDREN	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
PTB	Son	N/A	N/A	N/A
ALB	Daughter	N/A	N/A	N/A

PROPERTY INTERESTS

1. As of December 31, 2016, did you, your spouse, or members of your immediate family:

A. Have an ownership interest in North Carolina real estate (including your residence) with a market value of $10,000 or more?

☑ Yes ☐ No

Owner of Real Estate	% Ownership Interest	Location by City	Location by County
Philip Baddour & Margaret Westbrook (spouse)	100	Raleigh	Wake
Margaret Westbrook (spouse)	100	Four Oaks	Johnston

B. Lease or rent real estate or personal property to or from the State of North Carolina with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Lessor	Name of Lessee (Renter)	If Real Estate, Location by City & County	If Personal Property, Describe

2. At any time during 2015 or 2016 , did you, your spouse, or members of your immediate family sell to or buy from the State of North Carolina personal property with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Purchaser	Name of Seller	Type of Property

FINANCIAL INTERESTS

3. As of December 31, 2016, did you, your spouse, or members of your immediate family own any of the following financial interests valued at $10,000 or more? LIST EACH COMPANY INDIVIDUALLY

A. Stock in a publicly owned company?

☐ Yes ☑ No

- Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if: (i) the fund is publicly traded or its assets are widely diversified; and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)

B. Stock Options in a company or business?

☐ Yes ☑ No

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

C. Interests in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☑ Yes ☐ No **If "No", proceed to question 4.**

Owner of Interest	Name of Company or Business Entity
Margaret Westbrook (spouse)	K&L Gates

C (1). For each non-publicly owned company or business entity (the "primary company") identified in question 3.C above, please list the names of *any other companies or business entities* in which the primary company owns securities or equity interests valued at over $10,000, *if known*.

Non-Publicly Owned Company or Business Entity (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
☑ None or Not Known	

C (2). If you know that any company or business entity listed in 3.C or 3.C(1) above has any material business dealings or business contracts *with the State of North Carolina*, or is *regulated by the State*, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☑ None or Not Known	

4. As of December 31, 2016, were you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of $10,000 or more that was created, established, or controlled by you?
Do not list assets held in blind trusts. See 2017 SEI Helpful Tips for the definition of "Vested Trust" and "Blind Trust."
☐ Yes ☑ No

Name and Address of Trustee	Description of the Trust	Your Relationship to the Trust

5. As of December 31, 2016, did you, your spouse, or members of your immediate family have liabilities of $10,000 or more, excluding the mortgage on your primary personal residence? Examples include credit card debts, auto loans, student loans, personal loans and intra-family debt.
☑ Yes ☐ No

Name of Debtor (You, Spouse, Immediate Family Member)	Type of Creditor (Commercial Bank, Credit Union, Individual, etc.)
BMW Financial Services	Consumer Creditor
Wells Fargo	Commerical Bank

6. List each source of income (not specific amounts) of more than $5,000 received by you, your spouse, or members of your immediate family during 2016. Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, business income, and other types of income required to be reported on your State and federal tax returns.

Do not include income received from the following sources:

- **Capital gains**
- **Federal government retirement**
- **Military retirement**
- **Social security income/SSDI**

Recipient of Income	Name of Source	Type of Business/Industry	Type of Income
☐ I had no reportable income over $5,000 in 2016.			
Philip Baddour	State of NC	Government	Salary
Margaret Westbrook	K&L Gates	Law Firm	Partnership Share

PROFESSIONAL AND CIVIC RELATIONSHIPS

7(a). During 2016, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☑ Yes ☐ No **If "No", proceed to question 8.**

- Do not list State boards or entities, or entities created by a political subdivision of the State.
- Do not list organizations of which you are a mere member.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization
Philip Baddour	Executive Committee	Wheels 4 Hope	Charitable
Margaret Westbrook	Board Member	Turnaround Management Association	Educational

7(b). If the nonprofit corporations or organizations listed above do business with the State of North Carolina or receive State funds, please provide a brief description of the nature of that business, if known or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe State Business or State Funding
☑ None or Not Known	

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

8. During 2016, were you, your spouse, or members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group with an interest in matters over which your agency or board may have jurisdiction?

☐ Yes ☑ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

▸ Do not list organizations of which you are only a member (not serving in a leadership role).

Name of Person	Name of Society, Organization or Advocacy Group	Leadership Position (Director, Officer, Board Member)

9(a). List the name of each company or business with which you were associated where you or a member of your immediate family was an employee, director, officer, partner, proprietor, or member or manager as of December 31, 2016.

Name of Person	Relationship to Filer	Name of Company	Role of Person
☐ No Business Associations			
Margaret Westbrook	Spouse	K&L Gates	Partner

9(b). If you know that any company or business entity listed in 9(a) above had any material business dealings or business contracts with the State of North Carolina or was regulated by the State as of December 31, 2016, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☐ Not applicable (No entities listed on #9a) ☑ No relationship / Not known	

10. Are you a practicing attorney?

☐ Yes ☐ No ☑ Judicial Officer/State Attorney

If "Yes", check each category of legal representation in which you or the law firm with which you are affiliated has earned legal fees of more than $10,000 during 2016.

☐ Administrative	☐ Admiralty	☐ Corporate	☐ Criminal
☐ Decedent's Estates	☐ Environmental	☐ Insurance	☐ Labor
☐ Local Government	☐ Real Property	☐ Securities	☐ Tax
☐ Tort litigation (including negligence)	☐ Utilities Regulation	☐ Other category not listed.	

11. During 2016, were you a licensed professional (other than an attorney) or did you provide consulting services individually or as a member of a professional association for which you charged or were paid over $10,000?

☐ Yes ☑ No

Type of Business	Nature of Services Rendered

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

12. Are you or your employer, your spouse or members of your immediate family, or their employer currently:

- Licensed by the State board or employing entity with which you are or will be associated **or**
- Regulated by the State board or employing entity with which you are or will be associated **or**
- Have a business relationship with the State board or employing entity with which you are or will be associated?

☐ Yes ☑ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer ("judicial officer" is defined in the SEI Helpful Tips) or you are filing as an appointee to those offices.

Name of Person	Name of Employer (if applicable)	Type of Relationship (Licensing, Regulatory, Business)

13. Are you, your spouse, or a member of your immediate family currently registered as a lobbyist or lobbyist principal or were you registered as such within the 12 months preceding your filing of this form?

☐ Yes ☑ No

Name of Lobbyist	Lobbyist's Principal	Date of Registration	Registration Expiration

OTHER DISCLOSURES

14. During any calendar quarter in 2016 (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you

• receive any gift(s) exceeding $200 per quarter from a person or group of persons acting together, **and**

• when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), **and**

• the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☑ No

- Do not report gifts given by members of your extended family.
- Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

Date Item Received	Name and Address of Donor(s)	Describe Item Received	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

15. During 2016 (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) did you

• accepted a "scholarship" exceeding $200 from a person or group of persons acting together **and**

• those person(s) were outside North Carolina **and**

• the scholarship was related to your public position? **A "scholarship" is a grant-in-aid, either direct or indirect, to attend a conference, meeting, or similar event, including tuition, travel, lodging, meals, and other similar expenses.**

☐ Yes ☑ No ☐ Judicial Officer - You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee.

- Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."
- Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

Date of Scholarship	Name and Address of Donor(s)	Describe Event	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

16. Were you appointed or are you being considered for an appointment to a covered board by the **Governor** or another Council of State member?

Council of State members are:

- Governor
- Lt. Governor
- Secretary of State
- State Auditor
- State Treasurer
- Superintendent of Public Instruction
- Attorney General
- Commissioner of Agriculture
- Commissioner of Labor
- Commissioner of Insurance

☑ Yes ☐ No

If "Yes", list all contributions you (NOT immediate family members) made during 2016 with a cumulative total of more than $1,000 to the Governor or other Council of State member who appointed you.

- Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

Date	Amount	Contributed to
☑ No contribution(s) with a cumulative total of more than $1,000		

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

17. Are you an appointee or prospective appointee to:

a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor; or b. a North Carolina Supreme Court Justice, Court of Appeals, Superior or District Court Judge; or c. a member of any of the following boards: • ABC Commission • Coastal Resources Commission • State Board of Education • State Board of Elections • Division of Employment Security • Environmental Management Commission • Industrial Commission • Human Resources Commission • Rules Review Commission • Board of Transportation • UNC Board of Governors • Utilities Commission • Wildlife Resources Commission	☑ Yes ☐ No **If "No", proceed to question 18.**
d. If so, were you appointed or are you being considered for appointment to that public position by a Council of State member? Council of State members are listed in question 16.	☑ Yes ☐ No **If "No", proceed to question 18.**
e. If so, you must indicate whether during 2016 you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position: i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in question 16.	☐ Yes ☑ No
ii. Hosted a fundraiser at your residence or place of business?	☐ Yes ☑ No
iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate?	☐ Yes ☑ No

18. Have you ever been convicted of a felony for which you have not received either: (i) a pardon of innocence; or (ii) an order of expungement regarding that conviction?

☐ Yes ☑ No

Offense	Date of Conviction	County of Conviction	State of Conviction

19. Are you aware of any other information that *you believe* may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

☐ Yes ☑ No If yes, please provide such information below.

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.

☑ I Agree. It is my intention that this check box constitutes my electronic signature. By checking this box I certify that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

Filed Electronically — Signature

4/6/2017 — Date

Philip Augustine Baddour, III — Printed Name

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

February 28, 2017

The Honorable Tim Moore
Speaker of the House
Legislative Office Building, Room 2304
Raleigh, NC 27601-1096

Dear Speaker Moore:

Pursuant to North Carolina General Statute §97-77 (a1), I am pleased to nominate Mr. Philip Baddour to serve on the North Carolina Industrial Commission for a term beginning on May 1, 2017, and hereby submit his name for confirmation by the General Assembly. I am grateful for his willingness to assume this important responsibility for the State of North Carolina. Mr. Baddour's legal talent and expertise will be a major asset to the Commission.

Please feel free to call my staff for any additional information.

Sincerely,

Roy Cooper

Roy Cooper

cc:
The Honorable Tim Moore
The Honorable Phil Berger
The Honorable Dan Blue
The Honorable Dan Forest
The Honorable Darren G. Jackson
Ms. Sarah Lang, Senate Principal Clerk
Mr. James White, House Principal Clerk

READ
MAR 0 1 2017
REF TO RULES
James White

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WWW.GOVERNOR.NC.GOV

Philip A. Baddour, III, a native of Goldsboro, N.C., received his B.A. degree from the University of North Carolina at Chapel Hill in 1992. Before entering law school, he served as a Legislative Assistant in Washington, D.C. for a member of the North Carolina congressional delegation. Mr. Baddour earned his law degree from Campbell University and was admitted to the North Carolina Bar in 1996.

From 1996 to 1999, Mr. Baddour practiced law in Goldsboro, primarily representing plaintiffs in the areas of tort and workers' compensation litigation. In 1999, he joined the North Carolina Department of Justice as an Assistant Attorney General defending state agencies in workers' compensation and tort claim actions. In November 2000, Mr. Baddour began serving as a Deputy Commissioner at the North Carolina Industrial Commission during the Hunt Administration, and in August 2015, he was appointed to a six-year term by Governor Pat McCrory.

As a Deputy Commissioner for over 16 years, Mr. Baddour has overseen the adjudication of thousands of workers' compensation cases, handling all aspects of the trial process, including ruling on pre-trial motions, conducting hearings, and filing hundreds of written opinions that contain detailed findings of fact and conclusions of law. He has also been designated one of the Deputy Commissioners responsible for hearing tort claims against the State of North Carolina. In addition, he has been asked to serve on Full Commission panels when a Commissioner was unavailable. Mr. Baddour has presented at Continuing Legal Education programs regarding workers' compensation law and recently authored a chapter for a book published by LexisNexis regarding workers' compensation practice before the Commission.

Mr. Baddour and his wife, Margaret, live in Raleigh where their children, ages 14 and 11, attend Wake County Public Schools. He previously served as a JAG Officer in the North Carolina National Guard, achieving the rank of Captain before receiving an honorable discharge. Mr. Baddour is a member of Hayes Barton United Methodist Church and currently serves on the Executive Board of Wheels4Hope, a local faith-based charitable organization that provides affordable, reliable transportation to economically vulnerable families.

HOUSE BILL 148

Short Title:	Amend NC Constitution - Literacy Requirement.	(Public)
Sponsors:	Representatives Speciale, Pittman, Steinburg, and W. Richardson (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

February 22, 2017

A BILL TO BE ENTITLED

AN ACT TO REPEAL SECTION 4 OF ARTICLE VI OF THE NORTH CAROLINA CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of Article VI of the North Carolina Constitution is repealed.

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide election to be conducted in November of 2018, which election shall be conducted under the laws then governing elections in the State. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Repeal literacy requirement as a condition to register to vote."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office. The amendment set out in Section 1 of this act becomes effective upon certification.

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 857

Short Title:	Study Dual Arrest in Domestic Violence Cases.	(Public)
Sponsors:	Representative Terry. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

April 13, 2017

A BILL TO BE ENTITLED

AN ACT REQUIRING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY TO STUDY WHETHER DUAL ARREST IN DOMESTIC VIOLENCE CASES SHOULD BE USED BY LAW ENFORCEMENT AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Oversight Committee on Justice and Public Safety shall study the use of dual arrest in cases of domestic violence to determine whether dual arrest should be adopted in North Carolina.

SECTION 2. In conducting the study, the Committee shall consider all of the following:

(1) The State's current laws, rules, or practices relating to domestic violence cases.

(2) What domestic violence cases would be appropriate for law enforcement officers to utilize dual arrest.

(3) What measures should be taken if minor children are present and the law enforcement officer believes dual arrest is necessary.

(4) Any other related issues the Committee deems appropriate.

SECTION 3. The Joint Legislative Oversight Committee on Justice and Public Safety shall submit a final report of its findings and recommendations to the 2019 General Assembly, prior to the convening of the 2020 Regular Session, by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 4. This act is effective when it becomes law.

HOUSE RESOLUTION 715

Sponsors: Representatives Farmer-Butterfield, Earle, Meyer, and Morey (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 11, 2017

A HOUSE RESOLUTION URGING THE GENERAL ASSEMBLY TO PRIORITIZE EFFORTS TO EXAMINE AND IMPLEMENT INNOVATIVE EVIDENCE-BASED METHODS FOR ENSURING THAT ADULTS WITH ALCOHOL AND SUBSTANCE USE DISORDERS RECEIVE NEEDED TREATMENT AND SERVICES.

Whereas, according to the 2015 National Survey on Drug Use and Health conducted by the federal Substance Abuse and Mental Health Services Administration, approximately 11.3 million adults age 26 or older had an alcohol use disorder in the past year, which represents 5.4% of the adults in this age group, and approximately 4.4 million adults aged 26 or older had an illicit substance use disorder in the past year, which represents 2.1% of adults aged 26 or older; and

Whereas, while every state faces its own unique and serious alcohol and substance use disorder issues, North Carolina faces death rates much higher than the national average, as evidenced by the facts that excessive consumption of alcohol is the third leading preventable cause of death in North Carolina and the rate of fatal substance use overdoses in some North Carolina counties are among the worst in the country; and

Whereas, one of the most tragic aspects of these statistics is that deaths attributed to alcohol and substance use disorders are entirely preventable with proper treatment and services; and

Whereas, the number of individuals who undergo treatment for alcohol and substance use disorders is not nearly as high as the number of individuals who have these disorders because they fail to seek, or decline, treatment and services due to the anticipated negative impact upon their personal freedom, their relationships with family members and friends, their careers, and their image in the community; and

Whereas, it is difficult to persuade individuals who are in serious and immediate need of treatment and services, but do not meet the legal standard for involuntary commitment to those services, to seek help; and

Whereas, guardianship laws do not ensure that individuals with alcohol and substance use disorders receive and accept needed treatment and services; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. It is the intent of the General Assembly to prioritize efforts to examine and implement innovative evidence-based methods, other than guardianship and involuntary commitment, for ensuring that adults in need of assistance with recovery from alcohol and substance use disorders receive compassionate and effective treatment and care.

SECTION 2. This resolution is effective upon adoption.

HOUSE BILL 855

Short Title:	Teacher Appreciation.	(Public)
Sponsors:	Representatives Pierce, Farmer-Butterfield, and C. Graham (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH TEACHER APPRECIATION DAY IN MAY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 103 of the General Statutes is amended by adding a new section to read:

"**§ 103-15. Teacher Appreciation Day.**

The first Tuesday of the first full week in May of each year is designated as Teacher Appreciation Day in North Carolina."

SECTION 2. G.S. 115C-12 is amended by adding a new subdivision to read:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(33a) Duty to Develop Recommended Programs for Teacher Appreciation Day. – The State Board of Education shall develop recommended programs that enable students, parents, guardians, and administrators to show appreciation for teachers. All schools are encouraged to celebrate Teacher Appreciation Day.

...."

SECTION 3. This act is effective when it becomes law and applies beginning with the 2017-2018 school year.

HOUSE BILL 835

Short Title:	Create Chain of Survival Task Force.	(Public)
Sponsors:	Representatives Carney, Lewis, Earle, and Brenden Jones (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Health	

April 13, 2017

A BILL TO BE ENTITLED

AN ACT CREATING A CHAIN OF SURVIVAL PUBLIC-PRIVATE TASK FORCE TO IDENTIFY, PURSUE, AND ACHIEVE FUNDING FOR THE PLACEMENT OF AUTOMATIC EXTERNAL DEFIBRILLATORS (AEDS) IN ALL BUILDINGS AND FACILITIES THAT HOUSE STATE SERVICES, AGENCIES, AND INSTITUTIONS AND IN ALL PUBLIC SCHOOLS AND FOR THE TRAINING OF STATE EMPLOYEES AND SCHOOL PERSONNEL ON THE USE OF AEDS.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds the following:

(1) According to the American Heart Association, an individual goes into cardiac arrest in the United States every two minutes. In North Carolina, twenty-three percent (23%) of all deaths are attributed to heart disease, 11,765 of which are as a result of cardiac arrest. Ventricular Fibrillation (VF) is a common rhythm for which cardiopulmonary resuscitation (CPR) and defibrillation are the only effective treatments. For victims with VF, survival rates are highest when immediate bystander CPR is provided and defibrillation occurs within three to five minutes of collapse. With every minute that passes, a victim's survival rate is reduced by seven percent (7%) to ten percent (10%) if no intervention measures are taken. An estimated ninety-five percent (95%) of cardiac arrest victims die before reaching the hospital. If intervention measures are taken, survival rates are much higher: when CPR and defibrillation are immediately performed, survival rates can double.

(2) Eighty percent (80%) of all cardiac arrests occur in private or residential settings, and almost sixty percent (60%) are witnessed. Communities that have established and implemented public access defibrillation programs have achieved average survival rates for out-of-hospital cardiac arrest as high as forty-one percent (41%) to seventy-four percent (74%).

(3) Wider use of defibrillators could save as many as 40,000 lives nationally each year. Successful public access defibrillation programs ensure that cardiac arrest victims will have an immediate recognition of cardiac arrest and activation of 911 followed by early CPR with an emphasis on compressions, rapid Automatic External Defibrillator (AED) use, effective advanced care, and coordinated care afterward.

SECTION 2.(a) There is created a Chain of Survival Public-Private Task Force (Task Force) with members appointed as follows:

(1) Two Senators appointed by the President Pro Tempore of the Senate.
(2) Two members of the House of Representatives appointed by the Speaker of the House of Representatives.
(3) One representative of the Office of Emergency Medical Services designated by the Secretary of Health and Human Services.
(4) One representative of a local Emergency Medical Service designated by the Secretary of Health and Human Services.
(5) One representative of the Heart Disease and Stroke Prevention Branch designated by the Secretary of Health and Human Services.
(6) The Secretary of Administration or the Secretary's designee, ex officio.
(7) A representative of the American Heart Association.
(8) A representative of the American Red Cross.
(9) A representative of the North Carolina Hospital Association.
(10) A representative of the American College of Cardiology.
(11) A representative of the College of Emergency Physicians.
(12) A cardiac arrest survivor designated by the Secretary of Health and Human Services.

SECTION 2.(b) The Task Force shall identify, pursue, and achieve funding, including through private-public partnerships, for the placement of AEDs and training of State employees and public school personnel to recognize and initiate lifesaving actions to those experiencing an acute event (sudden cardiac arrest, heart attack, and stroke) in the following locations:

(1) Buildings and facilities that house State agencies, services, and institutions.
(2) Public schools, including athletic facilities.

SECTION 2.(c) Members of the Task Force serve at the pleasure of the appointing authority.

SECTION 2.(d) The Task Force and this section expire on June 30, 2019.

SECTION 3.(a) Subject to the receipt of public-private funds for this purpose, the Department of Administration shall, in consultation with OEMS, AHA, and a qualified vendor or provider of AEDs and training services, develop and adopt policies and procedures relative to the placement and use of automated external defibrillators in State-owned and State-leased buildings. The Department of Administration shall also cause to be developed a medical emergency response plan for all State buildings, facilities, and institutions to facilitate all of the following:

(1) Effective and efficient communication throughout the State-owned and State-leased buildings.
(2) Coordinated and practiced response plans.
(3) Training and equipment for first aid and CPR.
(4) Implementation of a lay rescuer AED program.

SECTION 3.(b) In addition, for each State building, facility, or institution, the Department of Administration shall cause to be developed and periodically updated a maintenance plan that takes all of the following into account:

(1) Implementation of an appropriate training course in the use of AEDs, including the role of CPR.
(2) Proper maintenance and testing of the devices.
(3) Ensuring coordination with appropriate licensed professionals in the oversight of training on the devices.

(4) Ensuring coordination with local emergency medical systems regarding the placement of AEDs in State buildings, facilities, or institutions where such devices are to be used.

SECTION 3.(c) The State Board of Education shall review the maintenance plan for AEDs developed by the Department of Administration under subsection (b) of this section and adopt guidelines to be used by local school administrative units for public schools, including athletic facilities.

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 869

Short Title:	Change Membership of Medical Board.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

April 24, 2017

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-2 reads as rewritten:

"**§ 90-2. Medical Board.**

(a) There is established the North Carolina Medical Board to regulate the practice of medicine and surgery for the benefit and protection of the people of North Carolina. The Board shall consist of 13 members.

(1) Seven of the members shall be duly licensed physicians recommended by the Review Panel and appointed by the Governor as set forth in G.S. 90-3.

(2) ~~The remaining six~~ Four members shall all be appointed by the Governor as follows:

a. One shall be a duly licensed physician who is a doctor of osteopathy or a full-time faculty member of one of the medical schools in North Carolina who utilizes integrative medicine in that person's clinical practice or a member of The Old North State Medical Society. This Board position shall not be subject to recommendations of the Review Panel pursuant to G.S. 90-3.

b. ~~Three shall be public members, and these Board positions~~One shall be a public member, and this Board position shall not be subject to ~~recommendations~~ recommendation of the Review Panel pursuant to G.S. 90-3. ~~A public member shall not be a health care provider nor the spouse of a health care provider. For the purpose of Board membership, "health care provider" means any licensed health care professional, agent or employee of a health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this section, a person enrolled in a program as preparation to be a licensed health care professional or an allied health professional shall be deemed a health care provider. For purposes of this section, any person with significant financial interest in a health service or profession is not a public member.~~

c. One shall be a physician assistant as defined in G.S. 90-18.1 as recommended by the Review Panel pursuant to G.S. 90-3.

d. One shall be a nurse practitioner as defined in G.S. 90-18.2 as recommended by the Review Panel pursuant to G.S. 90-3.

(3) Two public members appointed by the General Assembly in accordance with G.S. 120-121, one upon recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate.

(a1) Each appointing and nominating authority shall endeavor to see, insofar as possible, that its appointees and nominees to the Board reflect the composition of the State with regard to gender, ethnic, racial, and age composition.

(b) No member shall serve more than two complete three-year terms in a lifetime, except that each member shall serve until a successor is chosen and qualifies.

(b1) A public member appointed pursuant to sub-subdivision (a)(2)b. and subdivision (a)(3) of this section shall not be a health care provider nor the spouse of a health care provider. For the purpose of Board membership, "health care provider" means any licensed health care professional, agent, or employee of a health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this section, a person enrolled in a program as preparation to be a licensed health care professional or an allied health professional shall be deemed a health care provider. For purposes of this section, any person with significant financial interest in a health service or profession is not a public member.

(c) Repealed by Session Laws 2003-366, s. 1, effective October 1, 2003.

(d) Any member of the Board may be removed from office by the Governor for good cause shown. Any vacancy in the physician, physician assistant, or nurse practitioner membership of the Board shall be filled for the period of the unexpired term by the Governor from a list submitted by the Review Panel pursuant to G.S. 90-3 except as provided in G.S. 90-2(a)(2)a. Any vacancy in the public membership of the Board shall be filled by the ~~Governor~~ appropriate appointing authority for the unexpired term.

(e) The North Carolina Medical Board shall have the power to acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as any private person or corporation, subject only to approval of the Governor and the Council of State as to the acquisition, rental, encumbering, leasing, and sale of real property. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board."

SECTION 2. For the term of the public member appointed by the Governor expiring in 2017, that member shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, in accordance with G.S. 120-121. For the term of the public member appointed by the Governor expiring in 2018, that member shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. As terms expire thereafter or as vacancies occur prior to the expiration of a term, the members on the Medical Board shall be appointed in accordance with G.S. 90-2, as amended by this act.

SECTION 3. This act is effective when it becomes law and applies to vacancies occurring after June 30, 2017.

HOUSE RESOLUTION 871

Sponsors: Committee on Rules, Calendar, and Operations of the House.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 24, 2017

A HOUSE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO OUR VETERANS.

Whereas, North Carolina is proud to be home to generations of brave men and women who have valiantly defended our nation and upheld its principles of democracy and freedom; and

Whereas, these veterans have placed our nation's security before their own lives, creating a debt that we can never fully repay; and

Whereas, veterans should be remembered and honored for their service and personal sacrifice for the greater good of our nation; some of whom made the ultimate sacrifice in protecting our country and the freedoms enjoyed by our citizens and all Americans; and

Whereas, North Carolina has a rich military history and is home to six major Department of Defense (DOD)/Department of Homeland Security (DHS) installations: Fort Bragg; Camp Lejeune Marine Corps Base; Cherry Point Marine Corps Air Station and Naval Air Depot; New River Marine Corps Air Station; Seymour Johnson Air Force Base; and U.S. Coast Guard Base, Elizabeth City; as well as the Sunny Point Military Ocean Terminal, the North Carolina National Guard, Reserve Components, and other DOD/DHS activities and organizations; and

Whereas, according to the most recent data from the National Center for Veterans Analysis and Statistics, North Carolina's veteran population is approximately 772,421, including 594,208 veterans who served during times of war and 178,213 who served during times of peace; and

Whereas, of that number of veterans living in North Carolina, 17,924 served during World War II; 47,111 served during the Korean Conflict; 243,034 served during the Vietnam Era; and more than 311,245 have served during the Gulf Wars; and

Whereas, as of 2015, North Carolina ranked sixth in the nation for military retirees numbering over 92,619 and ranked second for veterans living in rural areas numbering more than 137,000; and

Whereas, North Carolina also has over 129,000 active-duty military personnel and reserve members residing in the State, making North Carolina one of the largest active-duty military populations in our entire country; and

Whereas, the people of North Carolina are grateful to all of our heroic veterans for their selfless service to our State and our nation; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives extends its profound gratitude and appreciation to all the men and women who served in the United States Armed Forces for their selfless service.

SECTION 2. The House of Representatives wishes to honor the memory of those who have lost their lives in defense of the safety and liberty of the people of the United States of America.

SECTION 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 808
PROPOSED COMMITTEE SUBSTITUTE H808-CSBC-20 [v.1]
04/25/2017 1:50:12 PM

Short Title: Advisory Council Review of Rare Disease Bills. (Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED

AN ACT EXPANDING THE DUTIES OF THE ADVISORY COUNCIL ON RARE DISEASES TO INCLUDE THE PREPARATION OF OPINIONS ON PROPOSED BILLS AND RESOLUTIONS PERTAINING TO RARE DISEASES AND REQUIRING THE OPINIONS TO BE PROVIDED TO THE BILL SPONSOR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-33.66 reads as rewritten:

"**§ 130A-33.66. Advisory Council on Rare Diseases; powers and duties; reports.**

The advisory council shall have the following powers and duties:

(1) Advise on coordinating statewide efforts for the study of the incidence of rare diseases within the State and the status of the rare disease community.

(2) Report to the Secretary, the Governor, and the Joint Legislative Oversight Committee on Health and Human Services on behalf of the General Assembly not later than January 1, 2016, and annually thereafter, on the activities of the advisory council and its findings and recommendations regarding rare disease research and care in North Carolina, including any recommendations for statutory changes and amendments to the structure, organization, and powers or duties of the advisory council.

(3) Review each proposed bill and resolution pertaining to rare diseases, rare disease research, or rare disease care and prepare an opinion on the merits of the proposed bill or resolution and any recommended changes to the measure. The Advisory Council shall provide the opinion to the bill sponsor within 14 calendar days after receiving a copy of the proposed bill or resolution."

SECTION 2. This act becomes effective July 1, 2017.

HOUSE BILL 105: Const. Amendment-Limit Governor/LG to 2 Terms.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	April 24, 2017
Introduced by:	Rep. Bert Jones	**Prepared by:**	Erika Churchill
Analysis of:	PCS to First Edition H105-CSST-9		Committee Counsel

OVERVIEW: The proposed committee substitute for House Bill 105 would allow voters to determine if the Governor and Lieutenant Governor should be limited to two terms in the same office in a lifetime.

The PCS clarifies the lifetime limit applies to individuals who are currently serving or have previously served in that office.

CURRENT LAW: The Governor and Lieutenant Governor are elected for four-year terms, that commence on the first day of January next after their election and continue until their successors are elected and qualified. Individuals elected to the office of Governor or Lieutenant Governor are not eligible for election to more than two consecutive terms in the same office. Section 2 of Article III of the North Carolina Constitution.

BILL ANALYSIS: The PCS for House Bill 105 would place a constitutional amendment on the November 2018 general election ballot to limit individuals serving as Governor or Lieutenant Governor to two terms in the same office, regardless of whether the two terms are consecutive or intermittent. Service in any portion of the term of office shall be counted as a term of office for purposes of the lifetime limitation.

EFFECTIVE DATE: This act is effective when it becomes law, and would be submitted to voters in the November 2018 election. If approved by a majority of the voters, the term limits would apply to any individual currently or previously serving in the office of Governor or Lieutenant Governor.

Jennifer Bedford substantially contributed to this summary.

Karen Cochrane-Brown
Director



Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 105
PROPOSED COMMITTEE SUBSTITUTE H105-CSST-9 [v.3]

04/25/2017 1:02:41 PM

Short Title: Const. Amendment-Limit Governor/LG to 2 Terms. (Public)

Sponsors:

Referred to:

February 16, 2017

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE GOVERNOR AND THE LIEUTENANT GOVERNOR TO A LIFETIME MAXIMUM OF TWO TERMS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Article III of the North Carolina Constitution reads as rewritten:

"**Sec. 2. Governor and Lieutenant Governor: election, term, and qualifications.**

...

(2) Qualifications. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of ~~his~~ election, ~~he~~ the person shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding ~~his~~ election. No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to more than two ~~consecutive~~ terms of the same office. Service in all or part of a term shall be considered a term for purposes of this subsection."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment providing that no person may serve more than two terms as the Governor or as the Lieutenant Governor, applicable to all current and prior Governors and Lieutenant Governors."

SECTION 3. If a majority of the votes cast on the question are in favor of the amendments set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office. The amendment set out in Section 1 of this act becomes effective upon certification.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 1

HOUSE BILL 105

Short Title:	Const. Amendment-Limit Governor/LG to 2 Terms.	(Public)
Sponsors:	Representative Bert Jones.	
	For a complete list of sponsors, refer to the North Carolina General Assembly web site.	
Referred to:	Judiciary I, if favorable, Elections and Ethics Law	

February 16, 2017

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE GOVERNOR AND THE LIEUTENANT GOVERNOR TO A LIFETIME MAXIMUM OF TWO TERMS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Article III of the North Carolina Constitution reads as rewritten:

"**Sec. 2. Governor and Lieutenant Governor: election, term, and qualifications.**

...

(2) Qualifications. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. ~~No~~ Beginning with terms of office commencing on or after January 1, 2021, no person elected to the office of Governor or Lieutenant Governor shall be eligible for election to more than two ~~consecutive~~ terms of the same office."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment providing that no person may serve more than two terms as the Governor or as the Lieutenant Governor."

SECTION 3. If a majority of the votes cast on the question are in favor of the amendments set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office. The amendment set out in Section 1 of this act becomes effective upon certification.

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 496

Short Title:	Fair and Nonpartisan Ballot Placement.	(Public)
Sponsors:	Representative Bert Jones. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Elections and Ethics Law	

March 28, 2017

A BILL TO BE ENTITLED

AN ACT REGARDING THE PLACEMENT OF CANDIDATES ON OFFICIAL ELECTION BALLOTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-165.6 reads as rewritten:

"**§ 163-165.6. Arrangement of official ballots.**

...

(c) Order of Candidates on ~~Primary and Nonpartisan~~ Official Ballots. – The order in which candidates shall appear on ~~a county's~~ official ballots in any ~~(i) primary ballot item, whether the primary is partisan or nonpartisan, and (ii) in any nonpartisan general election ballot item under Article 25 of this Chapter shall be determined by the county board of elections using a process designed by the State Board of Elections for random selection. The same random selection process shall be used for all primaries and elections in a calendar year.~~election ballot item shall be by either alphabetical order or reverse alphabetical order by the last name of the candidate, which order shall be determined each election by drawing at the State Board of Elections after the closing of the filing period for all offices on the ballot.

~~(d) Order of Party Candidates on General Election Official Ballot. – Candidates in any ballot item on a general election official ballot shall appear in the following order:~~

~~(1) Nominees of political parties that reflect at least five percent (5%) of statewide voter registration, according to the most recent statistical report published by the State Board of Elections, in alphabetical order by party beginning with the party whose nominee for Governor received the most votes in the most recent gubernatorial election, and in alphabetical order within the party.~~

~~(2) Nominees of other political parties, in alphabetical order by party and in alphabetical order within the party.~~

~~(3) Unaffiliated candidates, in alphabetical order.~~

~~(d1) Order of Candidates for Judge of the Court of Appeals on General Election Official Ballot. – Candidates for judge of the Court of Appeals on a general election official ballot shall appear in the following order:~~

~~(1) Candidates registered with political parties that reflect at least five percent (5%) of statewide voter registration, according to the most recent statistical report published by the State Board of Elections, in alphabetical order by party beginning with the party whose nominee for Governor received the~~

~~most votes in the most recent gubernatorial election and in alphabetical order within the party.~~

~~(2) Candidates registered with other political parties, in alphabetical order by party and in alphabetical order within the party.~~

~~(3) Unaffiliated candidates, in alphabetical order.~~

...."

SECTION 2. This act is effective when it becomes law and applies to elections held on or after that date.

House Pages
Assignments
Tuesday, April 25, 2017
Session: 3:00 PM

Committee	Room	Time	Staff	Comments	Member
Judiciary IV	415	2:00 PM	Marko Stefanovic		Rep. Speaker Tim Moore
			Arran Walton		Rep. Speaker Tim Moore
Rules, Calendar, and Operations of the House	1228/1327	2:00 PM	Jordan Goode		Rep. Terry Garrison
			Alyssa Scott		Rep. Jimmy Dixon

VISITOR REGISTRATION SHEET

House Comm on Rules, Calendar and Operations 4-25-17

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tonya Hoban	TSS
Sarah McRuillan	KGANC
Julia Adams Schuma	OAK CITY GR
Adam Prideaux	NCABA
Skye David	NEWFRAME
Jim KENT	NC Beer & Wine
LAURA PURTEAR	MNC
BRUCE THOMPSON	PARKER POE
Sarah Hardin	NCEL
David Ferrell	VB
THOMAS RHYNE	GRNG

VISITOR REGISTRATION SHEET

House Comm on Rules, Calendar and Operations 4-25-17

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Charles Duckett	NC Industrial Comm
Kendall Brandon	NC Industrial Commission
Phillip Fallows	NC Industrial Commission
SueAnn Forrest	NCMS
Maeve Gu	GJC
Jonathan Bubeker	Bubeker & Assoc
J. Tunnell	Duke
Joel Maynard	GPM; Assoc
Ch [illegible]	NCMS
SOB CANCEL	TSS
Rob Lahlere	RLA

VISITOR REGISTRATION SHEET

House Comm on Rules, Calendar and Operations 4-25-17

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Richard Bostic	NCSBA
Emma Shelby	TPS

House Committee on Rules, Calendar, and Operations of the House
Wednesday, April 26, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 10:00 AM on Wednesday, April 26, 2017 in room 544 of the Legislative Office Building. Representatives Lewis, Lewis, Davis, Stevens, Torbett, Blust, Brawley, Bumgarder, Carney, Dulin, Earle, Floyd, Goodman, Hardister, Jackson, Johnson, Martin, McGrady, Reives, Sauls, Willingham and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills and resolutions were considered:

HB 556 Office of Early Childhood Education. (Rep. Horn)
A proposed committee substitute was placed before the committee. Rep. Torbett moves for favorable report as to the PCS, unfavorable as to the original bill. The motion carries.

HB 572 (Legal Notices/Require Internet Publication.)
Rep. Ross presented the bill. There was public comment from Todd Allen, Johanna Reese, and John Bussian. Rep. Davis moved for a favorable report. The motion carries.

The meeting adjourned at 10:37 AM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

House Committee on Rules, Calendar, and Operations of the House
Wednesday, April 26, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met after the first recess of the House of Representatives session on Wednesday, April 26, 2017 in room 1228 of the Legislative Building. Representatives Lewis, Lewis, Davis, Stevens, Szoka, Torbett, Bell, Blust, Boles, Bumgarder, Burr, Carney, Dulin, Earle, Floyd, Hardister, Jackson, Johnson, Martin, McGrady, Reives, Sain, Willingham and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills and resolutions were considered:

HB 551 Strengthening Victims' Rights (Rep. Dollar)
A proposed committee substitute was placed before the committee. Representatives Stevens, Davis, Reives, and Blust asked questions of the bill sponsor. Rep. Floyd moved for a favorable report on the proposed committee substitute, unfavorable as to the original bill.

The meeting adjourned at 7:19 PM.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Corrected #1:

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 26, 2017
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 236	NCAOC Omnibus Bill.	Representative R. Turner
HB 556	Study Early Childhood Education.	Representative Horn Representative Hurley Representative Lucas Representative L. Bell
HB 551	Strengthening Victims' Rights.	Representative Dollar Representative R. Turner Representative Destin Hall Representative Earle
HB 572	Legal Notices/Require Internet Publication.	Representative Ross Representative Davis Representative Goodman Representative Malone

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:18 PM on Friday, July 07, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Wednesday, April 26, 2017, 10:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

10:10

Bills

	BILL NO.	SHORT TITLE	SPONSOR
1.	HB 236	NCAOC Omnibus Bill.	Representative R. Turner
2.	HB 556 PCS	Office of Early Childhood Education. Torbett Fav. Unfav.	Representative Horn Representative Hurley Representative Lucas Representative L. Bell Representative Dollar Representative R. Turner Representative Destin Hall Representative Earle Representative Ross Representative Davis Representative Goodman Representative Malone
	~~HB 551~~	~~Strengthening Victims' Rights~~. LATER	
3.	HB 572	Legal Notices/Require Internet Publication. Ross present	

Presentations

Todd Allen

Johanna Reese

John Bussian

Other Business

Davis Fav.

Adjournment

10:37

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE

HB **572** Legal Notices/Require Internet Publication.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Ross

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **556** Office of Early Childhood Education.

Draft Number:	H556-PCS10338-RQ-10
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Horn

TOTAL REPORTED: 1



Corrected #1: 5 MINUTES FOLLOWING SECOND RECESS

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 26, 2017
TIME: **During First Recess**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 551	Strengthening Victims' Rights.	Representative Dollar Representative R. Turner Representative Destin Hall Representative Earle

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:58 PM on Monday, July 10, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **551** Strengthening Victims' Rights.

Draft Number:	H551-PCS10342-TT-22
Serial Referral:	**JUDICIARY I**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Dollar

TOTAL REPORTED: 1



HOUSE BILL 551:
Strengthening Victims' Rights.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House. If favorable, re-refer to Judiciary I	**Date:**	April 26, 2017
Introduced by:	Reps. Dollar, R. Turner, Destin Hall, Earle	**Prepared by:**	Jennifer H. Bedford Legislative Analyst
Analysis of:	PCS to First Edition H551-CSTT-22		

OVERVIEW: The PCS for House Bill 551 would allow voters to determine if crime victims' rights enumerated in the State Constitution should be amended.

BILL ANALYSIS: Section 37 of the North Carolina Constitution guarantees rights to victims of crime, as prescribed by law. The law is the Crime Victims' Rights Act. Current law is indicated by a ●.

The PCS for House Bill 551 would place a constitutional amendment on the November 2018 ballot to expand the rights of victims. The proposed changes are indicated by a ►.

- (a) The right to be informed of and present at proceedings related to the accused.
- (b) The right to be heard at proceedings that implicate a victim's rights, or when a defendant may be released.
- (c) The right to receive restitution.

The PCS for House Bill 551 would:

- ► Amend the law to include juvenile proceedings.
- ► Guarantee notice, upon request (as in statute).
- ► Afford a victim the right to be present at any proceeding.
- ► Afford a victim the right to be heard at certain proceedings.
- ► Guarantee full and timely restitution by the defendant.

- (d) The right to information regarding rights, services, and the criminal justice system.
- (e) The right to be informed about the final disposition of the case.
- (f) The right to be informed of an escape, release, pardon, or commutation.
  - ► The PCS would require a request for the information (as in statute).
- (g) The right to express views to the Governor or appropriate agency considering release.
- (h) The right to confer with prosecution.

Karen Cochrane-Brown
Director

H551-SMTT-48 CSTT-22 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

The PCS for House Bill 551 would:

- ▶ Guarantee reasonable protection from the accused.
- ▶ Guarantee prompt proceedings without unnecessary delay.
- ▶ Guarantee fairness, dignity, and privacy.
- ▶ Authorize judicial review of victim rights violations.
- ▶ Provide a District Attorney an opportunity to resolve the issue prior to judicial review.

Article 46 of Chapter 15A is the Crime Victims' Rights Act. The Act currently only applies to victims of specific charged offenses. The Act applies to victims of:

- Any Class A, B1, B2, C, D, or E felony.
- Certain Class G, H, and I felonies.
- A small number of violent misdemeanors.
- Any violations of a valid Domestic Violence Protection Order.

The PCS for House Bill 551 would:

- ▶ Define "victim" to include any person directly harmed of certain crimes.
- ▶ Apply victims' rights to victims of all felonies.
- ▶ Apply victims' rights to victims of any sex offense, stalking, or any crime with assault as an element (as in statute).
- ▶ Include victims of domestic criminal trespass, and stalking (as in statute).

EFFECTIVE DATE: This act is effective when it becomes law, and would be submitted to voters in the November, 2018 election.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 551
PROPOSED COMMITTEE SUBSTITUTE H551-CSTT-22 [v.7]
04/26/2017 3:42:47 PM

Short Title: Strengthening Victims' Rights. (Public)

Sponsors: Representatives Dollar, R. Turner, Destin Hall, and Earle (Primary Sponsors).

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW AND CONSTITUTION OF NORTH CAROLINA TO PROVIDE BETTER PROTECTIONS AND SAFEGUARDS TO VICTIMS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 37 of Article I of the North Carolina Constitution reads as rewritten:

"**Sec. 37. Rights of victims of crime.**

(1) Basic rights. Victims of ~~crime, as prescribed by law,~~crime and delinquent acts shall be entitled to the following basic rights:

(a) The ~~right as prescribed by law to be informed of and to be present at court proceedings of the accused.~~right, upon request, to reasonable and timely notice of all criminal and juvenile proceedings.

(b) The right to be ~~heard at sentencing of the accused in a manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.~~present at criminal and juvenile proceedings of the defendant.

(b1) The right to be heard, when the victim is present, at any proceeding involving: a plea, sentencing, parole, release of the defendant, and any proceeding in which the victim's rights are implicated, except for the defendant's initial appearance.

(c) The right ~~as prescribed by law~~ to receive ~~restitution.~~full, and timely restitution from the defendant.

(d) The right ~~as prescribed by law~~ to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.

(e) The right ~~as prescribed by law~~ to receive information about the conviction or final disposition and sentence of the accused.

(f) The ~~right as prescribed by law~~right, upon request, to receive notification of escape, release, proposed parole or pardon of the ~~accused,~~defendant, or notice of a reprieve or commutation of ~~the accused's~~the defendant's sentence.

(g) The right ~~as prescribed by law~~ to present their views and concerns to the Governor or agency considering any action that could result in the release of the ~~accused,~~defendant, prior to such action becoming effective.

(h) The right ~~as prescribed by law~~ to confer with the prosecution.

(i) The right to be reasonably protected from the defendant.

(j) The right to proceedings free from unreasonable delay, and a prompt conclusion to the case.

(k) The right to be treated with fairness; and respect for the victim's dignity, and privacy. Nothing in this section shall affect the State's discovery obligations.

(1a) The victim, the victim's next of kin, the victim's attorney, or other lawful representative, or the attorney for the government, upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to the victim by law in any trial or appellate court, or before any other authority, with jurisdiction over the case. The court or other authority with jurisdiction shall act promptly on a request. If the matter involves an allegation that the District Attorney failed to comply with the rights of a victim when obligated to so do by law, the victim must first afford the District Attorney with jurisdiction over the criminal action, an opportunity to resolve any issue in a timely manner. The victim does not have party status. The court shall not appoint an attorney for the victim under this section. Nothing in this section shall be construed to alter the powers and responsibilities of the District Attorney.

(1b) As used in this section, a "victim" includes any person directly harmed by the commission of a felony, sexual offense, domestic criminal trespass, stalking, violation of a protective order, or any offense where assault or threat is an element; or a person against whom such an offense is committed. The term "victim" does not include the accused; or a person whom the court finds would not act in the best interests of a victims that is deceased, incompetent, incapacitated, or a minor.

(1c) Nothing in this section shall be construed to authorize a collateral civil cause of action.

(2) No money ~~damages; other enforcement.~~damages. Nothing in this section shall be construed as creating a claim for money damages against the State, a county, a municipality, or any of the agencies, instrumentalities, officers, or employees thereof. ~~The General Assembly may provide for other remedies to ensure adequate enforcement of this section.~~

(3) No ground for relief in criminal case. The failure or inability of any person to provide a right or service provided under this section may not be used by a defendant in a criminal case, an inmate, or any other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas corpus, civil action, or any similar criminal or civil proceeding."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the primary election in May 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to strengthen protections for victims of crime, to establish certain, absolute basic rights for victims, and to ensure the enforcement of these rights."

SECTION 3. If a majority of the votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State, who shall enroll the amendment so certified among the permanent records of that office. The amendment becomes effective January 1, 2019.

SECTION 4. This act becomes effective January 1, 2019.

HOUSE BILL 572

Short Title:	Legal Notices/Require Internet Publication.	(Public)
Sponsors:	Representatives Ross, Davis, Goodman, and Malone (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

April 6, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1-596 reads as rewritten:

"**§ 1-596. Charges for legal advertising.**

(a) The publication of all advertising required by law to be made in newspapers in this State shall be paid for at not to exceed the local commercial rate of the newspapers selected. Any public or municipal officer or board created by or existing under the laws of this State that is now or may hereafter be authorized by law to enter into contracts for the publication of legal advertisements is hereby authorized to pay therefor prices not exceeding said rates.

No newspaper in this State shall accept or print any legal advertising until said newspaper shall have first filed with the clerk of the superior court of the county in which it is published a sworn statement of its current commercial rate for the several classes of advertising regularly carried by said publication, and any owner or manager of a newspaper violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(b) When a government notice is required to be published more than once and is paid for by the governmental entity and the cost of publication is not paid in advance by or allowed to be recouped from private parties, the governmental entity may not be charged for the second and successive publications of that notice at a rate greater than eighty-five percent (85%) of the original rate."

SECTION 2. G.S. 1-597 reads as rewritten:

"**§ 1-597. Regulations for newspaper publication of legal notices, advertisements, etc.**

(a) Whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper with a general circulation to actual paid subscribers which newspaper at the time of such publication, advertisement or notice, shall have been admitted to the United States mails in the Periodicals class in the county or political subdivision where such publication, advertisement or notice is required to be published, and which shall have been regularly and continuously issued in the county in which the publication, advertisement or notice is authorized or required to be published, at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the first publication of such advertisement, publication or notice; provided that in the event that a newspaper otherwise meeting the qualifications and having the characteristics prescribed by

G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to publish one or more of its issues such newspaper shall nevertheless be deemed to have complied with the requirements of regularity and continuity of publication prescribed herein. Provided further, that where any city or town is located in two or more adjoining counties, any newspaper published in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the mails, issued and published in all such counties in which such town or city of publication is located, and every publication, advertisement or notice required to be published in any such city or town or in any of the counties where such city or town is located shall be valid if published in a newspaper published, issued and admitted to the mails anywhere within any such city or town, regardless of whether the newspaper's plant or the post office where the newspaper is admitted to the mails is in such county or not, if the newspaper otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. ~~This provision shall be retroactive to May 1, 1940, and all publications, advertisements and notices published in accordance with this provision since May 1, 1940, are hereby validated.~~

Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper qualified for legal advertising in a county and there is no newspaper qualified for legal advertising as defined in this section in such county, then it shall be deemed sufficient compliance with such laws, order or judgment by publication of such notice or any other such paper, document or legal advertisement of any kind or description in a newspaper published in an adjoining county or in a county within the same district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be; provided, if the clerk of the superior court finds as a fact that such newspaper otherwise meets the requirements of this section and has a general circulation in such county where no newspaper is published meeting the requirements of this section.

(b) Each notice must be placed on the newspaper's Internet Web site, at no additional charge, on the same day that the notice appears in the newspaper. A hyperlink to legal notices shall be provided on the front page of the newspaper's Internet Web site that provides access to the legal notices without charge. If there is a specified size and placement required for a printed legal notice, the size and placement of the notice on the newspaper's Internet Web site should optimize its online visibility in keeping with the print requirement. The newspaper's Internet Web site pages that contain legal notices shall present the legal notices as the dominant subject matter of those pages. The newspaper's Internet Web site shall contain a search function to facilitate searching legal notices.

(c) If a legal notice is published in the newspaper and cannot be published on the newspaper's Internet Web site for any reason, the newspaper publishing the notice shall place the notice on the statewide Internet Web site established and maintained as an initiative of the North Carolina Press Association as a repository for such notices. A hyperlink to legal notices shall be provided on the front page of the statewide North Carolina Press Association Internet Web site that provides access to the legal notices without charge.

(d) Upon request, newspapers that publish notices shall provide electronic mail notification of the legal notices when they are printed in the newspaper and added to the newspaper's Internet Web site or to the statewide North Carolina Press Association Internet Web site. The electronic mail notification shall be provided without charge, and notification for the electronic mail registry shall be available on the front page of the legal notices section of the newspaper's Internet Web site. For any legal notice required to be published more than once, electronic mail notification required by this subsection shall apply only to the first publication of the notice.

(e) Any error in the placement of a government legal notice on a newspaper's Internet Web site or the statewide North Carolina Press Association Internet Web site shall be considered harmless error and the requirement of proper legal notice shall be deemed to have been met if the government entity placing the notice also places the notice on its own Internet Web site.

(f) Any notice required by statute to be published by a government entity shall be deemed to comply with the requirement for publication if the government entity has attempted to have the notice published in accordance with this Article by a newspaper of general circulation and has also published the notice on its own Web site, even if the publication by a newspaper of general circulation under this Article is not timely completed."

SECTION 3. The validation of any publication, advertisement, or notice pursuant to a previous enactment of G.S. 1-597 remains in effect and is not affected by any modifications of that statute enacted by this act.

SECTION 4. This act becomes effective October 1, 2017, and applies to notices that must be published on or after that date, except that it does not apply to notices permitted to be published on a government Internet Web site in lieu of newspaper publication pursuant to an ordinance enacted before that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 556
PROPOSED COMMITTEE SUBSTITUTE H556-CSRQ-10 [v.1]
04/26/2017 9:17:51 AM

Short Title: Study Early Childhood Education. (Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO CREATE THE TASK FORCE ON EARLY CHILDHOOD EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is created the Task Force on Early Childhood Education (Task Force) to study the governance of State government-wide management and provision of services for early childhood education and development and the role of a centralized agency or office that would be responsible for early childhood related issues.

SECTION 1.(b) The Task Force shall consist of the following ten members:

(1) Two members of the Senate appointed by the President Pro Tempore of the Senate.

(2) Two members of the House Representatives, appointed by the Speaker of the House of Representatives.

(3) The Superintendent of Department of Public Instruction or the Superintendent's designee.

(4) The Secretary of the Department of Health and Human Services or the Secretary's designee.

(5) Two public members appointed by the President Pro Tempore of the Senate who represent organizations that focus on early childhood education and development.

(6) Two public members appointed by the Speaker of House of Representatives who represent organizations that focus on early childhood education and development.

The Task Force shall have two cochairs, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House of Representatives from among their appointees. The Task Force shall meet upon the call of the cochairs. Vacancies shall be filled by the appointing authority. A quorum of the Task Force shall be a majority of the members.

SECTION 1.(c) The Task Force shall study the following:

(1) The development and best methods of implementation of a plan for a coordinated system of early care, education, and child development services with a focus on program outcomes in satisfying the health, safety, developmental, and educational needs of all children from birth to eight years of age that includes at least the following:

a. Any recommendations to the Superintendent of Public Instruction on necessary organizational changes within the Department of Public Instruction, including an outline of projected efficiencies that would

be realized through the operation of a new organizational structure for the coordination of early childhood programs within the Department.

b. Consultation with the administrators and personnel of the NC Infant Toddler Program and the North Carolina Pre K Program on coordination of the administration of those two programs.

c. The development of an early childhood information system that facilitates and encourages the sharing of data between and among early childhood service providers and State agencies.

d. An early childhood accountability plan that includes identification of appropriate population indicators and program and system performance measures of the health, safety, and kindergarten readiness, and identifying markers of early success of children, including the North Carolina Pathways to Grade Level Reading measures of success.

(2) The best methods to implement a statewide longitudinal evaluation of the educational progress of children from prekindergarten programs through grade three.

(3) The collaboration needed amongst the Department of Public Instruction, the Department of Health and Human Services, and other relevant State agencies to achieve the goal of a coordinated system of early care, education, and child development services for children from birth to eight years of age.

(4) The delivery of services to young children and their families to ensure optimal health, safety, and learning for each young child.

(5) The collaboration and sharing of data elements necessary to perform quality assessments and longitudinal analysis across early childhood education and development services.

(6) The coordination of home visitation services across programs for young children.

(7) Access to information and technical assistance to persons seeking early care and education and child development programs and services.

(8) Available assistance for State agencies and municipalities in obtaining available federal funding for early care and education and child development programs and services.

(9) Available technical assistance to providers of early care and education programs and services to obtain licensing and improve program quality.

(10) The coordination of a comprehensive statewide system of professional development for providers and staff of early care and education and child development programs and services.

(11) Integration of early childhood care and education and special education services.

(12) Areas of duplication in monitoring and evaluation of early care and education and child development programs and services.

(13) The coordination and support of public and private partnerships to aid early childhood initiatives.

(14) The reports submitted, pursuant to Section 12B.5 of S.L. 2016-94, to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Education Oversight Committee by the Department of Health and Human Services, the Department of Public Instruction, and other agencies or organizations that administer, support, or study early education programs in this State on (i) the development and implementation of a

statewide vision for early childhood education and (ii) the development and implementation of a program for transitioning children from preschool to kindergarten.

(15) Any other issues the Task Force deems relevant.

SECTION 1.(d) The Task Force, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services. Members of the Task Force shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. The expenses of the Task Force shall be considered expenses incurred for the joint operation of the General Assembly.

SECTION 1.(e) The Legislative Services Officer shall assign professional and clerical staff to assist the Task Force in its work. The Director of Legislative Assistants of the House of Representatives and the Director of Legislative Assistants of the Senate shall assign clerical support to the Task Force.

SECTION 1.(f) The Task Force shall submit an interim report on the results of its study to the General Assembly on or before April 1, 2018, by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Task Force shall submit a final report, including any proposed, legislation to 2019 General Assembly by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Task Force shall terminate on December 15, 2018, or upon the filing of its final report, whichever comes first.

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 236:
NCAOC Omnibus Bill.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	April 26, 2017
Introduced by:	Rep. R. Turner	**Prepared by:**	Jason Moran-Bates Committee Co-Counsel
Analysis of:	PCS to Second Edition H236-CSBC-15		

OVERVIEW: ***The PCS to House Bill 236 would make numerous technical corrections to several statutes dealing with the administration of the General Courts of Justice. It would also:***

- ***Allow documents filed with the court to remain valid, even if a date stamp is not attached,***
- ***Allow summary removal of disbarred or suspended attorneys serving as estate administrators or guardians,***
- ***Provide an easier process for the appointment of an interim guardian in incompetency proceedings,***
- ***Clarify the rules for filing estate inventory, accountings, and tax returns,***
- ***Permit civil contempt cases to be heard in front of the clerk of court in some instances,***
- ***Allow an arrest warrant to be issued for individuals who fail to show at civil contempt hearings,***
- ***Permit an assistant to a district attorney to be appointed in cases where the district attorney has a conflict of interest,***
- ***Eliminate clerks of court from being parties to actions against official bonds,***
- ***Streamline the process of issuing service of process on behalf of indigent inmates,***
- ***Clarify registration rules for those convicted of a sex offense in a federal court,***
- ***Clarify videoconferencing rules for inpatient commitment proceedings,***
- ***Permit the Administrative Office of the Courts (AOC) and Department of Natural and Cultural Resources to establish a records retention schedule for audio recordings in cases involving juveniles, and***
- ***Permit various state officials to perform pro bono legal work, notwithstanding prohibitions on the private practice of law.***

All these changes were recommended by the North Carolina Administrative Office of the Courts.

CURRENT LAW: When necessary, the current law is summarized in italics in each section of the Bill Analysis.

BILL ANALYSIS

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 1 would make a series of technical corrections to the Rules of Civil Procedure regarding the service of pleadings and other papers. It also clarifies that the failure to date stamp a filed document will not affect its sufficiency, validity, or enforceability, provided that the clerk enters it as being effective nunc pro tunc after giving adequate notice to the parties affected. *Currently, there is no law establishing the validity or lack of validity of filed documents lacking a date stamp.*

Section 2 would make a technical change to Rule of Civil Procedure 58, which deals with the entry of judgments.

Section 3 would amend G.S. 28A-9-2(a) to summarily revoke, without a hearing, letters of administration, letters of collection, and letters testamentary issued to an attorney who is later enjoined, suspended, or disbarred. *Currently, there is no summary procedure to remove an attorney in this situation.*

Section 4 would make a series of technical changes to G.S. 35A-1290. It would also clarify it is the duty of the clerk of court to remove an appointed guardian who is an attorney if that attorney is enjoined, suspended, or disbarred. *Currently, there is no summary procedure to remove an attorney in this situation.*

Section 5 would amend G.S. 30-17 to allow the $5,000 support allowance payable to a child from a deceased parent's estate to be paid to either the child's guardian of the estate or to the general guardian. *Currently, the payment can only be made to the general guardian.*

Section 6 would amend G.S. 35A-1114 to allow a guardian ad litem to petition the court for appointment of an interim guardian in an incompetency proceeding. It would also require notice of the hearing for an interim guardian to be served on the petitioner, the respondent, and the respondent's counsel or guardian ad litem. The hearing on the interim guardian motion must be within 15 days of service on the respondent. *Currently, a guardian ad litem cannot file a petition for appointment of an interim guardian.*

Section 7 would amend G.S. 35A-1112 to allow the clerk of court in an incompetency proceeding to appoint an interim guardian, without a motion from another party, if the clerk determines it is in the respondent's best interest. *Currently, the clerk may not appoint an interim guardian without a motion by a party to the proceeding.*

Section 8 would amend G.S. 28A-20-1 to allow the clerk to extend the time within which a personal representative or collector must file an inventory of a decedent's estate. *Under current law the inventory is due within 3 months of qualification of the personal representative or collector.*

Section 9 would amend G.S. 28A-21-1 to clarify that the initial annual accounting must be filed by a personal representative or collector within 30 days of the first anniversary of that individual's qualification as personal representative or collector.

Section 10 would amend 28A-21-2 would allow personal representatives or collectors of decedents who die before January 1, 2013, to certify in the final accounting that no estate or inheritance tax return was required to be filed by the estate. The certification must include a list of all the decedent's property, including any property transferred within three years of the decedent's death. Once accepted by the clerk, this filing is prima facie evidence the property is free from estate or inheritance tax. Section 10 would also require personal representatives or collectors to produce vouchers or other verified proof of all payments made. *Current law does not make any provision for this certification*

Section 11 would amend G.S. 5A-23(b) to allow civil contempt proceedings to be heard in front of the clerk of court when the clerk has original subject matter jurisdiction. *Current law does not allow clerks to hear civil contempt matters unless the General Statutes specifically provide for it.*

Section 12 would amend G.S. 15A-305(b) to permit an arrest warrant to be issued for an individual who fails to appear at a show cause hearing for civil contempt. *Current law does not provide for issuance of an arrest warrant for those who do not appear at a civil contempt show cause hearing.*

Section 13 would make technical corrections to G.S. 7A-307, which governs court costs in the administration of estates. No fee amounts are affected.

Section 14 would amend G.S. 7A-64 to allow the Director of the Administrative Office of the Courts (AOC) to assign a district attorney from another district, appoint a private attorney, or enter into contracts with local governments to provide assistance to a district attorney if there is a conflict of interest in a given matter. Section 14 would also amend G.S. 7A-64 to remove the Director's power to assign an assistant in cases where there is evidence of prosecutorial misconduct. *Currently, no assignment can be made if there is a conflict of interest and an assignment can be made if there is evidence of prosecutorial misconduct.*

Section 15 has been purposely omitted.

Section 16 would amend G.S. 122C-268(g) to clarify the rules for videoconferencing in an inpatient commitment hearing.

Section 17 would amend G.S. 58-76-15 to remove the clerk of court as an individual against whom a plaintiff may have summary remedy on an official bond.

Section 18 would amend G.S. 58-76-25 to remove clerks of court from the list of individuals providing official bond against whom evidence of the principle's default can be used as evidence against the provider of the bond.

Section 19 would amend G.S. 1-110(b) to clarify that the clerk of court shall issue service of process against a defendant, relating back to the date an action was filed, in the even the plaintiff is an inmate in custody of the Division of Adult Correction of the Department of Public Safety and has been granted leave to proceed as an indigent.

Section 20 would amend Rule 3 of the Rules of Civil Procedure to remove the requirement that the clerk of court keep an index of all malpractice actions.

Section 21 would amend G.S. 122C-264 to remove the requirement that the clerk of court keep a list of outpatient commitment proceedings.

Section 22: Would amend G.S. 14-208.12A(a) to state that, for purposes of sex offender registration, a conviction of a sex offense in federal court will be treated as an out-of-state offense.

Section 23 would amend G.S. 7B-2901(a) to permit recordings of juvenile cases involving allegations of abuse, neglect, or dependency to be erased in accordance with a records retention schedule approved by the AOC and Department of Natural and Cultural Resources.

Section 24 would amend G.S. 7B-3000(d) to permit recordings of hearings involving juveniles to be erased in accordance with a records retention schedule approved by the AOC and Department of Natural and Cultural Resources.

Section 25 would make technical changes to G.S. 7B-603(b1).

Section 26 would amend G.S. 84-2 to clarify that the prohibition against the private practice of law by justices, judges, magistrates, full-time district attorneys, full-time assistant district attorneys, public defenders, assistant public defenders, clerks, deputy or assistant clerks of court, registers of deeds, deputy or assistant registers of deeds, and sheriffs or deputy sheriffs does not include unpaid pro bono

legal services provided by a professional association of lawyers or a nonprofit organization rendering legal services.

EFFECTIVE DATE: Section 22 would be effective when this act becomes law and apply to petitions filed on or after that date. The remainder of the act would be effective when it becomes law.

HOUSE BILL 236

Short Title:	NCAOC Omnibus Bill.	(Public)
Sponsors:	Representative R. Turner. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Judiciary I	

March 6, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE CLERK TO APPOINT AN INTERIM GUARDIAN AD LITEM ON THE CLERK'S OWN MOTION; TO PROVIDE FOR THE CLERK TO EXTEND THE TIME FOR FILING INVENTORY IN THE PROPERTY OF THE DECEASED; TO PROVIDE FOR ISSUANCE OF AN ORDER FOR AN ARREST WHEN A PERSON FAILS TO APPEAR AFTER BEING SERVED WITH A SHOW CAUSE IN A CIVIL PROCEEDING; TO AMEND HOW COSTS IN ADMINISTRATION OF ESTATES ARE ASSESSED; TO ALLOW FOR TEMPORARY ASSISTANCE FOR DISTRICT ATTORNEYS WHEN THERE IS A CONFLICT OF INTEREST; AND TO AMEND OTHER STATUTES GOVERNING THE GENERAL COURT OF JUSTICE, AS RECOMMENDED BY THE NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 5(e), reads as rewritten:

"**Rule 5. Service and filing of pleadings and other papers.**

...

(e) (1) Filing with the court defined. – The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the ~~court,~~court, pursuant to the rules promulgated under G.S. 7A-109 or subsection (e)(2) hereunder, except that the judge may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the clerk.

(2) Filing by electronic means. – If, pursuant to ~~G.S. 7A-34~~G.S. 7A-34, G.S. 7A-49.5, and G.S. 7A-343, the Supreme Court and the Administrative Officer of the Courts establish uniform rules, regulations, costs, procedures and specifications for the filing of pleadings or other court papers by electronic means, filing may be made by the electronic means when, in the manner, and to the extent provided therein.

(3) The failure to affix a date stamp or file stamp on any pleading or other papers filed in a civil action or special proceeding shall not affect the sufficiency, validity, or enforceability of the document."

SECTION 2. G.S. 1A-1, Rule 58, reads as rewritten:

"**Rule 58. Entry of judgment.**

Subject to the provisions of Rule 54(b), a judgment is entered when it is reduced to writing, signed by the judge, and filed with the clerk of ~~court.~~court pursuant to Rule 5. The party

designated by the judge or, if the judge does not otherwise designate, the party who prepares the judgment, shall serve a copy of the judgment upon all other parties within three days after the judgment is entered. Service and proof of service shall be in accordance with Rule 5. If service is by mail, three days shall be added to the time periods prescribed by Rule 50(b), Rule 52(b), and Rule 59. All time periods within which a party may further act pursuant to Rule 50(b), Rule 52(b), or Rule 59 shall be tolled for the duration of any period of noncompliance with this service requirement, provided however that no time period under Rule 50(b), Rule 52(b), or Rule 59 shall be tolled longer than 90 days from the date the judgment is entered. Subject to the provisions of Rule 7(b)(4), consent for the signing and entry of a judgment out of term, session, county, and district shall be deemed to have been given unless an express objection to such action was made on the record prior to the end of the term or session at which the matter was heard.

Notwithstanding any other law to the contrary, any judgment entered by a magistrate in a small claims action pursuant to Article 19 of Chapter 7A shall be entered in accordance with this Rule except judgments announced and signed in open court at the conclusion of a trial are considered to be served on the parties, and copies of any judgment not announced and signed in open court at the conclusion of a trial shall be served by the magistrate on all parties in accordance with this Rule, within three days after the judgment is entered. If service is by mail, three days shall be added to the time periods prescribed by G.S. 7A-228. All time periods within which a party may further act pursuant to G.S. 7A-228 shall be tolled for the duration of any period of noncompliance of this service requirement, provided that no time period shall be tolled longer than 90 days from the date judgment is entered."

SECTION 3. G.S. 28A-9-2(a) reads as rewritten:

"**§ 28A-9-2. Summary revocation.**

(a) Grounds. – Letters testamentary, letters of administration, or letters of collection, shall be revoked by the clerk of superior court without hearing when:

(1) After letters of administration or collection have been issued, a will is subsequently admitted to probate.

(2) After letters testamentary have been issued:

a. The will is set aside, or

b. A subsequent testamentary paper revoking the appointment of the executor is admitted to probate.

(3) Any personal representative or collector required to give a new bond or furnish additional security pursuant to G.S. 28A-8-3 fails to do so within the time ordered.

(4) A nonresident personal representative refuses or fails to obey any citation, notice, or process served on that nonresident personal representative or the process agent of the nonresident personal representative.

(5) A trustee in bankruptcy, liquidating agent, or receiver has been appointed for any personal representative or collector, or any personal representative or collector has executed an assignment for the benefit of creditors.

(6) A personal representative has failed to file an inventory or an annual account with the clerk of superior court, as required by Article 20 and Article 21 of this Chapter, and proceedings to compel such filing pursuant to G.S. 28A-20-2 or 28A-21-4 cannot be had because service cannot be completed because the personal representative cannot be found.

(7) A personal representative or collector is a licensed attorney, and the clerk is in receipt of an order entered pursuant to G.S. 84-28 enjoining, suspending, or disbarring the attorney."

SECTION 4. G.S. 35A-1290 reads as rewritten:

"**§ 35A-1290. Removal by Clerk.**

...

(b) It is the clerk's duty to remove a guardian or to take other action sufficient to protect the ward's interests in the following cases:

(1) The guardian wastes the ward's money or estate or converts it to his own use.
(2) The guardian in any manner mismanages the ward's estate.
(3) The guardian neglects to care for or maintain the ward or his dependents in a suitable manner.
(4) The guardian or his sureties are likely to become insolvent or to become nonresidents of the State.
(5) The original appointment was made on the basis of a false representation or a mistake.
(6) The guardian has violated a fiduciary duty through default or misconduct.
(7) The guardian has a private interest, whether direct or indirect, that might tend to hinder or be adverse to carrying out his duties as guardian.

~~(c) It is the clerk's duty to remove a guardian or to take other action sufficient to protect the ward's interests in the following cases:~~

~~(1)~~(8) The guardian has been adjudged incompetent by a court of competent jurisdiction and has not been restored to competence.
~~(2)~~(9) The guardian has been convicted of a felony under the laws of the United States or of any state or territory of the United States or of the District of Columbia and his citizenship has not been restored.
~~(3)~~(10) The guardian was originally unqualified for appointment and continues to be unqualified, or the guardian would no longer qualify for appointment as guardian due to a change in residence, a change in the charter of a corporate guardian, or any other reason.
~~(4)~~(11) The guardian is the ward's spouse and has lost his rights as provided by Chapter 31A of the General Statutes.
~~(5)~~(12) The guardian fails to post, renew, or increase a bond as required by law or by order of the court.
~~(6)~~(13) The guardian refuses or fails without justification to obey any citation, notice, or process served on him in regard to the guardianship.
~~(7)~~(14) The guardian fails to file required accountings with the clerk.
~~(8)~~(15) The clerk finds the guardian unsuitable to continue serving as guardian for any reason.
~~(9)~~(16) The guardian is a nonresident of the State and refuses or fails to obey any citation, notice, or process served on the guardian or the guardian's process agent.
(17) The guardian is a licensed attorney, and the clerk is in receipt of an order entered pursuant to G.S. 84-28 enjoining, suspending, or disbarring the attorney."

SECTION 5. G.S. 30-17 reads as rewritten:

"**§ 30-17. When children entitled to an allowance.**

Whenever any parent dies survived by any child under the age of 18 years, including an adopted child or a child with whom the widow may be pregnant at the death of her husband, or a child who is less than 22 years of age and is a full-time student in any educational institution, or a child under 21 years of age who has been declared mentally incompetent, or a child under 21 years of age who is totally disabled, or any other person under the age of 18 years residing with the deceased parent at the time of death to whom the deceased parent or the surviving parent stood in loco parentis, every such child shall be entitled to receive an allowance of five thousand dollars ($5,000) for the child's support for the year next ensuing the death of the parent. The allowance shall be in addition to the child's share of the deceased parent's estate and shall be exempt from any lien by judgment or execution against the property of the deceased parent. The personal

representative of the deceased parent shall, within one year after the parent's death, assign to every such child the allowance herein provided for; but if there is no personal representative or if the personal representative fails or refuses to act within 10 days after written application by a guardian or next friend on behalf of the child, the allowance may be assigned by a magistrate or clerk of court upon application.

If the child resides with the surviving spouse of the deceased parent at the time the allowance is paid, the allowance shall be paid to the surviving spouse for the benefit of the child. If the child resides with its surviving parent who is other than the surviving spouse of the deceased parent, the allowance shall be paid to the surviving parent for the use and benefit of the child. The payment shall be made regardless of whether the deceased died testate or intestate or whether the surviving spouse petitioned for an elective share under Article 1A of Chapter 30 of the General Statutes. Provided, however, the allowance shall not be available to a deceased father's child born out of wedlock, unless the deceased father has recognized the paternity of the child by deed, will, or other paper-writing, or unless the deceased father died prior to or within one year after the birth of the child and is established to have been the father of the child by DNA testing. If the child does not reside with a surviving spouse or a surviving parent when the allowance is paid, the allowance shall be paid to the child's general ~~guardian,~~guardian or guardian of the estate, if any, and if none, to the clerk of the superior court who shall receive and disburse the allowance for the benefit of the child."

SECTION 6. G.S. 35A-1114 reads as rewritten:

"**§ 35A-1114. Appointment of interim guardian.**

(a) At the time of or subsequent to the filing of a petition under this Article, the petitioner or guardian ad litem may also file a verified motion with the clerk seeking the appointment of an interim guardian.

(b) The motion filed by the petitioner or guardian ad litem shall set forth facts tending to show:

(1) That there is reasonable cause to believe that the respondent is incompetent, and

(2) One or both of the following:

a. That the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to his physical well-being and that requires immediate intervention;

b. That there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate that requires immediate intervention in order to protect the respondent's interest, and

(3) That the respondent needs an interim guardian to be appointed immediately to intervene on his behalf prior to the adjudication hearing.

(c) Upon filing of the motion for appointment of an interim ~~guardian,~~guardian by the petitioner or the guardian ad litem, the clerk shall immediately set a date, time, and place for a hearing on the motion. The motion and a notice setting the date, time, and place for the hearing shall be served promptly on the respondent and on his counsel or guardian ad litem and other persons the clerk may designate. The hearing shall be held as soon as possible but no later than 15 days after the motion has been served on the respondent.

(c1) The motion and notice setting the date, time, and place for the hearing shall be served promptly on the petitioner, the respondent and on his counsel or guardian ad litem, and other persons the clerk may designate. The hearing shall be held as soon as possible but not later than 15 days after the motion has been served on the respondent.

...."

SECTION 7. G.S. 35A-1112 reads as rewritten:

"**§ 35A-1112. Hearing on petition; adjudication order.**

...

(b1) At the hearing on the petition, on the clerk's own motion, the clerk may appoint an interim guardian pursuant to G.S. 35A-1114(d) and (e) if the clerk determines such an appointment to be in the best interests of the respondent.

...."

SECTION 8. G.S. 28A-20-1 reads as rewritten:

"**§ 28A-20-1. Inventory within three months.**

~~Every~~Unless the time for filing the inventory has been extended by the clerk of superior court, every personal representative and collector, within three months after the qualification of that personal representative or collector, shall return to the clerk, on oath, a just, true and perfect inventory of all the real and personal property of the deceased, which have come to the hands of the personal representative or collector, or to the hands of any person for the personal representative or collector, which inventory shall be signed by the personal representative or collector and be recorded by the clerk."

SECTION 9. G.S. 28A-21-1 reads as rewritten:

"**§ 28A-21-1. Annual accounts.**

Until the final account has been filed pursuant to G.S. 28A-21-2, the personal representative or collector shall, for so long as any of the property of the estate remains in the control, custody or possession of the personal representative or collector, file annually in the office of the clerk of superior court an inventory and account, under oath, of the amount of property received by the personal representative or collector, or invested by the personal representative or collector, and the manner and nature of such investment, and the receipts and disbursements of the personal representative or collector for the past year. Such accounts shall be due 30 days after the expiration of one year from the date of qualification of the personal representative or collector, or if a fiscal year is selected by the fifteenth day of the fourth month after the close of the fiscal year selected by the personal representative or collector, and annually on the same date thereafter. The election of a fiscal year shall be made by the personal representative or collector upon filing of the first annual account. In no event may a personal representative or collector select a fiscal year-end which is more than twelve months from the date of death of the decedent or, in the case of trust administration, the date of the opening of the trust. Any fiscal year selected may not be changed without the permission of the clerk of superior court.

The personal representative or collector shall produce vouchers for all payments or verified proof for payments in lieu of vouchers. The clerk of superior court may examine, under oath, such accounting party, or any other person, concerning the receipts, disbursements or any other matter relating to the estate. The clerk of superior court must carefully review and audit such account and, if the clerk approves the account, the clerk must endorse the approval of the clerk thereon, which shall be prima facie evidence of correctness, and cause the same to be recorded."

SECTION 10. G.S. 28A-21-2 reads as rewritten:

"**§ 28A-21-2. Final accounts.**

(a) Unless the time for filing the final account has been extended by the clerk of superior court, the personal representative or collector must file the final account for settlement within one year after qualifying or within six months after receiving a State estate or inheritance tax release, or in the time period for filing an annual account pursuant to G.S. 28A-21-1, whichever is later. If no estate or inheritance tax return was required to be filed for the estate, the personal representative or collector shall so certify in the final account filed with the clerk of superior court. Such certification shall list the amount and value of all of the decedent's property, and with respect to real estate, its particular location within or outside the State, including any property transferred by the decedent over which the decedent had retained any interest, or any property transferred within three years prior to the date of the decedent's death, and after being filed and accepted by the clerk of superior court shall be prima facie evidence that such property is free of any State inheritance or State estate tax liability. The personal representative or collector shall produce vouchers for all payments or verified proof for all payments in lieu of vouchers. With the approval

of the clerk of superior court, such account may be filed voluntarily at any time. In all cases, the accounting shall be reviewed, audited and recorded by the clerk of superior court in the manner prescribed in G.S. 28A-21-1.

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

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

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

SECTION 11. G.S. 5A-23(b) reads as rewritten:

"(b) Except when the clerk of superior court has original subject matter jurisdiction and issued the order when the General Statutes specifically provide for the exercise of contempt power by the clerk of superior court, proceedings under this section are before a district court judge, unless a court superior to the district court issued the order in which case the proceedings are before that court. When the proceedings are before a superior court, venue is in the superior court district or set of districts as defined in G.S. 7A-41.1 of the court which issued the order. Otherwise, venue is in the county where the order was issued."

SECTION 12. G.S. 15A-305(b) reads as rewritten:

"(b) When Issued. – An order for arrest may be issued when:

(1) A grand jury has returned a true bill of indictment against a defendant who is not in custody and who has not been released from custody pursuant to Article 26 of this Chapter, Bail, to answer to the charges in the bill of indictment.

(2) A defendant who has been arrested and released from custody pursuant to Article 26 of this Chapter, Bail, fails to appear as required.

(3) The defendant has failed to appear as required by a duly executed criminal summons issued pursuant to G.S. 15A-303 or a citation issued by a law enforcement officer or other person authorized by statute pursuant to G.S. 15A-302 that charged the defendant with a misdemeanor.

(4) A defendant has violated the conditions of probation.

(5) In any criminal proceeding in which the defendant has become subject to the jurisdiction of the court, it becomes necessary to take the defendant into custody.

(6) It is authorized by G.S. 15A-803 in connection with material witness proceedings.

(7) The common-law writ of capias has heretofore been ~~issuable.~~issuable, including when a person fails to appear after being served with a show cause order in a civil contempt proceeding.

(8) When a defendant fails to appear as required in a show cause order issued in a criminal proceeding.

(9) It is authorized by G.S. 5A-16 in connection with contempt proceedings."

SECTION 13. G.S. 7A-307 reads as rewritten:

"**§ 7A-307. Costs in administration of estates.**

(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, and of trusts under wills and under powers of attorney, in trust proceedings under G.S. 36C-2-203, in estate proceedings under G.S. 28A-2-4, and in collections of personal property by affidavit, the following costs shall be assessed:

(1) For the use of the courtroom and related judicial facilities, the sum of ten dollars ($10.00), to be remitted to the county. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.

(1a) For the upgrade, maintenance, and operation of the judicial and county courthouse telecommunications and data connectivity, the sum of four dollars ($4.00), to be credited to the Court Information Technology Fund.

(2) For support of the General Court of Justice, the sum of one hundred six dollars ($106.00), plus an additional forty cents (40¢) per one hundred dollars ($100.00), or major fraction thereof, of the gross estate, not to exceed six thousand dollars ($6,000). Gross estate shall include the fair market value of all personalty when received, and all proceeds from the sale of realty coming into the hands of the fiduciary, but shall not include the value of realty. In collections of personal property by affidavit, the fee based on the gross estate shall be computed from the information in the final affidavit of collection made pursuant to G.S. 28A-25-3 and shall be paid when that affidavit is filed. In all other cases, this fee shall be computed from the information reported in the ~~inventory and shall be paid when the inventory is filed with the clerk.~~inventory. If additional gross estate, including income, comes into the hands of the fiduciary after the filing of the inventory, the fee for such additional value shall be ~~assessed and paid upon~~computed from the information reported in the ~~filing of any~~ account or report disclosing such additional value. For each filing the minimum fee shall be fifteen dollars ($15.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of one dollar and fifty cents ($1.50) of each one hundred six-dollar ($106.00) General Court of Justice fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4.

(2a) Notwithstanding subdivision (2) of this subsection, the fee of forty cents (40¢) per one hundred dollars ($100.00), or major fraction, of the gross estate, not to exceed six thousand dollars ($6,000), shall not be assessed on personalty received by a trust under a will when the estate of the decedent was administered under Chapters 28 or 28A of the General Statutes. Instead, a fee of twenty dollars ($20.00) shall be assessed on the filing of each annual and final account. However, the fee shall be assessed only on newly contributed or acquired assets, all interest or other income that accrues or is earned on or with respect to any existing or newly contributed or acquired assets, and realized gains on the sale of any and all trust assets. Newly contributed or acquired assets do not include assets acquired by the sale, transfer, exchange, or

otherwise of the amount of trust property on which fees were previously assessed.

(2b) Notwithstanding subdivisions (1) and (2) of this subsection, no costs shall be assessed when the estate is administered or settled pursuant to G.S. 28A-25-6.

(2c) Notwithstanding subdivision (2) of this subsection, the fee of forty cents (40¢) per one hundred dollars ($100.00), or major fraction, of the gross estate shall not be assessed on the gross estate of a trust that is the subject of a proceeding under G.S. 36C-2-203 if there is no requirement in the trust that accountings be filed with the clerk.

(2d) Notwithstanding subdivisions (1) and (2) of this subsection, the only cost assessed in connection with the qualification of a limited personal representative under G.S. 28A-29-1 shall be a fee of twenty dollars ($20.00) to be assessed upon the filing of the petition.

(3) For probate of a will without qualification of a personal representative, the clerk shall assess a facilities fee as provided in subdivision (1) of this subsection and shall assess for support of the General Court of Justice, the sum of twenty dollars ($20.00).

(4) For the support of the General Court of Justice, the sum of twenty dollars ($20.00) shall accompany any filing of a notice of hearing on a motion not listed in G.S. 7A-308 that is filed with the clerk. No costs shall be assessed to a notice of hearing on a motion containing as a sole claim for relief the taxing of costs, including attorneys' fees, or to a motion filed pursuant to G.S. 1C-1602 or G.S. 1C-1603. No more than one fee shall be assessed for any motion for which a notice of hearing is filed, regardless of whether the hearing is continued, rescheduled, or otherwise delayed.

(5) For the filing of a caveat to a will, the clerk shall assess for support of the General Court of Justice, the sum of two hundred dollars ($200.00).

(6) Notwithstanding subdivisions (1) and (2) of this subsection, the only cost assessed in connection with the reopening of an estate administration under G.S. 28A-23-5 shall be forty cents (40¢) per one hundred dollars ($100.00), or major fraction, of any additional gross estate, including income, coming into the hands of the fiduciary after the estate is reopened; provided that the total cost assessed when added to the total cost assessed in all prior administrations of the estate shall not exceed six thousand dollars ($6,000).

(b) In collections of personal property by affidavit, the facilities fee and thirty dollars ($30.00) of the General Court of Justice fee shall be paid at the time of filing the qualifying affidavit pursuant to G.S. 28A-25-1. ~~In all other cases, these fees shall be paid at the time of filing of the first inventory.~~ If the sole asset of the estate is a cause of action, these fees shall be paid at the time of the qualification of the fiduciary.

(b1) The clerk shall assess the following miscellaneous fees:

(1) Filing and indexing a will with no probate
– first page ..... $ 1.00
– each additional page or fraction thereof ..... .25

(2) Issuing letters to fiduciaries, per letter over five letters issued 1.00

(3) Inventory of safe deposits of a decedent, per box, per day 15.00

(4) Taking a deposition 10.00

(5) Docketing and indexing a will probated in another county in the State
– first page 6.00
– each additional page or fraction thereof ..... .25

(6) Hearing petition for year's allowance to surviving spouse or child, in cases not assigned to a magistrate, and allotting the same 8.00

(c) The following additional expenses, when incurred, are also assessable or recoverable, as the case may be:

(1) Witness fees, as provided by law.
(2) Counsel fees, as provided by law.
(3) Costs on appeal, of the original transcript of testimony, if any, insofar as essential to the appeal.
(4) Fees for personal service of civil process, and other sheriff's fees, as provided by law.
(5) Fees of guardians ad litem, referees, receivers, commissioners, surveyors, arbitrators, appraisers, and other similar court appointees, as provided by law.

(d) Costs assessed before the clerk shall be added to costs assessable on appeal to the judge or upon transfer to the civil issue docket.

(e) Nothing in this section shall affect the liability of the respective parties for costs, as provided by law."

SECTION 14. G.S. 7A-64 reads as rewritten:

"**§ 7A-64. Temporary assistance for district attorneys.**

(a) A district attorney may apply to the Director of the Administrative Office of the Courts to:

(1) Temporarily assign an assistant district attorney from another district, after consultation with the district attorney thereof, to assist in the prosecution of cases in the requesting district;
(2) Authorize the temporary appointment, by the requesting district attorney, of a qualified attorney to assist the requesting district attorney; or
(3) Enter into contracts with local governments for the provision of services by the State pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(a1) Repealed by Session Laws 2012-7, s. 9, effective June 7, 2012.

(b) The Director of the Administrative Office of the Courts may provide this assistance only upon a showing by the requesting district attorney or the Chair of the North Carolina Innocence Inquiry Commission, as appropriate, supported by facts, that:

(1) Criminal cases have accumulated on the dockets of the superior or district courts of the district beyond the capacity of the district attorney and the district attorney's full-time assistants to keep the dockets reasonably current;
(2) The overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety; or
(3) There is an allegation of or evidence of prosecutorial misconduct in the case that is the subject of the hearing under G.S. 15A-1469.
(4) There is a conflict of interest.

(c) The length of service and compensation of any temporary appointee or the terms of any contract entered into with local governments shall be fixed by Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

SECTION 15. G.S. 7A-343 reads as rewritten:

"**§ 7A-343. Duties of Director.**

The Director is the Administrative Officer of the Courts, and the Director's duties include all of the following:

...

(3) Prescribe uniform administrative and business methods, systems, ~~forms~~forms, practices and procedures, and records to be used in the ~~offices of the clerks of superior court.~~courts.

(3a) Maintain and staff as necessary an Internal Audit Division of the Judicial Department and the Administrative Office of the Courts that:

a. Evaluates and discloses potential weaknesses in the effectiveness of internal controls in the court system for the purpose of safeguarding public funds and assets and minimizing incidences of fraud, waste, and abuse.

b. Examines and analyzes the design and effectiveness of administrative and procedural operations.

c. Ensures overall compliance with federal and State laws, internal and external regulations, rules and procedures, and other applicable requirements.

d. Inspects and reviews the effectiveness and efficiency of processes and proceedings conducted by judicial officers.

e. Collaborates with other divisions to guide, direct, and support court officials in efforts to conform to both recommended and required compliance standards.

f. Executes routine audits of the Judicial Department's systems and controls, including, but not limited to:

1. Accounting systems and controls.
2. Administrative systems and controls.
3. Electronic data processing systems and controls.

...."

SECTION 16. G.S. 122C-268(g) reads as rewritten:

"(g) Hearings may be held in an appropriate room not used for treatment of clients at the facility in which the respondent is being treated if it is located within the judge's district court district as defined in G.S. 7A-133, by ~~interactive videoconferencing~~audio and video transmission between a treatment facility and a ~~courtroom,~~courtroom in which the judge and the respondent can see and hear each other, or in the judge's chambers. A hearing may not be held in a regular courtroom, over objection of the respondent, if in the discretion of a judge a more suitable place is available. If the respondent has counsel, the respondent shall be allowed to communicate fully and confidentially with his attorney during the proceeding. Prior to the use of the audio and video transmission, the procedures and type of equipment for audio and video transmission shall be submitted to the Administrative Office of the Courts by the chief district court judge and approved by the Administrative Office of the Courts."

SECTION 17. G.S. 58-76-15 reads as rewritten:

"**§ 58-76-15. Summary remedy on official bond.**

When a sheriff, coroner, ~~clerk,~~ county or town treasurer, or other officer, collects or receives any money by virtue or under color of his office, and on demand fails to pay the same to the person entitled to require the payment thereof, the person thereby aggrieved may move for judgment in the superior court against such officer and his sureties for any sum demanded; and the court shall try the same and render judgment at the session when the motion shall be made, but 10 days' notice in writing of the motion must have been previously given."

SECTION 18. G.S. 58-76-25 reads as rewritten:

"**§ 58-76-25. Evidence against principal admissible against sureties.**

In actions brought upon the official bonds of ~~clerks of courts,~~ sheriffs, coroners, or other public officers, and also upon the bonds of executors, administrators, collectors or guardians, when it may be necessary for the plaintiff to prove any default of the principal obligors, any receipt or acknowledgment of such obligors, or any other matter or thing which by law would be

admissible and competent for or toward proving the same as against him, shall in like manner be admissible and competent as presumptive evidence only against all or any of his sureties who may be defendants with or without him in said actions."

SECTION 19. G.S. 1-110(b) reads as rewritten:

"(b) Whenever a motion to proceed as an indigent is filed pro se by an inmate in the custody of the Division of Adult Correction of the Department of Public Safety, the motion to proceed as an indigent and the proposed complaint shall be presented to any superior court judge of the judicial district. This judge shall determine whether the complaint is frivolous. In the discretion of the court, a frivolous case may be dismissed by order. The clerk of superior court shall serve a copy of the order of dismissal upon the prison inmate. If the judge determines that the inmate may proceed as an indigent, the clerk of superior court shall issue service of process nunc pro tunc to the date of filing upon the ~~defendant shall issue without further order of the court.~~defendant."

SECTION 20. G.S. 1A-1, Rule 3, reads as rewritten:

"**Rule 3. Commencement of action.**

~~(a)~~ A civil action is commenced by filing a complaint with the court. The clerk shall enter the date of filing on the original complaint, and such entry shall be prima facie evidence of the date of filing.

A civil action may also be commenced by the issuance of a summons when

(1) A person makes application to the court stating the nature and purpose of his action and requesting permission to file his complaint within 20 days and

(2) The court makes an order stating the nature and purpose of the action and granting the requested permission.

The summons and the court's order shall be served in accordance with the provisions of Rule 4. When the complaint is filed it shall be served in accordance with the provisions of Rule 4 or by registered mail if the plaintiff so elects. If the complaint is not filed within the period specified in the clerk's order, the action shall abate.

~~(b) The clerk shall maintain as prescribed by the Administrative Office of the Courts a separate index of all medical malpractice actions, as defined in G.S. 90-21.11. Upon the commencement of a medical malpractice action, the clerk shall provide a current copy of the index to the senior regular resident judge of the district in which the action is pending.~~"

SECTION 21. G.S. 122C-264 reads as rewritten:

"**§ 122C-264. Duties of clerk of superior court and the district attorney.**

...

~~(e) The clerk of superior court of the county where outpatient commitment is to be supervised shall keep a separate list regarding outpatient commitment and shall prepare quarterly reports listing all active cases, the assigned supervisor, and the disposition of all hearings, supplemental hearings, and rehearings.~~

(f) The clerk of superior court of the county where inpatient commitment hearings and rehearings are held shall provide all notices, send all records and maintain a record of all proceedings as required by this Part; provided that if the respondent has been committed to a 24-hour facility in a county other than his county of residence and the district court hearing is held in the county of the facility, the clerk of superior court in the county of the facility shall forward the record of the proceedings to the clerk of superior court in the county of respondent's residence, where they shall be maintained by receiving clerk."

SECTION 22. G.S. 14-208.12A(a) reads as rewritten:

"(a) Ten years from the date of initial county registration, a person required to register under this Part may petition the superior court to terminate the 30-year registration requirement if the person has not been convicted of a subsequent offense requiring registration under this Article.

If the reportable conviction is for an offense that occurred in North Carolina, the petition shall be filed in the district where the person was convicted of the offense.

If the reportable conviction is for an offense that occurred in another state, the petition shall be filed in the district where the person resides. A person who petitions to terminate the registration requirement for a reportable conviction that is an out-of-state offense shall also do the following: (i) provide written notice to the sheriff of the county where the person was convicted that the person is petitioning the court to terminate the registration requirement and (ii) include with the petition at the time of its filing, an affidavit, signed by the petitioner, that verifies that the petitioner has notified the sheriff of the county where the person was convicted of the petition and that provides the mailing address and contact information for that sheriff.

Regardless of where the offense occurred, if the defendant was convicted of a reportable offense in any federal court, the conviction will be treated as an out-of-state offense for the purposes of this section."

SECTION 23. G.S. 7B-2901(a) reads as rewritten:

"(a) The clerk shall maintain a complete record of all juvenile cases filed in the clerk's office alleging abuse, neglect, or dependency. The records shall be withheld from public inspection and, except as provided in this subsection, may be examined only by order of the court. The record shall include the summons, petition, custody order, court order, written motions, the electronic or mechanical recording of the hearing, and other papers filed in the proceeding. The recording of the hearing shall be reduced to a written transcript only when notice of appeal has been timely given. After the time for appeal has expired with no appeal having been filed, the recording of the hearing may be erased or destroyed upon the written order of the ~~court.~~court or in accordance with a retention schedule approved by the Director of the Administrative Office of the Courts and the Department of Natural and Cultural Resources under G.S. 121-5(c).

The following persons may examine the juvenile's record maintained pursuant to this subsection and obtain copies of written parts of the record without an order of the court:

(1) The person named in the petition as the juvenile;
(2) The guardian ad litem;
(3) The county department of social services; and
(4) The juvenile's parent, guardian, or custodian, or the attorney for the juvenile or the juvenile's parent, guardian, or custodian."

SECTION 24. G.S. 7B-3000(d) reads as rewritten:

"(d) Any portion of a juvenile's record consisting of an electronic or mechanical recording of a hearing shall be transcribed only when notice of appeal has been timely given and shall be copied electronically or mechanically, only by order of the court. After the time for appeal has expired with no appeal having been filed, the court may enter a written order directing the clerk to destroy the recording of the ~~hearing.~~hearing or the recording may be destroyed in accordance with a retention schedule approved by the Director of the Administrative Office of the Courts and the Department of Natural and Cultural Resources under G.S.121-5(c)."

SECTION 25. G.S. 7B-603(b1) reads as rewritten:

"(b1) The court may require payment of the fee for an attorney appointed pursuant to G.S. 7B-602 or ~~G.S. 7B-1101~~G.S. 7B-1101.1 from the respondent. In no event shall the respondent be required to pay the fees for a court-appointed attorney in an abuse, neglect, or dependency proceeding unless the juvenile has been adjudicated to be abused, neglected, or dependent or, in a proceeding to terminate parental rights, unless the respondent's rights have been terminated. At the dispositional hearing or other appropriate hearing, the court shall make a determination whether the respondent should be held responsible for reimbursing the State for the respondent's attorneys' fees. This determination shall include the respondent's financial ability to pay.

If the court determines that the respondent is responsible for reimbursing the State for the respondent's attorneys' fees, the court shall so order. If the respondent does not comply with the order at the time of disposition, the court shall file a judgment against the respondent for the amount due the State."

SECTION 26. G.S. 84-2 reads as rewritten:

"**§ 84-2. Persons disqualified.**

No justice, judge, magistrate, full-time district attorney, full-time assistant district attorney, public defender, assistant public defender, clerk, deputy or assistant clerk of the General Court of Justice, register of deeds, deputy or assistant register of deeds, sheriff or deputy sheriff shall engage in the private practice of law. Notwithstanding the provisions of G.S. 84-2.1, as used in this section, the private practice of law shall not include the performance of unpaid pro bono legal services. Persons violating this provision shall be guilty of a Class 3 misdemeanor and only fined not less than two hundred dollars ($200.00)."

SECTION 27. Section 22 of this act is effective when it becomes law and applies to petitions filed on or after that date. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 551
PROPOSED COMMITTEE SUBSTITUTE H551-PCS10342-TT-22

Short Title: Strengthening Victims' Rights. (Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW AND CONSTITUTION OF NORTH CAROLINA TO PROVIDE BETTER PROTECTIONS AND SAFEGUARDS TO VICTIMS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 37 of Article I of the North Carolina Constitution reads as rewritten:

"Sec. 37. Rights of victims of crime.

(1) Basic rights. Victims of ~~crime, as prescribed by law,~~crime and delinquent acts shall be entitled to the following basic rights:

(a) The ~~right as prescribed by law to be informed of and to be present at court proceedings of the accused.~~right, upon request, to reasonable and timely notice of all criminal and juvenile proceedings.

(b) The right to be ~~heard at sentencing of the accused in a manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.~~present at criminal and juvenile proceedings of the defendant.

(b1) The right to be heard, when the victim is present, at any proceeding involving a plea, sentencing, parole, release of the defendant, and any proceeding in which the victim's rights are implicated, except for the defendant's initial appearance.

(c) The right ~~as prescribed by law~~ to receive ~~restitution.~~full and timely restitution from the defendant.

(d) The right ~~as prescribed by law~~ to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.

(e) The right ~~as prescribed by law~~ to receive information about the conviction or final disposition and sentence of the accused.

(f) The ~~right as prescribed by law~~right, upon request, to receive notification of escape, release, proposed parole or pardon of the ~~accused,~~defendant, or notice of a reprieve or commutation of ~~the accused's~~the defendant's sentence.

(g) The right ~~as prescribed by law~~ to present their views and concerns to the Governor or agency considering any action that could result in the release of the ~~accused,~~defendant, prior to such action becoming effective.

(h) The right ~~as prescribed by law~~ to confer with the prosecution.

(i) The right to be reasonably protected from the defendant.

(j) The right to proceedings free from unreasonable delay and a prompt conclusion to the case.

(k) The right to be treated with fairness and respect for the victim's dignity and privacy. Nothing in this section shall affect the State's discovery obligations.

(1a) The victim, the victim's next of kin, the victim's attorney, or other lawful representative, or the attorney for the government, upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to the victim by law in any trial or appellate court, or before any other authority, with jurisdiction over the case. The court or other authority with jurisdiction shall act promptly on a request. If the matter involves an allegation that the District Attorney failed to comply with the rights of a victim when obligated to so do by law, the victim must first afford the District Attorney with jurisdiction over the criminal action an opportunity to resolve any issue in a timely manner. The victim does not have party status. The court shall not appoint an attorney for the victim under this section. Nothing in this section shall be construed to alter the powers and responsibilities of the District Attorney.

(1b) As used in this section, a "victim" includes any person directly harmed by the commission of a felony, sexual offense, domestic criminal trespass, stalking, violation of a protective order, or any offense where assault or threat is an element, or a person against whom such an offense is committed. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a victim that is deceased, incompetent, incapacitated, or a minor.

(1c) Nothing in this section shall be construed to authorize a collateral civil cause of action.

(2) No money ~~damages; other enforcement.~~damages. Nothing in this section shall be construed as creating a claim for money damages against the State, a county, a municipality, or any of the agencies, instrumentalities, officers, or employees thereof. ~~The General Assembly may provide for other remedies to ensure adequate enforcement of this section.~~

(3) No ground for relief in criminal case. The failure or inability of any person to provide a right or service provided under this section may not be used by a defendant in a criminal case, an inmate, or any other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas corpus, civil action, or any similar criminal or civil proceeding."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the primary election in May 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to strengthen protections for victims of crime, to establish certain, absolute basic rights for victims, and to ensure the enforcement of these rights."

SECTION 3. If a majority of the votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State, who shall enroll the amendment so certified among the permanent records of that office. The amendment becomes effective January 1, 2019.

SECTION 4. This act becomes effective January 1, 2019.

Room 544

VISITOR REGISTRATION SHEET

Rules, Calendar & Operations
Name of Committee

Date 04-26-2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Scoggin	DS
[illegible] Harrison	NCDTSEA
Chip Baggett	NCMS
Kathy Hawkins	Duke Energy
Fred Box	Box & Assoc
J Bussian	NCPA
Christy Ono	New Flame
Skye David	newflame
Scott Loftin	KGANC
Betsy McCaskill	KGANC

Room 544

VISITOR REGISTRATION SHEET

Rules, Calendar & Operations
Name of Committee

Date 04-26-2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Hill	SOG
Chris Sinclair	Charter
Elizabeth Bier	Brooks Pierce
Bob Orr	Orr Govt
Alastair Mackay	Connect One Solutions
Chris Wall	PC
Chris Hayes	NC Chamber
Johanna Reese	NCACC
Peter Bolac	NC Bar
Elena Ceberio	TTPLUSTQ@AOL.COM
MICHAEL EISENBERG	CONCERNED CITIZEN

Room 544

VISITOR REGISTRATION SHEET

Rules, Calendar & Operations
Name of Committee

Date 04-26-2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JEFF KAYE	Marsy's Law
JON FLEISCHMAN	MARSY'S LAW
Adam Pridemore	NCTSA
Joel Maynard	GBM Assoc
Meaghan Lewis	NC Chamber
Kari Barsness	Gateway Health
Sarah Hardin	NCEC
Armanda Donovan	KTS

Room 544

VISITOR REGISTRATION SHEET

Rules, Calendar & Operations
Name of Committee

Date 04-26-2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Fazier	SML
Chloe Gossye	NC Superintendent
Emma Shelby	TPG
Sarah McQuillan	KGANC
Phoebe Landon	MWC
Kathy Kirkpatrick	DP
Kim Lunch	NCBA
Peg Dorer	Conf of DAs
Seth Banks	DA 24th Judicial District

Room 544

VISITOR REGISTRATION SHEET

Rules, Calendar & Operations
Name of Committee

Date 04-26-2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Angel Sams	DeVivo & Sams
David Heron	NC Nonprofits
Susanna Pojadas	ACLU-NC
Matthew Her.	DRNC
Kay Castillo	NASW-NC
Steven Cogburn	Clerk's Conference

VISITOR REGISTRATION SHEET

Rules — 04-26-2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JOHN BUSSIAN	NC Press Assn
Johanna Reese	NCACC
Todd Allen	The Wake Forest Weekly

VISITOR REGISTRATION SHEET

House Committee on Rules — 4/26/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Seth Banks	DA - District 24
Bob ORR	MARSY'S LAW
Betsy McCorkle	KGANC
JEFF KAYE	Marsy's Law
Sarah McQuillan	KGANC
JON FUREGALMAN	MARSY'S LAW
Alastair Maccaly	Communications Solutions
Chris Wall	PG
Rob Lamm	PCA
Kelli Kuhn	Duke Energy
Tom Mott	NCICU

VISITOR REGISTRATION SHEET

House Committee on Rules — 4/26/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Scott Lassen	KGPAC
Penny Hill	SOG
Chris Shaw	Chamber
Steve Metcalf	The Policy Group
Josh Lawes	SML
Johnny Mercer	Policy Group
[illegible]	MWC
Kelly Kingsbury	BP
Phoebe Landon	MGW

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Rules

DATE: 4/26/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Russell Salibury
3. Name: David Linthicum
4. Name: _____
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

House Committee on Rules, Calendar, and Operations of the House
Thursday, April 27, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 10:00 AM on Thursday, April 27, 2017 in room 1228 of the Legislative Building. Representatives Lewis, Davis, Szoka, Carney, Goodman, Hanes, Jackson, Reives, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills and resolutions were considered:

HB 823 Adult Adoptee/Access Original Birth. (Representative Hurley)
A proposed committee substitute was placed before the committee without objection. Rep. Carney moved for a favorable report to the proposed committee substitute, unfavorable as to the original bill. Rep. Jackson was excused from voting.

HB 920 Honor UNC Men's Basketball 2017 Championship. (Rep.Lewis)
Rep. Lewis explained the resolution.

The meeting adjourned at 10:15 AM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, April 27, 2017
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **HB 830 will be a PCS**

The committee will be introducing a Joint Resolution to Honor the UNC Chapel Hill Basketball Team for winning the 2017 NCAA Championship

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 830	WC/Independent Truckers.	Representative Wray
HB 823	Adult Adoptee/Access Original Birth Cert.	Representative Hurley Representative Faircloth

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:17 PM on Friday, July 07, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **823** Adult Adoptee/Access Original Birth Cert.

Draft Number:	H823-PCS10344-TC-25
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Hurley

TOTAL REPORTED: 1



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE JOINT RESOLUTION DRHJR30412-LG-87 (04/26)

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

Referred to:

A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2017 NCAA CHAMPIONSHIP.

Whereas, on April 3, 2017, the University of North Carolina at Chapel Hill men's basketball team won the 2017 National Collegiate Athletic Association (NCAA) Division I Championship by defeating Gonzaga University by a score of 71-65; and

Whereas, on the road to the final championship game, the Tar Heels defeated some formidable opponents, including the Oregon Ducks (77-76), Kentucky Wildcats (75-73), Butler Bulldogs (92-80), Arkansas Razorbacks (72-65), and the Texas Southern Tigers (103-64); and

Whereas, the Tar Heels looked at this year's season as redemption for losing the 2016 national championship during the final seconds of the game against Villanova University; and

Whereas, the 2017 championship marks the sixth Division I NCAA championship, adding to national championships in 1957, 1982, 1993, 2005, and 2009; and

Whereas, in NCAA tournament play, UNC has made 48 appearances, been selected as a No. 1 seed 16 times, and played in the Final Four eight different decades; and

Whereas, head coach Roy Williams, a Naismith Hall of Fame member, is the first coach to win three NCAA championships at his alma mater; and

Whereas, the Tar Heels were also crowned the 2017 Atlantic Coast Conference (ACC) regular season champions, improving the program's ACC record to 31 regular season titles; and

Whereas, the General Assembly recognizes the perseverance, teamwork, and enduring triumph of the University of North Carolina at Chapel Hill men's basketball team members: Joel Berry II, Tony Bradley, Nate Britt, Kanler Coker, Isaiah Hicks, Justin Jackson, Luke Maye, Kennedy Meeks, Theo Pinson, Brandon Robinson, Aaron Rohlman, Shea Rush, Stilman White, Kenny Williams, and Seventh Woods; head coach: Roy Williams; assistant coaches: Hubert Davis, C.B. McGrath, and Steve Robinson; and other coaching staff members: Brad Frederick, Sean May, Jonas Sahratian, and Eric Hoots; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. On Wednesday, May 3, 2017, at 10:00 A.M., the House of Representatives and the Senate shall meet in joint session in the Hall of the House of Representatives to honor the University of North Carolina at Chapel Hill men's basketball team for winning the 2017 National Collegiate Athletic Association Division I Men's Basketball Championship.

SECTION 2. This resolution is effective upon ratification.

HOUSE BILL 823:
Adult Adoptee/Access Original Birth Cert.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	April 27, 2017
Introduced by:	Reps. Hurley, Faircloth	**Prepared by:**	Kara McCraw Staff Attorney
Analysis of:	PCS to First Edition H823-CSTC-25		

OVERVIEW: HB 823 would authorize an adoptee age 40 or older adopted on or after January 1, 1977, to receive a copy of the adoptee's original birth certificate with proof of the name of a biological parent.

The PCS would remove the requirement the adoption had occurred on of after January 1, 1977, and require that the State Registrar redact the name of any birth parent for which the adoptee does not present proof.

CURRENT LAW: Article 9 of Chapter 48 of the General Statutes establishes the confidentiality of records and disclosure of information related to adoptions. G.S 48-9-107 requires the State Registrar to prepare a new birth certificate for adoptees that contain no reference to the adoption of the adoptee and shall not refer to the adoptive parents in any way other than as the adoptee's parents. G.S. 48-9-106 allows the State Registrar to release the adoptee's original birth certificate only upon receipt of a certified copy of a court order issued pursuant to G.S. 48-9-105 authorizing the release of an adoptee's original certificate of birth. G.S. 48-9-105 provides a process for an individual to see an action before the court for release of either identifying or other nonidentifying information.

BILL ANALYSIS: HB 823 would allow another method for seeking an original birth certificate by an adoptee other than through a court order. An adoptee who is at least 40 year old could request a copy of the adoptee's original birth certificate from the State Registrar as follows:

- If the adoptee had proof of the names of both biological parents, the State Registrar would provide a copy of the original birth certificate.
- If the adoptee had proof of the name of one biological parent, the State Registrar would provide a copy of the original birth certificate with the name of the other parent redacted.

The State Registrar would prescribe a reasonable procedure for verifying the identity, age, or other relevant characteristics of an adult adoptee applying for a copy of the adoptee's original birth certificate. The same fees would be charged as for issuance of a certified copy of a certificate of birth.

EFFECTIVE DATE: HB 823 would become effective when it becomes law and apply to applications made on or after that date.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 823
PROPOSED COMMITTEE SUBSTITUTE H823-CSTC-25 [v.2]

04/27/2017 9:08:58 AM

Short Title: Adult Adoptee/Access Original Birth Cert. (Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO ALLOW AN ADULT ADOPTEE WHO IS AT LEAST FORTY YEARS OF AGE OR OLDER ACCESS TO A COPY OF THE ADULT ADOPTEE'S ORIGINAL BIRTH CERTIFICATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 48-9-106 reads as rewritten:

"**§ 48-9-106. Release of original certificate of birth.**

(a) ~~Upon~~ Except as provided in subsection (b) of this section, upon receipt of a certified copy of a court order issued pursuant to G.S. 48-9-105 authorizing the release of an adoptee's original certificate of birth, the State Registrar shall give the individual who obtained the order a copy of the original certificate of birth with a certification that the copy is a true copy of a record that is no longer a valid certificate of birth.

(b) Upon application of an adult adoptee who provides proof of the names of the biological parents' of the adult adoptee, the State Registrar shall give the adult adoptee a copy of the adoptee's original certificate of birth with a certification that the copy is a true copy of a record that is no longer a valid certificate of birth. Upon application of an adult adoptee who provides proof of the name of only one biological parent of the adult adoptee, the State Registrar shall give the adult adoptee a copy of the adoptee's original certificate of birth with a certification that the copy is a true copy of a record that is no longer a valid certificate of birth after redacting the name of the parent for which the adult adoptee did not provide proof, if applicable. The State Registrar shall prescribe a reasonable procedure for verifying the identity, age, or other relevant characteristics of an adult adoptee applying for a copy of the adoptee's original birth certificate. In accordance with G.S. 161-10(a)(8), the fees for issuance of a certified copy of a certificate of birth in this State shall apply to a copy of an adoptee's original certificate of birth issued pursuant to this subsection. This subsection applies only to an adult adoptee seeking an original certificate of birth who is at least forty years of age or older upon application."

SECTION 2. This act is effective when it becomes law and applies to applications made on or after that date.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Rules

DATE: 4/27/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Russell Salisbury
3. Name: Warren Hawkins
4. Name: _____
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

House Committee on Rules — 4/27/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Del Grosso	Brubaker + Assoc
Sarah Bales	" "
[illegible]	[illegible]
Kendall Bourdon	NC Industrial Commission
Jake Caslion	NCC
Laura Via	Duke E
Chris Mellon	BG
Jason Soper	NCC
Jonathan Brubaker	Brubaker + Assoc
Hayden W. Burgess	Electri Cities NC
Dan Cartin	SEHive
TJ Bugbee	NP
[illegible]	WDC

VISITOR REGISTRATION SHEET

House Committee on Rules — 4/27/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Phoebe Landon	MWC
Kelly Kingsbury	3R
Skye David	newsame
Ben Popkin	DHHS
Caroline Miller	AMGA
Hugh Johnson	NCAHC
Will Burgin	NCHFA
Sarah Hardin	NCEL

VISITOR REGISTRATION SHEET

House Committee on Rules — 4/27/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Rustin	NC Family
Jeffrey COHEN	NM
Mike Carpenter	NCOBA
Lou. Ann Harris	LAFCM
Lexi Arthur	NCRMA
Elizabeth Johnson	NCRMA
Abe Schaefer	GSP
Lindsey Darling	GSP
Sue Ann Torrest	NCMS
	MA

VISITOR REGISTRATION SHEET

House Committee on Rules — 4/27/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	305
Shsanna Bridgers	ACLU-NC
Matthew Herr	DRNC
Lindsay Robinson	PPSAT
Matt Gross	NC CHN
Bryan Meldwerf	NCSBA
[illegible]	NCASA
David Fenn	VB
[illegible]	NCAAP
Will Magan	MFI
Adam Priddemore	NCASA

House Committee on Rules, Calendar, and Operations of the House
Tuesday, May 23, 2017 at 12:45pm
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 12:45pm on May 23, 2017 in Room 1228/1327 of the Legislative Building. Representatives Bumgardner, Carney, Davis, Dollar, Dulin, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

HR 922 Mecklenburg Declaration of Independence Day Resolution (Rules, Calendar, and Operations of the House)
Representative Moore commented on the resolution. Representative Torbett moved that the resolution be favorable for introduction. The motion carried.

HR 923 World War I Expeditionary Forces Commemoration (Rules, Calendar, and Operations of the House)
Representative Torbett moved that the resolution be favorable for introduction. The motion carried.

With no further business before the committee, the meeting adjourned at 1:00PM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, May 23, 2017
TIME: **12:45 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **Bills to be introduced:**
WW1 Resolution
Meck Deck Day Resolution

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:15 PM on Friday, July 07, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

12:45 PM

on Mcck Dec Dan

Moore comment

Tarbett Comment → more for few.

Favorable for introduction

WWI

Tarbett move for fav

↳ Moore second

Favorable

Committee Adjourned 1 PM

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE FOR INTRODUCTION (H922)

DRHR40576-LG-98 A HOUSE RESOLUTION COMMEMORATING THE ARRIVAL OF THE AMERICAN EXPEDITIONARY FORCES IN EUROPE DURING WORLD WAR I AND HONORING THE SERVICE AND SACRIFICE OF THOSE WHO LOST THEIR LIVES.

Public

E-Jacket

Observe Mecklenburg Independence Day.

DRHR40580-LG-96

H.R. 922 RESOLUTION _____

A HOUSE RESOLUTION OBSERVING THE ANNIVERSARY OF THE MECKLENBURG DECLARATION OF INDEPENDENCE.

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

Principal Clerk's Use Only

The Committee on Rules
a majority being present, having considered
this bill, recommend that it do FAV FOR INTRO pass.

Rep. Lewis
For the Committee

FILED MAY 23 2017

PASSED 1st READING
RULES SUSPENDED
MAY 23 2017
PURSUANT TO RULE 32
~~PASSED 2nd & 3rd HEARINGS~~
~~ORDERED ENROLLED~~

PLACED ON CAL OF
5/24/2017
MAY 23 2017

DRHR40580-LG-96

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE FOR INTRODUCTION

DRHR40580-LG-96 A HOUSE RESOLUTION OBSERVING THE ANNIVERSARY OF THE MECKLENBURG DECLARATION OF INDEPENDENCE.

full
Suspend
360

Public

E-Jacket

Commemorate World War I.

DRHR40576-LG-98

H.R. 923 RESOLUTION _____

A HOUSE RESOLUTION COMMEMORATING THE ARRIVAL OF AMERICAN EXPEDITIONARY FORCES IN EUROPE DURING WORLD WAR I AND HONORING THE SERVICE AND SACRIFICE OF THOSE WHO LOST THEIR LIVES.

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

Principal Clerk's Use Only

The Committee on Rules
a majority being present, having considered
this bill, recommend that it do FAV FOR INTRO pass.

Rep. Lewis
Rep. for Committee

FILED MAY 23 2017

DRHR40576-LG-98

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.R. 923
May 23, 2017
HOUSE PRINCIPAL CLERK

H D

HOUSE SIMPLE RESOLUTION DRHR40576-LG-98 (05/18)

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

Referred to:

A HOUSE RESOLUTION COMMEMORATING THE ARRIVAL OF THE AMERICAN EXPEDITIONARY FORCES IN EUROPE DURING WORLD WAR I AND HONORING THE SERVICE AND SACRIFICE OF THOSE WHO LOST THEIR LIVES.

Whereas, World War I began in August of 1914 initially involving the Allies, including the British Empire, France, Italy, Russia, and Romania, at war with the Central Powers, Germany, Austria-Hungary, the Ottoman Empire, and Bulgaria. After initial successes in Belgium and France, the Central Powers were brought to a standstill where opposing forces dug trenches opposite each other and continued fighting for three years; and

Whereas, in April of 1917, the United States declared war and the American Expeditionary Forces formed for service in Europe. America's involvement proved pivotal from 1917 to 1919, but came at a devastating cost; and

Whereas, North Carolina was transformed during this time with nearly 90,000 service members deployed overseas to fight. These soldiers fought in the trenches in the face of terrible weapons of war and disease; and

Whereas, hospitals, military bases, and internment camps sprung up quickly in North Carolina, including Camp Polk in Raleigh, Camp Greene in Charlotte, and Camp Bragg in Fayetteville. Industries, such as the lumber industry in the mountains and the shipbuilding industry along the coast, grew exponentially during this time; and

Whereas, the 30th Infantry Division, known as "Old Hickory," drawing units from North Carolina, South Carolina, Virginia, and Tennessee, was one of two divisions credited with breaking the Hindenburg Line in the Battle of St. Quentin Canal; and

Whereas, June 24, 2017, marks the centennial anniversary of when the American Expeditionary Forces arrived in Europe at St. Nazaire and Brest, France; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives commemorates the centennial anniversary of the American Expeditionary Forces arriving in Europe during World War I, which is considered a crucial time in our nation's history.

SECTION 2. The House of Representatives honors the service of more than four million service members and remembers the sacrifices of the more than 300,000 killed, wounded, or captured during World War I.

SECTION 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.R. 922
May 23, 2017
HOUSE PRINCIPAL CLERK

H D

HOUSE SIMPLE RESOLUTION DRHR40580-LG-96 (05/16)

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

Referred to:

A HOUSE RESOLUTION OBSERVING THE ANNIVERSARY OF THE MECKLENBURG DECLARATION OF INDEPENDENCE.

Whereas, on May 19, 1775, a group of elected representatives met in Mecklenburg County upon the call of Colonel Thomas Polk, commander of the County's Militia, to discuss recent events relating to Great Britain; and

Whereas, in response to the news that colonists had been killed by the British at Lexington, these officials drafted a document composed of five resolutions declaring freedom for the residents of Mecklenburg County from Great Britain; and

Whereas, the document, later called the Mecklenburg Declaration of Independence, was read on the courthouse steps in Charlotte to concerned citizens from the County and surrounding areas on May 20, 1775; and

Whereas, the Mecklenburg Declaration of Independence was the first declaration of independence made in the Thirteen Colonies during the American Revolution; and

Whereas, on May 31, 1775, a committee met to draft the Mecklenburg Resolves, which were bylaws to govern the now independent citizens of Mecklenburg County; and

Whereas, the original Mecklenburg Declaration of Independence was purported to have been destroyed in a fire, but, in 1819, the *Raleigh Register* published what was believed to be the text of the original document; and

Whereas, May 20, 1775, is a significant date that is widely recognized by many North Carolinians, as that date is honored on the Great Seal and Flag of the State of North Carolina; and

Whereas, celebrations marking the anniversary of the Mecklenburg Declaration of Independence have been observed for over 240 years and, at times, have attracted thousands of visitors, including Presidents Taft, Wilson, Eisenhower, and Ford, and other dignitaries; and

Whereas, the early citizens of Mecklenburg County are to be commended for their independent spirit, leadership, and vision; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives joins the citizens of Mecklenburg County in recognizing the historical significance of the patriots that had the foresight to draft the Mecklenburg Declaration of Independence.

SECTION 2. This resolution is effective upon adoption.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Rules

DATE: 5/23/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Warren Hawkins
3. Name: David Linthicum
4. Name: Dean Marshbourne
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

House Pages
Assignments
Tuesday, May 23, 2017
Session: 1:00 PM

Committee	Room	Time	Staff	Comments	Member
Rules, Calendar, and Operations of the House	1228/1327	12:45 PM	Braden Culver		Rep. Amos Quick
			Matthew Varsi		Rep. Jon Hardister

VISITOR REGISTRATION SHEET

House Committee on Rules — 5/23/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J Ramquist	2 W.V N C
Susan Vi	Duke Energy
Edgar Miller	CTN C
M.E. Jones	ACP
Peyton Mayo	

VISITOR REGISTRATION SHEET

House Committee on Rules
Name of Committee

5/23/2017
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Gross	DOE
Flint Benson	SEANC
Resha Fortson	SEANC
Rachel Dixon	Smith Anderson
Tom West	VCIC U

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 15, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met immediately after the day's House of Representatives session on Thursday, June 15, 2017 in room 1228 of the Legislative Building. Representatives Lewis, Davis, Stevens, Szoka, Bell, Blust, Boles, Brawley, Bumgarder, Carney, Dulin, Floyd, Fraley, Goodman, Hanes, Jackson, Martin, McGrady, Reives, Saine, Willingham, Moore, Sauls, Ross, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills and resolutions were considered:

SB 343 Legal Notices/Newsprint Employees. (Senator Wade)
A proposed committee substitute was placed before the committee. A motion was made to amend the PCS. The motion carried. Rep. Szoka moved to roll the amendment into a new PCS, and for a favorable report as to the new proposed committee substitute, unfavorable as to the original bill. The motion carried.

The meeting adjourned.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Corrected #1:

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 15, 2017
TIME: **Immediately After Session**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 343	Legal Notices/Newsprint Employees.	Senator Wade Senator Meredith Senator Bishop

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:14 PM on Friday, July 07, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

6/24

3:02

Motion — Szoka motion

+ her amendment

— Martin - explanation

- Lewis - stated purpose

- Lewis explains

— Davis speaks Bill

Move for Adoption - Szoka 3rd

Move to commit to Substitute

Blust,

3:12 Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **343** Increase Teacher Supplement/Electronic Notice.

Draft Number:	S343-PCS15219-BAf-26
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 343
PROPOSED HOUSE COMMITTEE SUBSTITUTE S343-PCS15219-BAf-26

Short Title: Legal Notices/Newsprint Employees. (Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO MODERNIZE PUBLICATION OF LEGAL ADVERTISEMENTS AND NOTICES; TO CREATE A PILOT PROGRAM TO AUTHORIZE CERTAIN COUNTIES TO OPT TO POST LEGAL ADVERTISEMENTS AND NOTICES ON THE COUNTY WEB SITE; AND TO AMEND PROVISIONS OF CERTAIN BENEFITS FOR NEWSPRINT EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 50 of Chapter 1 of the General Statutes reads as rewritten:

"Article 50.

"General Provisions as to Legal Advertising.

"**§ 1-595. Advertisement of public sales.**

When a statute or written instrument stipulates that an advertisement of a sale shall be made for any certain number of weeks, a publication once a week for the number of weeks so indicated is a sufficient compliance with the requirement, unless contrary provision is expressly made by the terms of the instrument.

"**§ 1-596. Charges for legal advertising.**

(a) The publication of all advertising required by law to be made in newspapers in this State shall be paid for at not to exceed the local commercial rate of the newspapers selected. Any public or municipal officer or board created by or existing under the laws of this State that is now or may hereafter be authorized by law to enter into contracts for the publication of legal advertisements is hereby authorized to pay therefor prices not exceeding said rates.

~~No newspaper in this State shall accept or print any legal advertising until said newspaper shall have first filed with the clerk of the superior court of the county in which it is published a sworn statement of its current commercial rate for the several classes of advertising regularly carried by said publication, and any owner or manager of a newspaper violating the provisions of this section shall be guilty of a Class 1 misdemeanor.~~

(b) When a notice is required by statute to be published by a unit of government more than once and is paid for by the unit of government and the cost of publication is not paid in advance by or allowed to be recouped from private parties, the unit of government may not be charged for the second and successive publications of that notice at a rate greater than eighty-five percent (85%) of the rate charged for the first publication in the series.

"**§ 1-597. ~~Regulations~~ Requirements for newspaper ~~publication of~~to be eligible to publish legal notices, advertisements, etc.**

(a) Whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State ~~of North Carolina, heretofore or hereafter enacted,~~ or by any order or judgment of any court of this State to be

published or advertised in a newspaper, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper ~~with a general circulation to actual paid subscribers which newspaper at the time of such publication, advertisement or notice, shall have been admitted to the United States mails in the Periodicals class in the county or political subdivision where such publication, advertisement or notice is required to be published, and which shall have been regularly and continuously issued in the county in which the publication, advertisement or notice is authorized or required to be published, at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the first publication of such advertisement, publication or notice; provided that in the event that a newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to publish one or more of its issues such newspaper shall nevertheless be deemed to have complied with the requirements of regularity and continuity of publication prescribed herein. Provided further, that where any city or town is located in two or more adjoining counties, any newspaper published in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the mails, issued and published in all such counties in which such town or city of publication is located, and every publication, advertisement or notice required to be published in any such city or town or in any of the counties where such city or town is located shall be valid if published in a newspaper published, issued and admitted to the mails anywhere within any such city or town, regardless of whether the newspaper's plant or the post office where the newspaper is admitted to the mails is in such county or not, if the newspaper otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. This provision shall be retroactive to May 1, 1940, and all publications, advertisements and notices published in accordance with this provision since May 1, 1940, are hereby validated.~~that is qualified pursuant to this section.

~~Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper qualified for legal advertising in a county and there is no newspaper qualified for legal advertising as defined in this section in such county, then it shall be deemed sufficient compliance with such laws, order or judgment by publication of such notice or any other such paper, document or legal advertisement of any kind or description in a newspaper published in an adjoining county or in a county within the same district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be; provided, if the clerk of the superior court finds as a fact that such newspaper otherwise meets the requirements of this section and has a general circulation in such county where no newspaper is published meeting the requirements of this section.~~

(b) To qualify as a newspaper eligible to publish any of items listed in subsection (a) of this section in a particular county, a newspaper must meet all of the following criteria:

(1) The newspaper has a content that appeals to the public generally.

(2) The newspaper must have at least 100 paid subscribers and distribute at least 1,000 copies per issue in the county where the newspaper is seeking qualification.

(3) The newspaper's paid subscriber distribution is not entirely limited geographically to one community or section of the county where the newspaper is seeking qualification.

(4) In the county where the newspaper is seeking qualification, any person who wishes to do so may subscribe to the newspaper.

(5) The newspaper must have regularly and continuously published for at least one day in each calendar week for at least 50 of the 52 consecutive weeks immediately preceding the date of the application.

(c) Prior to publishing any of the items listed in subsection (a) in a particular county, the owner, publisher, or other authorized officer or employee of the newspaper shall submit to the clerk of superior court of that county a sworn affidavit that the newspaper meets all of the criteria listed in subsection (b) of this section. The sworn affidavit shall be accompanied by a fee of five hundred dollars ($500.00). A newspaper may qualify in more than one county. A separate application, and application and renewal fee, shall be submitted for each county in which a newspaper seeks to qualify.

(d) Upon filing the sworn affidavit and paying filing fee required by subsection (c) of this section, the newspaper shall be qualified to publish in the county any of the items listed in subsection (a) of this section. The newspaper shall remain qualified in that county as long as it continues to meet the requirements in subsections (b) and (e) of this section. A newspaper may be disqualified from publishing any of the items listed in subsection (a) of this section by order of a superior court judge.

(e) If qualified, a newspaper shall pay an annual renewal fee of one hundred dollars ($100.00) to the clerk of superior court in each county in which it seeks to remain qualified to publish any of the items listed in subsection (a) of this section.

(f) The Clerk shall remit, at least monthly, to the Director of the Administrative Office of the Courts the affidavits filed and the fees collected in accordance with subsections (c) and (e) this section. The Director shall keep, by county, an index and record of all such affidavits, initial filing fees, and renewal fees, which shall be a public record.

"**§ 1-597.5. Requirements for electronic publication.**

(a) If the newspaper maintains an Internet Website displaying the contents of the newspaper, then, at no additional charge, each notice must be placed on that newspaper's Internet Website on the same day that the notice appears in the print newspaper. The newspaper shall comply with all of the following with respect to the Internet Website display:

(1) A hyperlink to legal notices shall be provided on the front page of the newspaper's Internet Website that provides access to the legal notices without charge.

(2) If there is a specified size and placement required for a printed legal notice, the size and placement of the notice on the newspaper's Internet Website shall optimize its online visibility in keeping with the print requirement.

(3) The newspaper's Internet Website pages that contain legal notices shall present the legal notices as the dominant subject matter of those pages.

(4) The newspaper's Internet Website shall contain a search function to facilitate searching legal notices.

(5) Notification for the electronic mail registry, as required by subsection (b) of this section, shall be available on the front page of the legal notices section of the newspaper's Internet Website.

(b) Upon request of a person, newspapers that publish notices shall provide electronic mail notification to that person of legal notices when such notices are printed in the newspaper or added to the newspaper's Internet Website. The electronic mail notification shall be provided without charge. For any legal notice required to be published more than once, electronic mail notification required by this subsection shall apply only to the first publication in the series of that notice.

(c) Any error in the placement of a governmental legal notice on a newspaper's Internet Website or the delivery of an electronic mail notification shall be considered harmless error. The requirement of proper legal notice shall be deemed to have been met if the notice is properly published in the print edition of the newspaper.

(d) Any owner or manager of a newspaper willfully violating the provisions of subsection (b) of this section shall be guilty of a Class 3 misdemeanor.

"**§ 1-598. Sworn statement prima facie evidence of qualifications; affidavit of ~~publication.~~publication by a newspaper.**

(a) Whenever any owner, partner, publisher, or other authorized officer or employee of any newspaper which has published a notice or any other paper, document or legal advertisement within the meaning of G.S. 1-597 has made a written statement under oath taken before any notary public or other officer or person authorized by law to administer oaths, stating that the newspaper in which such notice, paper, document, or legal advertisement was published, was, at the time of such publication, a newspaper meeting all of the requirements and qualifications prescribed by G.S. 1-597, such sworn written statement shall be received in all courts in this State as prima facie evidence that such newspaper was at the time stated therein a newspaper meeting the requirements and qualifications of G.S. 1-597. When filed in the office of the clerk of the superior court of any county in which the publication of such notice, paper, document or legal advertisement was required or authorized, any such sworn statement shall be deemed to be a record of the court, and such record or a copy thereof duly certified by the clerk shall be prima facie evidence that the newspaper named was at the time stated therein a qualified newspaper within the meaning of G.S. 1-597. Nothing in this section shall preclude proof that a newspaper was or is a qualified newspaper within the meaning of G.S. 1-597 by any other competent evidence. Any such sworn written statement shall be prima facie evidence of the qualifications on any newspaper at the time of any publication of any notice, paper, document, or legal advertisement published in such newspaper at any time from and after the first day of May, 1940.

(b) The owner, a partner, publisher or other authorized officer or employee of any newspaper in which such notice, paper, document or legal advertisement is published, when such newspaper is a qualified newspaper within the meaning of G.S. 1-597, shall include in the affidavit of publication of such notice, paper, document or legal advertisement a statement that at the time of such publication such newspaper was a qualified newspaper within the meaning of G.S. 1-597.

"~~**§ 1-599. Application of two preceding sections.**~~

~~The provisions of G.S. 1-597 and G.S. 1-598 shall not apply in counties wherein only one newspaper is published, although it may not be a newspaper having the qualifications prescribed by G.S. 1-597; nor shall the provisions of G.S. 1-597 and G.S. 1-598 apply in any county wherein none of the newspapers published in such county has the qualifications and characteristics prescribed in G.S. 1-597.~~

"**§ 1-600. Proof of publication of notice in newspaper; prima facie evidence.**

(a) Publication of any notice permitted or required by law to be published in a newspaper may be proved by a printed copy of the notice together with an affidavit made before some person authorized to administer oaths, of the publisher, proprietor, editor, managing editor, business or circulation manager, advertising, classified advertising or any other advertising manager or foreman of the newspaper, showing that the notice has been printed therein and the date or dates of publication. If the newspaper is published by a corporation, the affidavit may be made by one of the persons hereinbefore designated or by the president, vice president, secretary, assistant secretary, treasurer, or assistant treasurer of the corporation.

(b) Such affidavit and copy of the notice shall constitute prima facie evidence of the facts stated therein concerning publication of such notice.

(c) The method of proof of publication of a notice provided for in this section is not exclusive, and the facts concerning such publication may be proved by any competent evidence.

"**§ 1-600.5. Procedure when no newspaper is qualified in a county.**

Whenever a notice or any other paper, document, or legal advertisement of any kind or description shall be authorized or required by any of the laws of this State, or by any order of the courts of this State, to be published or advertised in a newspaper and there is no newspaper qualified under G.S. 1-597 in the county of publication, then it shall be deemed sufficient compliance to publish in a newspaper qualified under G.S. 1-597 in an adjoining county or another county in the same judicial district or set of districts.

~~"§ 1-601. Certain legal advertisements validated.~~

~~Legal advertisements published prior to June 1, 1983, by a newspaper that met every requirement for publication of legal notices and advertisements under G.S. 1-597 when the advertisement was published except that the newspaper had a second class United States mail permit in a county adjacent to the county in which the advertisement was published instead of the county in which it was published may not be held to be invalid because of the lack of a second class United States mail permit in the proper county.~~

"§ 1-602. Reserved for future codification purposes.

"§ 1-603. Reserved for future codification purposes.

"§ 1-604. Reserved for future codification purposes."

SECTION 1.(b) G.S. 45-21.17(1)b. reads as rewritten:

"b. And in addition thereto,

1. The notice shall be published once a week for at least two successive weeks in a newspaper ~~published and~~ qualified for legal advertising pursuant to G.S. 1-597 in the county in which the property is situated.
2. If no such newspaper is ~~published~~ qualified in ~~the~~ that county, then notice shall be published once a week for at least two successive weeks in ~~a newspaper having a general circulation in the county.~~accordance with G.S. 1-600.5.
3. ~~In addition to the required newspaper advertisement, the clerk may in his discretion, on application of any interested party, authorize such additional advertisement as in the opinion of the clerk will serve the interest of the parties, and permit the charges for such further advertisement to be taxed as a part of the costs of the foreclosure.~~"

SECTION 1.(c) This section becomes effective October 1, 2017, and applies to notices that must be published on or after that date.

SECTION 2. G.S. 97-2(2) reads as rewritten:

"(2) Employee. – The term "employee" means every person engaged in an employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens, and also minors, whether lawfully or unlawfully employed, but excluding persons whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer, and as relating to those so employed by the State, the term "employee" shall include all officers and employees of the State, including such as are elected by the people, or by the General Assembly, or appointed by the Governor to serve on a per diem, part-time or fee basis, either with or without the confirmation of the Senate; as relating to municipal corporations and political subdivisions of the State, the term "employee" shall include all officers and employees thereof, including such as are elected by the people. The term "employee" shall include members of the North Carolina National Guard while on State active duty under orders of the Governor and members of the North Carolina State Defense Militia while on State active duty under orders of the Governor. The

term "employee" shall include deputy sheriffs and all persons acting in the capacity of deputy sheriffs, whether appointed by the sheriff or by the governing body of the county and whether serving on a fee basis or on a salary basis, or whether deputy sheriffs serving upon a full-time basis or a part-time basis, and including deputy sheriffs appointed to serve in an emergency, but as to those so appointed, only during the continuation of the emergency. The sheriff shall furnish to the board of county commissioners a complete list of all deputy sheriffs named or appointed by him immediately after their appointment and notify the board of commissioners of any changes made therein promptly after such changes are made. Any reference to an employee who has been injured shall, when the employee is dead, include also the employee's legal representative, dependents, and other persons to whom compensation may be payable: Provided, further, that any employee, as herein defined, of a municipality, county, or of the State of North Carolina, while engaged in the discharge of the employee's official duty outside the jurisdictional or territorial limits of the municipality, county, or the State of North Carolina and while acting pursuant to authorization or instruction from any superior officer, shall have the same rights under this Article as if such duty or activity were performed within the territorial boundary limits of their employer.

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

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

All county agricultural extension service employees who do not receive official federal appointments as employees of the United States Department of Agriculture and who are field faculty members with professional rank as designated in the memorandum of understanding between the North Carolina Agricultural Extension Service, North Carolina State University, A & T State University, and the boards of county commissioners shall be deemed to be employees of the State of North Carolina. All other county agricultural extension service employees paid from State or county funds shall be deemed to be employees of the county board of commissioners in the county in which the employee is employed for purposes of workers' compensation.

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

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

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

Any sole proprietor or partner of a business or any member of a limited liability company may elect to be included as an employee under the workers' compensation coverage of such business if he is actively engaged in the operation of the business and if the insurer is notified of his election to be so included. Any such sole proprietor or partner or member of a limited liability company shall, upon such election, be entitled to employee benefits and be subject to employee responsibilities prescribed in this Article.

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

~~It shall be a rebuttable presumption that the term "employee" shall not include any person performing services in the sale of newspapers or magazines to ultimate consumers under an arrangement whereby the~~

~~newspapers or magazines are to be sold by that person at a fixed price and the person's compensation is based on the retention of the excess of the fixed price over the amount at which the newspapers or magazines are charged to the person.~~"

SECTION 3.(a) Pilot Program. – For the counties of Buncombe, Durham, Forsyth, and Guilford, the board of county commissioners may, in the discretion of the board, adopt an ordinance establishing the county Website as a central location for publishing or advertising legal notices in accordance with this section, if the county complies with all of the following:

(1) The county maintains its own Website with sufficient staff to maintain that Website.

(2) The county has sufficient staff to complete affidavits as needed for all legal notices.

SECTION 3.(b) Publication Via County-maintained Website. – In lieu of publishing in a newspaper in accordance with Article 50 of Chapter 1 of the General Statutes, publication of any notice permitted or required by law to be published in a newspaper may be accomplished by contracting with a county who has adopted an ordinance in accordance with this section to publish such notice on the county-maintained Website.

SECTION 3.(c) Affidavit of Publication. – Whenever a county has published a notice or any other paper, document, or legal advertisement within the meaning of G.S. 1-597 and a county employee makes a written statement under oath taken before any notary public or other officer or person authorized by law to administer oaths, stating that the county placed such notice, paper, document, or legal advertisement upon its Website, such sworn written statement shall be received in all courts in this State as prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Website for the stated period of time. When filed in the office of the clerk of the superior court of that county, any such sworn statement shall be deemed to be a record of the court and such record or a copy thereof duly certified by the clerk shall be prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Website for the stated period of time.

SECTION 3.(d) When a statute or written instrument stipulates that an advertisement of a sale shall be made for any certain number of weeks, publication via the county Website in accordance with this section for the number of weeks so indicated is a sufficient compliance with the requirement.

SECTION 3.(e) This section becomes effective October 1, 2017, and expires December 31, 2019.

SECTION 4. The validation of any publication, advertisement, or notice pursuant to a previous enactment of G.S. 1-597 remains in effect and is not affected by any modifications of that statute enacted by Section 1 of this act.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

SENATE BILL 343*

Short Title:	Increase Teacher Supplement/Electronic Notice.	(Public)
Sponsors:	Senators Wade, Meredith, Bishop (Primary Sponsors); Brock, Hise, and Rabin.	
Referred to:	Rules and Operations of the Senate	

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO MODERNIZE PUBLICATION OF LEGAL ADVERTISEMENTS AND NOTICES, REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES, ALLOW THE GOVERNING BOARDS OF COUNTIES AND CITIES TO OPT TO PROVIDE FOR PUBLIC NOTICES TO BE GIVEN ELECTRONICALLY, AND ALLOW COUNTIES TO OPT TO POST LEGAL ADVERTISEMENTS AND NOTICES ON THE COUNTY WEB SITE FOR A FEE WITH MONIES COLLECTED TO BE USED FOR LOCAL SUPPLEMENTS FOR TEACHER SALARY AND OTHER COUNTY NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 50 of Chapter 1 of the General Statutes reads as rewritten:

"Article 50.

"General Provisions as to Legal Advertising.

"**§ 1-595. Advertisement of public sales.**

(a) When a statute or written instrument stipulates that an advertisement of a sale shall be made for any certain number of weeks, a publication once a week for the number of weeks so indicated is a sufficient compliance with the requirement, unless contrary provision is expressly made by the terms of the instrument.

(b) When a statute or written instrument stipulates that an advertisement of a sale shall be made for any certain number of weeks, publication via the county Web site in accordance with G.S. 1-602 for the number of weeks so indicated is a sufficient compliance with the requirement.

"**§ 1-596. Charges for legal advertising.**

(a) The publication of all advertising required by law to be made in newspapers in this State shall be paid for at not to exceed the local commercial rate of the newspapers selected. Any public or municipal officer or board created by or existing under the laws of this State that is now or may hereafter be authorized by law to enter into contracts for the publication of legal advertisements is hereby authorized to pay therefor prices not exceeding said rates.

No newspaper in this State shall accept or print any legal advertising until said newspaper shall have first filed with the clerk of the superior court of the county in which it is published a sworn statement of its current commercial rate for the several classes of advertising regularly carried by said publication, and any owner or manager of a newspaper violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(b) When a notice is required by statute to be published by a unit of government more than once and is paid for by the unit of government and the cost of publication is not paid in advance by or allowed to be recouped from private parties, the unit of government may not be

charged for the second and successive publications of that notice at a rate greater than eighty-five percent (85%) of the rate charged for the first publication in the series.

"§ 1-597. Regulations for newspaper publication of legal notices, advertisements, etc.

(a) Whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper with a general circulation to actual paid subscribers ~~which newspaper at the time of such publication, advertisement or notice, shall have been admitted to the United States mails in the Periodicals class in the county or political subdivision where such publication, advertisement or notice is required to be published, and which shall have been regularly and continuously issued in the county in which the publication, advertisement or notice is authorized or required to be published, at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the first publication of such advertisement, publication or notice; provided that in the event that a newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to publish one or more of its issues such newspaper shall nevertheless be deemed to have complied with the requirements of regularity and continuity of publication prescribed herein. Provided further, that where any city or town is located in two or more adjoining counties, any newspaper published in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the mails, issued and published in all such counties in which such town or city of publication is located, and every publication, advertisement or notice required to be published in any such city or town or in any of the counties where such city or town is located shall be valid if published in a newspaper published, issued and admitted to the mails anywhere within any such city or town, regardless of whether the newspaper's plant or the post office where the newspaper is admitted to the mails is in such county or not, if the newspaper otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. This provision shall be retroactive to May 1, 1940, and all publications, advertisements and notices published in accordance with this provision since May 1, 1940, are hereby validated.~~ satisfying all of the following:

(1) The newspaper has a content that appeals to the public generally.

(2) The newspaper has more than a de minimis number of actual paid subscribers in the county or political subdivision where such publication, advertisement, or notice is required to be published.

(3) The newspaper's paid subscriber distribution is not entirely limited geographically to one community, or section, of the county or political subdivision where such publication, advertisement, or notice is required to be published.

(4) The newspaper is available to anyone in the county or political subdivision where such publication, advertisement, or notice is required to be published who wishes to subscribe to it.

(b) Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper qualified for legal advertising in a county and there is no newspaper qualified for legal advertising as defined in this section in such county, then it shall be deemed sufficient compliance with such laws, order or judgment by publication of such notice or any other such paper, document or legal advertisement of any kind or description in a newspaper published in an adjoining county or in a county within the same district court district as defined in G.S. 7A-133 or superior court

district or set of districts as defined in G.S. 7A-41.1, as the case may be; provided, if the clerk of the superior court finds as a fact that such newspaper otherwise meets the requirements of this section and has a general circulation in such county where no newspaper is published meeting the requirements of this section.

(c) If the newspaper maintains an Internet Web site displaying the contents of the newspaper, then, at no additional charge, each notice must be placed on that newspaper's Internet Web site on the same day that the notice appears in the print newspaper. A hyperlink to legal notices shall be provided on the front page of the newspaper's Internet Web site that provides access to the legal notices without charge. If there is a specified size and placement required for a printed legal notice, the size and placement of the notice on the newspaper's Internet Web site should optimize its online visibility in keeping with the print requirement. The newspaper's Internet Web site pages that contain legal notices shall present the legal notices as the dominant subject matter of those pages. The newspaper's Internet Web site shall contain a search function to facilitate searching legal notices.

(d) Upon request of a person, newspapers that publish notices shall provide electronic mail notification to that person of legal notices when such notices are printed in the newspaper and added to the newspaper's Internet Web site. The electronic mail notification shall be provided without charge and notification for the electronic mail registry shall be available on the front page of the legal notices section of the newspaper's Internet Web site. For any legal notice required to be published more than once, electronic mail notification required by this subsection shall apply only to the first publication in the series of that notice.

(e) Any error in the placement of a governmental legal notice on a newspaper's Internet Web site shall be considered harmless error and the requirement of proper legal notice shall be deemed to have been met if the governmental entity placing the notice also places the notice on its own Internet Web site under an ordinance adopted in accordance with G.S. 153A-52.2.

"**§ 1-598. Sworn statement prima facie evidence of qualifications; affidavit of ~~publication.~~publication by a newspaper.**

(a) Whenever any owner, partner, publisher, or other authorized officer or employee of any newspaper which has published a notice or any other paper, document or legal advertisement within the meaning of G.S. 1-597 has made a written statement under oath taken before any notary public or other officer or person authorized by law to administer oaths, stating that the newspaper in which such notice, paper, document, or legal advertisement was published, was, at the time of such publication, a newspaper meeting all of the requirements and qualifications prescribed by G.S. 1-597, such sworn written statement shall be received in all courts in this State as prima facie evidence that such newspaper was at the time stated therein a newspaper meeting the requirements and qualifications of G.S. 1-597. When filed in the office of the clerk of the superior court of any county in which the publication of such notice, paper, document or legal advertisement was required or authorized, any such sworn statement shall be deemed to be a record of the court, and such record or a copy thereof duly certified by the clerk shall be prima facie evidence that the newspaper named was at the time stated therein a qualified newspaper within the meaning of G.S. 1-597. Nothing in this section shall preclude proof that a newspaper was or is a qualified newspaper within the meaning of G.S. 1-597 by any other competent evidence. Any such sworn written statement shall be prima facie evidence of the qualifications on any newspaper at the time of any publication of any notice, paper, document, or legal advertisement published in such newspaper at any time from and after the first day of May, 1940.

(b) The owner, a partner, publisher or other authorized officer or employee of any newspaper in which such notice, paper, document or legal advertisement is published, when such newspaper is a qualified newspaper within the meaning of G.S. 1-597, shall include in the affidavit of publication of such notice, paper, document or legal advertisement a statement that

at the time of such publication such newspaper was a qualified newspaper within the meaning of G.S. 1-597.

"**§ 1-599. Application of two preceding sections.**

The provisions of G.S. 1-597 and G.S. 1-598 shall not apply in counties wherein only one newspaper is published, although it may not be a newspaper having the qualifications prescribed by G.S. 1-597; nor shall the provisions of G.S. 1-597 and G.S. 1-598 apply in any county wherein none of the newspapers published in such county has the qualifications and characteristics prescribed in G.S. 1-597.

"**§ 1-600. Proof of publication of notice in newspaper; prima facie evidence.**

(a) Publication of any notice permitted or required by law to be published in a newspaper may be proved by a printed copy of the notice together with an affidavit made before some person authorized to administer oaths, of the publisher, proprietor, editor, managing editor, business or circulation manager, advertising, classified advertising or any other advertising manager or foreman of the newspaper, showing that the notice has been printed therein and the date or dates of publication. If the newspaper is published by a corporation, the affidavit may be made by one of the persons hereinbefore designated or by the president, vice president, secretary, assistant secretary, treasurer, or assistant treasurer of the corporation.

(b) Such affidavit and copy of the notice shall constitute prima facie evidence of the facts stated therein concerning publication of such notice.

(c) The method of proof of publication of a notice provided for in this section is not exclusive, and the facts concerning such publication may be proved by any competent evidence.

"**§ 1-601. Certain legal advertisements validated.**

Legal advertisements published prior to June 1, 1983, by a newspaper that met every requirement for publication of legal notices and advertisements under G.S. 1-597 when the advertisement was published except that the newspaper had a second class United States mail permit in a county adjacent to the county in which the advertisement was published instead of the county in which it was published may not be held to be invalid because of the lack of a second class United States mail permit in the proper county.

"**§ 1-602. Publication via county-maintained Web site.**

(a) In lieu of publishing in a newspaper in accordance with this Article, publication of any notice permitted or required by law to be published in a newspaper may be accomplished by contracting with a county who has adopted an ordinance under G.S. 153A-458 to publish such notice on the county-maintained Web site.

(b) The county shall charge fees as follows for such publication:

(1) For foreclosures, except those initiated by that county, four hundred fifty dollars ($450.00).

(2) For other notices, except those by the State or any other political subdivision thereof, one hundred dollars ($100.00).

(3) For notices by the State or any other political subdivision thereof, other than that county, ten dollars ($10.00).

(4) For notices by that county, no fee shall be charged.

(c) All fees collected under this section shall be distributed as follows:

(1) Ten percent (10%) for administrative costs of the county.

(2) Forty percent (40%) to the county general fund.

(3) Fifty percent (50%) to the local board of education for payment of local supplements for teachers as defined by G.S. 115C-325.1(6).

(d) Whenever a county has published a notice or any other paper, document, or legal advertisement within the meaning of G.S. 1-597 and a county employee makes a written statement under oath taken before any notary public or other officer or person authorized by

law to administer oaths, stating that the county placed such notice, paper, document, or legal advertisement upon its Web site, such sworn written statement shall be received in all courts in this State as prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Web site for the stated period of time. When filed in the office of the clerk of the superior court of that county, any such sworn statement shall be deemed to be a record of the court, and such record or a copy thereof duly certified by the clerk shall be prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Web site for the stated period of time.

(e) Nothing in this section requires a county to adopt an ordinance under G.S. 153A-458 and publish notices on a county-maintained Web site.

"**§ 1-603. Reserved for future codification purposes.**

"**§ 1-604. Reserved for future codification purposes.**"

SECTION 2. Part 3 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-52.2. Electronic notice for notices required to be published by the board.**

(a) Except as provided in this section, the governing board may adopt an ordinance providing that any notice it is required by law to publish or advertise, whether under G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general law, or under any local act, may be published electronically as provided by this section in lieu of or in addition to the required publication or advertisement. The ordinance may cover all notices required to be published or advertised or a clearly identified category of notices.

(b) Upon adoption of an ordinance under subsection (a) of this section, the governing board shall publish specific instructions as to how to access all notices published electronically under the ordinance adopted pursuant to this section at least once a month for 12 months in a newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.

(c) Any notice published under an ordinance adopted pursuant to subsection (a) of this section shall comply with all of the following:

(1) The notice is published on the Web site of the governing board no later than the time that publication is required under the applicable statute or local act.

(2) The Web site contains, on its main page, links to all notices or a link to another page with links to all notices.

(3) Notices and links to all notices on the Web site shall be maintained on that Web site for at least one year after publication and shall be searchable.

(4) A copy of the notice shall be filed in a notice book maintained separate and apart from the ordinance book or minutes of the governing board. The notice book shall be appropriately indexed and maintained for public inspection in the office of the clerk or in the office of another individual who is an employee of the governing board, as designated in the ordinance adopted pursuant to this section.

(5) A copy of the notice shall be mailed or e-mailed to any person who has filed a written request for notice with the clerk or secretary of the governing board or with some other person designated by the governing board. The governing board may require each person submitting such a written request for notice to renew that request annually.

(d) Ordinances adopted pursuant to this section may not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property.

(e) The ordinance adopted by the governing board may control notice given by any board appointed by the governing board, including the planning board, board of social services, and board of health.

(f) For purposes of this section, "governing board" means the body elected or appointed as the board of county commissioners, city council, or county board of elections."

SECTION 3. G.S. 160A-1(7) reads as rewritten:

"(7) "Publish," "publication," and other forms of the verb "to publish" mean ~~insertion~~ any of the following:

a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board."

SECTION 4. G.S. 153A-1(6) reads as rewritten:

"(6) "Publish," "publication," and other forms of the verb "to publish" mean ~~insertion~~ any of the following:

a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board."

SECTION 5. G.S. 159-1(b)(5) reads as rewritten:

"(5) "Publish," "publication," and other forms of the word "publish" mean ~~insertion~~ any of the following:

a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by that governing board."

SECTION 6. G.S. 163-33(8) reads as rewritten:

"**§ 163-33. Powers and duties of county boards of elections.**

The county boards of elections within their respective jurisdictions shall exercise all powers granted to such boards in this Chapter, and they shall perform all the duties imposed upon them by law, which shall include the following:

...

(8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. If the election is on a State bond issue, an amendment to the Constitution, or approval of an act submitted to the voters of the State, the State Board of Elections shall reimburse the county boards of elections for their reasonable additional costs in placing such notices, advertisements, and publications. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159. The county board may adopt a policy in accordance with G.S. 153A-52.2 to provide for notices, advertisements, and publications to be given electronically."

SECTION 7. Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-458. County Web site as central location for legal notices.**

The board of commissioners may adopt an ordinance establishing the county Web site as a central location for publishing or advertising legal notices in accordance with G.S. 1-602, if the county complies with all of the following:

(1) The county maintains its own Web site, with sufficient staff to maintain that Web site.

(2) The county has sufficient staff to complete affidavits as needed for all legal notices as stated in G.S. 1-602(d).

(3) The county collects and remits fees as provided in G.S. 1-602(b) and (c)."

SECTION 8. The validation of any publication, advertisement, or notice pursuant to a previous enactment of G.S. 1-597 remains in effect and is not affected by any modifications of that statute enacted by Section 2 of this act.

SECTION 9. This act becomes effective October 1, 2017, and applies to notices that must be published on or after that date, except that it does not apply to notices permitted to be published on a government Internet Web site in lieu of newspaper publication pursuant to an ordinance enacted before that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 343*

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S343-ASTf-46 [v.4]

Amends Title [YES]
First Edition

Date _____,2017

Representative Szoka

moves to amend the bill on page 1, lines 3 – 9, by rewriting those lines to read:

"NOTICES; TO CREATE A PILOT PROGRAM TO AUTHORIZE CERTAIN COUNTIES TO OPT TO POST LEGAL ADVERTISEMENTS AND NOTICES ON THE COUNTY WEBSITE; AND TO AMEND PROVISIONS OF CERTAIN BENEFITS FOR NEWSPRINT EMPLOYEES.";

and page 1, line 11, through page 7, line 16, by rewriting those lines to read:

"**SECTION 1.(a)** Article 50 of Chapter 1 of the General Statutes reads as rewritten:

"Article 50.

"General Provisions as to Legal Advertising.

"**§ 1-595. Advertisement of public sales.**

When a statute or written instrument stipulates that an advertisement of a sale shall be made for any certain number of weeks, a publication once a week for the number of weeks so indicated is a sufficient compliance with the requirement, unless contrary provision is expressly made by the terms of the instrument.

"**§ 1-596. Charges for legal advertising.**

(a) The publication of all advertising required by law to be made in newspapers in this State shall be paid for at not to exceed the local commercial rate of the newspapers selected. Any public or municipal officer or board created by or existing under the laws of this State that is now or may hereafter be authorized by law to enter into contracts for the publication of legal advertisements is hereby authorized to pay therefor prices not exceeding said rates.

~~No newspaper in this State shall accept or print any legal advertising until said newspaper shall have first filed with the clerk of the superior court of the county in which it is published a sworn statement of its current commercial rate for the several classes of advertising regularly carried by said publication, and any owner or manager of a newspaper violating the provisions of this section shall be guilty of a Class 1 misdemeanor.~~

(b) When a notice is required by statute to be published by a unit of government more than once and is paid for by the unit of government and the cost of publication is not paid in advance by or allowed to be recouped from private parties, the unit of government may not be

charged for the second and successive publications of that notice at a rate greater than eighty-five percent (85%) of the rate charged for the first publication in the series.

"§ 1-597. ~~Regulations~~ Requirements for newspaper ~~publication of~~to be eligible to publish legal notices, advertisements, etc.

(a) Whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State ~~of North Carolina, heretofore or hereafter enacted,~~ or by any order or judgment of any court of this State to be published or advertised in a newspaper, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper ~~with a general circulation to actual paid subscribers which newspaper at the time of such publication, advertisement or notice, shall have been admitted to the United States mails in the Periodicals class in the county or political subdivision where such publication, advertisement or notice is required to be published, and which shall have been regularly and continuously issued in the county in which the publication, advertisement or notice is authorized or required to be published, at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the first publication of such advertisement, publication or notice; provided that in the event that a newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to publish one or more of its issues such newspaper shall nevertheless be deemed to have complied with the requirements of regularity and continuity of publication prescribed herein. Provided further, that where any city or town is located in two or more adjoining counties, any newspaper published in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the mails, issued and published in all such counties in which such town or city of publication is located, and every publication, advertisement or notice required to be published in any such city or town or in any of the counties where such city or town is located shall be valid if published in a newspaper published, issued and admitted to the mails anywhere within any such city or town, regardless of whether the newspaper's plant or the post office where the newspaper is admitted to the mails is in such county or not, if the newspaper otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. This provision shall be retroactive to May 1, 1940, and all publications, advertisements and notices published in accordance with this provision since May 1, 1940, are hereby validated.~~that is qualified pursuant to this section.

~~Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper qualified for legal advertising in a county and there is no newspaper qualified for legal advertising as defined in this section in such county, then it shall be deemed sufficient compliance with such laws, order or judgment by publication of such notice or any other such paper, document or legal advertisement of any kind or description in a newspaper published in an adjoining county or in a county within the same district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be; provided, if the clerk of the superior court finds as a fact that such newspaper otherwise meets the requirements of~~

~~this section and has a general circulation in such county where no newspaper is published meeting the requirements of this section.~~

(b) To qualify as a newspaper eligible to publish any of items listed in subsection (a) of this section in a particular county, a newspaper must meet all of the following criteria:

(1) The newspaper has a content that appeals to the public generally.

(2) The newspaper must have at least 100 paid subscribers and distribute at least 1,000 copies per issue in the county where the newspaper is seeking qualification.

(3) The newspaper's paid subscriber distribution is not entirely limited geographically to one community or section of the county where the newspaper is seeking qualification.

(4) In the county where the newspaper is seeking qualification, any person who wishes to do so may subscribe to the newspaper.

(5) The newspaper must have regularly and continuously published for at least one day in each calendar week for at least 50 of the 52 consecutive weeks immediately preceding the date of the application.

(c) Prior to publishing any of the items listed in subsection (a) in a particular county, the owner, publisher, or other authorized officer or employee of the newspaper shall submit to the Clerk of Superior Court of that county a sworn affidavit that the newspaper meets all of the criteria listed in subsection (b) of this section. The sworn affidavit shall be accompanied by a fee of $500. A newspaper may qualify in more than one county. A separate application, and application and renewal fee, shall be submitted for each county in which a newspaper seeks to qualify.

(d) Upon filing the sworn affidavit and paying filing fee required by subsection (c) of this section, the newspaper shall be qualified to publish in the county any of the items listed in subsection (a) of this section. The newspaper shall remain qualified in that county as long as it continues to meet the requirements in subsections (b) and (e) of this section. A newspaper may be disqualified from publishing any of the items listed in subsection (a) of this section by order of a superior court judge.

(e) If qualified, a newspaper shall pay an annual renewal fee of $100 to the Clerk of Superior Court in each county in which it seeks to remain qualified to publish any of the items listed in subsection (a) of this section.

(f) The Clerk shall remit, at least monthly, to the Director of the Administrative Office of the Courts the affidavits filed and the fees collected in accordance with subsections (c) and (e) this section. The Director shall keep, by county, an index and record of all such affidavits, initial filing fees, and renewal fees, which shall be a public record.

"**§ 1-597.5. Requirements for electronic publication.**

(a) If the newspaper maintains an Internet Website displaying the contents of the newspaper, then, at no additional charge, each notice must be placed on that newspaper's Internet Website on the same day that the notice appears in the print newspaper. The newspaper shall comply with all of the following with respect to the Internet Website display:

(1) A hyperlink to legal notices shall be provided on the front page of the newspaper's Internet Website that provides access to the legal notices without charge.

(2) If there is a specified size and placement required for a printed legal notice, the size and placement of the notice on the newspaper's Internet Website shall optimize its online visibility in keeping with the print requirement.

(3) The newspaper's Internet Website pages that contain legal notices shall present the legal notices as the dominant subject matter of those pages.

(4) The newspaper's Internet Website shall contain a search function to facilitate searching legal notices.

(5) Notification for the electronic mail registry, as required by subsection (b) of this section, shall be available on the front page of the legal notices section of the newspaper's Internet Website.

(b) Upon request of a person, newspapers that publish notices shall provide electronic mail notification to that person of legal notices when such notices are printed in the newspaper or added to the newspaper's Internet Website. The electronic mail notification shall be provided without charge. For any legal notice required to be published more than once, electronic mail notification required by this subsection shall apply only to the first publication in the series of that notice.

(c) Any error in the placement of a governmental legal notice on a newspaper's Internet Website or the delivery of an electronic mail notification shall be considered harmless error. The requirement of proper legal notice shall be deemed to have been met if the notice is properly published in the print edition of the newspaper.

(d) Any owner or manager of a newspaper willfully violating the provisions of subsection (b) of this section shall be guilty of a Class 3 misdemeanor.

"**§ 1-598. Sworn statement prima facie evidence of qualifications; affidavit of ~~publication.~~publication by a newspaper.**

(a) Whenever any owner, partner, publisher, or other authorized officer or employee of any newspaper which has published a notice or any other paper, document or legal advertisement within the meaning of G.S. 1-597 has made a written statement under oath taken before any notary public or other officer or person authorized by law to administer oaths, stating that the newspaper in which such notice, paper, document, or legal advertisement was published, was, at the time of such publication, a newspaper meeting all of the requirements and qualifications prescribed by G.S. 1-597, such sworn written statement shall be received in all courts in this State as prima facie evidence that such newspaper was at the time stated therein a newspaper meeting the requirements and qualifications of G.S. 1-597. When filed in the office of the clerk of the superior court of any county in which the publication of such notice, paper, document or legal advertisement was required or authorized, any such sworn statement shall be deemed to be a record of the court, and such record or a copy thereof duly certified by the clerk shall be prima facie evidence that the newspaper named was at the time stated therein a qualified newspaper within the meaning of G.S. 1-597. Nothing in this section shall preclude proof that a newspaper was or is a qualified newspaper within the meaning of

G.S. 1-597 by any other competent evidence. Any such sworn written statement shall be prima facie evidence of the qualifications on any newspaper at the time of any publication of any notice, paper, document, or legal advertisement published in such newspaper at any time from and after the first day of May, 1940.

(b) The owner, a partner, publisher or other authorized officer or employee of any newspaper in which such notice, paper, document or legal advertisement is published, when such newspaper is a qualified newspaper within the meaning of G.S. 1-597, shall include in the affidavit of publication of such notice, paper, document or legal advertisement a statement that at the time of such publication such newspaper was a qualified newspaper within the meaning of G.S. 1-597.

"~~**§ 1-599. Application of two preceding sections.**~~

~~The provisions of G.S. 1-597 and G.S. 1-598 shall not apply in counties wherein only one newspaper is published, although it may not be a newspaper having the qualifications prescribed by G.S. 1-597; nor shall the provisions of G.S. 1-597 and G.S. 1-598 apply in any county wherein none of the newspapers published in such county has the qualifications and characteristics prescribed in G.S. 1-597.~~

"**§ 1-600. Proof of publication of notice in newspaper; prima facie evidence.**

(a) Publication of any notice permitted or required by law to be published in a newspaper may be proved by a printed copy of the notice together with an affidavit made before some person authorized to administer oaths, of the publisher, proprietor, editor, managing editor, business or circulation manager, advertising, classified advertising or any other advertising manager or foreman of the newspaper, showing that the notice has been printed therein and the date or dates of publication. If the newspaper is published by a corporation, the affidavit may be made by one of the persons hereinbefore designated or by the president, vice president, secretary, assistant secretary, treasurer, or assistant treasurer of the corporation.

(b) Such affidavit and copy of the notice shall constitute prima facie evidence of the facts stated therein concerning publication of such notice.

(c) The method of proof of publication of a notice provided for in this section is not exclusive, and the facts concerning such publication may be proved by any competent evidence.

"**§ 1-600.5. Procedure when no newspaper is qualified in a county.**

Whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of this State, or by any order of the courts of this State, to be published or advertised in a newspaper and there is no newspaper qualified under G.S. 1-597 in the county of publication, then it shall be deemed sufficient compliance to publish in a newspaper qualified under G.S. 1-597 in an adjoining county or another county in the same judicial district or set of districts.

"~~**§ 1-601. Certain legal advertisements validated.**~~

~~Legal advertisements published prior to June 1, 1983, by a newspaper that met every requirement for publication of legal notices and advertisements under G.S. 1-597 when the advertisement was published except that the newspaper had a second class United States mail permit in a county adjacent to the county in which the advertisement was published instead of~~

~~the county in which it was published may not be held to be invalid because of the lack of a second class United States mail permit in the proper county.~~

"§ 1-602. Reserved for future codification purposes.

"§ 1-603. Reserved for future codification purposes.

"§ 1-604. Reserved for future codification purposes."

SECTION 1.(b) G.S. 45-21.17(1)b. reads as rewritten:

"b. And in addition thereto,

1. The notice shall be published once a week for at least two successive weeks in a newspaper ~~published and~~ qualified for legal advertising pursuant to G.S. 1-597 in the county in which the property is situated.
2. If no such newspaper is ~~published~~ qualified in ~~the~~ that county, then notice shall be published once a week for at least two successive weeks in ~~a newspaper having a general circulation in the county.~~accordance with G.S. 1-600.5.
3. ~~In addition to the required newspaper advertisement, the clerk may in his discretion, on application of any interested party, authorize such additional advertisement as in the opinion of the clerk will serve the interest of the parties, and permit the charges for such further advertisement to be taxed as a part of the costs of the foreclosure.~~"

SECTION 1.(c) This section becomes effective October 1, 2017, and applies to notices that must be published on or after that date.

SECTION 2. G.S. 97-2(2) reads as rewritten:

"(2) Employee. – The term "employee" means every person engaged in an employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens, and also minors, whether lawfully or unlawfully employed, but excluding persons whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer, and as relating to those so employed by the State, the term "employee" shall include all officers and employees of the State, including such as are elected by the people, or by the General Assembly, or appointed by the Governor to serve on a per diem, part-time or fee basis, either with or without the confirmation of the Senate; as relating to municipal corporations and political subdivisions of the State, the term "employee" shall include all officers and employees thereof, including such as are elected by the people. The term "employee" shall include members of the North Carolina National Guard while on State active duty under orders of the Governor and members of the North Carolina State Defense Militia while on State active duty under orders of the Governor. The term "employee" shall include deputy sheriffs and all persons acting in the capacity of deputy sheriffs, whether appointed by the sheriff or by the governing body of the county and whether serving on a fee basis or on a

salary basis, or whether deputy sheriffs serving upon a full-time basis or a part-time basis, and including deputy sheriffs appointed to serve in an emergency, but as to those so appointed, only during the continuation of the emergency. The sheriff shall furnish to the board of county commissioners a complete list of all deputy sheriffs named or appointed by him immediately after their appointment and notify the board of commissioners of any changes made therein promptly after such changes are made. Any reference to an employee who has been injured shall, when the employee is dead, include also the employee's legal representative, dependents, and other persons to whom compensation may be payable: Provided, further, that any employee, as herein defined, of a municipality, county, or of the State of North Carolina, while engaged in the discharge of the employee's official duty outside the jurisdictional or territorial limits of the municipality, county, or the State of North Carolina and while acting pursuant to authorization or instruction from any superior officer, shall have the same rights under this Article as if such duty or activity were performed within the territorial boundary limits of their employer.

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

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

All county agricultural extension service employees who do not receive official federal appointments as employees of the United States Department of Agriculture and who are field faculty members with professional rank as designated in the memorandum of understanding between the North Carolina Agricultural Extension Service, North Carolina State University, A & T State University, and the boards of county commissioners shall be deemed to be employees of the State of North Carolina. All other county agricultural extension service employees paid from State or county funds shall be deemed to be employees of the county board of commissioners in the county in which the employee is employed for purposes of workers' compensation.

The term "employee" shall also include members of the Civil Air Patrol currently certified pursuant to G.S. 143B-1031(a) when performing duties in

the course and scope of a State-approved mission pursuant to Subpart C of Part 5 of Article 13 of Chapter 143B of the General Statutes.

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

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

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

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

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

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

SECTION 3.(a) Pilot Program. – For the counties of Buncombe, Durham, Forsyth, and Guilford, the board of county commissioners may, in the discretion of the board, adopt an ordinance establishing the county Website as a central location for publishing or advertising legal notices in accordance with this section, if the county complies with all of the following:

(1) The county maintains its own Website, with sufficient staff to maintain that Website.

(2) The county has sufficient staff to complete affidavits as needed for all legal notices.

SECTION 3.(b) Publication Via County-maintained WebSite. – In lieu of publishing in a newspaper in accordance with Article 50 of Chapter 1 of the General Statutes, publication of any notice permitted or required by law to be published in a newspaper may be accomplished by contracting with a county who has adopted an ordinance in accordance with this section to publish such notice on the county-maintained Website.

SECTION 3.(c) Affidavit of Publication. – Whenever a county has published a notice or any other paper, document, or legal advertisement within the meaning of G.S. 1-597 and a county employee makes a written statement under oath taken before any notary public or other officer or person authorized by law to administer oaths, stating that the county placed such notice, paper, document, or legal advertisement upon its Website, such sworn written statement shall be received in all courts in this State as prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Website for the stated period of time. When filed in the office of the clerk of the superior court of that county, any such sworn statement shall be deemed to be a record of the court, and such record or a copy thereof duly certified by the clerk shall be prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Website for the stated period of time.

SECTION 3.(d) When a statute or written instrument stipulates that an advertisement of a sale shall be made for any certain number of weeks, publication via the county Website in accordance with this section for the number of weeks so indicated is a sufficient compliance with the requirement.

SECTION 3.(e) This section becomes effective October 1, 2017, and expires December 31, 2019.

SECTION 4. The validation of any publication, advertisement, or notice pursuant to a previous enactment of G.S. 1-597 remains in effect and is not affected by any modifications of that statute enacted by Section 1 of this act.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.";

and by rewriting the short title to read: "Legal Notices/Newsprint Employees.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Hse Comm. on Rules, Calendar and Operations of the House 6/15/2017

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Frazier	SML
Josh Lanier	SML
Andy Chase	KMA
Johanna Reese	NCAGC
[illegible]	306
Katy Kirgan	BP
Elizabeth Bisel	BP
Chris McClure	BP
Jared Bales	Bridges & ASS
Mark Freeman	NCAE
Richard Bostic	NCSBA

VISITOR REGISTRATION SHEET

Hse Comm. on Rules, Calendar and Operations of the House 6/15/2017

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NCASA
Drew Moretz	UNCGA
Will Morgan	MFS
[signature]	MWC
Henry Jones	Jordan Price
Paul Sherman	NLFB

Committee Sergeants at Arms

NAME OF COMMITTEE Hse Comm. on Rules, Calendar & Operations of the House

DATE: 6/15/2017 Room: 1228

House Sgt-At Arms:

1. Name: Jonas Cherry
2. Name: Rey Cooke
3. Name: David Linthicum
4. Name: Dean Marshbourne
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 20, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 8:30 AM on Tuesday, June 20, 2017 in room 1228 of the Legislative Building. Representatives Lewis, Lewis, Davis, Stevens, Torbett, Blust, Brawley, Bumgarder, Carney, Dulin, Earle, Floyd, Goodman, Hardister, Jackson, Johnson, Martin, McGrady, Reives, Sauls, Willingham and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills and resolutions were considered:

HR 924 Honor Meggan Lee Callahan.
Rep. Floyd moved that a motion to honor fallen corrections officer Callahan be favorable for introduction. The motion carried.

SB 64 Veterans' History Awareness Month. (Senator Davis)
Rep. Stevens made an inquiry to the bill sponsor, Senator Davis. Rep. Moore made a motion for a favorable report on SB 64. The motion carried.

SB 323 UNC Public Records/Athletic Conferences. (Senator Lee)
Rep. Bumgarder moves for a favorable report. The motion carries.

SB 148 Juror Excused by Clerk/Modify Various Appts. (Senator Britt)
Rep. Brawley moves for a favorable report. The motion carries.

The meeting adjourned at 8:50 AM.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Corrected #2: SB 335 and SB 375 taken off agenda

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 20, 2017
TIME: **8:30 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **Proposed Committee Substitutes will be distributed the day before the meeting.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 64	Veterans' History Awareness Month.	Senator D. Davis Senator Barefoot Senator Brown
SB 148	Juror Excused by Clerk/Modify Various Appts.	Senator Britt Senator Randleman
SB 323	UNC Public Records/Athletic Conferences.	Senator Lee Senator Hise Senator Daniel

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:39 PM on Monday, July 10, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE

SB **64** **(CS#1)** Veterans' History Awareness Month.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	To be determined

SB **323** UNC Public Records/Athletic Conferences.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	To be determined

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1

SB **148** **(HCS#1)** Juror Excused by Clerk/Int'l Ed. Spec. Judge.

Draft Number:	S148-PCS15220-TG-28
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 3



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE FOR INTRODUCTION

DRHR40610-LG-101 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF MEGGAN LEE CALLAHAN.

SENATE BILL 64:
Veterans' History Awareness Month.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 20, 2017
Introduced by:	Sens. D. Davis, Barefoot, Brown	**Prepared by:**	Kristen L. Harris Committee Co-Counsel
Analysis of:	Third Edition		

OVERVIEW: ***Senate Bill 64 would establish November as Veterans' History Awareness Month for the public schools and direct the State Board of Education to develop programs regarding the contributions of veterans.***

CURRENT LAW: G.S. 115C-84.2, which is the school calendar statute, provides that Veterans Day must be a holiday for all public school personnel and for all students enrolled in the public schools.

BILL ANALYSIS: Senate Bill 64 would direct that the month of November must be designated as "Veterans' History Awareness Month" in the public schools.

It would also require the State Board of Education (SBE) to develop programs in collaboration with military installations, veterans, and veterans service organizations that help students understand the importance of the contributions of American veterans and particularly veterans from North Carolina. Schools would be encouraged to collaborate with veterans and veterans' service organizations during Veterans' History Awareness Month.

EFFECTIVE DATE: The bill would become effective when it becomes law and applies beginning with the 2017-2018 school year.

*Staff attorney Drupti Chauhan substantially contributed to this report.

Karen Cochrane-Brown
Director

S64-SMTU-37 E3 -V-3

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 64
Rules and Operations of the Senate Committee Substitute Adopted 3/15/17
Corrected Copy 3/16/17

Short Title: Veterans' History Awareness Month. (Public)

Sponsors:

Referred to:

February 9, 2017

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH VETERANS' HISTORY AWARENESS MONTH IN NOVEMBER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(b) reads as rewritten:

"(b) Limitations. – The following limitations apply when developing the school calendar:

(1) The total number of teacher workdays for teachers employed for a 10-month term shall not exceed 195 days.

(2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.

(3) School shall not be held on Sundays.

(4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools. The month of November shall be designated "Veterans' History Awareness Month.""

SECTION 2. G.S. 115C-12 is amended by adding a new subdivision to read:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(33a) Duty to Develop Recommended Programs for Use in Schools During Veterans' History Awareness Month. – The State Board of Education shall develop recommended programs in collaboration with active military installations, veterans, and veterans service organizations that enable students to gain a better understanding of the meaning and importance of the contributions of American veterans and, in particular, veterans from North Carolina. Recommended programs may be integrated into lesson plans and may include veteran participation and veteran sponsorship in the form of an Adopt-A-Veteran program. All schools are encouraged to collaborate with

veterans and veteran service organizations during Veterans' History Awareness Month to designate time for appropriate commemorative activities.

...."

SECTION 3. This act is effective when it becomes law and applies beginning with the 2017-2018 school year.

SENATE BILL 323:
UNC Public Records/Athletic Conferences.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 20, 2017
Introduced by:	Sens. Lee, Hise, Daniel	**Prepared by:**	Amy Darden Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***Senate Bill 323 would designate communication and documentation regarding membership in any collegiate sports association or organization by the University of North Carolina or any constituent institutions as public records.***

[As introduced, this bill was identical to H412, as introduced by Reps. Bert Jones, Blust, Collins, Jordan, which is currently in House Judiciary I.]

BILL ANALYSIS: Senate Bill 323 would enact a new section under Chapter 132 – Public Records. Any of the following items in possession of UNC or any of its constituent institutions, related to membership in or communication with the NCAA, the ACC, or any other athletic conference or organization would be a public record:

- Documents, papers, letters, photographs;
- Films, sound recordings, magnetic or other tapes, electronic data-processing records;
- Artifacts or other documentary material.

EFFECTIVE DATE: This act is effective when it becomes law.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

SENATE BILL 323

Short Title:	UNC Public Records/Athletic Conferences.	(Public)
Sponsors:	Senators Lee, Hise, Daniel (Primary Sponsors); Brock, Pate, Rabin, Randleman, and Sanderson.	
Referred to:	Rules and Operations of the Senate	

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT COMMUNICATIONS AND OTHER DOCUMENTARY MATERIAL POSSESSED BY THE UNIVERSITY OF NORTH CAROLINA OR ANY OF ITS CONSTITUENT INSTITUTIONS REGARDING MEMBERSHIP IN THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA), IN THE ATLANTIC COAST CONFERENCE (ACC) OR OTHER NCAA CONFERENCES, OR IN ANY OTHER COLLEGIATE SPORTS ASSOCIATION OR ORGANIZATION ARE PUBLIC RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 132 of the General Statutes is amended by adding a new section to read:

"**§ 132-1.3A. The University of North Carolina athletic conference communications and other documentary materials; public records.**

Public records, as defined in G.S. 132-1, shall include all documents, papers, letters, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, in the possession of The University of North Carolina or any of its constituent institutions related to membership in or communication with the National Collegiate Athletic Association (NCAA), the Atlantic Coast Conference or any other athletic conference in any division of the NCAA, or any other collegiate sports association or organization."

SECTION 2. This act is effective when it becomes law.

SENATE BILL 148:
Juror Excused by Clerk.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 20, 2017
Introduced by:	Sens. Britt, Randleman	**Prepared by:**	Kristen Harris Committee Co-Counsel
Analysis of:	PCS to Third Edition S148-CSTG-28		

OVERVIEW: ***The Proposed Committee Substitute for Senate Bill 148 would 1) allow the chief district court judge to delegate authority to the clerk of superior court to approve requests to be excused from jury service, 2) modify term limits on the Vocational Rehabilitation Council and the Board of Trustees of the North Carolina Museum of Art, 3) change an effective date in S.L. 2017-8, and 4) provide for the appointment of a part-time special administrative law judge.***

BILL ANALYSIS:

Sections 1.(a) and 1.(b) would allow the chief district court judge to delegate authority to the clerk of superior court to approve requests to be excused from jury service.

Section 2.(a) would eliminate the two consecutive term limit for the member of the Vocational Rehabilitation Council representing a parent training and information center.

Section 2.(b) would amend membership of the Board of Trustees of the North Carolina Museum of Art by extending the term of General Assembly appointees from two years to four years and by giving them a limit of three consecutive terms instead of two.

Section 3 would change the effective date in Section 3.2(b) of S.L. 2017-8 to July 1, 2018. Section 3.2(a) reduces the time employers have to respond to an employee's filing for unemployment insurance. The reduction in time and the effective date were related to a new computer notification system. The new computer system will not be operational until 2018.

Section 4 would direct the Chief Administrative Law Judge to appoint a part-time special administrative law judge to a term of four years. At the expiration of the term, the appointee may be reappointed or another individual may be appointed. The appointee would be able to serve as a temporary administrative law judge. He or she would not be considered a State employee and would not receive compensation or reimbursement for expenses unless serving as a temporary administrative law judge. The appointee may be removed from office by the Chief Administrative Law Judge for just cause.

EFFECTIVE DATE: This act is effective when it becomes law. The Chief Administrative Law Judge shall appoint a part-time special administrative law judge as described in Section 4 within 30 days of when this act becomes law.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 148
Judiciary Committee Substitute Adopted 3/14/17
House Committee Substitute Favorable 5/10/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S148-PCS15220-TG-28

Short Title: Juror Excused by Clerk/Modify Various Appts. (Public)

Sponsors:

Referred to:

March 1, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE CHIEF DISTRICT COURT JUDGE MAY DELEGATE AUTHORITY TO THE CLERK OF SUPERIOR COURT IN MATTERS RELATING TO JURY SERVICE EXCUSALS; TO MODIFY TERMS OF APPOINTMENT FOR VARIOUS BOARDS; TO REVISE AN EFFECTIVE DATE IN S.L. 2017-8; AND TO PROVIDE FOR THE APPOINTMENT OF A PART-TIME SPECIAL ADMINISTRATIVE LAW JUDGE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 9-6(b) reads as rewritten:

"**§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases; procedure.**

...

(b) Pursuant to the foregoing policy, each chief district court judge shall promulgate procedures whereby he or any district court judge of his district court district designated by him, prior to the date that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and pass on applications for excuses from jury duty. The procedures shall provide for the time and place, publicly announced, at which applications for excuses will be heard, and prospective jurors who have been summoned for service shall be so informed. The chief district court judge, after consultation with and the consent of the clerk, may also delegate this authority to the clerk of superior court. In counties located in a district or set of districts as defined in G.S. 7A-41.1(a) which have a trial court administrator, the chief district judge may assign the duty of passing on applications for excuses from jury service to the administrator. In all cases concerning excuses, the clerk of court or the trial court administrator shall notify prospective jurors of the disposition of their excuses."

SECTION 1.(b) G.S. 9-6.1 reads as rewritten:

"**§ 9-6.1. Requests to be excused.**

(a) Any person summoned as a juror who is a full-time student and who wishes to be excused pursuant to G.S. 9-6.1(b1) [G.S. 9-6(b1)] or who is 72 years or older and who wishes to be excused, deferred, or exempted, may make the request without appearing in person by filing a signed statement of the ground of the request with the chief district court judge of that district, or the district court ~~judge~~ judge, the clerk of superior court if so delegated by the chief district court judge, or a trial court administrator designated by the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the person is summoned to appear.

(b) Any person summoned as a juror who has a disability that could interfere with the person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may make the request without appearing in person by filing a signed statement of the ground of the request, including a brief explanation of the disability that interferes with the person's ability to serve as a juror, with the chief district court judge of that district, or the district court ~~judge or~~ judge, the clerk of superior court if so delegated by the chief district court judge, or a trial court administrator designated by the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the person is summoned to appear. Upon request of the court, medical documentation of any disability may be submitted. Any privileged medical information or protected health information described in this section shall be confidential and shall be exempt from the provisions of Chapter 132 of the General Statutes or any other provision requiring information and records held by State agencies to be made public or accessible to the public.

(c) A person may request either a temporary or permanent exemption under this section, and the ~~judge~~ judge, clerk of superior court if so delegated by the chief district court judge, or trial court administrator may accept or reject either in the exercise of discretion conferred by G.S. 9-6(b), including the substitution of a temporary exemption for a requested permanent exemption. In the case of supplemental jurors summoned under G.S. 9-11, notice may be given when summoned. In case the chief district court judge, or the ~~judge~~ judge, clerk of superior court if so delegated by the chief district court judge, or trial court administrator designated by the chief district court judge pursuant to G.S. 9-6(b), rejects the request for exemption, the prospective juror shall be immediately notified by the trial court administrator or the clerk of court by telephone, letter, or personally."

SECTION 2.(a) G.S. 143-548 reads as rewritten:

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

...

(d1) Terms of Appointment. –

(1) Length of Term. – Each member of the Council shall serve for a term of not more than three years, except that:

a. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of that term;

b. The terms of service of the members initially appointed are as specified by the appointing authority for a fewer number of years as will provide for the expiration of terms on a staggered basis and shall include the members of the existing Council to the extent possible with appropriate adjustments to their terms;

c. The appointing authority shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16; and

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

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

...."

SECTION 2.(b) G.S. 140-5.13 reads as rewritten:

"**§ 140-5.13. Board of Trustees. – establishment; members; selection; quorum; compensation; officers; meetings.**

...

(b) The Board of Trustees of the North Carolina Museum of Art shall consist of 25 members, chosen as follows:

...

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until the member's successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All ~~regular~~ appointments by the General Assembly shall be for ~~the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive~~ terms of ~~two years.~~four years, with no person being appointed to more than three consecutive terms.

...."

SECTION 3. Section 3.2(b) of S.L. 2017-8 reads as rewritten:

"**SECTION 3.2.(b)** This section becomes effective ~~October 1, 2017,~~July 1, 2018, applies to claims for benefits filed on or after that date, and applies to tax calculations on or after that date."

SECTION 4. G.S. 7A-757 reads as rewritten:

"**§ 7A-757. Temporary administrative law judges; part-time special administrative law judge; appointments; powers and standards; fees.**

(a) When regularly appointed administrative law judges are unavailable, the Chief Administrative Law Judge of the Office of Administrative Hearings may contract with qualified individuals to serve as administrative law judges for specific assignments. A temporary administrative law judge shall have the same powers and adhere to the same standards as a regular administrative law judge in the conduct of a hearing. A temporary administrative law judge shall not be considered a State employee by virtue of this assignment, and shall be remunerated for his service at a rate not to exceed three hundred dollars ($300.00) per day and shall be reimbursed for travel and subsistence expenses at the rate allowed to State officers and employees by G.S. 138-6(a). The Chief Administrative Law Judge may also designate a full-time State employee to serve as a temporary administrative law judge with the consent of the employee and his supervisor; however, the employee is not entitled to any additional pay for this service.

(b) The Chief Administrative Law Judge shall appoint a qualified individual to serve as a part-time special administrative law judge. A part-time special administrative law judge appointed pursuant to this subsection shall take the same oath of office as other administrative law judges. Subject to availability, the individual may serve as a temporary administrative law judge subject to the same rules, and subject to the same restrictions when sitting, as would apply to a temporary administrative law judge appointed pursuant to subsection (a) of this section. A part-time special administrative law judge shall not be considered a State employee and shall not receive compensation for his or her service or be reimbursed for his or her expenses, except when sitting as a temporary administrative law judge. The individual appointed to this position shall have a term of four years. At the expiration of the term, the Chief Administrative Law Judge may reappoint the previous appointee to a new four-year term or appoint another individual to a new four-year term. If a vacancy in the position occurs for any reason, the Chief Administrative Law Judge may appoint another individual for the remainder of the term. A part-time special administrative law judge may be removed from office by the Chief Administrative Law Judge for just cause, as that term is used in G.S. 126-35."

SECTION 5. This act is effective when it becomes law. The Chief Administrative Law Judge shall appoint a part-time special administrative law judge as described in Section 4 within 30 days of when this act becomes law.

HOUSE RESOLUTION 924

Sponsors: Committee on Rules, Calendar, and Operations of the House.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Calendar 6/27/2017

June 21, 2017

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF MEGGAN LEE CALLAHAN.

Whereas, Meggan Lee Callahan was born on May 23, 1987, in South County, Rhode Island, to John Callahan and Wendy Lynn Gilbert Callahan; and

Whereas, Meggan Lee Callahan joined the Division of Prisons of the North Carolina Department of Public Safety in 2012 and was promoted to sergeant in 2016; and

Whereas, Meggan Lee Callahan was a correctional officer at the Bertie Correctional Institution in Windsor, North Carolina; and

Whereas, Meggan Lee Callahan was a member of St. Anne Catholic Church in Edenton, North Carolina; and

Whereas, on April 26, 2017, Meggan Lee Callahan was killed in the line of duty when she responded to a fire in a dormitory at the prison and was assaulted by an inmate; and

Whereas, Meggan Lee Callahan is survived by her parents; two sisters, Carissa Callahan and Amanda Callahan; a nephew, Zacary Cochran; and her fiancé, Kristin Vogel; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Meggan Lee Callahan and expresses its appreciation for her service to the State of North Carolina and to law enforcement.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of Meggan Lee Callahan for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Meggan Lee Callahan.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

BILL DRAFT 2017-LG-101 [v.2] (05/24)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
05/24/2017 01:47:36 PM

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

Referred to:

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF MEGGAN LEE CALLAHAN.

Whereas, Meggan Lee Callahan was born on May 23, 1987, in South County, Rhode Island to John Callahan and Wendy Lynn Gilbert Callahan; and

Whereas, Meegan Lee Callahan joined the Division of Prisons for the North Carolina Department of Public Safety in 2012 and was promoted to sergeant in 2016; and

Whereas, Meggan Lee Callahan was a correctional officer at the Bertie Correctional Institution in Windsor, North Carolina; and

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SECTION 4. This resolution is effective upon adoption.

Committee Sergeants at Arms

NAME OF COMMITTEE HC on Rules,Calendar,and Operation

DATE: 6/20/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Joe Crook
3. Name: Russell Salisbury
4. Name: Malachi McCullough
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

House Pages
Assignments
Tuesday, June 20, 2017
Session: 10:00 AM

Committee	Room	Time	Staff	Comments	Member
Rules, Calendar, and Operations of the House	1228/1327	8:30 AM	Margaret Deng		Rep. Joe John
			Reid Barber		Speaker Tim Moore
			Ian Dollar		Rep. Nelson Dollar
			Courtney Lysiak		Rep. John Faircloth
			Audrey Meigs		Rep. John Ager

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations 6/20/2017
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J.W. Joyner	New Frame
Andy Chase	KMA
Chris McCline	~~DP~~
Sue Ann Forrest	NCMS
Lillie Rhodes	Conf of Clerks
Drew Maretz	UNC GA
Thom Goolsby	Goolsby Govt Relations
Nathan Babcock	PPAB
Elizabeth Bisi	~~DP~~
Jamie Lassiter	Conf of Clerks
Daniel Radford	NCFB

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations 6/20/2017
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Hamilton	DOC
Kathy Hawkins	Duke Energy
Chris Broughton	MWC
JERRY COHEN	NM
	SHA
Tom West	NCICU
Amanda Finelli	SEANC
Flint Benson	SEANC
Suzanne Beasley	SEANC
David Collins	SEANC
	NCEL
John Harris	NFJ

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations 6/20/2017
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hampton Billips	KTS
Mia Bailey	Charter Comm.
Isabel Villa-Garcia	UCR

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations 6/20/2017

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
AMES SIMMONS	EQUALITY NC

House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 27, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 10:00 on Tuesday, June 27, 2017 in room 1228 of the Legislative Building. Representatives Lewis, Lewis, Davis, Stevens, Torbett, Blust, Brawley, Bumgarder, Carney, Dulin, Earle, Floyd, Goodman, Hardister, Jackson, Johnson, Martin, McGrady, Reives, Sauls, Willingham and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 223 Exclude Tiers 1 & 2 From JDIG Cap. (4) (Senator Jackson)
A proposed committee substitute was introduced by Rep. Ross. Rep. Lewis moved for a favorable report to the proposed committee substitute, unfavorable as to the original bill. The motion carried.

SB 450 Uniform Trust Decanting Act. (Senator Newton)
Rep. Torbett moves for a favorable report. The motion carries.

SB 384 Criminal Law Changes. (Senator Britt)
Rep. Reives presents an amendment. The amendment is adopted. Rep. Lewis moves that the amendment be rolled into a new Proposed Committee Substitute and for a favorable report on the PCS. The motion carries.

SB 299 Expand Use of CAM Systems & Create CAM Fund. (Senator Jackson)
A proposed committee substitute is placed before the committee. Rep. Lewis moves for a favorable report on the PCS. The motion carries.

The meeting adjourned.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 27, 2017, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 223	Habitual Felons/Clarify Previous Convictions.	Senator J. Jackson Senator Britt Senator Newton
SB 344	Combine Adult Correction & Juvenile Justice.	Senator Randleman
SB 299	Habitual Impaired Driving/10-Year Period.	Senator J. Jackson Senator Newton Senator Britt
SB 384	The Pharmacy Patient Fair Practices Act.	Senator Britt Senator Rabon Senator Meredith
SB 450	Uniform Trust Decanting Act.	Senator Newton Senator Daniel
SB 469	Amend Environmental Laws - 4.	Senator Brown

Presentations

Other Business

Adjournment

Corrected #2: time change/bills added to calendar

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 27, 2017
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 900	Safe Infrastructure & Low Property Tax Act.	Representative Ross Representative Saine
SB 223	Habitual Felons/Clarify Previous Convictions.	Senator J. Jackson Senator Britt Senator Newton
SB 344	Combine Adult Correction & Juvenile Justice.	Senator Randleman
SB 299	Habitual Impaired Driving/10-Year Period.	Senator J. Jackson Senator Newton Senator Britt
SB 384	The Pharmacy Patient Fair Practices Act.	Senator Britt Senator Rabon Senator Meredith
SB 450	Uniform Trust Decanting Act.	Senator Newton Senator Daniel
SB 469	Amend Environmental Laws - 4.	Senator Brown

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:40 PM on Monday, June 26, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Corrected #3: HB 900 removed from the calendar

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 27, 2017
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 223	~~Habitual Felons/Clarify Previous Convictions.~~	Senator J. Jackson – Ross Senator Britt ~~Senator Newton~~
~~SB 344~~	~~Combine Adult Correction & Juvenile Justice.~~	Senator Randleman – ? R. Turner
SB 299	Habitual Impaired Driving/10-Year Period.	Senator J. Jackson Senator Newton — Rogers Senator Britt
SB 384	The Pharmacy Patient Fair Practices Act.	Senator Britt Senator Rabon → Stevens Senator Meredith
SB 450	~~Uniform Trust Decanting Act.~~	Senator ~~Newton~~ Senator Daniel
SB 469	~~Amend Environmental Laws - 4.~~	Senator Brown – McElraft

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:13 PM on Monday, June 26, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **299** **(CS#1)** Habitual Impaired Driving/10-Year Period.

Draft Number:	S299-PCS45470-TUxf-26
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Rogers

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB NO. 2

SB **384** **(CS#2)** The Pharmacy Patient Fair Practices Act.

Draft Number:	S384-PCS15238-SU-34
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Stevens

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1

SB **469** **(HCS#1)** Amend Environmental Laws - 4.

Draft Number:	S469-PCS15236-SB-31
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McElraft

TOTAL REPORTED: 3



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1

SB **223** **(HCS#1)** Habitual Felons/Clarify Previous Convictions.

Draft Number:	S223-PCS15237-BGf-28
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Ross

TOTAL REPORTED: 1



SENATE BILL 450:
Uniform Trust Decanting Act.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 27, 2017
Introduced by:	Sens. Newton, Daniel	**Prepared by:**	Bill Patterson
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: Senate Bill 450 would adopt the North Carolina Uniform Trust Decanting Act, which would replace existing law governing the circumstances under which a trustee is permitted to distribute assets from one trust into a second trust without the approval of a court.

CURRENT LAW: Chapter 36C of the General Statutes is the North Carolina Uniform Trust Code, which contains default provisions that set forth, among other things, the duty of trustee to act in good faith and with regard to the purposes of the trust, public policy exceptions to enforcement of spendthrift provisions, the requirements for creating a trust, and the authority of the court to modify or terminate a trust on specified grounds.

Decanting is a term referring to a trustee's distribution of assets from one trust into a second trust. The circumstances under which a trustee may do this without the approval of a court are set forth in G.S. 36C-8-816.1 in Article 8 of Chapter 36C, "Duties and Powers of Trustee."

BILL ANALYSIS: Senate Bill 450 would repeal G.S. 36C-8-816.1 and replace it with a new Article 8B, the "North Carolina Uniform Trust Decanting Act."

The new act would apply to any trust having a principal place of administration in North Carolina and to any trust that provides that North Carolina law will govern its administration or construction (G.S. 36C-8b-5) and would, among other things:

- Relieve persons who reasonably rely on the validity of a decanting power under Article 8B from liability to any person for any action or failure to act as a result of the reliance. (G.S. 36C-8B-6)
- Require notice of a proposed decanting to be given to all qualified beneficiaries of the first trust and to specified others. (G.S. 36C-8B-7)
- Permit an authorized fiduciary, a beneficiary, or persons entitled to notice of a proposed decanting to commence a proceeding to seek approval or disapproval of the proposed exercise of the fiduciary's decanting power. (G.S. 36C-8B-9)
- Require exercise of the decanting power to be made in a written instrument signed by an authorized fiduciary. (G.S. 36C-8B-10)
- Set forth requirements for and restrictions on the exercise of the decanting power. (G.S. 36C-8B-11)
- Provide exceptions to otherwise applicable restrictions on the decanting power to permit a fiduciary to decant to a special needs trust for the benefit of a disabled beneficiary who may be

Karen Cochrane-Brown
Director

S450-SMTG-86 E2 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

eligible to qualify for governmental benefits or who has been adjudicated incompetent. (G.S. 36C-8B-13)

- Require all qualified beneficiaries or the clerk of superior court to approve any increase in an authorized fiduciary's compensation. (G.S. 36C-8B-16)
- Prohibit a second trust from relieving the liability of an authorized fiduciary for breach of trust to a greater extent than the first trust or from reducing the aggregate liability of the fiduciary. (G.S. 36C-8B-17)
- Limit an authorized fiduciary's ability to change provisions in a first trust permitting the fiduciary's removal by another person. (G.S. 36C-8B-18)
- Provide more detailed tax-related limitations on the exercise of the decanting power. (G.S. 36C-8B-19)
- Provide rules for determining which trust holds property discovered subsequent to a decanting. (G.S. 36C-8B-26)

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: Senate Bill 450 is a result of work done by the Uniform Decanting Subcommittee of the North Carolina Bar Association Estate Planning and Fiduciary Law Section, which analyzed the Uniform Decanting Act, adopted by the Uniform Laws Commission in 2015, to evaluate its practical effect and the consistency between its provisions and current North Carolina law.

SENATE BILL 450
Judiciary Committee Substitute Adopted 4/25/17

Short Title: Uniform Trust Decanting Act. (Public)

Sponsors:

Referred to:

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE NORTH CAROLINA UNIFORM TRUST DECANTING ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 36C of the General Statutes is amended by adding a new Article to read:

"Article 8B.

"North Carolina Uniform Trust Decanting Act.

"**§ 36C-8B-1. Short title.**

This Article shall be known and may be cited as the North Carolina Uniform Trust Decanting Act.

"**§ 36C-8B-2. Definitions.**

The following definitions apply to this Article, unless the context clearly requires otherwise:

(1) Authorized fiduciary. – A trustee or other fiduciary, other than a settlor, that has discretion to distribute or direct a trustee to distribute part or all of the principal of the first trust to one or more current beneficiaries. The term also includes a special fiduciary appointed under G.S. 36C-8B-9 or a special-needs fiduciary under G.S. 36C-8B-13.

(2) Current beneficiary. – A beneficiary that, on the date the beneficiary's qualification is determined, is a distributee or permissible distributee of trust income or principal.

(3) Decanting power. – The power of an authorized fiduciary under this Article to distribute property of a first trust to one or more second trusts or to modify the terms of the first trust.

(4) First trust. – A trust over which an authorized fiduciary may exercise the decanting power.

(5) Second trust. – A first trust after modification pursuant to this Article or a trust to which a distribution of property from a first trust is or may be made pursuant to this Article.

"**§ 36C-8B-3. Scope.**

(a) Except as otherwise provided in this section, this Article applies to an express trust that is irrevocable or revocable by the settlor only with the consent of the trustee or a person holding an adverse interest.

(b) This Article shall not apply to a trust held solely for charitable purposes as described in G.S. 36C-4-405(a).

(4) Include a copy of all second trusts.

(d) The decanting power may be exercised before expiration of the notice period under subsection (b) of this section if all persons entitled to receive notice waive the period in a signed written instrument.

(e) The receipt of notice, waiver of the notice period, or expiration of the notice period shall not affect the right of a person to file an application pursuant to G.S. 36C-8B-9 asserting any of the following:

(1) An attempted exercise of the decanting power is ineffective because it did not comply with this Article or was an abuse of discretion or breach of fiduciary duty.

(2) The provisions of G.S. 36C-8B-22 apply to the exercise of the decanting power.

(f) An exercise of the decanting power shall not be ineffective because of the failure to give notice to one or more persons pursuant to subsection (b) of this section if the authorized fiduciary acted with reasonable care to comply with subsection (b) of this section.

"**§ 36C-8B-8. Reserved.**

"**§ 36C-8B-9. Court involvement.**

(a) An authorized fiduciary, a beneficiary, or a person entitled to notice under G.S. 36C-8B-7(b) may commence a proceeding for any of the following purposes:

(1) To approve or disapprove a proposed exercise of the authorized fiduciary's decanting power.

(2) To appoint a special fiduciary to exercise the decanting power.

(b) Nothing in this section shall affect the right of a person to file an action in the superior court division of the General Court of Justice for declaratory relief under Article 26 of Chapter 1 of the General Statutes, including, but not limited to, an action to determine the extent to which G.S. 36C-8B-22 applies to a prior exercise of the decanting power.

"**§ 36C-8B-10. Formalities.**

An exercise of the decanting power shall be made in a written instrument signed by an authorized fiduciary. The signed written instrument shall identify, directly or by reference to the notice required by G.S. 36C-8B-7, the first trust and the second trust or trusts and state the property of the first trust being distributed to each second trust and the property, if any, that remains in the first trust.

"**§ 36C-8B-11. Decanting power.**

(a) The following definitions apply to this section:

(1) Noncontingent right. – A right that is not subject to the exercise of discretion or the occurrence of a specified event that is not certain to occur. The term does not include a right held by a beneficiary if any person has discretion to distribute property subject to the right to any person other than the beneficiary or the beneficiary's estate.

(2) Vested interest. – An interest where any of the following exist:

a. A right to a mandatory distribution that is a noncontingent right as of the date of the exercise of the decanting power.

b. A current and noncontingent right, annually or more frequently, to a mandatory distribution of (i) income, (ii) a specified dollar amount, or (iii) a percentage of value of some or all of the trust property.

c. A current and noncontingent right, annually or more frequently, to withdraw (i) income, (ii) a specified dollar amount, or (iii) a percentage of value of some or all of the trust property.

d. A power of withdrawal.

(3) Special-needs fiduciary. – With respect to a trust that has a beneficiary with a disability, the term has any of the following meanings:

a. A trustee or other fiduciary, other than a settlor, that has discretion to distribute part or all of the principal of a first trust to one or more current beneficiaries.

b. If no trustee or fiduciary has discretion as described in sub-subdivision a. of this subdivision, a trustee or other fiduciary, other than a settlor, that has discretion to distribute part or all of the income of the first trust to one or more current beneficiaries.

c. If no trustee or fiduciary has discretion as described in sub-subdivisions a. or b. of this subdivision, a trustee or other fiduciary, other than a settlor, that is required to distribute part or all of the income or principal of the first trust to one or more current beneficiaries.

(4) Special-needs trust. – A trust that the trustee believes would not be considered a resource for purposes of determining whether a beneficiary with a disability is eligible for governmental benefits.

(b) A special-needs fiduciary may exercise the decanting power provided in G.S. 36C-8B-11 over the principal of a first trust as if the fiduciary had authority to distribute principal to a beneficiary with a disability subject to expanded distributive discretion if both of the following conditions are satisfied:

(1) A second trust is a special-needs trust that benefits the beneficiary with a disability.

(2) The special-needs fiduciary determines that exercise of the decanting power will further the purposes of the first trust.

(c) In exercising the decanting power pursuant to this section, all of the following rules apply:

(1) Notwithstanding G.S. 36C-8B-11(b)(2), the interest in the second trust of a beneficiary with a disability may have either of the following characteristics:

a. Be a pooled trust as defined by Medicaid law for the benefit of the beneficiary with a disability under 42 U.S.C. § 1396p(d)(4)(C).

b. Contain payback provisions complying with reimbursement requirements of Medicaid law under 42 U.S.C. § 1396p(d)(4)(A).

(2) The restriction contained in G.S. 36C-8B-11(b)(3) shall not apply to the interests of the beneficiary with a disability.

(3) Except as affected by any change to the interests of the beneficiary with a disability, the second trust, or if there are two or more second trusts, the second trusts in the aggregate, must grant each other beneficiary of the first trust beneficial interests in the second trusts which are substantially similar to the beneficiary's beneficial interests in the first trust.

(d) For the purposes of this section, the second trust shall not be deemed a termination of the first trust for the purpose of triggering a payback provision in the first trust provided the second trust contains a payback provision complying with the reimbursement requirement of Medicaid law under 42 U.S.C. § 1396p(d)(4).

"**§ 36C-8B-14. Reserved.**

"**§ 36C-8B-15. Trust limitation on decanting.**

(a) An authorized fiduciary shall not exercise the decanting power to the extent the terms of the first trust expressly prohibit exercise of the decanting power or a power granted by State law to the fiduciary to distribute part or all of the principal of the trust to another trust or to modify the trust.

(1) Grantor trust. – A trust as to which a settlor of a first trust is considered the owner under sections 671 through 677 or section 679 of the Internal Revenue Code.

(2) Nongrantor trust. – A trust that is not a grantor trust.

(3) Qualified benefits property. – Property subject to the minimum distribution requirements of section 401(a)(9), and any applicable regulations, or to any similar requirements that refer to section 401(a)(9) of the Internal Revenue Code or the regulations.

(b) An exercise of the decanting power shall be subject to the following limitations:

(1) If a first trust contains property that qualified, or would have qualified but for the provisions of this Chapter other than this section, for a marital deduction or a charitable deduction for purposes of the gift or estate tax under the Internal Revenue Code or a State gift, estate, or inheritance tax, the second trust must include or omit any term that, if included in or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying for the marital deduction or charitable deduction, as the case may be, or would have reduced the amount of the deduction, under the same provisions of the Internal Revenue Code or State law under which the transfer qualified.

(2) If the first trust contains property that qualified, or would have qualified but for the provisions of this Chapter other than this section, for the exclusion from gift tax described in section 2503(b) of the Internal Revenue Code, or section 2503(b) by the application of section 2503(c) of the Internal Revenue Code, the second trust may not include or omit any term that, if included in or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying under section 2503(b) or section 2503(c) of the Internal Revenue Code.

(3) If the property of the first trust includes shares of stock in an S Corporation, as defined in section 1361 of the Internal Revenue Code, the following provisions apply:

a. If the first trust is, or but for the provisions of this Chapter other than this section would be, a permitted shareholder under any provision of section 1361 of the Internal Revenue Code, an authorized fiduciary may exercise the power with respect to part or all of the S Corporation stock only if any second trust receiving the stock is a permitted shareholder under section 1361(c)(2) of the Internal Revenue Code.

b. If the first trust is, or but for the provisions of this Chapter other than this section would be, a qualified Subchapter-S trust within the meaning of section 1361(d) of the Internal Revenue Code, the second trust must not include or omit a term that prevents the second trust from qualifying as a qualified Subchapter-S trust.

(4) If the first trust contains property that qualified, or would have qualified but for the provisions of this Chapter other than this section, for a zero inclusion ratio for purposes of the generation-skipping transfer tax under section 2642(c) of the Internal Revenue Code, the second trust must not include or omit a term that, if included in or omitted from the first trust, would have prevented the transfer to the first trust from qualifying for a zero inclusion ratio under section 2642(c) of the Internal Revenue Code.

(5) If the first trust is directly or indirectly the beneficiary of qualified benefits property, the second trust may not include or omit any term that, if included

(b) To the extent that property of a second trust is attributable to property of the first trust, the property of the second trust is subject to any rules governing maximum perpetuity, accumulation, or suspension of the power of alienation which apply to property of the first trust.

"**§ 36C-8B-21. Need to distribute not required.**

An authorized fiduciary may exercise the decanting power whether or not under the first trust's discretionary distribution standard the fiduciary would have made or could have been compelled to make a discretionary distribution of principal at the time of exercise.

"**§ 36C-8B-22. Saving provision.**

(a) If exercise of the decanting power would be effective under this Article except that the second trust in part does not comply with this Article, the exercise of the decanting power is effective and the following rules apply with respect to the principal of the second trust attributable to the exercise of the power:

(1) A provision in the second trust which is not permitted under this Article is void to the extent necessary to comply with this Article.

(2) A provision required by this Article to be in the second trust which is not contained in the second trust is deemed to be included in the second trust to the extent necessary to comply with this Article.

(b) If a trustee of other fiduciary of a second trust determines that subsection (a) of this section applies to a prior exercise of the decanting power, the fiduciary shall take corrective action consistent with the fiduciary's duties.

"**§ 36C-8B-23. Reserved.**

"**§ 36C-8B-24. Terms of second trust.**

A reference in this Chapter to a trust instrument or terms of the trust includes a second trust and the terms of the second trust.

"**§ 36C-8B-25. Settlor.**

(a) For the purposes of the laws of this State other than this Article and subject to subsection (b) of this section, a settlor of a first trust shall be deemed to be the settlor of the second trust with respect to the portion of the principal of the first trust subject to the exercise of the decanting power.

(b) In determining settlor intent with respect to a second trust, the intent of a settlor of the first trust, a settlor of the second trust, and the authorized fiduciary may be considered.

"**§ 36C-8B-26. Later-discovered property.**

(a) Except as otherwise provided in subsection (c) of this section, if exercise of the decanting power was intended to distribute all the principal of the first trust to one or more second trusts, later-discovered property belonging to the first trust and property paid to or acquired by the first trust after the exercise of the power is part of the trust estate of the second trust or trusts.

(b) Except as otherwise provided in subsection (c) of this section, if exercise of the decanting power was intended to distribute less than all the principal of the first trust to one or more second trusts, later-discovered property belonging to the first trust or property paid to or acquired by the first trust after exercise of the power remains part of the trust estate of the first trust.

(c) An authorized fiduciary may provide in an exercise of the decanting power or by the terms of a second trust for disposition of later-discovered property belonging to the first trust or property paid to or acquired by the first trust after exercise of the power."

SECTION 2.1. G.S. 36C-1-103(17) reads as rewritten:

"(17) Settlor. – ~~A~~ Except as otherwise provided in G.S. 36C-8B-25, a person, including a testator, who creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's

SENATE BILL 384: Criminal Law Changes.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 26, 2017
Introduced by:	Sens. Britt, Rabon, Meredith	**Prepared by:**	Wendy Ray* Staff Attorney
Analysis of:	PCS to Third Edition S384-CSSU-34		

OVERVIEW: The Proposed Committee Substitute would make the following changes to laws related to criminal law and procedure:

- ***Make various changes in the law relating to motions for appropriate relief under Chapter 15A of the General Statutes, as recommended by the North Carolina Courts Commission, and would make clarifying and technical changes to G.S. 7A-451 regarding the entitlement of an indigent person to services of counsel.***
- ***Clarify what prior criminal convictions may be used to establish habitual felon status and remove the sunset on driver's license eligibility for persons convicted of habitual impaired driving.***
- ***Add the offense of felony breaking or entering with intent to terrorize or injure to the list of offenses defined as "breaking and entering" for purposes of habitual breaking and entering.***
- ***Create a process to insure that defendants subject to the fingerprint requirement get fingerprinted.***
- ***Amend the law regarding arrest and Citizen's Warrants.***

[The PCS incorporates the original contents of House Bill 131 and Senate Bills 223, 224, 559, and 560.]

BILL ANALYSIS: The PCS for Senate Bill 384 would make changes to laws related to criminal law and procedure, as set out in the parts below:

PART I. MOTIONS FOR APPROPRIATE RELIEF

Article 89 of Chapter 15A of the General Statutes governs motions for appropriate relief. A motion for appropriate relief (MAR) is a motion made after judgment in a criminal case to correct any errors that occurred before, during, or after a criminal trial or proceeding, including errors related to the entry of a guilty plea. *See, Motions for Appropriate Relief*, by Jessica Smith, 2013, at http://benchbook.sog.unc.edu/sites/benchbook.sog.unc.edu/files/pdf/Motions for Appropriate Relief.pdf.

Section 1(a) would provide that, upon the filing of an MAR in superior court, the senior resident superior court judge must enter a scheduling order for disclosure of certain expert witness information for expert witnesses who are reasonably expected to be called at a hearing on the motion.

Section 1(b) would clarify the procedure to be followed by a judge assigned to a motion that was filed with the clerk of superior court, as follows:

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Requires the assigned judge to review the motion and to deny it upon a determination that all the claims are frivolous.
- Requires the judge to appoint counsel for an unrepresented indigent defendant upon a determination that a hearing is warranted or the interests of justice so require.
- Requires appointed counsel to review the motion and to adopt it or to file an amended motion.
- Allows the judge to require the State to file an answer to the motion.
- Allows the State to request leave to file a limited answer.

Section 1(c) would clarify that an indigent person is entitled to services of counsel in proceedings on a motion for appropriate relief under Chapter 15A if the defendant has been convicted of a felony, has been fined $500 or more, or has been sentenced to a term of imprisonment *and* the judge has reviewed the motion and determined that counsel should be appointed in accordance with Chapter 15A. This section also makes technical (formatting) changes.

This part would become effective December 1, 2017, and would apply to all motions for appropriate relief filed on or after that date.

PART II. HABITUAL FELONS/CLARIFY PREVIOUS CONVICTIONS

Section 2(a)

Under current law, G.S. 14-7.1 provides that habitual felon is a status declared by a court when a defendant has been convicted of or pled guilty to three felony offenses. In order for a conviction to be used to establish habitual felon status, the prior offense must be for "an offense which is a felony under the laws of the State or other sovereign" where the conviction took place, "regardless of the sentence actually imposed."

This section would clarify the definition of 'felony offense' as it is used to establish habitual felon status.

Aside from specific exceptions, a "felony offense" would include:

- A felony in this State.
- A felony in another state or sovereign, that is substantially similar to a felony in North Carolina.
- An offense substantially similar to a felony in North Carolina, punishable by imprisonment for more than a year in a state or sovereign that does not use the classification of felony.
- A felony under federal law.

This section would become **effective** December 1, 2017, and apply to offenses committed on or after that date and that is the principal felony offense for a charge of a status offense of habitual felon. Prosecutions for offenses committed before the effective date of this act would not be abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Section 2(b)

Background: In **S.L. 2009-369**, the General Assembly enacted statutes authorizing a person convicted of habitual impaired driving to petition to have their driver's license conditionally reinstated. Under that law, the person could petition 10 years after completion of their sentence for habitual impaired driving, and was eligible to obtain a license if the Division of Motor Vehicles found both of the following:

- In the 10 years preceding the application the person had not been convicted of any motor vehicle, alcohol, drug, or other criminal offense.

- The person was not currently a user of alcohol, unlawfully using any controlled substance, or an excessive user of prescription drugs.

S.L. 2009-369 was enacted with a sunset of **December 1, 2014**. In section 61.5 of **S.L. 2014-115** the sunset was extended to **December 1, 2016**. That sunset expired on December 1, 2016 without further action by the General Assembly.

This section would remove the December 1, 2016 sunset **effective retroactively to December 1, 2016.** This would have the effect of reviving those statutes that allowed the reinstatement of a driver's license for habitual impaired driving offenders. No new sunset would be placed on these statutes.

PART III. INCLUDE BREAKING AND ENTERING WITH INTENT TO TERRORIZE IN HABITUAL BREAKING AND ENTERING

Article 2D of Chapter 14 creates a habitual breaking and entering status offense. For purposes of the Article, the term "breaking and entering" is defined as any of the following felony offenses:

- First degree burglary (G.S. 14-51).
- Second degree burglary (G.S. 14-51).
- Breaking out of dwelling house burglary (G.S. 14-53).
- Breaking or entering of buildings generally (G.S. 14-54(a)).
- Breaking or entering a building that is a place of religious worship (G.S. 14-54.1).
- Any repealed or superseded offense substantially equivalent to any of the above offenses.
- Any offense committed in another jurisdiction substantially similar to any of the above offenses.

Generally, a person who has previously been convicted of or pled guilty to one or more of these above offenses may be charged with the status offense of habitual breaking and entering upon being charged with a subsequent felony breaking and entering offense. Upon conviction of the status offense, the defendant must be sentenced as a Class E felon.

This section would add G.S. 14-54(a1) (breaking or entering with intent to terrorize or injure an occupant of the building) to the above list of offenses that constitute felony breaking and entering for purposes of the habitual breaking and entering status offense. G.S. 14-54(a1) states that any person who breaks or enters any building with intent to terrorize or injure an occupant of the building is guilty of a Class H felony.

This section would become effective December 1, 2017 and apply to offenses committed on or after that date.

PART IV. FINGERPRINTING UPON ARREST

G.S. 15A-502, as amended in 2015, requires an arresting law enforcement agency to fingerprint defendants when charged with certain misdemeanors.

G.S. 90-95(a)(3) prohibits the possession of 1.5 ounces of marijuana or less. It is a misdemeanor that requires the defendant to be fingerprinted. Officers however, often issue a citation for this misdemeanor instead of making an arrest.

This section would create a process to obtain fingerprints from a defendant that has been issued a citation (not placed under arrest) for a misdemeanor that, by statute, requires fingerprinting, The court would be required to order fingerprinting. Noncompliance with the court's order could lead to a charge of criminal contempt.

This section would become effective December 1, 2017, and would apply to offenses committed on or after that date.

PART V. CITIZEN'S WARRANTS

This section would:

- Define warrants for arrest resulting from probable cause supplied by law enforcement.
- Define warrants for arrest resulting from probable cause of a private citizen.
- Provide a presumption that a summons is preferable over an arrest warrant where probable cause is provided solely by a private person.
- Describe the circumstances that require a magistrate to issue an arrest warrant rather than a summons, where probable cause is provided solely by a private person.

This section would become effective December 1, 2017, and would apply to warrants issued on or after that date.

EFFECTIVE DATE: Each part of the bill provides its own effective date as noted above. The remainder of the bill would be effective when it becomes law.

**Brad Krehely, Susan Sitze, and Jennifer Bedford substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 384
Health Care Committee Substitute Adopted 4/20/17
Judiciary Committee Substitute Adopted 4/25/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S384-CSSU-34 [v.1]
06/23/2017 05:02:59 PM

Short Title: Criminal Law Changes. (Public)

Sponsors:

Referred to:

March 27, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE USE OF MOTIONS FOR APPROPRIATE RELIEF; TO CLARIFY THE DEFINITION OF "FELONY OFFENSE" FOR PURPOSES OF THE HABITUAL FELON LAW AND TO REMOVE THE SUNSET ON DRIVERS LICENSE ELIGIBILITY FOR PERSONS CONVICTED OF HABITUAL IMPAIRED DRIVING; TO INCLUDE BREAKING AND ENTERING WITH THE INTENT TO TERRORIZE AS A HABITUAL BREAKING AND ENTERING STATUS OFFENSE; TO CLARIFY THAT WHEN A PERSON IS CHARGED WITH AN OFFENSE WHICH REQUIRES MANDATORY FINGERPRINTING, FINGERPRINTING WILL BE ORDERED BY THE COURT IF THE OFFENDER WAS NOT ARRESTED AND FINGERPRINTED AT THE TIME OF THE OFFENSE; AND TO PROVIDE THAT A PRIVATE CITIZEN'S SHOWING OF PROBABLE CAUSE TO THE MAGISTRATE SHALL INCLUDE SUFFICIENT INFORMATION SUPPORTED BY OATH OR AFFIRMATION THAT A CRIME HAS OCCURRED AND SHALL ISSUE AS A SUMMONS UNLESS A SUBSTANTIAL LIKELIHOOD EXISTS THAT THE DEFENDANT WILL NOT RESPOND TO A SUMMONS.

The General Assembly of North Carolina enacts:

PART I. MOTIONS FOR APPROPRIATE RELIEF

SECTION 1.(a) G.S. 15A-1413(d) reads as rewritten:

"(d) All motions for appropriate relief filed in superior court shall, when filed, be referred to the senior resident superior court judge, who shall assign the motion as provided by this section for review and administrative action, including, as may be appropriate, dismissal, calendaring for hearing, entry of a scheduling order for subsequent events in the case, <u>including disclosure of expert witness information described in G.S. 15A-903(a)(2) and G.S. 15A-905(c)(2) for expert witnesses reasonably expected to be called at a hearing on the motion,</u> or other appropriate actions.

All motions for appropriate relief filed in district court shall, when filed, be referred to the chief district court judge, who shall assign the motion as provided by this section for review and administrative action, including, as may be appropriate, dismissal, calendaring for hearing, entry of a scheduling order for subsequent events in the case, or other appropriate actions."

SECTION 1.(b) G.S. 15A-1420(b1) reads as rewritten:

"**§ 15A-1420. Motion for appropriate relief; procedure.**

...

(b1) Filing Motion With Clerk. –

(1) The proceeding shall be commenced by filing with the clerk of superior court of the district wherein the defendant was indicted a motion, with service on the district attorney in noncapital cases, and service on both the district attorney and Attorney General in capital cases.

(2) The clerk, upon receipt of the motion, shall place the motion on the criminal docket. When a motion is placed on the criminal docket, the clerk shall promptly bring the motion, or a copy of the motion, to the attention of the senior resident superior court judge or chief district court judge, as appropriate, for assignment to the appropriate judge pursuant to G.S. 15A-1413.

(3) The judge assigned to the motion shall conduct an initial review of the motion. If the judge determines that all of the claims alleged in the motion are frivolous, the judge shall deny the motion. If the motion presents sufficient information to warrant a hearing or the interests of justice so require, the judge shall appoint counsel for an indigent defendant who is not represented by counsel. Counsel so appointed shall review the motion filed by the petitioner and either adopt the motion or file an amended motion. After post-conviction counsel files an initial or amended motion, or a determination is made that the petitioner is proceeding without counsel, the judge may direct the State to file an answer. Should the State contend that as a matter of law the defendant is not entitled to the relief sought, the State may request leave to file a limited answer so alleging."

SECTION 1.(c) G.S. 7A-451(a) reads as rewritten:

"**§ 7A-451. Scope of entitlement.**

(a) An indigent person is entitled to services of counsel in the following actions and proceedings:

(1) Any case in which imprisonment, or a fine of five hundred dollars ($500.00), or more, is likely to be ~~adjudged;~~adjudged.

(2) A hearing on a petition for a writ of habeas corpus under Chapter 17 of the General ~~Statutes;~~Statutes.

(3) A motion for appropriate relief under Chapter 15A of the General Statutes if appointment of counsel is authorized by Chapter 15A of the General Statutes and the defendant has been convicted of a felony, has been fined five hundred dollars ($500.00) or more, or has been sentenced to a term of ~~imprisonment;~~imprisonment.

(4) A hearing for revocation of ~~probation;~~probation.

(5) A hearing in which extradition to another state is ~~sought;~~sought.

(6) A proceeding for an inpatient involuntary commitment to a facility under Part 7 of Article 5 of Chapter 122C of the General Statutes, or a proceeding for commitment under Part 8 of Article 5 of Chapter 122C of the General Statutes.

(7) In any case of execution against the person under Chapter 1, Article 28 of the General Statutes, and in any civil arrest and bail proceeding under Chapter 1, Article 34, of the General ~~Statutes;~~Statutes.

(8) In the case of a juvenile, a hearing as a result of which commitment to an institution or transfer to the superior court for trial on a felony charge is ~~possible;~~possible.

(9) A hearing for revocation of parole at which the right to counsel is provided in accordance with the provisions of Chapter 148, Article 4, of the General ~~Statutes;~~Statutes.

(10) Repealed by Session Laws 2003, c. 13, s. 2(a), effective April 17, 2003, and applicable to all petitions for sterilization pending and orders authorizing sterilization that have not been executed as of April 17, 2003.

(11) A proceeding for the provision of protective services according to Chapter 108A, Article 6 of the General ~~Statutes;~~Statutes.

(12) In the case of a juvenile alleged to be abused, neglected, or dependent under Subchapter I of Chapter 7B of the General ~~Statutes;~~Statutes.

(13) A proceeding to find a person incompetent under Subchapter I of Chapter 35A, of the General ~~Statutes;~~Statutes.

(14) A proceeding to terminate parental rights where a guardian ad litem is appointed pursuant to ~~G.S. 7B-1101;~~G.S. 7B-1101.

(15) An action brought pursuant to Article 11 of Chapter 7B of the General Statutes to terminate an indigent person's parental rights.

(16) A proceeding involving consent for an abortion on an unemancipated minor pursuant to Article 1A, Part 2 of Chapter 90 of the General Statutes. G.S. 7A-450.1, 7A-450.2, and 7A-450.3 shall not apply to this proceeding.

(17) A proceeding involving limitation on freedom of movement or access pursuant to G.S. 130A-475 or G.S. 130A-145.

(18) A proceeding involving placement into satellite monitoring under Part 5 of Article 27A of Chapter 14 of the General Statutes."

SECTION 1.(d) This section becomes effective December 1, 2017, and applies to motions for appropriate relief filed on or after that date.

PART II. HABITUAL FELONS/CLARIFY PREVIOUS CONVICTIONS

SECTION 2.(a) G.S. 14-7.1 reads as rewritten:

"**§ 14-7.1. Persons defined as habitual felons.**

(a) Any person who has been convicted of or pled guilty to three felony offenses in any federal court or state court in the United States or combination thereof is declared to be an habitual felon and may be charged as a status offender pursuant to this Article.

(b) For the purpose of this Article, a felony offense is defined ~~as an~~ to include all of the following:

(1) An offense ~~which~~ that is a felony under the laws of ~~the State or other sovereign wherein a~~ this State.

(2) An offense that is a felony under the laws of another state or sovereign that is substantially similar to an offense that is a felony in North Carolina, and to which a plea of guilty was entered, or a conviction was returned regardless of the sentence actually imposed.

(3) An offense that is a crime under the laws of another state or sovereign that does not classify any crimes as felonies if all of the following apply:

a. The offense is substantially similar to an offense that is a felony in North Carolina.

b. The offense may be punishable by imprisonment for more than a year in state prison.

c. A plea of guilty was entered or a conviction was returned regardless of the sentence actually imposed.

(4) An offense that is a felony under federal law. Provided, however, that federal offenses relating to the manufacture, possession, sale and kindred

offenses involving intoxicating liquors shall not be considered felonies for the purposes of this Article.

(c) For the purposes of this Article, felonies committed before a person attains the age of 18 years shall not constitute more than one felony. The commission of a second felony shall not fall within the purview of this Article unless it is committed after the conviction of or plea of guilty to the first felony. The commission of a third felony shall not fall within the purview of this Article unless it is committed after the conviction of or plea of guilty to the second felony. Pleas of guilty to or convictions of felony offenses prior to July 6, 1967, shall not be felony offenses within the meaning of this Article. Any felony offense to which a pardon has been extended shall not for the purpose of this Article constitute a felony. The burden of proving such pardon shall rest with the defendant and the State shall not be required to disprove a pardon."

SECTION 2.(b) Section 7 of S.L. 2009-369, as amended by Section 61.5 of S.L. 2014-115, reads as rewritten:

"**SECTION 7.** This act becomes effective December 1, 2009, and applies to applications for reinstatement that occur on or after that date. ~~This act expires December 1, 2016.~~"

SECTION 2.(c) Subsection (a) of this section becomes effective December 1, 2017, and applies to any offense committed on or after that date and that is the principal felony offense for a charge of a status offense of habitual felon. Subsection (b) of this section is retroactively effective December 1, 2016. The remainder of this section is effective when it becomes law. Prosecutions for offenses committed before the effective date of this section are not abated or affected by this section, and the statutes that would be applicable but for this section remain applicable to those prosecutions.

PART III. INCLUDE BREAKING AND ENTERING WITH INTENT TO TERRORIZE IN HABITUAL BREAKING AND ENTERING

SECTION 3.(a) G.S. 14-7.25 reads as rewritten:

"**§ 14-7.25. Definitions.**

The following definitions apply in this Article:

(1) "Breaking and entering." – The term means any of the following felony offenses:
   a. First degree burglary (G.S. 14-51).
   b. Second degree burglary (G.S. 14-51).
   c. Breaking out of dwelling house burglary (G.S. 14-53).
   d. Breaking or entering buildings generally (G.S. 14-54(a)).
   d1. Breaking or entering with intent to terrorize or injure an occupant of the building (G.S. 14-54(a1)).
   e. Breaking or entering a building that is a place of religious worship (G.S. 14-54.1).
   f. Any repealed or superseded offense substantially equivalent to any of the offenses in sub-subdivision a., b., c., d., or e. of this subdivision.
   g. Any offense committed in another jurisdiction substantially similar to any of the offenses in sub-subdivision a., b., c., d., or e. of this subdivision.

(2) "Convicted." – The person has been adjudged guilty of or has entered a plea of guilty or no contest to the offense of breaking and entering.

(3) "Status offender." – A person who is a habitual breaking and entering status offender as described in G.S. 14-7.26."

SECTION 3.(b) This section becomes effective December 1, 2017, and applies to offenses committed on or after that date.

PART IV. FINGERPRINTING UPON ARREST

SECTION 4.(a) G.S. 15A-502 is amended by adding a new subsection to read:

"**§ 15A-502. Photographs and fingerprints.**

...

(e) Fingerprints or photographs taken pursuant to subsection (a), (a1), or (a2) of this section may be forwarded to the State Bureau of Investigation, the Federal Bureau of Investigation, or other law-enforcement agencies.

(f) If a person is charged with an offense for which fingerprints are required pursuant to this section, but the person is not arrested for that offense, the court before which the charge is pending shall order the defendant to submit to fingerprinting by the Sheriff or other appropriate law enforcement agency at the earliest practical opportunity. If the person fails to appear for fingerprinting as ordered by the court, the sheriff shall so inform the court, and the court may initiate proceedings for criminal contempt against the person pursuant to G.S. 5A-15, including issue of an order for arrest pursuant to G.S. 5A-16, if necessary. The defendant shall continue to be subject to the court's order to provide fingerprints until submitted."

SECTION 4.(b) This section becomes effective December 1, 2017, and applies to offenses committed on or after that date.

PART V. CITIZEN'S WARRANTS

SECTION 5.(a) G.S. 15A-304 reads as rewritten:

"**§ 15A-304. Warrant for arrest.**

(a) ~~Definition. – A warrant for arrest consists of a statement of the crime of which the person to be arrested is accused, and an order directing that the person so accused be arrested and held to answer to the charges made against him. It is based upon a showing of probable cause supported by oath or affirmation.~~Definitions. –

(1) Warrant for arrest. – A warrant for arrest consists of a statement of the crime of which the person to be arrested is accused and an order directing that the person so accused be arrested and held to answer to the charges made against that person. It is based upon a showing of probable cause supported by oath or affirmation.

(2) Citizen's warrant. – A citizen's warrant is a warrant for arrest issued by a magistrate or a clerk based upon a showing of probable cause supported solely by information presented by a private person.

(b) When Issued. – A warrant for arrest may be issued, instead of or subsequent to a criminal summons, when it appears to the judicial official that the person named should be taken into custody. Circumstances to be considered in determining whether the person should be taken into custody may include, but are not limited to, failure to appear when previously summoned, facts making it apparent that a person summoned will fail to appear, danger that the person accused will escape, danger that there may be injury to person or property, or the seriousness of the offense.

(c) Statement of the Crime. – ~~The~~Both a warrant for arrest and a citizen's warrant must contain a statement of the crime of which the person to be arrested is accused. No ~~warrant for arrest,~~warrant, nor any arrest made pursuant thereto, is invalid because of any technicality of pleading if the statement is sufficient to identify the crime.

(d) Showing of Probable ~~Cause.~~Cause for a Warrant for Arrest. – A judicial official may issue a warrant for arrest only when ~~he~~the official is supplied with sufficient information, supported by oath or affirmation, to make an independent judgment that there is probable cause to believe that a crime has been committed and that the person to be arrested committed it. The information must be shown by one or more of the following:

(1) Affidavit;

(2) Oral testimony under oath or affirmation before the issuing official; or

(3) Oral testimony under oath or affirmation presented by a sworn law enforcement officer to the issuing official by means of an audio and video transmission in which both parties can see and hear each other. Prior to the use of audio and video transmission pursuant to this subdivision, the procedures and type of equipment for audio and video transmission shall be submitted to the Administrative Office of the Courts by the senior regular resident superior court judge and the chief district court judge for a judicial district or set of districts and approved by the Administrative Office of the Courts.

If the information is insufficient to show probable cause, the warrant may not be issued. A judicial official shall not refuse to issue a warrant for the arrest of a person solely because a prior warrant has been issued for the arrest of another person involved in the same matter.

(d1) Showing of Probable Cause for a Citizen's Warrant. – A magistrate may issue a warrant or criminal summons only when the magistrate is supplied with sufficient information, provided by a private person, supported by oath or affirmation, to make an independent judgment that there is probable cause to believe that a crime has been committed and that the person to be arrested committed it. The information shall be shown by one or more of the methods listed in subdivisions (1) through (3) of subsection (d) of this section. A summons rather than a warrant shall be issued unless:

(1) The accused has a history of failure to appear before the court as required;

(2) There is evidence that the accused is likely to escape or otherwise flee the State in order to avoid prosecution for the offense alleged;

(3) There is evidence of imminent danger of harm to persons or property if the accused is not taken into custody;

(4) The location of the accused is not readily discoverable, such that a criminal summons would be unlikely to be served before any court date assigned at the time of issue;

(5) A relevant statute provides that arrest is mandatory for an offense charged; or

(6) The seriousness of the offense constitutes grounds for a warrant.

(e) Order for Arrest. – The order for arrest must direct that a law-enforcement officer take the defendant into custody and bring him without unnecessary delay before a judicial official to answer to the charges made against him.

(f) Who May Issue. – A warrant for arrest, valid throughout the State, may be issued by:

(1) A Justice of the Supreme Court.

(2) A judge of the Court of Appeals.

(3) A judge of the superior court.

(4) A judge of the district court, as provided in G.S. 7A-291.

(5) A clerk, as provided in G.S. 7A-180 and 7A-181.

(6) A magistrate, as provided in G.S. 7A-273."

SECTION 5.(b) This act becomes effective December 1, 2017, and applies to warrants issued on or after that date.

PART VI. EFFECTIVE DATE

SECTION 6. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. S384 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE S384-CSSH-34

(Rep.) Reives
Sen.)

moves to amend the bill on page 5, line 51

( ) WHICH CHANGES THE TITLE

by rewriting the line to read:

" (2) Oral testimony under oath or affirmation presented by a sworn law enforcement officer before the issuing official; OR

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 223

Rules and Operations of the Senate Committee Substitute Adopted 3/23/17
House Committee Substitute Favorable 6/6/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S223-CSBG-28 [v.1]
06/26/2017 4:42:44 PM

Short Title: North Carolina Rural Job Creation Fund. (Public)

Sponsors:

Referred to:

March 9, 2017

A BILL TO BE ENTITLED

AN ACT TO ENACT THE NORTH CAROLINA RURAL JOB CREATION FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 23. North Carolina Rural Job Creation Fund.

"**§ 143B-437.135. Short title.**

This Part shall be known and may be cited as the "North Carolina Rural Job Creation Fund."

"**§ 143B-437.136. Definitions.**

The following definitions apply in this Part:

(1) Affiliate. – An entity that, directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another entity. For the purposes of this subdivision, an entity is "controlled by" another entity if the controlling entity holds, directly or indirectly, the majority voting or ownership interest in the controlled entity or has control over the day-to-day operations of the controlled entity by contract or law.

(2) Business concern. – An operating company that, at the time of the initial investment in the company by a rural fund, has fewer than 150 employees and the business's principal business operations are located in North Carolina other than in a development tier three area located outside a census tract with the median household income at or below eighty percent (80%) of the median household income of the State for a family of four.

(3) Closing date. – The date on which a rural fund has collected all of the amounts specified by G.S. 143B-437.137.

(4) Department. – The Department of Commerce.

(5) Development tier area. – Defined in G.S. 143B-437.08.

(6) Earned job factor. – An amount equal to eleven thousand two hundred fifty dollars ($11,250) per year per full-time employee employed by a business concern located in a development tier two or tier three area; or fifteen thousand dollars ($15,000) per year per full-time employee employed by a business concern located in development tier one area.

(7) Full-time employee. – An employee who is employed by a business concern for consideration for at least 35 hours per week or who renders any other

standard of service generally accepted by custom or practice as full-time employment.

(8) Growth investment. – Any capital or equity investment in a business concern or any loan to a business concern with a stated maturity at least one year after the date of issuance.

(9) Investment authority. – The amount stated on the notice issued under G.S.143B-437.137(e) certifying the rural fund. A rural fund's investment authority shall be comprised of equal amounts of repayable grant contributions and private contributions at the closing date.

(10) Net full-time employee. – The difference between (i) the number of full-time employees at the business concern on the date of the initial growth investment and (ii) the quarterly average of full-time employees at the business concern for the preceding year, annualized from the date of the initial growth investment.

(11) Principal business operations. – For a business concern, the place or places where at least eighty percent (80%) of its employees work or where employees that are paid at least eighty percent (80%) of its payroll work. An out-of-state business that has agreed to relocate employees using the proceeds of a growth investment to establish its principal business operations in this State shall be deemed to have its principal business operations in this new location provided it satisfies this definition within 180 days after receiving the growth investment or a later date, if agreed to by the Department.

(12) Private contributions. – An investment of cash in a rural fund to match dollar-for-dollar the repayable grant amount up to the investment authority of the rural fund. A rural fund's private contributions shall be comprised as follows: ten percent (10%) shall be comprised of equity investments contributed by affiliates of the rural fund, including employees, officers, and directors of such affiliates, and the remainder shall be comprised of equity investments contributed by nonaffiliates of the rural fund.

(13) Repayment amount. – The amount for a rural fund that is fifty percent (50%) of its investment authority pursuant to G.S. 143B-437.127(b) minus the sum of (i) the product of net full-time employees reported to the State in each of the rural fund's annual reports submitted pursuant to G.S. 143B-437.141(a)(3) and the earned job factor and (ii) the product of full-time employees at the time of the initial growth investment in a business concern and fifty percent (50%) of the business concern's applicable earned job factor. The amount of the repayable grant that is available for repayment shall be reduced by thirty percent (30%) upon meeting the one hundred percent (100%) investment requirement under G.S. 143B-437.139(a)(1).

(14) Repayable grant. – An investment of cash by the Department into a rural fund that will be matched dollar-for-dollar with private contributions up to the investment authority of the rural fund.

(15) Rural county. – A development tier one or two area.

(16) Rural fund. – An entity certified by the Department under G.S. 143B-437.137.

"**§ 143B-437.137. Application process and allocations.**

(a) Beginning October 1, 2018, the Department shall accept applications for approval as a rural fund. The application shall include all of the following:

(1) The total investment authority sought by the applicant.

(2) A copy of the applicant's license or the license of an affiliate of the applicant as a (i) rural business investment company under 7 U.S.C. § 2009cc or (ii) small business investment company under 15 U.S.C. § 68.

(3) Evidence that, as of the date the application, the applicant or the affiliate has invested at least one hundred million dollars ($100,000,000) in nonpublic companies located in communities throughout the United States with fewer than 50,000 residents.

(4) A signed affidavit from each investor stating the investor's amount of private contributions to the rural fund.

(b) The Department shall make application determinations by November 30, 2018, in the order in which the applications are received. The Department shall deem applications received on the same day to have been received simultaneously. The Department shall not approve more than one hundred million dollars ($100,000,000) in investment authority. If requests for investment authority received simultaneously would result in the limitation provided in this subsection being exceeded, the Department shall proportionally allot the investment authority among the approved applications. Upon approval of an application, the Department shall provide a grant certificate to the applicant designating the applicant as a rural fund and specifying the amount of the rural fund's investment authority.

(c) The Department may deny an application submitted under this section only for the following reasons:

(1) The applicant does not satisfy all the criteria described in subsection (a) of this section.

(2) The signed affidavits of investors indicate private contributions of less than fifty percent (50%) of the total amount of investment authority sought by the applicant.

(3) The Department has already approved the maximum amount of investment authority allowed under subsection (b) of this section.

(d) If the Department denies an application, the applicant may provide additional information to the Department within five days of the notice of denial. The Department shall review and reconsider the application and additional information within 10 days but not beyond November 30, 2018. A reconsidered application shall retain the original date of receipt provided under subsection (b) of this section for purposes of priority.

(e) A rural fund shall do all of the following:

(1) Within 60 days after receiving the approval issued under subsection (b) of this section, collect the private contributions from each investor that, when added to the repayable grant, equal the rural fund's investment authority.

(2) Within 65 days after receiving the approval issued under subsection (b) of this section, send to the Department documentation sufficient to prove that the amounts described in subdivision (1) of this subsection have been collected.

(f) If the rural fund fails to fully comply with subsection (e) of this section, the rural fund's approval is forfeited, and the Department may award the corresponding investment authority to existing applicants who received an investment authority lower than the amount requested due to a reduction pursuant to subsection (b) of this section or to new applicants.

"**§ 143B-437.138. Grant established.**

(a) The North Carolina Rural Job Creation Fund is established as a special revenue fund in the Department. The Department shall provide allocations from the Fund to a rural fund as of the closing date in an amount equal to one-half of the investment authority provided to the rural fund in the grant certificate issued pursuant to G.S. 143B-437.137(b).

(b) The rural fund and the Department shall execute a binding agreement enumerating the duties of the Department, including the right of the rural fund to receive allocations as

provided in subsection (a) of this section, the duties of the rural fund to invest in business concerns, and stating terms of grant repayment, consistent with the provisions of this Part.

"**§ 143B-437.139. Demand of repayment.**

(a) The Department shall demand immediate repayment of the grant issued under G.S. 143B-437.138 if any of the following occurs with respect to the rural fund before it is certified to exit the program in accordance with G.S. 143B-437.143:

(1) The rural fund does not invest all of its investment authority in growth investments in this State within three years of the closing date and does not invest at least seventy percent (70%) of its investment authority in growth investments in development tier one or two areas.

(2) The rural fund, after satisfying subdivision (1) of this subsection, fails to maintain growth investments equal to one hundred percent (100%) of its investment authority in growth investments in this State until the sixth anniversary of the closing date. For the purposes of this subsection, an investment is "maintained" even if the investment is sold or repaid so long as the rural fund reinvests an amount equal to the capital returned or recovered by the rural fund from the original investment, exclusive of any profits realized, in other growth investments in this State within 12 months of the receipt of such capital. Amounts received periodically by a rural fund shall be treated as continually invested in growth investments if the amounts are reinvested in one or more growth investments by the end of the following calendar year. A rural fund is not required to reinvest capital returned from growth investments after the fifth anniversary of the closing date, and such growth investments shall be considered held continuously by the rural fund through the sixth anniversary of the closing date.

(3) The rural fund, before exiting the program in accordance with G.S. 143B-437.143, makes a distribution or payment that results in the rural fund having less than one hundred percent (100%) of its investment authority invested in growth investments in this State or available for investment in growth investments and held in cash and other marketable securities.

(4) The rural fund provides greater than five million dollars ($5,000,000) in growth investments in a single business concern, including growth investments in affiliates of the business concern.

(5) The rural fund makes a growth investment in a business concern that directly or indirectly through an affiliate owns, has the right to acquire an ownership interest, makes a loan to, or makes an investment in the rural fund, an affiliate of the rural fund, or an investor in the rural fund. For purposes of this subdivision, a rural fund will not be considered an affiliate of a business concern solely as a result of its growth investment.

(b) Before demanding repayment under this subsection, the Department shall notify the rural fund of the reasons for the pending repayment. The rural fund shall have 90 days from the date the notice was dispatched to correct any violation outlined in the notice to the satisfaction of the Department and avoid repayment of the grant.

"**§ 143B-437.140. Request for determination.**

A rural fund, before making a growth investment, may request from the Department a written opinion as to whether the business in which it proposes to invest is a business concern as defined in this Part. The Department, not later than the fifteenth business day after the date of receipt of the request, shall notify the rural fund of its determination. If the Department fails to notify the rural fund by the fifteenth business day of its determination, the business in which the rural fund proposes to invest shall be deemed to not be a business concern.

"**§ 143B-437.141. Reports.**

(a) A rural fund shall submit an annual report to the Department on or before the last day of February of each year until the rural fund has exited the program in accordance with G.S. 143B-437.143. The annual report shall provide documentation as to the rural fund's growth investments and include all of the following:

(1) A bank statement evidencing each growth investment.

(2) The name, location, and industry of each business concern receiving a growth investment, including either the determination letter set forth in G.S. 143B-437.140 or evidence that the business qualified as a business concern at the time the investment was made.

(3) The annualized number of net full-time employees and the number of full-time employees at the business concern on the date of the initial growth investment at each business concern.

(4) Any other information required by the Department.

(b) Within 60 days of receipt of an annual report, the Department shall provide written confirmation to the rural fund of the net full-time employees the rural fund has been credited for that year.

(c) By the fifth business day after the third anniversary of the closing date, a rural fund shall submit a report to the Department evidencing its compliance with the investment requirements of G.S. 143B-437.139(a)(1).

(d) The Department shall adopt rules necessary to implement this Part.

(e) The Department shall submit an annual report to the Joint Legislative Economic Development Oversight Committee on or before April 1, 2020. The annual report shall include all of the following:

(1) The rural funds certified to participate in the program.

(2) The amount of investment authority awarded to each rural fund.

(3) Any investments made by the rural funds, including the location of the investments.

(4) Whether the rural funds are in compliance with the statute and rules and regulations.

(5) Any other information required by the Department.

"**§ 143B-437.142. Fee.**

(a) The Department shall calculate an annual fee to be paid by each rural fund certified pursuant to G.S. 143B-437.137 by dividing twenty-five thousand dollars ($25,000) by the number of applications certified pursuant to G.S. 143B-437.137 and notify each rural fund of the amount of the annual fee.

(b) The initial annual fee shall be due and payable to the Department with evidence of receipt of a cash investment as set forth in G.S. 143B-437.137(e)(2). After the initial annual fee, an annual fee shall be due and payable to the Department on or before that last day of February of each year.

(c) An annual fee shall not be required once a rural fund has exited the program in accordance with G.S. 143B-437.143.

(d) To maintain an aggregate annual fee of twenty-five thousand dollars ($25,000) for all rural funds, the Department shall recalculate the annual fee as needed upon the lapse of any certification under G.S. 143B-437.137(g), the demand of repayment under G.S. 143B-437.139(a), or a rural fund's exit from the program pursuant to G.S. 143B-437.143.

"**§ 143B-437.143. Exit.**

(a) On or after the sixth anniversary of the closing date, a rural fund may exit the program and no longer be subject to the provisions of this Part. The Department shall respond to the application within 30 days of receipt and include a calculation of any repayment amount due.

(b) No distributions may be made with respect to the equity interests of the rural fund in excess of the sum of the amount of equity capital invested with respect to such interests and an amount equal to any projected increase in the federal or State tax liability of holders of such interests related to the ownership, management, or operation of the rural fund until the rural fund has made payments to the State equal to the repayment amount."

SECTION 2. The Department of Commerce shall adopt rules providing for the administration of the Rural Job Creation Fund prior to the convening of the 2018 Regular Session of the 2017 General Assembly.

SECTION 3. This act is effective when it becomes law.

SENATE BILL 299: Expand Use of CAM Systems & Create CAM Fund.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 26, 2017
Introduced by:	Sens. J. Jackson, Newton, Britt	**Prepared by:**	Susan Sitze Staff Attorney
Analysis of:	PCS to Second Edition S299-CSTUxf-26		

OVERVIEW: ***The Proposed Committee Substitute (PCS) for S299 would make changes to the statutes regarding the use of continuous alcohol monitoring (CAM) systems as follows:***

- ***Expand the use of continuous alcohol monitoring in Level One and Level Two impaired driving punishments.***
- ***Create an administrative fee for persons subject to continuous alcohol monitoring.***
- ***Create a Continuous Alcohol Monitoring Fund to assist indigent defendants.***

CURRENT LAW: G.S. 20-179 provides for varying levels of punishment for offenses involving impaired driving based in part on the existence of grossly aggravating, aggravating, and mitigating factors. Grossly aggravating factors include: (1) a prior DWI conviction, (2) driving while license revoked for a DWI, (3) serious injury resulting from the DWI, and (4) the presence of a minor, or physically or mentally disabled adult in the vehicle.

Level One Punishment is required when the defendant has 2 grossly aggravating factors and includes a fine of up to $4,000 and required imprisonment of 30 days to 24 months, which may be suspended if the court imposes either of the following as a condition of special probation:

- A term of imprisonment of at least 30 days.
- A term of imprisonment of at least 10 days and a requirement that the defendant submit to continuous alcohol monitoring for at least 120 days. Up to 60 days of pretrial continuous alcohol monitoring may be counted towards the 120 days.

Level Two Punishment is required when the defendant has 1 grossly aggravating factor and includes a fine of up to $2,000 and required imprisonment of 7 days to 12 months, which may be suspended if the court imposes either of the following as a condition of special probation:

- A term of imprisonment of at least 7 days.
- Continuous alcohol monitoring for at least 90 days. If the defendant has a prior DWI within 5 years, the court must also require 240 hours community service. Up to 60 days of pretrial continuous alcohol monitoring may be counted towards the 90 days.

G.S. 20-179(k1) authorizes the court to require that any imprisonment required as a condition of special probation be served in an inpatient substance abuse facility.

BILL ANALYSIS:

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 1 of the PCS for S299 would amend Level One and Level Two punishments under G.S. 20-179.

- Level One Punishment would be amended as follows:
  - Authorize 120 days of continuous alcohol monitoring in lieu of any term of imprisonment.
  - Require 60 days of continuous alcohol monitoring if a court requires that a term of imprisonment be served in an inpatient treatment facility.
  - Allow 120 days of pretrial continuous alcohol monitoring to be credited against any continuous alcohol monitoring requirement for probation.
  - Authorize the court to impose continuous alcohol monitoring
- Level Two Punishment would be amended as follows:
  - Increase the required 7 days of imprisonment to 14 days of imprisonment.
  - Require 30 days of continuous alcohol monitoring if a court requires that a term of imprisonment be served in an inpatient treatment facility.
  - Allow 90 days of pretrial continuous alcohol monitoring to be credited against any continuous alcohol monitoring requirement for probation.

Section 1 of the PCS would also require a defendant on supervised probation to comply with any recommendation for continuous alcohol monitoring that is made based on a substance abuse assessment before supervised probation can be terminated.

Section 2 of the PCS for S299 would require anyone ordered to comply with continuous alcohol monitoring to pay the costs of the monitoring and also pay an administrative fee, in an amount determined by the Division of Adult Correction of the Department of Public Safety, of not less than $20 or more than $30. The fee shall be collected by the vendor and remitted to the Division. 50% of the fee would be used to cover costs of the Division, and 50% of the fee would be deposited in the Continuous Alcohol Monitoring Fund.

The Continuous Alcohol Monitoring Fund would be created to provide access to continuous alcohol monitoring as a sentencing option to persons deemed by the court to be indigent. The court would be authorized to order the Division to pay for the costs of continuous alcohol monitoring for any period ordered by the court.

EFFECTIVE DATE: This act would become effective December 1, 2017, and apply to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 299
Judiciary Committee Substitute Adopted 4/4/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S299-CSTUxf-26 [v.5]
06/25/2017 4:20:00 PM

Short Title: Expand Use of CAM Systems & Create CAM Fund. (Public)

Sponsors:

Referred to:

March 16, 2017

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS IN PUNISHMENTS IMPOSED FOR CERTAIN IMPAIRED DRIVING CONVICTIONS, TO PROVIDE FOR THE PAYMENT OF AN ADMINISTRATIVE FEE AND COSTS ASSOCIATED WITH A CONTINUOUS ALCOHOL MONITORING SYSTEM, AND TO CREATE A CONTINUOUS ALCOHOL MONITORING SYSTEM FUND TO ASSIST INDIGENT DEFENDANTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-179 reads as rewritten:

"**§ 20-179. Sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments.**

...

(g) Level One Punishment. – A defendant subject to Level One punishment may be fined up to four thousand dollars ($4,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 30 days and a maximum term of not more than 24 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least 30 ~~days.~~days or to abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 120 days. If a judge orders the term of imprisonment ordered as a condition of special probation to be served as an inpatient pursuant to subsection (k1) of this section, the judge shall impose an additional condition of special probation to require that the defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 60 days. ~~A judge may reduce the minimum term of imprisonment required to a term of not less than 10 days if a condition of special probation is imposed to require that a defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 120 days.~~ If the defendant is monitored on an approved continuous alcohol monitoring system during the pretrial period, up to ~~60~~ 120 days of pretrial monitoring may be credited against ~~the 120-day~~ any monitoring requirement for probation. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a

driver's license and as a condition of probation. The judge may impose any other lawful condition of probation.

(h) Level Two Punishment. – A defendant subject to Level Two punishment may be fined up to two thousand dollars ($2,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than seven days and a maximum term of not more than 12 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least ~~seven~~ 14 days or to abstain from consuming alcohol for at least 90 consecutive days, as verified by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety. If a judge orders the term of imprisonment ordered as a condition of special probation to be served as an inpatient pursuant to subsection (k1) of this section, the judge shall impose an additional condition of special probation to require that the defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 30 days. If the defendant is subject to Level Two punishment based on a finding that the grossly aggravating factor in subdivision (1) or (2) of subsection (c) of this section applies, the conviction for a prior offense involving impaired driving occurred within five years before the date of the offense for which the defendant is being sentenced and the judge suspends all active terms of imprisonment and imposes abstention from alcohol as verified by a continuous alcohol ~~monitory~~ monitoring system, then the judge must also impose as an additional condition of special probation that the defendant must complete 240 hours of community service. If the defendant is monitored on an approved continuous alcohol monitoring system during the pretrial period, up to ~~60~~ 90 days of pretrial monitoring may be credited against ~~the 90-day~~any monitoring requirement for probation. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a driver's license and as a condition of probation. The judge may impose any other lawful condition of probation.

(h1) The judge may impose, as a condition of probation for defendants subject to Level One or Level Two punishments, that the defendant abstain from alcohol consumption for ~~a minimum of 30 days, to a maximum of~~ the term of probation, as verified by a continuous alcohol monitoring system. The defendant's abstinence from alcohol shall be verified by a continuous alcohol monitoring system of a type approved by the Division of Adult Correction of the Department of Public Safety.

...

(k4) Notwithstanding the provisions of subsections (g), (h), (k2), and (k3) of this section, if the court finds, upon good cause shown, that the defendant should not be required to pay the costs of the continuous alcohol monitoring system, the court shall not impose the use of a continuous alcohol monitoring system unless one of the following conditions is met:

(1) ~~the~~ The local governmental entity responsible for the incarceration of the defendant in the local confinement facility agrees to pay the costs of the system.

(2) The court orders the Division of Adult Correction of the Department of Public Safety pay the costs of the system pursuant to G.S. 20-179.5.

...

(r) Supervised Probation Terminated. – Unless a judge in his or her discretion determines that supervised probation is necessary, and includes in the record that he or she has received evidence and finds as a fact that supervised probation is necessary, and states in his or her judgment that supervised probation is necessary, a defendant convicted of an offense of impaired driving shall be placed on unsupervised probation if he or she meets three conditions. These conditions are that he or she has not been convicted of an offense of impaired driving

within the seven years preceding the date of this offense for which he or she is sentenced, that the defendant is sentenced under subsections (i), (j), and (k) of this section, and has obtained any necessary substance abuse assessment and completed any recommended treatment or training ~~program.~~program, including any recommendation that the defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system approved by the Division of Adult Correction of the Department of Public Safety.

When a judge determines in accordance with the above procedures that a defendant should be placed on supervised probation, the judge shall authorize the probation officer to modify the defendant's probation by placing the defendant on unsupervised probation upon the completion by the defendant of any of the following conditions of his or her suspended sentence:

(1) Community ~~service; or~~service.

...

(3) Payment of any fines, court costs, and ~~fees; or~~fees.

(4) Any combination of these conditions.

...."

SECTION 2. Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-179.5. Continuous alcohol monitoring; administrative fee and costs for monitoring; Continuous Alcohol Monitoring Fund.**

(a) The costs incurred in order to comply with the continuous alcohol monitoring requirements imposed by the court pursuant to this Article, including costs for monitoring of the continuous alcohol monitoring device, shall be paid by the person ordered to be monitored. The person also shall pay a continuous alcohol monitoring administrative fee, in an amount which shall be determined by the Division of Adult Correction of the Department of Public Safety and which shall be not less than twenty dollars ($20.00) nor more than thirty dollars ($30.00). The administrative fee shall be collected at the time the person receives the monitoring equipment from the vendor providing the continuous alcohol monitoring. Costs for continuous alcohol monitoring shall be collected under terms agreed upon by the vendor and the person required to be monitored.

(b) The vendor shall remit fees collected pursuant to subsection (a) of this section to the Division of Adult Correction of the Department of Public Safety on a quarterly basis. Fifty percent (50%) of the fees collected shall be used to pay costs incurred by the Division of Adult Correction of the Department of Public Safety in ensuring compliance with the continuous alcohol monitoring requirements imposed by the court; the remaining fifty percent (50%) of the fees shall be deposited in the Continuous Alcohol Monitoring Fund.

(c) There is created in the Department of Public Safety the Continuous Alcohol Monitoring Fund to be used for the purpose of providing access to continuous alcohol monitoring as a sentencing option to persons deemed by the court to be indigent. If the court determines that continuous alcohol monitoring should be ordered and the convicted person is unable to pay for the continuous alcohol monitoring, the court may order that the Division of Adult Correction of the Department of Public Safety pay the cost of the continuous alcohol monitoring for the period of time required by the court."

SECTION 3. This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.

SENATE BILL 469:
Amend Environmental Laws - 4.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 27, 2017
Introduced by:	Sen. Brown	**Prepared by:**	Jeff Hudson
Analysis of:	PCS to Third Edition S469-CSSB-31		Jennifer McGinnis Staff Attorneys

OVERVIEW: The Proposed Committee Substitute for Senate Bill 469 (PCS) would amend various environmental and natural resources laws.

CURRENT LAW, BACKGROUND, AND BILL ANALYSIS:

CONSERVE MUNICIPAL SOLID WASTE CAPACITY

Section 1 of the PCS would prohibit units of local government from enacting ordinances to prohibit the disposal of C&D debris in a C&D landfill.

C&D waste or debris is defined under the statutes to mean "solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land clearing debris or yard debris." Such debris may be disposed in C&D landfills, municipal solid waste landfills, and portions of the C&D waste stream, including clean wood and clean brick, block, etc., could be eligible for disposal in a land clearing and inert debris landfill. In addition, demolition debris from the decommissioning of manufacturing buildings may be disposed of on the same site as the decommissioned buildings if certain requirements are met.

The statutes currently authorize units of local government to, by ordinance, require that all solid waste generated within the geographic area and placed in the waste stream for disposal, be delivered to a permitted solid waste management facility or facilities serving the geographic area. Such ordinances are often called "flow control" ordinances, which are provisions that allow state and local governments to designate the places where solid waste must be taken for processing, treatment, or disposal. Flow controls ordinances are tools sometimes used by local governments to plan and fund solid waste management systems.

CLARIFY ROLES OF GEOLOGISTS AND SOIL SCIENTISTS IN WASTEWATER SYSTEM SITE EVALUATIONS

Section 2 would provide that for purposes wastewater system site evaluations, soil and site condition evaluations would be conducted by licensed soil scientists and geologic and hydrogeologic condition evaluations would be conducted by licensed geologists.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

REPORT ON RULES FOR REMEDIATION OF CERTAIN UNDERGROUND STORAGE TANKS

Section 3 would direct the Environmental Management Commission (EMC) to adopt temporary rules implementing a provision in the 2015 Appropriations Act no later than October 1, 2017, and provide that the temporary rules will remain in effect until permanent rules are adopted, and have become effective. The provision would also require that the EMC report on the status of the rulemaking to the Fiscal Research Division and the chairs of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than December 31, 2017.

The provision in the 2015 Appropriations Act directed the Department to amend several rules pertaining to risk-based assessment and corrective action for USTs to do the following:

> "(1) Not require a responsible party to take immediate action or initial abatement actions with respect to a discharge or release from a noncommercial underground storage tank until such time as the Department has classified the risk posed by the discharge or release, except for those actions determined by the Department to be necessary to protect public health, safety, and welfare and the environment, and to mitigate any fire, explosion, or vapor hazard.
>
> (2) Notify the responsible party that no cleanup, no further cleanup, or no further action will be required by the Department if the risk posed by a discharge or release from a noncommercial underground storage tank is determined by the Department to be low risk, without requiring soil remediation pursuant to 15A NCAC 02L .0408. The Department may, however, reclassify the risk if it later determines that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment."

SHELLFISH ENTERPRISE AREAS

Section 4 would authorize the Marine Fisheries Commission (MFC) to adopt rules to provide for advanced siting and preapprovals of shellfish aquaculture leases.

MARINE FISHERIES CLARIFYING CHANGES

Section 5 would make the following changes to State law on shellfish aquaculture:

- It is unlawful to transplant shellfish from public grounds or permitted aquaculture operations utilizing waters in the prohibited classification to private beds.
- It is lawful to transplant shellfish in the seed stage from permitted aquaculture operations that use waters in the prohibited, restricted, or conditionally approved classification unless the Secretary determines that it would present a risk to public health.
- It is lawful to sell fish reared in a hatchery or aquaculture operation to the holder of an Aquaculture Operation Permit, an Underdock Culture Permit, or a shellfish cultivation lease.

Current State law on shellfish aquaculture provides:

- It is unlawful to transplant shellfish from public grounds or permitted aquaculture operations utilizing waters in the restricted or conditionally approved classification to private beds.
- It is lawful to transplant shellfish in the seed stage from permitted aquaculture operations that use waters in the restricted or conditionally approved classification to private beds as approved by the Secretary of Environmental Quality (Secretary).
- It is lawful to sell oysters or clams from a hatchery or aquaculture operation to the holder of an Aquaculture Operation Permit, an Underdock Culture Permit, or a shellfish cultivation lease.

RIVER HERRING FISHERIES MANAGEMENT

Section 6 would direct the Division of Marine Fisheries (DMF) to review its Fishery Management Plan (FMP) for River Herring regarding the validity and scientific basis for the status of the species as overfished. If DMF determines that it does not have an adequate scientific basis to review the status of the species, then DMF should develop costs estimates for the restoration of spawning and nursery area surveys and age composition work for all coastal streams within the State that historically contained significant river herring fisheries.

ESTABLISH COASTAL STORM DAMAGE MITIGATION AND PREVENTION FUND

Section 7 would establish the Coastal Storm Damage Mitigation and Prevention Fund that would consist of General Fund appropriations, gifts, grants, devises, monies from non-State entities, and any other revenues allocated to the Fund by the General Assembly. Revenue in the Fund could only be used by the State and local governments for beach nourishment, artificial dunes, and other projects to mitigate, remediate, or prevent coastal storm damage to ocean beaches and dune systems. Funding for projects in tier one areas would require a non-State match of one dollar for every three dollars from the Fund and funding for projects not located in tier one areas would require a non-State match of one dollar for every two dollars from the Fund. Non-State entities that contribute to the Fund may request the return of funds that haven't been spent or encumbered within two years of receipt by the Fund.

AMEND GUARANTEED ENERGY SAVINGS CONTRACT STATUTES

Guaranteed energy savings contracts are contracts for the evaluation, recommendation, or implementation of energy conservation measures, including the design and installation of equipment or the repair or replacement of existing equipment or meters, in which payments are to be made over time, and in which energy savings are guaranteed to exceed costs.

Section 8 would add the following definitions to the guaranteed energy savings contracts statutes:

- Excusable delay is a delay in performance of a guaranteed energy savings contract caused by an event or circumstance beyond a party's reasonable control, including without limitation, any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, quarantine restrictions, delays of common carriers, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.
- Interim period is the period between the effective date of a guaranteed energy savings contract and the date the installation of the energy conservation measures is compete and has been accepted by the governmental unit.

Section 8 would provide that the provider of the guaranteed energy savings contract services would provide a reconciliation statement for energy savings realized during the interim period to be provided within 90 days from the time that the energy conservation measures become fully operational. Section 8 would also provide that if completion of a project is delayed for reasons not the fault of the governmental unit or due to an excusable delay, the projected acceptance date for purposes of structuring the financing will become the date when the energy savings guarantee begins and, if the measured and verifiable savings under the contract at the time of the scheduled payment of the financing contract are inadequate for making the payment, the service provider will be responsible for the shortfall; however, actual savings realized during the interim period will be held by the governmental unit for payment under the financing contract.

EFFECTIVE DATE

Except as otherwise provided, the bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 469
Second Edition Engrossed 4/25/17
House Committee Substitute Favorable 6/22/17

Short Title: Amend Environmental Laws - 4. (Public)

Sponsors:

Referred to:

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS.

The General Assembly of North Carolina enacts:

CONSERVE MUNICIPAL SOLID WASTE LANDFILL CAPACITY

SECTION 1. G.S. 130A-309.09B(a) reads as rewritten:

"(a) Each unit of local government shall establish and maintain a solid waste reduction program. The following requirements shall apply:

(1) Demolition debris consisting of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material may be used as fill and need not be disposed of in a permitted landfill or solid waste disposal facility, provided that demolition debris may not be placed in the waters of the State or at or below the seasonal high water table.

(2) Repealed by Session Laws 1991, c. 621, s. 8.

(3) Units of local government are encouraged to separate marketable plastics, glass, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other organic solid waste into compost available for agricultural and other acceptable uses.

(4) Notwithstanding G.S. 130A-291(b), units of local government shall not, by ordinance or otherwise, prohibit the disposal of construction and demolition debris in any sanitary landfill permitted for the disposal of construction and demolition debris, which landfill has a valid and operative franchise agreement and is otherwise properly permitted pursuant to G.S. 130A-294."

WASTEWATER/SEPTIC RULES AND PERMITTING MODIFICATIONS

SECTION 2.(a) G.S. 130A-334(9a) reads as rewritten:

"(9a) "Repair" means the extension, alteration, replacement, or relocation of existing components of a wastewater system. Replacement of a damaged distribution device by an on-site wastewater contractor certified under Article 5 of Chapter 90A of the General Statutes shall not constitute a repair to a permitted wastewater system."

SECTION 2.(b) G.S. 130A-337 reads as rewritten:

"**§ 130A-337. Inspection; operation permit required.**

(a) No system of wastewater collection, treatment and disposal shall be covered or placed into use by any person until an inspection by the local health department has determined

that the system has been installed or repaired in accordance with any conditions of the improvement permit, the rules, and this Article.

(b) Upon determining that the system is properly installed or ~~repaired and that the system is capable of being operated in accordance with the conditions of the improvement permit, the rules, this Article and any conditions to be imposed in the operation permit, as applicable,~~ repaired, and upon the written release of an on-site wastewater contractor certified under Article 5 of Chapter 90A of the General Statutes that the system has been installed or repaired as per the conditions of the improvement permit and authorization for wastewater system construction, the local health department shall issue an operation ~~permit~~ permit, along with any conditions imposed in the operation permit, authorizing the residence, place of business or place of public assembly to be occupied and for the system to be placed into use or reuse. Subsequent findings or interpretation of rules of the local board of health by the local health department outside the initial site evaluation and conditions of the initial improvement permit and authorization for wastewater system construction shall not be used to deny issuance of the operation permit.

…."

SECTION 2.(c) G.S. 130A-335 reads as rewritten:

"**§ 130A-335. Wastewater collection, treatment and disposal; rules.**

…

(a1) Any proposed site for a residence, place of business, or a place of public assembly located in an area that is not served by an approved wastewater system for which a new wastewater system is proposed or repair is necessary for compliance may be evaluated for soil conditions and site features by a ~~licensed soil scientist or licensed geologist.~~ person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist. For purposes of this subsection, "site features" include topography and landscape position; soil characteristics (morphology); soil wetness; soil depth; restrictive horizons; available space; and other applicable factors that involve accepted public health principles. A person licensed pursuant to Chapter 89E of the General Statutes as a licensed geologist may evaluate the proposed site or repair area, as applicable, for geologic and hydrogeologic conditions.

(a2) Evaluations for soil conditions and site features conducted by a licensed soil scientist or licensed geologist for special hydrologic conditions pursuant to subsection (a1) of this section shall be approved by the applicable permitting authorities under G.S. 130A-336 and G.S. 130A-336.1 to produce the design and construction features of the new proposed wastewater system or the proposed repair project for an existing wastewater system, including to address any special hydrologic conditions that may be required under the applicable rules for an authorization to construct or for permitting, provided both of the following conditions are met:

(1) The evaluation of soil conditions, site features, or special hydrologic conditions satisfies all requirements of this Article. The evaluation shall not cover areas outside the scope of the applicable license.

(2) A licensed soil scientist or licensed geologist conducting such evaluation maintains an errors and omissions liability insurance policy in an amount commensurate with the risk that is issued by a licensed insurer. Liability shall only attach for areas within the scope of work of the applicable license.

…

(c) A wastewater system subject to approval under rules of the Commission shall be reviewed and approved under rules of a local board of health in the following circumstances:

(1) The local board of health, on its own motion, has requested the Department to review its proposed rules concerning wastewater systems; and

(2) The local board of health has adopted by reference the wastewater system rules adopted by the Commission, with any more stringent modifications or

additions deemed necessary by the local board of health to protect the public ~~health;~~health. Local boards of health shall use historical experience to establish modifications or additions to rules established by the Commission; and

(3) The Department has found that the ~~rules~~ rules, including modifications or additions to the Commission's rules, of the local board of health ~~concerning wastewater collection, treatment and disposal systems are at least as stringent as rules adopted by the Commission and~~ are sufficient ~~and necessary~~ to safeguard the public health.

...

(e) The rules of the Commission and the rules of the local board of health shall address at least the following: Wastewater characteristics; Design unit; Design capacity; Design volume; Criteria for the design, installation, operation, maintenance and performance of wastewater collection, treatment and disposal systems; Soil morphology and drainage; Topography and landscape position; Depth to seasonally high water table, rock and water impeding formations; Proximity to water supply wells, shellfish waters, estuaries, marshes, wetlands, areas subject to frequent flooding, streams, lakes, swamps and other bodies of surface or groundwaters; Density of wastewater collection, treatment and disposal systems in a geographical area; Requirements for issuance, suspension and revocation of permits; and Other factors which affect the effective operation and performance of wastewater collection, treatment and disposal systems. The rules regarding required design capacity and required design volume for wastewater systems shall provide that exceptions may be granted upon a showing that a system is adequate to meet actual daily water consumption. The rules of the Commission and the rules of a local board of health shall not (i) establish limitations on depths to suitable, provisionally suitable, or unsuitable soils or saprolite, or limitations based solely on gallons per day or (ii) require sufficient available space for a replacement wastewater system of 480 gallons per day or less of domestic wastewater.

...."

SECTION 2.(d) G.S. 130A-336.1 reads as rewritten:

"**§ 130A-336.1. Alternative process for wastewater system approvals.**

...

(e) Site Design, Construction, and Activities.

(1) The professional engineer designing the proposed wastewater system shall use recognized principles and practices of engineering and applicable rules of the Commission in the calculations and design of the wastewater system. The investigations and findings of the professional engineer shall include, at a minimum, the information required in rules adopted by the Commission pursuant to G.S. 130A-335(e). The professional engineer may, at the engineer's discretion, employ pretreatment technologies not yet approved in this State.

(2) Notwithstanding G.S. 130A-335(a1), the owner of the proposed wastewater system shall employ ~~either a licensed soil scientist or a geologist, licensed pursuant to Chapter 89E of the General Statutes and who has applicable professional experience, to evaluate soil conditions and site features.~~a person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist to conduct soil and site evaluations and, as applicable, a person licensed pursuant to Chapter 89E of the General Statutes as a licensed geologist to evaluate geologic and hydrogeologic conditions.

...."

SECTION 2.1.(a) Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (c) of this section, the

Commission and any local board of health shall implement 15A NCAC 18A .1945 (Available Space) as provided in subsection (b) of this section.

SECTION 2.1.(b) Notwithstanding 15A NCAC 18A .1945, the Commission and the rules of a local board of health shall not require sufficient available space for a replacement wastewater system of 480 gallons per day or less of domestic wastewater.

SECTION 2.1.(c) The Commission for Public Health shall adopt rules to amend 15A NCAC 18A .1945 consistent with subsection (b) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (b) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 2.1.(d) This section is effective when it becomes law. Subsection (b) of this section expires on the date that rules adopted pursuant to subsection (c) of this section become effective.

SECTION 2.2.(a) Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (c) of this section, the Commission and any local board of health shall implement 15A NCAC 18A .1943 (Soil Depth) as provided in subsection (b) of this section.

SECTION 2.2.(b) Notwithstanding 15A NCAC 18A .1943, the Commission and the rules of a local board of health shall not establish limitations on depths to suitable, provisionally suitable, or unsuitable soils or saprolite, or limitations based solely on gallons per day.

SECTION 2.2.(c) The Commission for Public Health shall adopt rules to amend 15A NCAC 18A .1943 consistent with subsection (b) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (b) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 2.2.(d) This section is effective when it becomes law. Subsection (b) of this section expires on the date that rules adopted pursuant to subsection (c) of this section become effective.

REPORT ON RULES FOR REMEDIATION OF CERTAIN UNDERGROUND STORAGE TANKS

SECTION 3.(a) The Environmental Management Commission shall adopt temporary rules implementing Section 14.16B of S.L. 2015-241 no later than October 1, 2017. Notwithstanding G.S. 150B-21.1(d), the temporary rules shall remain in effect until the effective date of the permanent rule adopted to replace the temporary rule.

SECTION 3.(b) The Commission shall report regarding the status of the rule making required by this act and by Section 14.16B of S.L. 2015-241 to the Fiscal Research Division and the chairs of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than December 31, 2017.

SHELLFISH ENTERPRISE AREAS

SECTION 4.(a) G.S. 113-201 is amended by adding a new subsection to read:

"(d) The Marine Fisheries Commission may adopt rules to establish Shellfish Aquaculture Enterprise Areas to facilitate shellfish aquaculture opportunities through advanced

siting and preapprovals from relevant federal and State agencies. The Secretary shall only issue nontransferrable leases within designated Shellfish Aquaculture Enterprise Areas. Any leased parcel within a Shellfish Aquaculture Enterprise Area that is relinquished or terminated shall revert to the State and be made available to other applicants."

SECTION 4.(b) G.S. 113-201.1 is amended by adding a new subdivision to read:

"(3a) "Shellfish Aquaculture Enterprise Area" means an area designated and permitted by the Department that is subdivided into parcels and made available for shellfish aquaculture leasing."

MARINE FISHERIES CLARIFYING CHANGES

SECTION 5.(a) G.S. 113-203 reads as rewritten:

"**§ 113-203. Transplanting of oysters and clams.**

...

(a2) It is unlawful to do any of the following:

(1) Transplant oysters or clams taken from public grounds to private beds except when lawfully taken during open season and transported directly to a private bed in accordance with rules of the Marine Fisheries Commission.

(2) Transplant oysters or clams taken from permitted aquaculture operations to private beds except from waters in the approved classification.

(3) Transplant oysters or clams from public grounds or permitted aquaculture operations utilizing waters in the prohibited, restricted or conditionally approved classification to private beds except when the transplanting is done in accordance with the provisions of this section and implementing rules.

(a3) ~~It~~ Unless the Secretary determines that the nursery of shellfish in an area will present a risk to public health, it is lawful to transplant seed oysters or seed clams taken from permitted aquaculture operations that use waters in the prohibited, restricted or conditionally approved classification to private beds pursuant to an Aquaculture Seed Transplant Permit issued by the Secretary that sets times during which transplant is permissible and other reasonable restrictions imposed by the Secretary under either of the following circumstances:

(1) When transplanting seed clams less than 12 millimeters in their largest dimension.

(2) When transplanting seed oysters less than 25 millimeters in their largest dimension.

...."

SECTION 5.(b) G.S. 113-168.4(b) reads as rewritten:

"(b) Except as otherwise provided in this section, it is unlawful for any person licensed under this Article to sell fish taken outside the territorial waters of the State or to sell fish taken from coastal fishing waters. A person licensed under this Article may sell fish taken outside the territorial waters of the State or sell fish taken from coastal fishing waters under any of the following circumstances:

(1) The sale is to a fish dealer licensed under G.S. 113-169.3.

(2) The sale is to the public and the seller is a licensed fish dealer under G.S. 113-169.3.

(3) The sale is of ~~oysters or clams from~~ fish reared in a hatchery or aquaculture operation to the holder of an Aquaculture Operation Permit, an Under Dock Culture Permit, or a shellfish cultivation lease for further grow out."

RIVER HERRING FISHERIES MANAGEMENT

SECTION 6. The Division of Marine Fisheries shall review its Fishery Management Plan for river herring (blueback herring, Alosa aestivalis, and alewife, Alosa pseudoharengus) and report no later than December 15, 2017, to the Joint Legislative Oversight

Committee on Agriculture and Natural and Economic Resources regarding the continuing validity and scientific basis for the continued status of both species as "overfished." If the Division does not have an adequate scientific basis to review the status of both species, then the report should include cost estimates for the restoration of spawning and nursery area surveys and age composition work for all coastal streams within the State that historically contained significant river herring fisheries.

STATE PARTICIPATION IN SITING OF ATLANTIC INTRACOASTAL WATERWAY DREDGED MATERIAL DISPOSAL EASEMENTS

SECTION 7.(a) The Division of Water Resources of the Department of Environmental Quality and the State Property Office are authorized to negotiate with appropriate agencies of the federal government an agreement for the State to assume responsibility for acquiring dredged material easement sites appropriate for maintenance dredging of the Atlantic Intracoastal Waterway between Beaufort Inlet and the border with the Commonwealth of Virginia in exchange for the reduction in size and possible change in location of dredged material disposal easement sites currently held by the federal government. The agreement shall provide for the federal government to relinquish certain dredged material disposal easements that are excess to maintenance project needs in exchange for the acquisition and furnishing to the federal government other easements that are sited and permitted by the Division of Coastal Management and acquired by the State Property Office under its powers of condemnation or otherwise using such funds as may be appropriated by the General Assembly from the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund established under Part 8B of Article 21 of Chapter 143 of the General Statutes for that purpose.

SECTION 7.(b) G.S. 143-215.73F(b) is amended by adding a new subdivision to read:

"(4) To provide funding for siting and acquisition of dredged disposal easement sites associated with the maintenance of the Atlantic Intracoastal Waterway north of Beaufort Inlet and south of the border with the Commonwealth of Virginia, under a Memorandum of Agreement between the State and the federal government."

SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 8.(a) If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 8.(b) Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 469
Second Edition Engrossed 4/25/17
House Committee Substitute Favorable 6/22/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S469-CSSB-31 [v.3]
06/26/2017 7:38:36 PM

Short Title: Amend Environmental Laws - 4. (Public)

Sponsors:

Referred to:

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS.

The General Assembly of North Carolina enacts:

CONSERVE MUNICIPAL SOLID WASTE LANDFILL CAPACITY

SECTION 1. G.S. 130A-309.09B(a) reads as rewritten:

"(a) Each unit of local government shall establish and maintain a solid waste reduction program. The following requirements shall apply:

(1) Demolition debris consisting of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material may be used as fill and need not be disposed of in a permitted landfill or solid waste disposal facility, provided that demolition debris may not be placed in the waters of the State or at or below the seasonal high water table.

(2) Repealed by Session Laws 1991, c. 621, s. 8.

(3) Units of local government are encouraged to separate marketable plastics, glass, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other organic solid waste into compost available for agricultural and other acceptable uses.

(4) Notwithstanding G.S. 130A-291(b), units of local government shall not, by ordinance or otherwise, prohibit the disposal of construction and demolition debris in any sanitary landfill permitted for the disposal of construction and demolition debris, which landfill has a valid and operative franchise agreement and is otherwise properly permitted pursuant to G.S. 130A-294."

CLARIFY ROLES OF GEOLOGISTS AND SOIL SCIENTISTS IN WASTEWATER SYSTEM SITE EVALUATIONS

SECTION 2.(a) G.S. 130A-335(a1) reads as rewritten:

"(a1) Any proposed site for a residence, place of business, or a place of public assembly located in an area that is not served by an approved wastewater system for which a new wastewater system is proposed or repair is necessary for compliance may be evaluated for soil conditions and site features by a ~~licensed soil scientist or licensed geologist.~~ person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist. For purposes of this subsection, "site features" include topography and landscape position; soil characteristics (morphology); soil wetness; soil depth; restrictive horizons; available space; and other

applicable factors that involve accepted public health principles. A person licensed pursuant to Chapter 89E of the General Statutes as a licensed geologist may evaluate the proposed site or repair area, as applicable, for geologic and hydrogeologic conditions."

SECTION 2.(b) G.S. 130A-336.1(e) reads as rewritten:

"(e) Site Design, Construction, and Activities.

(1) The professional engineer designing the proposed wastewater system shall use recognized principles and practices of engineering and applicable rules of the Commission in the calculations and design of the wastewater system. The investigations and findings of the professional engineer shall include, at a minimum, the information required in rules adopted by the Commission pursuant to G.S. 130A-335(e). The professional engineer may, at the engineer's discretion, employ pretreatment technologies not yet approved in this State.

(2) Notwithstanding G.S. 130A-335(a1), the owner of the proposed wastewater system shall employ ~~either a licensed soil scientist or a geologist, licensed pursuant to Chapter 89E of the General Statutes and who has applicable professional experience, to evaluate soil conditions and site features.~~a person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist to conduct soil and site evaluations and, as applicable, a person licensed pursuant to Chapter 89E of the General Statutes as a licensed geologist to evaluate geologic and hydrogeologic conditions."

REPORT ON RULES FOR REMEDIATION OF CERTAIN UNDERGROUND STORAGE TANKS

SECTION 3.(a) The Environmental Management Commission shall adopt temporary rules implementing Section 14.16B of S.L. 2015-241 no later than October 1, 2017. Notwithstanding G.S. 150B-21.1(d), the temporary rules shall remain in effect until the effective date of the permanent rule adopted to replace the temporary rule.

SECTION 3.(b) The Commission shall report regarding the status of the rule making required by this act and by Section 14.16B of S.L. 2015-241 to the Fiscal Research Division and the chairs of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than December 31, 2017.

SHELLFISH ENTERPRISE AREAS

SECTION 4.(a) G.S. 113-201 is amended by adding a new subsection to read:

"(d) The Marine Fisheries Commission may adopt rules to establish Shellfish Aquaculture Enterprise Areas to facilitate shellfish aquaculture opportunities through advanced siting and preapprovals from relevant federal and State agencies. The Secretary shall only issue nontransferrable leases within designated Shellfish Aquaculture Enterprise Areas. Any leased parcel within a Shellfish Aquaculture Enterprise Area that is relinquished or terminated shall revert to the State and be made available to other applicants."

SECTION 4.(b) G.S. 113-201.1 is amended by adding a new subdivision to read:

"(3a) "Shellfish Aquaculture Enterprise Area" means an area designated and permitted by the Department that is subdivided into parcels and made available for shellfish aquaculture leasing."

MARINE FISHERIES CLARIFYING CHANGES

SECTION 5.(a) G.S. 113-203 reads as rewritten:

"**§ 113-203. Transplanting of oysters and clams.**

...

(a2) It is unlawful to do any of the following:

(1) Transplant oysters or clams taken from public grounds to private beds except when lawfully taken during open season and transported directly to a private bed in accordance with rules of the Marine Fisheries Commission.
(2) Transplant oysters or clams taken from permitted aquaculture operations to private beds except from waters in the approved classification.
(3) Transplant oysters or clams from public grounds or permitted aquaculture operations utilizing waters in the prohibited, restricted or conditionally approved classification to private beds except when the transplanting is done in accordance with the provisions of this section and implementing rules.

(a3) ~~It~~ Unless the Secretary determines that the nursery of shellfish in an area will present a risk to public health, it is lawful to transplant seed oysters or seed clams taken from permitted aquaculture operations that use waters in the prohibited, restricted or conditionally approved classification to private beds pursuant to an Aquaculture Seed Transplant Permit issued by the Secretary that sets times during which transplant is permissible and other reasonable restrictions imposed by the Secretary under either of the following circumstances:
(1) When transplanting seed clams less than 12 millimeters in their largest dimension.
(2) When transplanting seed oysters less than 25 millimeters in their largest dimension.

...."

SECTION 5.(b) G.S. 113-168.4(b) reads as rewritten:

"(b) Except as otherwise provided in this section, it is unlawful for any person licensed under this Article to sell fish taken outside the territorial waters of the State or to sell fish taken from coastal fishing waters. A person licensed under this Article may sell fish taken outside the territorial waters of the State or sell fish taken from coastal fishing waters under any of the following circumstances:
(1) The sale is to a fish dealer licensed under G.S. 113-169.3.
(2) The sale is to the public and the seller is a licensed fish dealer under G.S. 113-169.3.
(3) The sale is of ~~oysters or clams from~~ fish reared in a hatchery or aquaculture operation to the holder of an Aquaculture Operation Permit, an Under Dock Culture Permit, or a shellfish cultivation lease for further grow out."

RIVER HERRING FISHERIES MANAGEMENT

SECTION 6. The Division of Marine Fisheries shall review its Fishery Management Plan for river herring (blueback herring, Alosa aestivalis, and alewife, Alosa pseudoharengus) and report no later than December 15, 2017, to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources regarding the continuing validity and scientific basis for the continued status of both species as "overfished." If the Division does not have an adequate scientific basis to review the status of both species, then the report should include cost estimates for the restoration of spawning and nursery area surveys and age composition work for all coastal streams within the State that historically contained significant river herring fisheries.

ESTABLISH COASTAL STORM DAMAGE MITIGATION AND PREVENTION FUND

SECTION 7. Article 21 of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 8D. Coastal Storm Damage Mitigation and Prevention Fund.

"**§ 143-215.73M. Coastal Storm Damage Mitigation and Prevention Fund.**

(a) Fund Established. – The Coastal Storm Damage Mitigation and Prevention Fund is established as a special revenue fund. The Fund consists of General Fund appropriations, gifts, grants, devises, monies contributed by a non-State entity for a particular beach nourishment or damage mitigation or prevention project or group of projects, and any other revenues specifically allocated to the Fund by an act of the General Assembly.

(b) Uses of the Fund. – Revenue credited to the Fund may only be allocated to the State or a unit of local government to cover costs associated with beach nourishment, artificial dunes, and other projects to mitigate, remediate, or prevent coastal storm damage to the ocean beaches and dune systems of the State.

(c) Conditions on Funding. – Any project funded by revenue from the Fund must be cost-shared with non-State dollars as follows:

(1) The cost share for dredging projects located, in whole or part, in a development tier one area, as defined in G.S. 143B-437.08, shall be at least one non-State dollar for every three dollars from the Fund.

(2) The cost share for dredging projects not located, in whole or part, in a development tier one area shall be at least one non-State dollar for every two dollars from the Fund.

(d) Return of Non-State Entity Funds. – Non-State entities that contribute to the Fund for a particular project or group of projects may make a written request to the Secretary that the contribution be returned if the contribution has not been spent or encumbered within two years of receipt of the contribution by the Fund. If the written request is made prior to the funds being spent or encumbered, the Secretary shall return the funds to the entity within 30 days after the later of (i) receiving the request or (ii) the expiration of the two-year period described by this subsection."

AMEND GUARANTEED ENERGY SAVINGS CONTRACT STATUTES

SECTION 8.(a) G.S. 143-64.17 reads as rewritten:

"**§ 143-64.17. Definitions.**

As used in this Part:

(1) "Energy conservation measure" means a facility or meter alteration, training, or services related to the operation of the facility or meter, when the alteration, training, or services provide anticipated energy savings or capture lost revenue. Energy conservation measure includes any of the following:

a. Insulation of the building structure and systems within the building.

b. Storm windows or doors, caulking, weatherstripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated window or door systems, additional glazing, reductions in glass area, or other window or door system modifications that reduce energy consumption.

c. Automatic energy control systems.

d. Heating, ventilating, or air-conditioning system modifications or replacements.

e. Replacement or modification of lighting fixtures to increase the energy efficiency of a lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable State or local building code or is required by the light system after the proposed modifications are made.

f. Energy recovery systems.

g. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.

h. Repealed by Session Laws 2006-190, s. 2, effective August 3, 2006, and applicable to contracts entered into or renewed on or after that date.

i. Faucets with automatic or metered shut-off valves, leak detection equipment, water meters, water recycling equipment, and wastewater recovery systems.

j. Other energy conservation measures that conserve energy, water, or other utilities.

(2) "Energy savings" means a measured reduction in fuel costs, energy costs, water costs, stormwater fees, other utility costs, or operating costs, including environmental discharge fees, water and sewer maintenance fees, and increased meter accuracy, created from the implementation of one or more energy conservation measures when compared with an established baseline of previous costs, including captured lost revenues, developed by the governmental unit.

(2a) "Excusable delay" means a delay in performance of a guaranteed energy savings contract caused by an event or circumstance beyond a party's reasonable control, including without limitation, any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, quarantine restrictions, delays of common carriers, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

~~(2a)~~(2b) "Governmental unit" means either a local governmental unit or a State governmental unit.

(3) "Guaranteed energy savings contract" means a contract for the evaluation, recommendation, or implementation of energy conservation measures, including the design and installation of equipment or the repair or replacement of existing equipment or meters, in which all payments, except obligations on termination of the contract before its expiration, are to be made over time, and in which energy savings are guaranteed to exceed costs.

(3a) "Interim period" means the period between the effective date of a guaranteed energy savings contract and the date the installation of the energy conservation measures is compete and has been accepted by the governmental unit.

(4) "Local governmental unit" means any board or governing body of a political subdivision of the State, including any board of a community college, any school board, or an agency, commission, or authority of a political subdivision of the State.

(5) "Qualified provider" means a person or business experienced in the design, implementation, and installation of energy conservation measures who has been prequalified by the State Energy Office according to the prequalification criteria established by that Office.

(5a) "Qualified reviewer" means an architect or engineer who is (i) licensed in this State and (ii) experienced in the design, implementation, and installation of energy efficiency measures.

(6) "Request for proposals" means a negotiated procurement initiated by a governmental unit by way of a published notice that includes the following:

a. The name and address of the governmental unit.

b. The name, address, title, and telephone number of a contact person in the governmental unit.
c. Notice indicating that the governmental unit is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.
d. The date, time, and place where proposals must be received.
e. The evaluation criteria for assessing the proposals.
f. A statement reserving the right of the governmental unit to reject any or all the proposals.
g. Any other stipulations and clarifications the governmental unit may require.

(7) "State governmental unit" means the State or a department, an agency, a board, or a commission of the State, including the Board of Governors of The University of North Carolina and its constituent institutions."

SECTION 8.(b) G.S. 143-64.17B reads as rewritten:

"**§ 143-64.17B. Guaranteed energy savings contracts.**

(a) A governmental unit may enter into a guaranteed energy savings contract with a qualified provider if all of the following apply:

(1) The term of the contract does not exceed 20 years from the date of the installation and acceptance by the governmental unit of the energy conservation measures provided for under the contract.
(2) The governmental unit finds that the energy savings resulting from the performance of the contract will equal or exceed the total cost of the contract.
(3) The energy conservation measures to be installed under the contract are for an existing building or utility system, or utility consuming device or equipment when the utility cost is paid by the governmental unit.

(b) Before entering into a guaranteed energy savings contract, the governmental unit shall provide published notice of the time and place or of the meeting at which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose. The notice must be published at least 15 days before the date of the proposed award or meeting.

(c) A qualified provider entering into a guaranteed energy savings contract under this Part shall provide security to the governmental unit in the form acceptable to the Office of the State Treasurer and in an amount equal to one hundred percent (100%) of the guaranteed savings for the term of the guaranteed energy savings contract to assure the provider's faithful performance. Any bonds required by this subsection shall be subject to the provisions of Article 3 of Chapter 44A of the General Statutes. If the savings resulting from a guaranteed energy savings contract are not as great as projected under the contract and all required shortfall payments to the governmental unit have not been made, the governmental unit may terminate the contract without incurring any additional obligation to the qualified provider.

(d) As used in this section, "total cost" shall include, but not be limited to, costs of construction, costs of financing, and costs of maintenance and training during the term of the contract less the application of the utility company, State, or federal incentives, grants, or rebates. "Total cost" does not include any obligations on termination of the contract before its expiration, provided that those obligations are disclosed when the contract is executed.

(e) A guaranteed energy savings contract may not require the governmental unit to purchase a maintenance contract or other maintenance agreement from the qualified provider who installs energy conservation measures under the contract if the unit of government takes appropriate action to budget for its own forces or another provider to maintain new systems installed and existing systems affected by the guaranteed energy savings contract.

(f) In the case of a State governmental unit, a qualified provider shall, when feasible, after the acceptance of the proposal of the qualified provider by the State governmental unit, conduct an investment grade audit. During this investment grade audit, the qualified provider shall perform in accordance with Part 1 of this Article a life cycle cost analysis of each energy conservation measure in the final proposal. If the results of the audit are not within ten percent (10%) of both the guaranteed savings contained in the proposal and the total proposal amount, either the State governmental unit or the qualified provider may terminate the project without incurring any additional obligation to the other party. However, if the State governmental unit terminates the project after the audit is conducted and the results of the audit are within ten percent (10%) of both the guaranteed savings contained in the proposal and the total proposal amount, the State governmental unit shall reimburse the qualified provider the reasonable cost incurred in conducting the audit, and the results of the audit shall become the property of the State governmental unit.

(g) A qualified provider shall provide an annual reconciliation statement based upon the results of the measurement and verification review. The statement shall disclose any shortfalls or surplus between guaranteed energy and operational savings specified in the guaranteed energy savings contract and actual, not stipulated, energy and operational savings incurred during a given guarantee year. Any guaranteed energy and operational savings shall be determined by using one of the measurement and verification methodologies listed in the United States Department of Energy's Measurement and Verification Guidelines for Energy Savings Performance Contracting, the International Performance Measurement and Verification Protocol (IPMVP) maintained by the Efficiency Valuation Organization, or Guideline 14-2002 of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers. If due to existing data limitations or the nonconformance of specific project characteristics, none of the three methodologies listed in this subsection is sufficient for measuring guaranteed savings, the qualified provider shall develop an alternate method that is compatible with one of the three methodologies and mutually agreeable to the governmental unit. The guarantee year shall consist of a 12-month term commencing from the time that the energy conservation measures become fully operational. The qualified provider shall also provide a reconciliation statement for energy savings realized during the interim period to be provided within 90 days from the time that the energy conservation measures become fully operational. A qualified provider shall pay the governmental unit or its assignee any shortfall in the guaranteed energy and operational savings after the total year savings have been determined. In the case of a governmental unit, a surplus in any one year shall not be carried forward or applied to a shortfall in any other year.

(h) If completion of a project is delayed for reasons not the fault of the governmental unit or due to an excusable delay, the projected acceptance date for purposes of structuring the financing shall become the date when the energy savings guarantee begins and, if the measured and verifiable savings under the contract at the time of the scheduled payment of the financing contract are inadequate for making the payment, the qualified provider shall be responsible for such shortfall; however, actual savings realized during the interim period shall be held by the governmental unit for payment under the financing contract."

SECTION 8.(c) This section is effective when it becomes law and applies to guaranteed energy savings contracts entered into on or after that date.

SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 9.(a) If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 9.(b) Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 469

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S469-ARI-85 [v.2]

Amends Title [NO]
S469-CSSB-31 [v.3]

Date _____,2017

Representative Bumgardner

moves to amend the bill on page 7, lines 45 and 46,
by inserting between those lines:

"**LIMIT LOCAL REGULATION OF ASPHALT PLANTS**

SECTION 8.1 Article 21B of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-215.108B. Local ordinances regulating asphalt plants preempted.**

(a) It is the intent of the General Assembly to maintain a uniform system for regulation of the construction and operation of asphalt plants, and to place limitations upon the exercise by all units of local government in North Carolina of the power to regulate the construction and operation of asphalt plants by means of ordinances, property restrictions, zoning regulations, or otherwise. Notwithstanding any authority granted to counties, municipalities, or other local authorities to adopt local ordinances, including those imposing taxes, fees, or charges or regulating health, environment, or land use, all provisions of local ordinances, including those regulating land use, adopted by counties, municipalities, or other local authorities that regulate or have the effect of regulating the construction and operation of asphalt plants, within the jurisdiction of a local government are invalidated and unenforceable, to the extent necessary to effectuate the purposes of this Part, that place any restriction or condition not placed by a permit issued pursuant to this Article upon the construction and operation of asphalt plants.

(b) As used in this section, "Commission" means the Environmental Management Commission.

(c) If a local zoning or land-use ordinance imposes requirements, restrictions, or conditions that are generally applicable to industrial development, including, but not limited to, setback, buffer, and stormwater requirements, and an asphalt plant would be regulated under the ordinance of general applicability, the operator of the proposed activities may petition the Environmental Management Commission to review the matter. After receipt of a petition, the Commission shall hold a hearing in accordance with the procedures in subsection (d) of this section and shall determine whether or to what extent to preempt the local ordinance to allow for the regulation of the construction and operation of asphalt plants.

(d) When a petition described in subsection (c) of this section has been filed with the Environmental Management Commission, the Commission shall hold a public hearing to

consider the petition. The public hearing shall be held in the affected locality within 60 days after receipt of the petition by the Commission. The Commission shall give notice of the public hearing by both of the following means:

(1) Publication in a newspaper or newspapers having general circulation in the county or counties where the activities are to be conducted, once a week for three consecutive weeks, the first notice appearing at least 30 days prior to the scheduled date of the hearing.

(2) First-class mail to persons who have requested notice. The Commission shall maintain a mailing list of persons who request notice in advance of the hearing pursuant to this section. Notice by mail shall be complete upon deposit of a copy of the notice in a postage-paid wrapper addressed to the person to be notified at the address that appears on the mailing list maintained by the Commission in a post office or official depository under the exclusive care and custody of the United States Postal Service.

(e) Any interested person may appear before the Environmental Management Commission at the hearing to offer testimony. In addition to testimony before the Commission, any interested person may submit written evidence to the Commission for the Commission's consideration. At least 20 days shall be allowed for receipt of written comment following the hearing.

(f) A local zoning or land-use ordinance is presumed to be valid and enforceable to the extent the zoning or land-use ordinance imposes requirements, restrictions, or conditions that are generally applicable to industrial development, including, but not limited to, setback, buffer, and stormwater requirements, unless the Environmental Management Commission makes a finding of fact to the contrary. The Commission shall determine whether or to what extent to preempt local ordinances so as to allow the construction or operation of an asphalt plant no later than 60 days after conclusion of the hearing. The Commission shall preempt a local ordinance only if the Commission makes all of the following findings:

(1) That there is a local ordinance that would regulate the construction and operation of asphalt plants.

(2) That all legally required State and federal permits or approvals have been issued by the appropriate State and federal agencies or that all State and federal permit requirements have been satisfied and that the permits or approvals have been denied or withheld only because of the local ordinance.

(3) That local citizens and elected officials have had adequate opportunity to participate in the permitting process.

(4) That the asphalt plant will not pose an unreasonable health or environmental risk to the surrounding locality and that the operator has taken or consented to take reasonable measures to avoid or manage foreseeable risks and to comply to the maximum feasible extent with applicable local ordinances.

(g) If the Environmental Management Commission does not make all of the findings under subsection (f) of this section, the Commission shall not preempt the challenged local ordinance. The Commission's decision shall be in writing and shall identify the evidence submitted to the Commission plus any additional evidence used in arriving at the decision.

(h) The decision of the Environmental Management Commission shall be final, unless a party to the action files a written appeal under Article 3 of Chapter 150B of the General Statutes, as modified by this section, within 30 days of the date of the decision. The record on appeal shall consist of all materials and information submitted to or considered by the Commission, the Commission's written decision, a complete transcript of the hearing, the specific findings required by subsection (f) of this section, and any minority positions on the specific findings required by subsection (f) of this section. The scope of judicial review shall be as set forth in G.S. 150B-51, except as this subsection provides regarding the record on appeal.

(i) If the court reverses or modifies the decision of the Environmental Management Commission, the judge shall set out in writing, which writing shall become part of the record, the reasons for the reversal or modification.

(j) In computing any period of time prescribed or allowed by the procedure in this section, the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1, shall apply."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 469

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S469-ARI-85 [v.2]

Amends Title [NO]
S469-CSSB-31 [v.3]

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"**§ 143-215.108B. Local ordinances regulating asphalt plants preempted.**

(a) It is the intent of the General Assembly to maintain a uniform system for regulation of the construction and operation of asphalt plants, and to place limitations upon the exercise by all units of local government in North Carolina of the power to regulate the construction and operation of asphalt plants by means of ordinances, property restrictions, zoning regulations, or otherwise. Notwithstanding any authority granted to counties, municipalities, or other local authorities to adopt local ordinances, including those imposing taxes, fees, or charges or regulating health, environment, or land use, all provisions of local ordinances, including those regulating land use, adopted by counties, municipalities, or other local authorities that regulate or have the effect of regulating the construction and operation of asphalt plants, within the jurisdiction of a local government are invalidated and unenforceable, to the extent necessary to effectuate the purposes of this Part, that place any restriction or condition not placed by a permit issued pursuant to this Article upon the construction and operation of asphalt plants.

(b) As used in this section, "Commission" means the Environmental Management Commission.

(c) If a local zoning or land-use ordinance imposes requirements, restrictions, or conditions that are generally applicable to industrial development, including, but not limited to, setback, buffer, and stormwater requirements, and an asphalt plant would be regulated under the ordinance of general applicability, the operator of the proposed activities may petition the Environmental Management Commission to review the matter. After receipt of a petition, the Commission shall hold a hearing in accordance with the procedures in subsection (d) of this section and shall determine whether or to what extent to preempt the local ordinance to allow for the regulation of the construction and operation of asphalt plants.

(d) When a petition described in subsection (c) of this section has been filed with the Environmental Management Commission, the Commission shall hold a public hearing to

consider the petition. The public hearing shall be held in the affected locality within 60 days after receipt of the petition by the Commission. The Commission shall give notice of the public hearing by both of the following means:

(1) Publication in a newspaper or newspapers having general circulation in the county or counties where the activities are to be conducted, once a week for three consecutive weeks, the first notice appearing at least 30 days prior to the scheduled date of the hearing.

(2) First-class mail to persons who have requested notice. The Commission shall maintain a mailing list of persons who request notice in advance of the hearing pursuant to this section. Notice by mail shall be complete upon deposit of a copy of the notice in a postage-paid wrapper addressed to the person to be notified at the address that appears on the mailing list maintained by the Commission in a post office or official depository under the exclusive care and custody of the United States Postal Service.

(e) Any interested person may appear before the Environmental Management Commission at the hearing to offer testimony. In addition to testimony before the Commission, any interested person may submit written evidence to the Commission for the Commission's consideration. At least 20 days shall be allowed for receipt of written comment following the hearing.

(f) A local zoning or land-use ordinance is presumed to be valid and enforceable to the extent the zoning or land-use ordinance imposes requirements, restrictions, or conditions that are generally applicable to industrial development, including, but not limited to, setback, buffer, and stormwater requirements, unless the Environmental Management Commission makes a finding of fact to the contrary. The Commission shall determine whether or to what extent to preempt local ordinances so as to allow the construction or operation of an asphalt plant no later than 60 days after conclusion of the hearing. The Commission shall preempt a local ordinance only if the Commission makes all of the following findings:

(1) That there is a local ordinance that would regulate the construction and operation of asphalt plants.

(2) That all legally required State and federal permits or approvals have been issued by the appropriate State and federal agencies or that all State and federal permit requirements have been satisfied and that the permits or approvals have been denied or withheld only because of the local ordinance.

(3) That local citizens and elected officials have had adequate opportunity to participate in the permitting process.

(4) That the asphalt plant will not pose an unreasonable health or environmental risk to the surrounding locality and that the operator has taken or consented to take reasonable measures to avoid or manage foreseeable risks and to comply to the maximum feasible extent with applicable local ordinances.

(g) If the Environmental Management Commission does not make all of the findings under subsection (f) of this section, the Commission shall not preempt the challenged local ordinance. The Commission's decision shall be in writing and shall identify the evidence submitted to the Commission plus any additional evidence used in arriving at the decision.

(h) The decision of the Environmental Management Commission shall be final, unless a party to the action files a written appeal under Article 3 of Chapter 150B of the General Statutes, as modified by this section, within 30 days of the date of the decision. The record on appeal shall consist of all materials and information submitted to or considered by the Commission, the Commission's written decision, a complete transcript of the hearing, the specific findings required by subsection (f) of this section, and any minority positions on the specific findings required by subsection (f) of this section. The scope of judicial review shall be as set forth in G.S. 150B-51, except as this subsection provides regarding the record on appeal.

(i) If the court reverses or modifies the decision of the Environmental Management Commission, the judge shall set out in writing, which writing shall become part of the record, the reasons for the reversal or modification.

(j) In computing any period of time prescribed or allowed by the procedure in this section, the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1, shall apply."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

House Pages
Assignments
Tuesday, June 27, 2017
Session: 2:00 PM

Committee	Room	Time	Staff	Member
Finance	544	8:30 AM	Makayla Carmichael	Rep. Carla Cunningham
			Taylor Pope	Rep. Speaker Tim Moore
			Dylan Skinner	Rep. Susan Martin
			Lucas Boyd	Rep. John Szoka
			Leah Campbell	Rep. John R. Bell, IV
Rules, Calendar, and Operations of the House	1228/1327	10:00 AM	John Hollowell	Rep. George W. Graham, Jr.
			Susanna Martin	Rep. Speaker Tim Moore
			Aryana Thompson	Rep. Frank Iler
			David Washburn	Rep. Speaker Tim Moore
			John Washburn	Rep. George W. Graham, Jr.

Committee Sergeants at Arms

NAME OF COMMITTEE H C on Rules,Calendar and Operation

DATE: 6/27/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Russell Salisbury
3. Name: Rey Cooke
4. Name: Dean Marshbourne
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

H C on Rules,Calendar and Operation — 6/27/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Maria Gonzalez	New Frame
Andy Brandon	NC DPS
John McMillan	MFOS
[illegible]	MF DS
James Nolen Jr.	PENC
Emily Gill	PENC
Rachel Dixon	Smith Anderson
[illegible]	NNRS
Lillie Rhodes	Conf. of Clerks
Courtney Johnson	NP
Dave Horne	SA

VISITOR REGISTRATION SHEET

H C on Rules, Calendar and Operation — 6/27/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Nancy Deal	DHHS DPH
Meaghan Lewis	NC Chamber
Lexi Arthur	NCRMA
Elizabeth Pearson	NCRMA
Tommy Culligan	Publix
John Del Giorno	Bigbelly + Assoc
Connor N. Bullard	NC House Intern
BILL MEDLIN	PROFESSIONAL EDUCATORS OF N.C. (PENC)
Gary Hooker Jr.	NCHFA
Jenny Schill	NC Fisheries Assoc
Ellen Lorscheider	DEQ

VISITOR REGISTRATION SHEET

H C on Rules, Calendar and Operation — 6/27/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chip Baggett	NCMS
Mary Ann Broughton	intern
Meg [illegible]	intern Speaker's Office
John Coggin	Rural Center
James Nyce	Fetzer Strategic Partners
Andy Miller	DEQ
Paul Shumaker	NCDD
Steve Parker	NCDB
[illegible]	IPAB
Glenn Skinner	
Larry Michael	NC DHHS

VISITOR REGISTRATION SHEET

HC on Rules, Calendar & Operation
Name of Committee

Date 6/27/17

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Kirk	Duke Energy
Isabel Villa Garcia	NC REALTORS
	NCCL
Angel Sams	DeVine & Sams
Dana Simpson	SIA
JOHN MIDGETTE	NCPBA
Stephen Fulton	KMA
Lynda J	NCAHD
	CSS
Andy Chase	KMA
Whitney Christenson	Ward & Smith

VISITOR REGISTRATION SHEET

H C on Rules, Calendar and Operation — 6/27/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Frazier	SML
Linda F. Johnson	NCBA
Caroline Perry	WalkWest
Chris McClure	Pof

VISITOR REGISTRATION SHEET

H C on Rules, Calendar and Operation — 6/27/2017

Name of Committee — Date

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NAME	FIRM OR AGENCY AND ADDRESS
Lori Ann Harris	LAHA
Bruce Muldowney	NCSBA
Lindsey Dowling	FSP
David Collins	SEANC
AD Smith	Wake Ed
Hugh Johnson	NCACC
Doug Lassiter	NCSTA
[illegible]	CAPE
[illegible]	Capitol
Tracy Beck	Professional Educators of NC
Dawn Hamilton	Professional Educators of NC

VISITOR REGISTRATION SHEET

HC on Rules, Calendar & Operations
Name of Committee

Date 6/27/17

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Poteat	NCHOT
Jonathan Kappler	UNC GA
Michelle Brooks	ECU
Andrew Cagle	UNC G
BrookeBaineyPearson	SEC
Dan Crawford	Retired
Beth Brabble	PENC
Sarah Collins	NCLM
Penny Hamlin	S-G
Joyce Peters	CSS
Starnes	DST

VISITOR REGISTRATION SHEET

H C on Rules,Calendar and Operation — 6/27/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tim Gasper	Brady Trane, Raleigh, NC
Kathy Kirby	BP
Adam Pridemore	NCASA
Rian Merwald	WM
Phoebe Yandon	MWC
Graham Jackson	NCLCV
Kerry Sutton	Sutton & Lindsay Durham
Kris Parker	NCAJ
Bryan D. Holloway	Holloway Group Inc.
Mike James	ACP

House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 27, 2017 at 6:26pm
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 6:26pm on June 27, 2017 in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Blust, Boles, Brawley, Bumgardner, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 334 Combine Adult Correction & Juvenile Justice (Randleman)
Representative Torbett moved for a favorable report. The motion carried.

SB 374 PCS State Auditor/ Verifications & Access (Hise)
The chair removed the bill from consideration and no action was taken.

The meeting adjourned at 6:40 PM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 27, 2017
TIME: **Immediately After Session**
LOCATION: **1228/1327 LB**
COMMENTS: **SB 374 will be for discussion only**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
→ SB 114	Annual Report Modernization.	Senator Wells Senator Tarte
SB 344	Combine Adult Correction & Juvenile Justice.	Senator Randleman
SB 374	State Auditor/Verifications & Access.	Senator Hise

↑ for discussion only

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:44 PM on Tuesday, June 27, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE

SB **344** Combine Adult Correction & Juvenile Justice.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Stevens

TOTAL REPORTED: 1



SENATE BILL 114: Annual Reports/Prop. Tax/Recodification Comm.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 27, 2017
Introduced by:	Sens. Wells, Tarte	**Prepared by:**	*Wendy Ray Staff Attorney
Analysis of:	PCS to Fourth Edition S114-CSSU-35		

OVERVIEW: ***Senate Bill 114 would make a number of changes to the law governing the filing of annual reports by business entities. Among other things, the bill would do the following:***

- ***Require electronic filing of annual reports by business corporations, limited liability companies, and limited liability partnerships, with a uniform filing fee of $125.***
- ***Require nonprofit corporations to file annual reports electronically, with no filing fee.***
- ***Delay the effective date for required electronic filing to January 1, 2019, for business entities having gross revenues less than $175,000 in their fiscal year ending in 2017.***
- ***Authorize the Secretary of State, until January 1, 2021, to waive the reinstatement fee for a nonprofit corporation seeking reinstatement after being administratively dissolved for delinquent annual report filing.***
- ***Disallow refunds of paid sales and use taxes for nonprofits that fail to file timely annual reports.***
- ***Make other technical and conforming changes to the law.***

**** The PCS adds Parts 9 and 10 to the bill. Part 9 provides a property tax exemption for a leasehold interest in exempted real property, and Part 10 creates the Criminal Code Recodification Commission within the North Carolina Administrative Office of the Courts.***

CURRENT LAW:

Insurance companies, limited liability companies (LLCs), and limited liability partnerships (LLPs) authorized to transact business in North Carolina are required to deliver an annual report to the Secretary of State. Business corporations, other than insurance companies, are given the option either to deliver a paper copy of their annual report to the Secretary of Revenue or to file their annual report electronically with the Secretary of State. Nonprofit corporations have not been required to file annual reports since 1995.

Business corporations pay a filing fee of $25 if the annual report is filed in paper format and $18 if it is filed electronically. The filing fee for LLCs and LLPs is $200, regardless of how the report is filed. LLCs and LLPs generally are not subject to franchise tax. Corporations are subject to franchise tax. Currently, the minimum franchise tax is $200; thus, the LLC and LLP filing fees equal the minimum corporate franchise tax. All filing fees collected from business corporations are credited to the general

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

fund as tax revenue. In addition to the filing fee, the Secretary of State charges a $2.00 electronic transaction fee for each annual report that is filed electronically.

Annual reports must include the name of the entity's registered agent, the street and mailing address of its registered office, and the business addresses of its principal officers. If the information contained in its most recent annual report has not changed, the entity can certify that fact instead of restating all of that information in the annual report.

The Secretary of State must notify a filing entity in writing if its annual report is missing any required information and return the report to the filing entity for correction. If the report is corrected and resubmitted within 30 days after the notice, it is deemed to be timely filed.

For delinquency in filing its annual report, a business corporation or LLC can be administratively dissolved and the charter of an LLP can be revoked. To be reinstated, the entity must follow procedures set forth in G.S. 55-14-22.[1] An administratively dissolved corporation or LLC must pay a fee of $25 to the Secretary of Revenue to be reinstated.

BILL ANALYSIS:

Senate Bill 114 would do the following:

- Require business corporations, LLCs, nonprofit corporations, and LLPs to file annual reports electronically with the Secretary of State.
- Require each entity's annual report to include:
    - The email address for its registered agent and, if different, the entity's email address.
    - The physical business addresses of its principal officers.
    - The names, titles, and physical business addresses of any other person who has actual authority to bind the corporation.
- Authorize the Secretary of State to provide notices to consenting entities by electronic mail, which would be confidential and not be subject to disclosure pursuant to Chapter 132.
- Eliminate the option permitting a business corporation, LLC or LLP to certify that the information contained in its most recently filed annual report has not changed in lieu of restating that information.
- Impose a uniform filing fee of $125 for annual reports submitted by business corporations, LLCs and LLPs. There would be no fee required to file a nonprofit corporation annual report.
- Repeal the requirement that fees for filing business corporation annual reports must be credited to the general fund as tax revenue, and delete a cross-reference to the repealed provision.
- Make a nonprofit corporation subject to administrative dissolution for delinquency in filing annual reports, and disqualify it from receiving a refund of sales and use taxes paid unless the delinquent reports are filed within one year after its request for refund has been denied.
- Require the Secretary of State and Secretary of Revenue to develop a process for verifying that all required annual reports have been filed by a nonprofit seeking reinstatement of its eligibility to receive refunds of sales and use taxes paid, and to make this process operational before January 1, 2018.

---

[1] G.S. 57D-6-06(c) (LLCs) and G.S. 59-84.4(h) (LLPs) incorporate by reference the procedures for reinstatement applicable to business corporations under G.S. 55-14-22.

- Require a business corporation, LLC, nonprofit corporation, or LLP that has been administratively dissolved to pay any penalties, fees, or other payments due before it can be reinstated by the Secretary of State.
- Increase the fee for reinstatement by an administratively dissolved business corporation or LLC from $25 to $50; require the Secretary of Revenue to remit $25 of each fee collected to the Secretary of State to be used solely to cover its share of the cost of reinstatement; appropriate funds received by the Secretary of State under this provision for the maximum amount necessary to achieve this purpose; and require any funds received by the Secretary of State in excess of the amount to revert to the General Fund.
- Require the Program Evaluation Division to study the act's effect on staffing levels and customer service demands at the Office of the Secretary of State and the Department of Revenue, and to report the results of its study to the chairs of the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Oversight Committee on General Government on or before August 1, 2019.

EFFECTIVE DATE: For entities having gross revenues of at least $175,000 for their fiscal year ending in 2017, Parts I, II and IV of the act become effective January 1, 2018 and apply to annual reports due on or after that date. For entities having gross revenues of less than $175,000 for their fiscal year ending in 2017, Parts I, II and IV of the act become effective January 1, 2019 and apply to annual reports due on or after that date. Part III of this act becomes effective January 1, 2019, and applies to annual reports due on or after that date. Section 5.(a) of Part V of this act becomes effective January 1, 2019, and applies to requests for refunds submitted on or after that date. Section 6 of this act is effective when it becomes law and applies to fees collected on or after that date. Part IX of the bill becomes effective for taxes imposed for taxable years beginning on or after July 1, 2017. The remainder of this act is effective when it becomes law.

**Amy Darden, Nicholas Giddings, and Bill Patterson, Staff Attorneys in the Legislative Analysis Division, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 114
Judiciary Committee Substitute Adopted 4/11/17
Finance Committee Substitute Adopted 5/24/17
Fourth Edition Engrossed 6/26/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S114-CSSU-35 [v.3]
06/27/2017 04:48:12 PM

Short Title: Annual Reports/Prop. Tax/Recodification Comm. (Public)

Sponsors:

Referred to:

February 22, 2017

A BILL TO BE ENTITLED

AN ACT REVISING THE LAWS GOVERNING THE SUBMISSION OF ANNUAL REPORTS BY VARIOUS BUSINESS ENTITIES TO THE SECRETARY OF STATE; CONFORMING THE TREATMENT OF LEASEHOLD INTERESTS IN EXEMPT PROPERTY TO THAT OF OTHER TYPES OF INTANGIBLE PERSONAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX; AND CREATING THE CRIMINAL CODE RECODIFICATION COMMISSION.

The General Assembly of North Carolina enacts:

PART I. BUSINESS CORPORATIONS

SECTION 1.(a) G.S. 55-16-22 reads as rewritten:

"**§ 55-16-22. Annual report.**

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

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

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

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

(1) The name of the corporation and the state or country under whose law it is incorporated.

(2) The street address, and the mailing address if different from the street address, of the registered office, the county in which its registered office is located, ~~and~~ the name and e-mail address of its registered agent at that office

in this State, and a statement of any change of ~~such~~ the registered office or registered ~~agent, or both.~~agent.

(3) The address and telephone number of its principal office.

(4) The names, titles, and business street addresses of its principal ~~officers.~~officers and the name, mailing address, e-mail address, and telephone number of an individual who is authorized to provide information regarding persons with authority to bind the corporation.

...

(5) A brief description of the nature of its business.

(6) A valid e-mail address for the corporation, if different from the e-mail address provided under subdivision (2) of this subsection.

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

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

(c) Due Date. – An annual report ~~eligible to be delivered to the Secretary of Revenue is due by the due date for filing the corporation's income and franchise tax returns. An extension of time to file a return is an extension of time to file an annual report. At the option of the filer, an annual report may be filed directly with the Secretary of State in electronic form. An annual report required to be delivered to the Secretary of State~~ is due by the fifteenth day of the fourth month following the close of the domestic or foreign corporation's fiscal year.

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

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

...

~~(g) When a statement of change of registered office or registered agent is filed in the annual report, the change shall become effective when the statement is received by the Secretary of State.~~

(h) Delinquency. – If the Secretary of State does not receive an annual report within ~~120~~ 60 days of the date the ~~return~~ report is due, the Secretary of State may presume that the annual report is delinquent. This presumption may be rebutted ~~by receipt of the annual report from the Secretary of Revenue or~~ by evidence satisfactory to the Secretary of State of ~~delivery~~ submission presented by the filing corporation.

(i) E-Mail; Confidentiality. – The Secretary of State may provide by e-mail any notice or form required under this section if the submitting domestic or foreign corporation to be notified has consented to receiving notices and forms via e-mail and has provided the Secretary of State an e-mail address for receiving the notices or forms. Any e-mail address provided by a submitting domestic or foreign corporation in accordance with this section shall be considered confidential information and shall not be subject to disclosure under Chapter 132 of the General Statutes."

SECTION 1.(b) G.S. 55-14-22 reads as rewritten:

"**§ 55-14-22. Reinstatement following administrative dissolution.**

...

(b) If the Secretary of State determines that the application contains the information required by subsection (a) of this section, that the information is correct, ~~and~~ that the name of

the corporation complies with G.S. 55D-21 and any other applicable section, and that any penalties, fees, or other payments due under this Chapter have been paid, the Secretary of State shall cancel the certificate of dissolution and prepare a certificate of reinstatement that recites the Secretary of State's determination and the effective date of reinstatement, file the original of the certificate, and mail a copy to the corporation.

...."

SECTION 1.(c) G.S. 55-1-22 reads as rewritten:

"**§ 55-1-22. Filing, service, and copying fees.**

(a) The Secretary of State shall collect the following fees when the documents described in this subsection are delivered to the Secretary for filing:

	Document	Fee
...		
~~(23)~~	~~Annual report (paper)~~	~~25.00~~
(23a)	Annual report~~ (electronic)~~	~~18.00~~125.00
...		

(d) The fee for the annual report in subdivision ~~(23)~~ (23a) of subsection (a) of this section is nonrefundable."

SECTION 1.(d) G.S. 105-256.1 and G.S. 105-228.90(a)(2) are repealed.

PART II. LIMITED LIABILITY COMPANIES

SECTION 2.(a) G.S. 57D-2-24 reads as rewritten:

"**§ 57D-2-24. Annual report for Secretary of State.**

(a) Requirement. – Excluding professional limited liability companies governed by G.S. 57D-2-02, each LLC and each foreign LLC authorized to transact business in this State ~~must deliver~~ shall submit an annual report to the Secretary of State ~~for filing annual reports on a~~ in electronic form as prescribed ~~by, and in the manner required by,~~ by the Secretary of State and as otherwise provided in ~~subsection (b)~~subsections (b) and (b1) of this section. Each annual report must specify the year for which the report applies and provide the information required by this subsection. The information must be current as of the date the limited liability company completes the report. ~~If the information in the limited liability company's most recent annual report has not changed, the limited liability company may certify in its annual report that the information has not changed in lieu of restating the information.~~

(a1) Required Information. – The following information must be included in each annual report:

(1) The name of the limited liability company and, in the case of a foreign LLC, any different name that the foreign LLC is authorized under Article 3 of Chapter 55D of the General Statutes to use to transact business in this State, as provided in the foreign LLC's certificate of authority.

(2) In the case of a foreign LLC, the name of the jurisdiction under whose law the foreign LLC is organized.

(3) The street address, and the mailing address if different from the street address, of the limited liability company's registered office in the State, the county in which the registered office is located, the name and e-mail address of its registered agent at that office, and a statement of any change of the registered office or registered agent.

(4) The address and telephone number of its principal office.

(5) The names, titles, and business street addresses of the limited liability company's ~~principal company officials.~~managers, principal company officials, and the name, mailing address, e-mail address, and telephone number of an individual who is authorized to provide information regarding persons with the authority to bind the LLC.

(6) A brief description of the nature of its business.

(7) A valid e-mail address for the limited liability company, if different from the e-mail address provided under subdivision (3) of this subsection.

(b) Due Date for Initial Annual Report. – The Secretary of State must notify limited liability companies of the annual report filing requirement. The first annual report of a limited liability company is due to be ~~delivered~~ submitted to the Secretary of State by April 15 of the year following (i) in the case of an LLC, the calendar year in which the LLC's articles of organization or articles of organization and conversion filed by the Secretary of State become effective or (ii) in the case of a foreign LLC, the calendar year in which the Secretary of State issues to the foreign LLC a certificate of authority to transact business in this State.

(b1) Due Date for Subsequent Annual Reports. – The limited liability company shall ~~deliver~~ submit an annual report by April 15 of each subsequent year until (i) in the case of an LLC, the effective date of its articles of dissolution filed by the Secretary of State or the effective date of either a certificate of dissolution for an LLC that is not reinstated under G.S. 57D-6-06(c) or a decree of dissolution that is filed by the Secretary of State as provided in G.S. 57D-6-05; (ii) in the case of a foreign LLC, the foreign LLC receives a certificate of withdrawal from the Secretary of State or the Secretary of State revokes the foreign LLC's certificate of authority under Part 3 of Article 7 of this Chapter; or (iii) in the case of either an LLC or foreign LLC, the effective date of a merger or conversion under Article 9 of this Chapter in which the limited liability company is a merging entity or a converting entity but not the surviving entity.

(c) Incomplete Information. – If an annual report does not contain the information required by this section, the Secretary of State shall promptly notify the reporting limited liability company in writing and return the report to it for correction. If the report is corrected to contain the information required by this section and ~~delivered~~ submitted to the Secretary of State within 30 days after the effective date of notice, it is deemed to be timely ~~delivered.~~submitted.

(d) Amendments. – Amendments to any previously filed annual report may be ~~delivered~~ submitted for filing ~~by~~ to the Secretary of State at any time for the purpose of correcting, updating, or augmenting the information contained in the annual report.

(e) E-Mail; Confidentiality. – The Secretary of State may provide by e-mail any notice or form required under this section if the submitting LLC to be notified has consented to receiving notices and forms via e-mail and has provided the Secretary of State an e-mail address for receiving the notices or forms. Any e-mail address provided by a submitting LLC in accordance with this section shall be considered confidential information and shall not be subject to disclosure under Chapter 132 of the General Statutes."

SECTION 2.(b) G.S. 57D-1-22(a)(28) reads as rewritten:

"(a) The Secretary of State shall collect the following fees when the documents described in this subsection are delivered to the Secretary of State for filing:

Document	Fee
…	
(28) Annual report	~~200.00~~125.00
…."	

SECTION 2.(c) G.S. 57D-6-06(c) reads as rewritten:

"(c) An LLC administratively dissolved under this section may apply to the Secretary of State for reinstatement. The procedures for reinstatement and for the appeal of any denial of the LLC's application for reinstatement are the same as those applicable to a domestic corporation under G.S. 55-14-22, 55-14-23, and ~~55-14-24.~~55-14-24, except that any penalties, fees, or other payments due under this Chapter must have been paid prior to reinstatement. If, at the time the LLC applies for reinstatement, the name of the LLC is not distinguishable from the name of another entity authorized to be used under G.S. 55D-21, then the LLC must change its name to

a name that is distinguishable on the records of the Secretary of State from the name of the other entity before the Secretary of State may prepare a certificate of reinstatement. The effect of reinstatement of an LLC is the same as for a domestic corporation under G.S. 55-14-22."

PART III. NONPROFIT CORPORATIONS

SECTION 3.(a) Article 16 of Chapter 55A of the General Statutes is amended by adding a new section to read:

"**§ 55A-16-22.1. Annual report for the Secretary of State.**

(a) Requirement. – Each domestic corporation and each foreign corporation authorized to conduct affairs in this State shall submit an annual report to the Secretary of State in electronic form as prescribed by the Secretary of State that sets forth all of the following:

(1) The name of the corporation and the state or country under whose law it is incorporated.

(2) The street address and the mailing address, if different from the street address of the registered office, the county in which its registered office is located, the name and e-mail address of its registered agent at that office in this State, and a statement of any change of the registered office or registered agent.

(3) The address and telephone number of its principal office.

(4) The names, titles, and business street addresses of its principal officers and the name, mailing address, e-mail address, and telephone number of an individual who is authorized to provide information regarding persons with authority to bind the corporation.

(5) A brief description of the nature of its activities.

(6) A valid e-mail address for the corporation, if different from the e-mail address provided under subdivision (2) of this subsection.

(b) Currency of Information. – The information in the annual report shall be current as of the date the annual report is executed on behalf of the corporation.

(c) Due Date. – The corporation shall submit an annual report to the Secretary of State by November 15 of each year, beginning with the year following the formation of the corporation. An annual report is due each year until the effective date of a voluntary or judicial dissolution.

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

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

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

(g) E-Mail; Confidentiality. – The Secretary of State may provide by e-mail any notice or form required under this section if the submitting domestic or foreign corporation to be notified has consented to receiving notices and forms via e-mail and has provided the Secretary of State an e-mail address for receiving the notices or forms. Any e-mail address provided by a submitting corporation in accordance with this section shall be considered confidential information and shall not be subject to disclosure under Chapter 132 of the General Statutes."

SECTION 3.(b) G.S. 55A-14-20 reads as rewritten:

"**§ 55A-14-20. Grounds for administrative dissolution.**

The Secretary of State may commence a proceeding under G.S. 55A-14-21 to dissolve administratively a corporation ~~if:~~if any of the following occurs:

(1) The corporation does not pay within 60 days after they are due any penalties, fees, or other payments due under this ~~Chapter;~~Chapter.

(2a) The corporation is delinquent in submitting its annual report.

(3) The corporation is without a registered agent or registered office in this State for 60 days or ~~more;~~more.

(4) The corporation does not notify the Secretary of State within 60 days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been ~~discontinued;~~discontinued.

(5) The corporation's period of duration stated in its articles of incorporation ~~expires;~~expires.

(6) The corporation knowingly fails or refuses to answer truthfully and fully within the time prescribed in this Chapter interrogatories propounded by the Secretary of State in accordance with the provisions of this ~~Chapter; or~~Chapter.

(7) The corporation does not designate the address of its principal office with the Secretary of State or does not notify the Secretary of State within 60 days that the principal office has changed."

SECTION 3.(c) G.S. 55A-14-22 reads as rewritten:

"**§ 55A-14-22. Reinstatement following administrative dissolution.**

...

(b) If the Secretary of State determines that the application contains the information required by subsection (a) of this section, that the information is correct, ~~and~~ that the name of the corporation complies with G.S. 55D-21 and any other applicable section, and that any penalties, fees, or other payments due under this Chapter have been paid, the Secretary of State shall cancel the certificate of dissolution and prepare a certificate of reinstatement that recites the Secretary of State's determination and the effective date of reinstatement, file the original of the certificate, and mail a copy to the corporation.

...."

SECTION 3.(d) G.S. 55A-1-22(a) reads as rewritten:

"(a) The Secretary of State shall collect the following fees when the documents described in this subsection are delivered to the Secretary for filing:

Document	Fee
...	
(29) Annual Report	No fee"

SECTION 3.(e) Until January 1, 2021, the Secretary of State may waive the fee payable under G.S. 55A-1-22(17) by a corporation seeking reinstatement following administrative dissolution for delinquent filing pursuant to G.S. 55A-14-20(2a).

PART IV. LIMITED LIABILITY PARTNERSHIPS

SECTION 4.(a) G.S. 59-84.4 reads as rewritten:

"**§ 59-84.4. Annual report for Secretary of State.**

(a) Requirement. – Each registered limited liability partnership and each foreign limited liability partnership authorized to transact business in this State shall ~~deliver~~ submit to the Secretary of State for filing an annual report, in ~~a~~ an electronic form prescribed by the Secretary of State, that sets forth all of the following:

(1) The name of the registered limited liability partnership or foreign limited liability partnership and the state or country under whose law it is formed.
(2) The street address, and the mailing address if different from the street address, of the registered office, the county in which the registered office is located, and the name and e-mail address of its registered agent at that office in this State, and a statement of any change of the registered office or registered agent, or both.
(3) The street address and telephone number of its principal office.
(3a) The names, titles, and business street addresses of its partners and the name, mailing address, e-mail address, and telephone number of an individual who is authorized to provide information regarding persons with authority to bind the partnership.
(4) A brief description of the nature of its business.
(5) The fiscal year end of the partnership.
(6) A valid e-mail address for the registered limited liability partnership or foreign limited liability partnership, if different from the e-mail address provided under subdivision (2) of this subsection.

~~If the information contained in the most recently filed annual report has not changed, a certification to that effect may be made instead of setting forth the information required by subdivisions (2) through (4) of this subsection. The Secretary of State shall make available the form required to file an annual report.~~

(b) Currency of Information. – Information in the annual report must be current as of the date the annual report is executed on behalf of the registered limited liability partnership or the foreign limited liability partnership.

(c) Due Date. – The annual report shall be delivered to the Secretary of State by the fifteenth day of the fourth month following the close of the registered or foreign limited liability partnership's fiscal year.

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

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

(f) Revocation of Registration. – The Secretary of State may revoke the registration of a registered limited liability partnership or foreign limited liability partnership if the Secretary of State determines ~~that:~~that any of the following has occurred:

(1) The registered limited liability partnership or foreign limited liability partnership has not paid, within 60 days after they are due, any penalties, fees, or other payments due under this ~~Chapter;~~Chapter.
(2) The registered limited liability partnership or foreign limited liability partnership does not ~~deliver~~ submit its annual report to the Secretary of State on or before the ~~date~~ sixtieth day after it is ~~due;~~due.
(3) The registered limited liability partnership or foreign limited liability partnership has been without a registered agent or registered office in this State for 60 days or ~~more; or~~more.
(4) The registered limited liability partnership or foreign limited liability partnership does not notify the Secretary of State within 60 days of the change, resignation, or discontinuance that its registered agent or registered

office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

(g) Revocation Process. – If the Secretary of State determines that one or more grounds exist under subsection (f) of this section for revoking the registration of the registered limited liability partnership or foreign limited liability partnership, the Secretary of State shall mail the registered limited liability partnership or foreign limited liability partnership written notice of that determination. If, within 60 days after the notice is mailed, the registered limited liability partnership or foreign limited liability partnership does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the Secretary of State that each ground does not exist, the Secretary of State shall revoke the registration of a registered limited liability partnership or foreign limited liability partnership by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The Secretary of State shall file the original certificate of revocation and mail a copy to the registered limited liability partnership or foreign limited liability partnership.

(h) Application for Reinstatement. – A registered limited liability partnership or foreign limited liability partnership whose registration is revoked under this section may apply to the Secretary of State for reinstatement. If, at the time the registered limited liability partnership applies for reinstatement, the name of the registered limited liability partnership is not distinguishable from the name of another entity authorized to be used under G.S. 55D-21, then the registered limited liability partnership must change its name to a name that is distinguishable upon the records of the Secretary of State from the name of the other entity before the Secretary of State may prepare a certificate of reinstatement. The procedures for reinstatement and for the appeal of any denial of the registered limited liability partnership or foreign limited liability partnership's application for reinstatement shall be the same procedures applicable to business corporations under G.S. 55-14-22, 55-14-23, and ~~55-14-24.~~55-14-24, except that any penalties, fees, or other payments due under this Chapter must have been paid prior to reinstatement. The effect of reinstatement of a limited liability partnership shall be the same as for a corporation under G.S. 55-14-22.

(i) E-Mail; Confidentiality. – The Secretary of State may provide by e-mail any notice or form required under this section if the submitting registered limited liability partnership or foreign limited liability partnership to be notified has consented to receiving notices and forms via e-mail and has provided the Secretary of State an e-mail address for receiving the notices or forms. Any e-mail address provided by a submitting registered limited liability partnership or foreign limited liability partnership in accordance with this section shall be considered confidential information and shall not be subject to disclosure under Chapter 132 of the General Statutes."

SECTION 4.(b) G.S. 59-35.2(a)(18) reads as rewritten:

"(a) The Secretary of State shall collect the following fees when the documents described in this subsection are submitted by a partnership to the Secretary of State for filing:

Document	Fee
...	
(18) Annual report	~~200.00~~125.00

...."

SECTION 4.(c) G.S. 59-1106(a)(22) reads as rewritten:

"(22) Annual report for a limited liability limited partnership ..... ~~200.00~~125.00".

PART V. REPORTING REQUIREMENTS FOR LIMITED PARTNERSHIPS

SECTION 5. Article 5 of Chapter 59 of the General Statutes is amended by adding the following sections to read:

"**§ 59-109. Annual report to Secretary of State.**

(a) Each limited partnership and each foreign limited partnership authorized to transact business in this State shall submit an annual report to the Secretary of State in electronic form as prescribed by the Secretary of State and as otherwise provided in this subsection. The following information must be included in each annual report:

(1) The name of the limited partnership, and in the case of a foreign limited partnership, any different name that the foreign limited partnership is authorized under Article 3 of Chapter 55D of the General Statutes to use to transact business in this State, as provided in the foreign limited partnership's certificate of authority.

(2) In the case of a foreign limited partnership, the name of the jurisdiction under whose law the foreign limited partnership is organized.

(3) The street address, and the mailing address if different from the street address, of the registered office, the county in which the registered office is located, and the name and e-mail address of its registered agent at that office in this State, and a statement of any change of the registered office or registered agent, or both.

(4) The address and telephone number of its principal office.

(5) The names, titles, and business street addresses of all general partners, and the name, mailing address, e-mail address, and telephone number of an individual who is authorized to provide information regarding persons with authority to bind the partnership.

(6) A brief description of the nature of its business.

(7) The fiscal year end of the limited partnership.

(8) The year for which the annual report applies.

(9) A valid e-mail address for the limited partnership or foreign limited partnership, if different from the e-mail address provided under subdivision (3) of this subsection.

(b) Information in the annual report must be current as of the date the annual report is executed on behalf of the limited partnership or the foreign limited partnership.

(c) Due Date. – The annual report shall be delivered to the Secretary of State by the fifteenth day of the fourth month following the close of the limited partnership's fiscal year.

(d) If an annual report does not contain the information required by this section, the Secretary of State shall promptly notify the limited partnership in writing and return the report to it for correction. If the report is corrected to contain the information required by this section and delivered submitted to the Secretary of State within 30 days after the effective date of notice, it is deemed to be timely submitted.

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

(f) E-Mail; Confidentiality. – The Secretary of State may provide by e-mail any notice or form required under this section if the submitting limited partnership or foreign limited partnership to be notified has consented to receiving notices and forms via e-mail and has provided the Secretary of State an e-mail address for receiving the notices or forms. Any e-mail address provided by a limited partnership or foreign limited partnership in accordance with this section shall be considered confidential information and shall not be subject to disclosure under Chapter 132 of the General Statutes.

"**§ 59-110. Grounds for revocation.**

(a) The Secretary of State may revoke the registration of a limited partnership or the certificate of authority of a foreign limited partnership if the Secretary of State determines that any of the following has occurred:

(1) The limited partnership or foreign limited partnership has not paid, within 60 days after they are due, any penalties, fees, or other payments due under this Chapter.

(2) The limited partnership or foreign limited partnership does not submit its annual report to the Secretary of State on or before the date sixtieth day after it is due.

(3) The limited partnership or foreign limited partnership has been without a registered agent or registered office in this State for 60 days or more.

(4) The limited partnership or foreign limited partnership does not notify the Secretary of State within 60 days of the change, resignation, or discontinuance that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

(b) If the Secretary of State determines that one or more grounds exist under subsection (a) of this section for revoking the registration of the limited partnership or the certificate of authority of a foreign limited partnership, the Secretary of State shall mail the registered limited partnership or foreign limited partnership written notice of that determination. If, within 60 days after the notice is mailed, the limited partnership or foreign limited partnership does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the Secretary of State that each ground does not exist, the Secretary of State shall revoke the registration of a limited partnership or foreign limited partnership by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The Secretary of State shall file the original certificate of revocation and mail a copy to the limited partnership or foreign limited partnership.

(c) A limited partnership or foreign limited partnership whose registration is revoked under this section may apply to the Secretary of State for reinstatement. The procedures for reinstatement and for the appeal of any denial of the limited partnership's application for reinstatement are the same as those applicable to a domestic corporation under G.S. 55-14-22 and 55-14-23.

(d) If, at the time the limited partnership applies for reinstatement, the name of the limited partnership or foreign limited partnership is not distinguishable from the name of another entity authorized to be used under G.S. 55D-21, then the limited partnership or foreign limited partnership must change its name to a name that is distinguishable upon the records of the Secretary of State from the name of the other entity before the Secretary of State may prepare a certificate of reinstatement. The effect of reinstatement of a limited partnership or foreign limited partnership shall be the same as for a corporation under G.S. 55-14-22."

PART VI. DISALLOWANCE OF REFUNDS OF PAID SALES AND USE TAXES

SECTION 6.(a) G.S. 105-164.14(b) reads as rewritten:

"(b) Nonprofit Entities and Hospital Drugs. – A nonprofit entity is allowed a semiannual refund of sales and use taxes paid by it under this Article on direct purchases of tangible personal property and services for use in carrying on the work of the nonprofit entity. Sales and use tax liability indirectly incurred by a nonprofit entity through reimbursement to an authorized person of the entity for the purchase of tangible personal property and services for use in carrying on the work of the nonprofit entity is considered a direct purchase by the entity. Sales and use tax liability indirectly incurred by a nonprofit entity on building materials, supplies, fixtures, and equipment that become a part of or annexed to any building or structure that is owned or leased by the nonprofit entity and is being erected, altered, or repaired for use by the nonprofit entity for carrying on its nonprofit activities is considered a sales or use tax liability incurred on direct purchases by the nonprofit entity. The refund allowed under this subsection does not apply to purchases of electricity, telecommunications service, ancillary

service, piped natural gas, video programming, or a prepaid meal plan. A request for a refund must be in writing and must include any information and documentation required by the Secretary. A request for a refund for the first six months of a calendar year is due the following October 15; a request for a refund for the second six months of a calendar year is due the following April 15. The aggregate annual refund amount allowed an entity under this subsection for a fiscal year may not exceed thirty-one million seven hundred thousand dollars ($31,700,000).

Before issuance of a timely filed request for refund, the Secretary must verify that a nonprofit entity is not delinquent for failure to file annual reports with the Secretary of State based on information received at least 30 days prior to issuance of any refund. If a nonprofit entity is delinquent for failure to file an annual report, then the Secretary must deny the request for a refund and notify the entity that the request has been denied for failure of the entity to submit any required annual reports to the Secretary of State. The denial of a request for a refund may be cancelled, and the refund granted, upon the Secretary's receipt of information from the Secretary of State that the nonprofit entity has submitted all required annual reports. A refund may not be issued after one year from the date a request for a refund was denied due to failure to file annual reports with the Secretary of State.

The refunds allowed under this subsection do not apply to an entity that is owned and controlled by the United States or to an entity that is owned or controlled by the State and is not listed in this subsection. A hospital that is not listed in this subsection is allowed a semiannual refund of sales and use taxes paid by it on over-the-counter drugs purchased for use in carrying out its work. The following nonprofit entities are allowed a refund under this subsection:

...."

SECTION 6.(b) The Secretary of State and the Department of Revenue shall jointly develop a process for verifying whether an applicant for a refund under G.S. 105-164.14 has submitted all required annual reports. The Secretary of State and the Department of Revenue shall share with one another, upon request and to the extent permitted by federal law, information that is in their possession that is relevant to verifying whether an applicant for a refund under G.S. 105-164.14 has submitted all required annual reports. The Secretary of State and the Department of Revenue shall have the process required under this section operational prior to the effective date of subsection (a) of this section.

PART VII. REINSTATEMENT FEE REVISION

SECTION 7. G.S. 105-232 reads as rewritten:

"**§ 105-232. Rights restored; receivership and liquidation.**

(a) Any corporation or limited liability company whose articles of incorporation, articles of organization, or certificate of authority to do business in this State has been suspended by the Secretary of State under G.S. 105-230, that complies with all the requirements of this Subchapter and pays all State taxes, fees, or penalties due from it (which total amount due may be computed, for years prior and subsequent to the suspension, in the same manner as if the suspension had not taken place), and pays to the Secretary of Revenue a fee of ~~twenty-five~~ fifty dollars ~~($25.00)~~ ($50.00) to cover the cost of reinstatement, is entitled to exercise again its rights, privileges, and franchises in this State. The Secretary of Revenue shall notify the Secretary of State of this compliance and the Secretary of State shall reinstate the corporation or limited liability company by appropriate entry upon the records of the office of the Secretary of State. Upon entry of reinstatement, it relates back to and takes effect as of the date of the suspension by the Secretary of State and the corporation or limited liability company resumes carrying on its business as if the suspension had never occurred, subject to the rights of any person who reasonably relied, to that person's prejudice, upon the suspension. The Secretary of State shall immediately notify by mail the corporation or limited liability company of the reinstatement.

(a1) The Secretary of Revenue shall remit twenty-five dollars ($25.00) from each fee collected under subsection (a) of this section to the Secretary of State to be used solely to cover its share of the cost of reinstatement under subsection (a) of this section, and any funds received under this subsection are hereby appropriated for the maximum amount necessary to achieve this purpose. Any funds received by the Secretary of State under this subsection that are in excess of the amount needed to cover the Secretary of State's share of the cost of reinstatement under subsection (a) of this section shall revert to the General Fund.

...."

PART VIII. PROGRAM EVALUATION DIVISION STUDY

SECTION 8. The Joint Legislative Program Evaluation Oversight Committee shall amend the 2018-2019 Program Evaluation Division work plan to direct the Program Evaluation Division to study the effect implementation of this act will have on the staffing levels and customer service demands at the Office of the Secretary of State and the Department of Revenue. The Program Evaluation Division shall report the results of the study to the chairs of the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Oversight Committee on General Government on or before August 1, 2019.

PART IX. CONFORM TREATMENT OF LEASEHOLD INTERESTS IN EXEMPT PROPERTY TO THAT OF OTHER TYPES OF INTANGIBLE PERSONAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX

SECTION 9.(a) G.S. 105-275(3) reads as rewritten:

"§ 105-275. Property classified and excluded from the tax base.

The following classes of property are designated special classes under Article V, Sec. 2(2), of the North Carolina Constitution and are excluded from tax:

...

(31) Intangible personal property other than ~~a leasehold interest that is in exempted real property and is not excluded under subdivision (31e) of this section. This subdivision does not affect the taxation of~~ software not otherwise excluded by subdivision (40) of this section.

~~(31e) A leasehold interest in real property that is exempt under G.S. 105-278.1 and is used to provide affordable housing for employees of the unit of government that owns the property.~~

..."

SECTION 9.(b) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2017.

PART X. CREATE THE CRIMINAL CODE RECODIFICATION COMMISSION

SECTION 10.(a) There is established the Criminal Code Recodification Commission (Commission) within the North Carolina Administrative Office of the Courts.

SECTION 10.(b) The Commission shall be composed of the following members:

(1) Four members of the Senate appointed by the President Pro Tempore of the Senate, one of which shall be a member of the minority party.

(2) Four members of the House of Representatives appointed by the Speaker of the House of Representatives, one of which shall be a member of the minority party.

(3) Two members appointed by the Governor.

(4) The Lieutenant Governor or the Lieutenant Governor's designee, and one additional member appointed by the Lieutenant Governor.

(5) A sitting sheriff appointed by the Speaker of the House.

(6) A sitting police chief appointed by the President Pro Tempore of the Senate.

(7) A member appointed by the North Carolina Chamber Legal Institute.
(8) Ten members appointed by the Chief Justice of the Supreme Court as follows:
a. A sitting district court judge.
b. A sitting superior court judge.
c. A sitting judge in the appellate division.
d. A sitting district attorney.
e. A public defender or representative from Indigent Defense Services.
f. A sitting magistrate.
g. A member of the private criminal defense bar.
h. A victim's right advocate.
i. Two additional members the Chief Justice deems appropriate.

SECTION 10.(c) The Chief Justice shall appoint a chair of the Commission. The Commission may meet at any time upon the call of the chair and at a location specified by the chair.

SECTION 10.(d) The Commission shall produce the following:
(1) A fully drafted, new, streamlined, comprehensive, orderly, and principled criminal code.
(2) Official commentary to the new code explaining how each new section operates. Where the proposed code suggests a change in current law, special commentary shall note this and identify the suggested change and the reasoning for it. Special commentary shall include impact analysis provided by the Sentencing Commission.
(3) Conversion tables to facilitate the comparison between current law and the draft code.
(4) An offense grading table, grouping all offenses covered by the new code by offense grade. Offenses shall be graded within existing sentencing classes and with the recommendations of the Sentencing Commission.

SECTION 10.(e) In conducting its work and producing the items required by subsection (d) of this section, the Commission shall do all of the following:
(1) Include necessary provisions not contained in the current code, such as mental states, defenses, and definitions of offenses and key terminology.
(2) Eliminate unnecessary, inconsistent, or unlawful provisions in the current code.
(3) Revise existing language and structure to make the law easier to understand and apply.
(4) Ensure that criminal offenses and legal rules are cohesive and relate to one another in a consistent and rational manner.
(5) Incorporate within the proposed new code all major criminal offenses contained in existing law.
(6) Make recommendations regarding whether any existing offenses should be reclassified as infractions punishable only by a fine.
(7) Make recommendations regarding whether any limitations should be placed on the ability of administrative boards, agencies, local governments, or other entities to create crimes.
(8) Seek to preserve the North Carolina General Assembly's substantive policy judgments as reflected in the existing code and legal principles established in the case law.
(9) Address any other matter deemed necessary to carry out the work of the Commission.

SECTION 10.(f) To the extent that funds are available, the Commission members shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 10.(g) The North Carolina Administrative Office of the Courts is authorized to seek funding to support the Commission's work and may contract for professional, administrative, and consultant services.

SECTION 10.(h) The Commission shall make an interim report no later than December 1, 2018 to the Joint Legislative Oversight Committee on Justice and Public Safety. The Commission shall make a final report of its findings and recommendations, including the items required by subsection (d) of this section, no later than December 1, 2019 to the Joint Legislative Oversight Committee on Justice and Public Safety and the General Statutes Commission. The Commission shall expire upon submitting its final report.

SECTION 10.(i) All agencies, boards, and commissions that have the power to establish criminal penalties in the North Carolina Administrative Code shall provide to the Commission a list of all criminal penalties that are currently in effect, or are pending implementation, no later than December 1, 2017.

PART XI. EFFECTIVE DATE

SECTION 11. For entities having gross revenues of at least one hundred seventy-five thousand dollars ($175,000) in their fiscal year ending in 2017, Parts I, II, and IV of this act become effective January 1, 2018, and apply to annual reports due on or after that date. For entities having gross revenues less than one hundred seventy-five thousand dollars ($175,000) in their fiscal year ending in 2017, Parts I, II, and IV of this act become effective January 1, 2019, and apply to annual reports due on or after that date. Parts III and V of this act become effective January 1, 2019, and apply to annual reports due on or after that date. Section 6(a) of Part VI of this act becomes effective January 1, 2019, and applies to requests for refunds submitted on or after that date. Section 6 of this act is effective when it becomes law and applies to fees collected on or after that date. Except as otherwise provided, the remainder of this act is effective when it becomes law.

SENATE BILL 374:
Auditor Verify/Wage Withhold/Ag Producer.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 27, 2017
Introduced by:	Sen. Hise	**Prepared by:**	Kristen L. Harris
Analysis of:	PCS to First Edition S374-CSTU-28		Committee Co-Counsel

OVERVIEW: The Proposed Committee Substitute for Senate Bill 374 would 1) require the State Auditor to perform verification audits of State agencies for statutory compliance, 2) prohibit an employer from withholding an employee's wages for the purpose of paying certain membership fees or dues, and 3) invalidate any provision that conditions an agreement related to litigation on an agricultural producer's union status or affiliation with a labor organization.

CURRENT LAW:

G.S. 143B-426.40A prohibits and allows assignments of claims against the State under certain circumstances and permits payroll deductions to State Employees' Credit Union accounts, the Parental Savings Trust Fund, certain employees' associations, the State Employees Combined Campaign, and qualified charitable organizations.

BILL ANALYSIS:

Section 1 would require the State Auditor to perform verification audits of State agencies for compliance with statutory requirements. The audits would be done, with or without advance notice to the agency, and could be initiated by the Auditor or at the request of the Governor or the General Assembly. The Auditor would be allowed to examine an agency's accounts and records relating to an audit.

Except as provided in G.S. 143B-426.40A and under federal law, **Section 2** would prohibit an employer from withholding any portion of an employee's wages for the purpose of paying a membership fee or dues to a membership association organized under 26 U.S.C. 501(c)(5) [Labor, Agricultural, Horticultural] and 26 U.S.C. 501(c)(6) [Business Leagues, Chambers of Commerce, Real Estate Boards, etc.].

Section 3 would invalidate and render unenforceable any provision that directly or indirectly conditions the terms of an agreement not to sue or to settle litigation on an agricultural producer's union or nonunion employer status or his or her refusal to enter into an agreement with a labor union or organization.

EFFECTIVE DATE: Section 2 of this act is effective when it becomes law and applies to agreements between employers and employees or membership associations entered into, renewed, or extended on or after that date. The remainder of this act is effective when it becomes law.

* Staff attorneys Bill Patterson and Brad Krehely contributed to this summary.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 374
PROPOSED HOUSE COMMITTEE SUBSTITUTE S374-CSTU-28 [v.2]
06/26/2017 8:07:03 PM

Short Title: Auditor Verify/Wage Withhold/Ag Producer. (Public)

Sponsors:

Referred to:

March 27, 2017

A BILL TO BE ENTITLED

AN ACT RELATING TO VERIFICATION BY THE STATE AUDITOR OF STATUTORY REQUIREMENTS AND PROVIDING THE AUDITOR ACCESS TO INFORMATION NECESSARY FOR VERIFICATION; TO PROHIBIT THE WITHHOLDING OF EMPLOYEE WAGES FOR MEMBERSHIP FEES OR DUES; AND TO INVALIDATE AGRICULTURAL PRODUCT CONTRACT PROVISIONS THAT ARE CONDITIONED ON THE PRODUCER'S UNION STATUS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 147-64.6 reads as rewritten:

"**§ 147-64.6. Duties and responsibilities.**

...

(c) The Auditor shall be responsible for the following acts and activities:

...

(22) Verification audits for compliance with statutory requirements, with or without advance notice to the organization or State agency being audited, which may be initiated at the discretion of the Auditor or as requested by the Governor or General Assembly.

...

(e) Access to Records. – The Auditor may examine the accounts and records of any organization or State agency relating to a verification audit for compliance with a statutory condition precedent, classification, or other similar eligibility or qualifying standard."

SECTION 2. G.S. 95-25.8 reads as rewritten:

"**§ 95-25.8. Withholding of wages.**

...

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

...."

SECTION 3. G.S. 95-79 reads as rewritten:

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

...

(b) Any provision that directly or indirectly conditions the purchase of agricultural ~~products or~~ products, the terms of an agreement for the purchase of agricultural ~~products~~ products, or the terms of an agreement not to sue or to settle litigation upon an agricultural producer's status as a union or nonunion employer or entry into or refusal to enter into an

agreement with a labor union or labor organization is invalid and unenforceable as against public policy in restraint of trade or commerce in the State of North Carolina. For purposes of this subsection, the term "agricultural producer" means any producer engaged in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, 29 U.S.C. § 203, or section 3121(g) of the Internal Revenue Code of 1986, 26 U.S.C. § 3121."

SECTION 4. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 5. Section 2 of this act is effective when it becomes law and applies to agreements between employers and employees or membership associations entered into, renewed, or extended on or after that date. The remainder of this act is effective when it becomes law.

SENATE BILL 344:
Combine Adult Correction & Juvenile Justice.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 26, 2017
Introduced by:	Sen. Randleman	**Prepared by:**	Susan Sitze Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***Senate Bill 344 would amend the statutes that govern the powers and duties of the Division of Adult Correction and the Division of Juvenile Justice to reflect the fact that those divisions have been operating as a single Division of Adult Correction and Juvenile Justice.***

BACKGROUND: In September of 2013, the Department of Public Safety issued a press release announcing that the Department was integrating the Division of Juvenile Justice and the Division of Adult Correction into a single new division to be called the Division of Adult Correction and Juvenile Justice, and the integrated division has been operating ever since. The General Statutes, however, have never been updated to reflect the fact that the two divisions were combined into a single division.

BILL ANALYSIS: Senate Bill 344, as recommended by the **Joint Legislative Oversight Committee on Justice and Public Safety**, would ensure that the General Statutes accurately reflect the way that the Department of Public Safety is operating without making any substantive or policy changes.

Section 1(a) would statutorily establish the Division of Adult Correction and Juvenile Justice, and give that division the power and duty to implement those portions of Article 13 of Chapter 143B related to adult correction and juvenile justice.
Sections 1(b) through 1(n) would amend the main statutory article that governs the Department of Public Safety's duties with respect to adult correction to reflect the fact that the Division previously called the Division of Adult Correction is now called the Division of Adult Correction and Juvenile Justice.
Section 1(p) would amend the statute that created the Division of Juvenile Justice so that it instead would create a Section of Juvenile Justice within the Division of Adult Correction and Juvenile Justice.
Sections 1(q) through t(11) would amend the main statutory article that governs the Department of Public Safety's duties with respect to juvenile justice to reflect the fact that what was previously the Division of Juvenile Justice is now a section within the Division of Adult Correction and Juvenile Justice.

Section 2 would make conforming changes throughout the General Statutes.

Section 3(a) and (b) would instruct the Revisor of Statutes to make any additional changes that are needed in order to ensure that the General Statutes correctly refer to the Division of Adult Correction and Juvenile Justice and the Section of Juvenile Justice.

EFFECTIVE DATE: This act is retroactively effective to July 1, 2013.

Karen Cochrane-Brown
Director

S344-SMTU-43 E1 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SENATE BILL 344

Short Title:	Combine Adult Correction & Juvenile Justice.	(Public)
Sponsors:	Senators Randleman (Primary Sponsor); Daniel, Krawiec, and Sanderson.	
Referred to:	Rules and Operations of the Senate	

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE THE DIVISION OF ADULT CORRECTION AND THE DIVISION OF JUVENILE JUSTICE INTO A SINGLE DIVISION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

PART I. CONSOLIDATION OF DIVISION OF ADULT CORRECTION AND THE DIVISION OF JUVENILE JUSTICE

SECTION 1.(a) Article 13 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 1A. Division of Adult Correction and Juvenile Justice.

"**§ 143B-630. Creation of Division of Adult Correction and Juvenile Justice; powers.**

There is hereby created and established a division to be known as the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Division shall have the power and duty to implement Parts 2 and 3 of this Article and shall have such other powers and duties as are set forth in this Chapter and are prescribed by the Secretary of the Department of Public Safety."

SECTION 1.(b) The title of Part 2 of Article 13 of Chapter 143B of the General Statutes reads as rewritten:

"Part 2. ~~Division of~~ Adult Correction."

SECTION 1.(c) G.S. 143B-700 is repealed.

SECTION 1.(d) G.S. 143B-701 reads as rewritten:

"**§ 143B-701. Division of Adult Correction and Juvenile Justice of the Department of Public Safety – duties.**

It shall be the duty of the Division to provide the necessary custody, supervision, and treatment to control and rehabilitate criminal offenders and thereby to reduce the rate and cost of crime and delinquency."

SECTION 1.(e) G.S. 143B-702 reads as rewritten:

"**§ 143B-702. Division of Adult Correction and Juvenile Justice of the Department of Public Safety – rules and regulations.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall adopt rules and regulations related to the conduct, supervision, rights and privileges of persons in its custody or under its supervision. Such rules and regulations shall be filed with and published by the office of the Attorney General and shall be made available by the Division for public inspection. The rules and regulations shall include a description of the organization

of the Division. A description or copy of all forms and instructions used by the Division, except those relating solely to matters of internal management, shall also be filed with the office of the Attorney General."

SECTION 1.(f) G.S. 143B-703(a) reads as rewritten:

"(a) The Secretary of Public Safety may adopt rules governing repair or replacement of personal property items excluding private passenger vehicles that belong to employees of State facilities within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and that are damaged or stolen by inmates of the State facilities provided that the item is determined by the Secretary to be damaged or stolen on or off facility grounds during the performance of employment and necessary for the employee to have in his possession to perform his assigned duty."

SECTION 1.(g) G.S. 143B-704 reads as rewritten:

"**§ 143B-704. Division of Adult Correction and Juvenile Justice of the Department of Public Safety – ~~functions.~~functions with respect to adults.**

(a) The functions of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall ~~comprise, except as otherwise expressly provided by the Executive Organization Act of 1973 or by the Constitution of North Carolina,~~include all functions of the executive branch of the State in relation to corrections and the rehabilitation of adult offenders, including detention, parole, and aftercare supervision, and further including those prescribed powers, duties, and functions enumerated in ~~Article 14 of Chapter 143A of the General Statutes and other~~ the laws of this State.

(b) All such functions, powers, duties, and obligations heretofore vested in the Department of Social Rehabilitation and Control and any agency enumerated in Article 14 of Chapter 143A of the General Statutes and laws of this State are hereby transferred to and vested in the Division of Adult Correction and Juvenile Justice of the Department of Public Safety except as otherwise provided by the Executive Organization Act of 1973. They shall include, by way of extension and not of limitation, the functions of:

(1) The State Department of Correction and Commission of Correction,
(2) Repealed by Session Laws 1999-423, s. 8, effective July 1, 1999.
(3) The State Probation Commission,
(4) The State Board of Paroles,
(5) The Interstate Agreement on Detainers, and
(6) The Uniform Act for Out-of-State Parolee Supervision.

...."

SECTION 1.(h) G.S. 143B-705 reads as rewritten:

"**§ 143B-705. Division of Adult Correction and Juvenile Justice of the Department of Public Safety – Alcoholism and Chemical Dependency Treatment Program.**

...

(b) A Section Chief for the Alcoholism and Chemical Dependency Treatment Program shall be employed and shall report directly to a deputy director for the Division of Adult Correction and Juvenile Justice as designated by the ~~Chief Deputy Secretary~~ Deputy Commissioner for the Division of Adult ~~Correction.~~Correction and Juvenile Justice. The duties of the Section Chief and staff shall include the following:

(1) Administer and coordinate all substance abuse programs, grants, contracts, and related functions in the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.
(2) Develop and maintain working relationships and agreements with agencies and organizations that will assist in developing and operating alcoholism and chemical dependency treatment and recovery programs in the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(3) Develop and coordinate the use of volunteers in the Substance Abuse Program.

...

(7) Supervise directly the facility and district program managers, other specialized personnel, and programs that exist or may be developed in the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(8) Repealed by Session Laws 2012-83, s. 10, effective June 26, 2012.

(c) In each prison that houses an alcoholism and chemical dependency program, there shall be a unit superintendent under the Section of Prisons of the Division of Adult Correction and Juvenile Justice and other custodial, administrative, and support staff as required to maintain the proper custody level at the facility. The unit superintendent shall be responsible for all matters pertaining to custody and administration of the unit. The Section Chief of the Alcoholism and Chemical Dependency Treatment Program shall designate and direct employees to manage treatment programs at each location. Duties of unit treatment program managers shall include program development and implementation, supervision of personnel assigned to treatment programs, adherence to all pertinent policy and procedural requirements of the Department, and other duties as assigned.

...."

SECTION 1.(i) G.S. 143B-706 reads as rewritten:

"**§ 143B-706. Pilot program on sexual assault.**

(a) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall establish pilot programs on sexual assault for inmates at three units of the State prison system. The Division shall select units with greater than average levels of inmate violence for participation in these pilot programs.

(b) Each pilot program shall operate as follows:

(1) The Division shall provide, as part of every inmate's orientation, a program on sexual assault, with a goal to complete that program within seven days of commitment to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The program shall provide inmates with at least the following information:

a. An accurate presentation pertaining to sexual assault violence;

b. Information on preventing and reducing the risk of sexual assault;

c. Information on available counseling for victims of sexual assault; and

d. The procedure for victims of sexual assault to request counseling.

(2) The division shall provide sexual assault counseling on-site at the prison unit to any prisoner requesting it. Counselors shall be granted reasonable access to Division of Adult Correction and Juvenile Justice of the Department of Public Safety institutions and prisoners for the purpose of providing confidential sexual assault counseling.

(3) Unless the Director of the Section of Prisons of the Division of Adult Correction and Juvenile Justice finds a particular item to be unsuitable, the Division shall allow the distribution of materials on sexual assault and rape trauma syndrome developed or sponsored by community rape crisis centers or nonprofit organizations with expertise in sexual assault. Any such material provided to a correctional institution shall be made available to inmates in places where they may make use of them privately and without attracting undue attention, such as in the library, law library, medical clinic, recreation hall, mental health offices, and educational lobby areas.

...."

SECTION 1.(j) G.S. 143B-707 reads as rewritten:

"**§ 143B-707. Reports to the General Assembly.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall report by March 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees in Justice and Public Safety on their efforts to provide effective treatment to offenders with substance abuse problems. The report shall include:

...

(6) Statistical information on the number of current inmates with substance abuse problems that require treatment, the number of treatment slots, the number who have completed treatment, and a comparison of available treatment slots to actual utilization rates. The report shall include this information for each ~~DOC~~ funded program.

(7) Evaluation of each substance abuse treatment program funded by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Evaluation measures shall include reduction in alcohol and drug dependency, improvements in disciplinary and infraction rates, recidivism (defined as return-to-prison rates), and other measures of the programs' success."

SECTION 1.(k) G.S. 143B-708 reads as rewritten:

"**§ 143B-708. Community service program.**

(a) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may conduct a community service program. The program shall provide oversight of offenders placed under the supervision of the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice and ordered to perform community service hours for criminal violations, including driving while impaired violations under G.S. 20-138.1. This program shall assign offenders, either on supervised or on unsupervised probation, to perform service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community. The program shall provide appropriate work site placement for offenders ordered to perform community service hours. The Division may adopt rules to conduct the program. Each offender shall be required to comply with the rules adopted for the program.

...

(e) The community service staff shall report to the court in which the community service was ordered, a significant violation of the terms of the probation, deferred prosecution, or conditional discharge related to community service, including a willful failure to pay any moneys due the State under any court order or payment schedule adopted by the Section of Community Corrections of the Division of Adult ~~Correction.~~Correction and Juvenile Justice. The community service staff shall give notice of the hearing to determine if there is a willful failure to comply to the person who was ordered to perform the community service. This notice shall be given by either personal delivery to the person to be notified or by depositing the notice in the United States mail in an envelope with postage prepaid, addressed to the person at the last known address available to the preparer of the notice and reasonably believed to provide actual notice to the person. The notice shall be mailed at least 10 days prior to any hearing and shall state the basis of the alleged willful failure to comply. The court shall then conduct a hearing, even if the person ordered to perform the community service fails to appear, to determine if there is a willful failure to complete the work as ordered by the community service staff within the applicable time limits. The hearing may be held in the county in which the order requiring the performance of community service was imposed, the county in which the violation occurred, or the county of residence of the person. If the court determines there is a willful failure to comply, it shall revoke any drivers license issued to the person and notify the

Division of Motor Vehicles to revoke any drivers license issued to the person until the community service requirement has been met. In addition, if the person is present, the court may take any further action authorized by Article 82 of Chapter 15A of the General Statutes for violation of a condition of probation."

SECTION 1.(l) G.S. 143B-709 reads as rewritten:

"**§ 143B-709. Security Staffing.**

(a) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall conduct:

(1) On-site postaudits of every prison at least once every three years;

(2) Regular audits of postaudit charts through the automated postaudit system; and

(3) Other staffing audits as necessary.

(b) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall update the security staffing relief formula at least every three years. Each update shall include a review of all annual training requirements for security staff to determine which of these requirements should be mandatory and the appropriate frequency of the training. The Division shall survey other states to determine which states use a vacancy factor in their staffing relief formulas."

SECTION 1.(m) G.S. 143B-711 reads as rewritten:

"**§ 143B-711. Division of Adult Correction and Juvenile Justice of the Department of Public Safety – organization.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be organized initially to include the Post-Release Supervision and Parole Commission, the Section of Prisons of the Division of Adult Correction, the Section of Community Corrections, the Section of Alcoholism and Chemical Dependency Treatment Programs, and such other divisions as may be established under Part 3 of this Article and under the other provisions of the Executive Organization Act of 1973."

SECTION 1.(n) G.S. 143B-720 reads as rewritten:

"**§ 143B-720. Post-Release Supervision and Parole Commission – creation, powers and duties.**

(a) There is hereby created a Post-Release Supervision and Parole Commission of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety with the authority to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any court of this State as provided in Chapter 148 of the General Statutes and laws of the State of North Carolina, except that persons sentenced under Article 81B of Chapter 15A of the General Statutes are not eligible for parole but may be conditionally released into the custody and control of United States Immigration and Customs Enforcement pursuant to G.S. 148-64.1. The Commission shall also have authority to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before the effective date of the Executive Organization Act of 1973) and to assist the Governor in exercising his authority in granting reprieves, commutations, and pardons, and shall perform such other services as may be required by the Governor in exercising his powers of executive clemency. The Commission shall also have authority to revoke and terminate persons on post-release supervision, as provided in Article 84A of Chapter 15A of the General Statutes. The Commission shall also have the authority to punish for criminal contempt for willful refusal to accept post-release supervision or to comply with the terms of post-release supervision by a prisoner whose offense requiring post-release supervision is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes. Any contempt proceeding conducted by the Commission shall be in accordance with G.S. 5A-15 as if the Commission were a judicial official.

...

(c) The Commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, in accordance with which prisoners eligible for parole consideration may have their cases reviewed and investigated and by which such proceedings may be initiated and considered. All rules and regulations heretofore adopted by the Board of Paroles shall remain in full force and effect unless and until repealed or superseded by action of the Post-Release Supervision and Parole Commission. All rules and regulations adopted by the Commission shall be enforced by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 1.(o) The title of Part 3 of Article 13 of Chapter 143B of the General Statutes reads as rewritten:

"Part 3. ~~Division of Juvenile Justice.~~Juvenile Justice Section."

SECTION 1.(p) G.S. 143B-800 reads as rewritten:

"**§ 143B-800. Creation of Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.**

There is hereby created and constituted a ~~division~~ section to be known as the "~~Division of~~ Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety", with the organization, powers, and duties ~~defined in Article 1 of this Chapter, except as modified in this Part.~~as set forth in this Article or as prescribed by the Director of the Division of Adult Correction and Juvenile Justice."

SECTION 1.(q) G.S. 143B-801 reads as rewritten:

"**§ 143B-801. Transfer of Office of Juvenile Justice authority to the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.**

(a) All (i) statutory authority, powers, duties, and functions, including directives of S.L. 1998-202, rule making, budgeting, and purchasing, (ii) records, (iii) personnel, personnel positions, and salaries, (iv) property, and (v) unexpended balances of appropriations, allocations, reserves, support costs, and other funds of the Office of Juvenile Justice under the Office of the Governor are transferred to and vested in the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. This transfer has all of the elements of a Type I transfer as defined in G.S. 143A-6.

(b) The ~~Division~~ Section shall be considered a continuation of the Office of Juvenile Justice for the purpose of succession to all rights, powers, duties, and obligations of the Office and of those rights, powers, duties, and obligations exercised by the Office of the Governor on behalf of the Office of Juvenile Justice. Where the Office of Juvenile Justice or the Division of Juvenile Justice of the Department of Public Safety is referred to by law, contract, or other document, that reference shall apply to the ~~Division.~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice. Where the Office of the Governor is referred to by contract or other document, where the Office of the Governor is acting on behalf of the Office of Juvenile Justice, that reference shall apply to the ~~Division.~~Section.

(c) All institutions previously operated by the Office of Juvenile Justice and the present central office of the Office of Juvenile Justice, including land, buildings, equipment, supplies, personnel, or other properties rented or controlled by the Office or by the Office of the Governor for the Office of Juvenile Justice, shall be administered by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 1.(r) G.S. 143B-805 reads as rewritten:

"**§ 143B-805. Definitions.**

In this Part, unless the context clearly requires otherwise, the following words have the listed meanings:

(1) Chief court counselor. – The person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...

~~(10) Division. – The Division of Juvenile Justice of the Department of Public Safety.~~

...

(19a) Section. – The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 1.(s) G.S. 143B-806 reads as rewritten:

"**§ 143B-806. Duties and powers of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.**

...

(b) ~~The Secretary~~ In addition to its other duties, the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice shall have the following powers and ~~duties and may delegate those powers and duties to the appropriate deputy secretary, commissioner, or director within the Department of Public Safety:~~duties:

...

~~(c) Except as otherwise specifically provided in this Part and in Article 1 of this Chapter, the Secretary of Public Safety shall prescribe the functions, powers, duties, and obligations of every agency or section in the Division.~~

...."

SECTION 1.(s1) G.S. 143B-807 reads as rewritten:

"**§ 143B-807. Authority to contract with other entities.**

(a) The ~~Division~~ Section may contract with any governmental agency, person, or association for the accomplishment of its duties and responsibilities. The expenditure of funds under these contracts shall be for the purposes for which the funds were appropriated and not otherwise prohibited by law.

(b) The ~~Division~~ Section may enter into contracts with, and act as intermediary between, any federal government agency and any county of this State for the purpose of assisting the county to recover monies expended by a county-funded financial assistance program. As a condition of assistance, the county shall agree to hold and save harmless the ~~Division~~ Section against any claims, loss, or expense which the ~~Division~~ Section might incur under the contracts by reason of any erroneous, unlawful, or tortious act or omission of the county or its officials, agents, or employees.

(c) The ~~Division~~ Section and any other appropriate State or local agency may purchase services from public or private agencies providing delinquency prevention programs or juvenile court services, including parenting responsibility classes. The programs shall meet State standards. As institutional populations are reduced, the ~~Division~~ Section may divert State funds appropriated for institutional programs to purchase the services under the ~~Executive Budget Act.~~State Budget Act.

(d) Each programmatic, residential, and service contract or agreement entered into by the ~~Division~~ Section shall include a cooperation clause to ensure compliance with the ~~Division's~~ Section's quality assurance requirements and cost-accounting requirements."

SECTION 1.(s2) G.S. 143B-808 reads as rewritten:

"**§ 143B-808. Authority to assist private nonprofit foundations.**

The ~~Division~~ Section may provide appropriate services or allow employees of the ~~Division~~ Section to assist any private nonprofit foundation that works directly with the ~~Division's~~

Section's services or programs and whose sole purpose is to support these services and programs. A ~~Division~~ Section employee shall be allowed to work with a foundation no more than 20 hours in any one month. These services are not subject to Chapter 150B of the General Statutes.

The board of directors of each private, nonprofit foundation shall secure and pay for the services of the Department of State Auditor or employ a certified public accountant to conduct an annual audit of the financial accounts of the foundation. The board of directors shall transmit to the ~~Division~~ Section a copy of the annual financial audit report of the private nonprofit foundation."

SECTION 1.(t) G.S. 143B-809 reads as rewritten:

"**§ 143B-809. Teen court programs.**

(a) All teen court programs administered by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall operate as community resources for the diversion of juveniles pursuant to G.S. 7B-1706(c). A juvenile diverted to a teen court program shall be tried by a jury of other juveniles, and, if the jury finds the juvenile has committed the delinquent act, the jury may assign the juvenile to a rehabilitative measure or sanction, including counseling, restitution, curfews, and community service.

Teen court programs may also operate as resources to the local school administrative units to handle problems that develop at school but that have not been turned over to the juvenile authorities.

(b) Every teen court program that receives funds from Juvenile Crime Prevention Councils shall comply with rules and reporting requirements of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 1.(t1) G.S. 143B-815 reads as rewritten:

"**§ 143B-815. Juvenile facilities.**

In order to provide any juvenile in a juvenile facility with appropriate treatment according to that juvenile's need, the ~~Division~~ Section shall be responsible for the administration of statewide educational, clinical, psychological, psychiatric, social, medical, vocational, and recreational services or programs."

SECTION 1.(t2) G.S. 143B-816 reads as rewritten:

"**§ 143B-816. Authority to provide necessary medical or surgical care.**

The ~~Division~~ Section may provide any medical and surgical treatment necessary to preserve the life and health of juveniles committed to the custody of the ~~Division;~~Section; however, no surgical operation may be performed except as authorized in G.S. 148-22.2."

SECTION 1.(t3) G.S. 143B-817 reads as rewritten:

"**§ 143B-817. Compensation to juveniles in care.**

A juvenile who has been committed to the ~~Division~~ Section may be compensated for work or participation in training programs at rates approved by the Secretary within available funds. The Secretary may provide for a reasonable allowance to the juvenile for incidental personal expenses, and any balance of the juvenile's earnings remaining at the time the juvenile is released shall be paid to the juvenile or the juvenile's parent or guardian. The ~~Division~~ Section may accept grants or funds from any source to compensate juveniles under this section."

SECTION 1.(t4) G.S. 143B-818 reads as rewritten:

"**§ 143B-818. Visits and community activities.**

(a) The ~~Division~~ Section shall encourage visits by parents or guardians and responsible relatives of juveniles committed to the custody of the ~~Division.~~Section.

(b) The ~~Division~~ Section shall develop a program of home visits for juveniles in the custody of the ~~Division.~~Section. The visits shall begin after the juvenile has been in the custody of the ~~Division~~ Section for a period of at least six months. In developing the program, the

~~Division~~ Section shall adopt criteria that promote the protection of the public and the best interests of the juvenile."

SECTION 1.(t5) G.S. 143B-819 reads as rewritten:

"**§ 143B-819. Regional detention services.**

The ~~Division~~ Section is responsible for juvenile detention services, including the development of a statewide plan for regional juvenile detention services that offer juvenile detention care of sufficient quality to meet State standards to any juvenile requiring juvenile detention care within the State in a detention facility as follows:

(1) The ~~Division~~ Section shall plan with the counties operating a county detention facility to provide regional juvenile detention services to surrounding counties. The ~~Division~~ Section has discretion in defining the geographical boundaries of the regions based on negotiations with affected counties, distances, availability of juvenile detention care that meets State standards, and other appropriate factors.

(2) The ~~Division~~ Section may plan with any county that has space within its county jail system to use the existing space for a county detention facility when needed, if the space meets the State standards for a detention facility and meets all of the requirements of G.S. 153A-221. The use of space within the county jail system shall be constructed to ensure that juveniles are not able to converse with, see, or be seen by the adult population, and juveniles housed in a space within a county jail shall be supervised closely.

(3) The ~~Division~~ Section shall plan for and administer regional detention facilities. The ~~Division~~ Section shall carefully plan the location, architectural design, construction, and administration of a program to meet the needs of juveniles in juvenile detention care. The physical facility of a regional detention facility shall comply with all applicable State and federal standards. The programs of a regional detention facility shall comply with the standards established by the ~~Division.~~Section."

SECTION 1.(t6) G.S. 143B-820 reads as rewritten:

"**§ 143B-820. State subsidy to county detention facilities.**

The ~~Division~~ Section shall administer a State subsidy program to pay a county that provides juvenile detention services and meets State standards a certain per diem per juvenile. In general, this per diem should be fifty percent (50%) of the total cost of caring for a juvenile from within the county and one hundred percent (100%) of the total cost of caring for a juvenile from another county. Any county placing a juvenile in a detention facility in another county shall pay fifty percent (50%) of the total cost of caring for the juvenile to the ~~Division.~~Section. The ~~Division~~ Section may vary the exact funding formulas to operate within existing State appropriations or other funds that may be available to pay for juvenile detention care."

SECTION 1.(t7) G.S. 143B-821 reads as rewritten:

"**§ 143B-821. Authority for implementation.**

In order to allow for effective implementation of a statewide regional approach to juvenile detention, the ~~Division~~ Section may:

(1) Release or transfer a juvenile from one detention facility to another when necessary to administer the juvenile's detention appropriately.

(2) Plan with counties that operate county detention facilities to provide regional services and to upgrade physical facilities to contract with counties for services and care, and to pay State subsidies to counties providing regional juvenile detention services that meet State standards.

(3) Allow the State to reimburse law enforcement officers or other appropriate employees of local government for the costs of transportation of a juvenile to and from any juvenile detention facility.

(4) Seek funding for juvenile detention services from federal sources, and accept gifts of funds from public or private sources."

SECTION 1.(t8) G.S. 143B-830 reads as rewritten:

"**§ 143B-830. Duties and powers of chief court counselors.**

The chief court counselor in each district appointed under G.S. 143B-806(b)(15) may:

(1) Appoint juvenile court counselors, secretaries, and other personnel authorized by the ~~Division~~ Section in accordance with the personnel policies adopted by the ~~Division.~~Section.

(2) Supervise and direct the program of juvenile intake, protective supervision, probation, and post-release supervision within the district.

(3) Provide in-service training for staff as required by the ~~Division.~~Section.

(4) Keep any records and make any reports requested by the Secretary in order to provide statewide data and information about juvenile needs and services.

(5) Delegate to a juvenile court counselor or supervisor the authority to carry out specified responsibilities of the chief court counselor to facilitate the effective operation of the district.

(6) Designate a juvenile court counselor in the district as acting chief court counselor, to act during the absence or disability of the chief court counselor."

SECTION 1.(t9) G.S. 143B-831 reads as rewritten:

"**§ 143B-831. Duties and powers of juvenile court counselors.**

As the court or the chief court counselor may direct or require, all juvenile court counselors shall have the following powers and duties:

...

(14) Provide supervision for a juvenile transferred to the counselor's supervision from another court or another state, and provide supervision for any juvenile released from an institution operated by the ~~Division~~ Section when requested by the ~~Division~~ Section to do so.

...

(19) Have any other duties as the ~~Division~~ Section may direct."

SECTION 1.(t10) G.S. 143B-840 reads as rewritten:

"Subpart E. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.

"**§ 143B-840. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.**

(a) The ~~Division~~ Section shall develop and implement a comprehensive juvenile delinquency and substance abuse prevention plan and shall coordinate with County Councils for implementation of a continuum of services and programs at the community level.

The ~~Division~~ Section shall ensure that localities are informed about best practices in juvenile delinquency and substance abuse prevention.

(b) The plan shall contain the following:

(1) Identification of the risk factors at the developmental stages of a juvenile's life that may result in delinquent behavior.

(2) Identification of the protective factors that families, schools, communities, and the State must support to reduce the risk of juvenile delinquency.

(3) Programmatic concepts that are effective in preventing juvenile delinquency and substance abuse and that should be made available as basic services in the communities, including:

a. Early intervention programs and services.

b. In-home training and community-based family counseling and parent training.
c. Adolescent and family substance abuse prevention services, including alcohol abuse prevention services, and substance abuse education.
d. Programs and activities offered before and after school hours.
e. Life and social skills training programs.
f. Classes or seminars that teach conflict resolution, problem solving, and anger management.
g. Services that provide personal advocacy, including mentoring relationships, tutors, or other caring adult programs.

(c) The ~~Division~~ Section shall cooperate with all other affected State agencies and entities in implementing this section."

SECTION 1.(t11) G.S. 143B-851 reads as rewritten:

"**§ 143B-851. Powers and duties.**

(a) Each County Council shall review annually the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. In particular, each County Council shall assess the needs of juveniles in the county who are at risk or who have been associated with gangs or gang activity, and the local resources that are established to address those needs. The Council shall develop and advertise a request for proposal process and submit a written plan of action for the expenditure of juvenile sanction and prevention funds to the board of county commissioners for its approval. Upon the county's authorization, the plan shall be submitted to the ~~Division~~ Section for final approval and subsequent implementation.

(b) Each County Council shall ensure that appropriate intermediate dispositional options are available and shall prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles under minimum standards adopted by the ~~Division.~~Section.

(c) On an ongoing basis, each County Council shall:
(1) Assess the needs of juveniles in the community, evaluate the adequacy of resources available to meet those needs, and develop or propose ways to address unmet needs.
(2) Evaluate the performance of juvenile services and programs in the community. The Council shall evaluate each funded program as a condition of continued funding.
(3) Increase public awareness of the causes of delinquency and of strategies to reduce the problem.
(4) Develop strategies to intervene and appropriately respond to and treat the needs of juveniles at risk of delinquency through appropriate risk assessment instruments.
(5) Provide funds for services for treatment, counseling, or rehabilitation for juveniles and their families. These services may include court-ordered parenting responsibility classes.
(6) Plan for the establishment of a permanent funding stream for delinquency prevention services.
(7) Develop strategies to intervene and appropriately respond to the needs of juveniles who have been associated with gang activity or who are at risk of becoming associated with gang activity.

(d) The Councils may examine the benefits of joint program development between counties within the same judicial district."

PART II. CONFORMING CHANGES

SECTION 2.(a) G.S. 1-110(b) reads as rewritten:

"(b) Whenever a motion to proceed as an indigent is filed pro se by an inmate in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the motion to proceed as an indigent and the proposed complaint shall be presented to any superior court judge of the judicial district. This judge shall determine whether the complaint is frivolous. In the discretion of the court, a frivolous case may be dismissed by order. The clerk of superior court shall serve a copy of the order of dismissal upon the prison inmate. If the judge determines that the inmate may proceed as an indigent, service of process upon the defendant shall issue without further order of the court."

SECTION 2.(b) G.S. 7A-109.3 reads as rewritten:

"**§ 7A-109.3. Delivery of commitment order.**

(a) Whenever the district court sentences a person to imprisonment and commitment to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 48 hours of the issuance of the sentence.

(b) Whenever the superior court sentences a person to imprisonment and commitment to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 72 hours of the issuance of the sentence."

SECTION 2.(c) G.S. 7A-302 reads as rewritten:

"**§ 7A-302. Counties and municipalities responsible for physical facilities.**

In each county in which a district court has been established, courtrooms, office space for juvenile court counselors and support staff as assigned by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and related judicial facilities (including furniture), as defined in this Subchapter, shall be provided by the county, except that courtrooms and related judicial facilities may, with the approval of the administrative Officer of the Courts, after consultation with county and municipal authorities, be provided by a municipality in the county. To assist a county or municipality in meeting the expense of providing courtrooms and related judicial facilities, a part of the costs of court, known as the "facilities fee," collected for the State by the clerk of superior court, shall be remitted to the county or municipality providing the facilities."

SECTION 2.(d) G.S. 7A-313 reads as rewritten:

"**§ 7A-313. Uniform jail fees.**

Persons who are lawfully confined in jail awaiting trial shall be liable to the county or municipality maintaining the jail in the sum of ten dollars ($10.00) for each 24 hours' confinement, or fraction thereof, except that a person so confined shall not be liable for this fee if the case or proceeding against him is dismissed, or if acquitted, or if judgment is arrested, or if probable cause is not found, or if the grand jury fails to return a true bill.

Persons who are ordered to pay jail fees pursuant to a probationary sentence shall be liable to the county or municipality maintaining the jail at the same per diem rate paid by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to local jails for maintaining a prisoner, as set by the General Assembly in its appropriations acts."

SECTION 2.(e) G.S. 7A-343.1(a) reads as rewritten:

"(a) The Administrative Officer of the Courts shall, at the State's expense distribute such number of copies of the appellate division reports to federal, State departments and agencies, and to educational institutions of instruction, as follows:

...

Adult Correction and Juvenile Justice, Division of 1

...

Each justice of the Supreme Court and judge of the Court of Appeals shall receive for private use, one complete and up-to-date set of the appellate division reports. The copies of reports furnished each justice or judge as set out in the table above may be retained personally to enable the justice or judge to keep up-to-date the personal set of reports."

SECTION 2.(f) G.S. 7A-451(e1) reads as rewritten:

"(e1) When the Supreme Court of North Carolina files an opinion affirming or reversing the judgment of the trial court in a case in which the defendant was sentenced to death, or files an opinion or decision with regard to such a defendant's postconviction petition for relief from a sentence of death, or when any federal court files or issues an opinion or decision in such circumstances, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall, on the day the opinion or decision is filed or issued, permit counsel for the defendant to visit the defendant at the institution at which the defendant is confined. The visit shall be permitted during regular business hours for not less than one hour, unless a visit outside regular business hours is agreed to by both the institution's administrator and counsel for the defendant. This section shall not be construed to abridge the adequate and reasonable opportunity for attorneys to consult with clients sentenced to death generally and shall not be construed to mandate an attorney visit during an emergency at the institution at which a defendant is confined."

SECTION 2.(g) G.S. 7A-474.3(c) reads as rewritten:

"(c) Limitations. No funds appropriated under this Article shall be used for any of the following purposes:

...

(4) To provide legal assistance to any prisoner within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety with regard to the terms of that person's incarceration; or

...."

SECTION 2.(h) G.S. 7A-474.18(c) reads as rewritten:

"(c) Limitations. – No funds appropriated under this Article shall be used for any of the following purposes:

(1) To provide legal assistance with respect to any criminal proceeding; or

(2) To provide legal assistance to any prisoner within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety with regard to the terms of that person's incarceration."

SECTION 2.(i) G.S. 7A-498.3(a) reads as rewritten:

"(a) The Office of Indigent Defense Services shall be responsible for establishing, supervising, and maintaining a system for providing legal representation and related services in the following cases:

(1) Cases in which an indigent person is subject to a deprivation of liberty or other constitutionally protected interest and is entitled by law to legal representation;

(2) Cases in which an indigent person is entitled to legal representation under G.S. 7A-451 and G.S. 7A-451.1;

(2a) Cases in which the State is legally obligated to provide legal assistance and access to the courts to inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety; and

(3) Any other cases in which the Office of Indigent Defense Services is designated by statute as responsible for providing legal representation."

SECTION 2.(j) G.S. 7B-1501 reads as rewritten:

"**§ 7B-1501. Definitions.**

In this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings. The singular includes the plural, unless otherwise specified.

(1) Chief court counselor. – The person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...

(10a) Division. – The Division of Adult Correction and Juvenile Justice of the Department of Public Safety created under Article 12 of Chapter 143B of the General Statutes.

...."

SECTION 2.(k) G.S. 7B-2204 reads as rewritten:

"**§ 7B-2204. Right to pretrial release; detention.**

Once the order of transfer has been entered, the juvenile has the right to pretrial release as provided in G.S. 15A-533 and ~~G.S. 15A-534.~~G.S. 15A-534. The release order shall specify the person or persons to whom the juvenile may be released. Pending release, the court shall order that the juvenile be detained in a detention facility while awaiting trial. The court may order the juvenile to be held in a holdover facility at any time the presence of the juvenile is required in court for pretrial hearings or trial, if the court finds that it would be inconvenient to return the juvenile to the detention facility.

Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal offense in superior court and receive an active sentence, then immediate transfer to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be ordered. Until such time as the juvenile is transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the juvenile may be detained in a holdover facility. The juvenile may not be detained in a detention facility pending transfer to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

The juvenile may be kept by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety as a safekeeper until the juvenile is placed in an appropriate correctional program."

SECTION 2.(l) G.S. 7B-2517 reads as rewritten:

"**§ 7B-2517. Transfer authority of Governor.**

The Governor may order transfer of any person less than 18 years of age from any jail or penal facility of the State to one of the residential facilities operated by the Division in appropriate circumstances, provided the Governor shall consult with the Division concerning the feasibility of the transfer in terms of available space, staff, and suitability of program.

When an inmate, committed to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, is transferred by the Governor to a residential program operated by the Division, the Division may release the juvenile based on the needs of the juvenile and the best interests of the State. Transfer shall not divest the probation or parole officer of the officer's responsibility to supervise the inmate on release."

SECTION 2.(m) G.S. 7B-3000 reads as rewritten:

"**§ 7B-3000. Juvenile court records.**

(a) The clerk shall maintain a complete record of all juvenile cases filed in the clerk's office to be known as the juvenile record. The record shall include the summons and petition, any secure or nonsecure custody order, any electronic or mechanical recording of hearings, and any written motions, orders, or papers filed in the proceeding.

(b) All juvenile records shall be withheld from public inspection and, except as provided in this subsection, may be examined only by order of the court. Except as provided in subsection (c) of this section, the following persons may examine the juvenile's record and obtain copies of written parts of the record without an order of the court:

(1) The juvenile or the juvenile's attorney;

(2) The juvenile's parent, guardian, or custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
(3) The prosecutor;
(4) Court counselors; and
(5) Probation officers in the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, as provided in subsection (e1) of this section and in G.S. 15A-1341(e).

Except as provided in subsection (c) of this section, the prosecutor may, in the prosecutor's discretion, share information obtained from a juvenile's record with magistrates and law enforcement officers sworn in this State, but may not allow a magistrate or law enforcement officer to photocopy any part of the record.

(c) The court may direct the clerk to "seal" any portion of a juvenile's record. The clerk shall secure any sealed portion of a juvenile's record in an envelope clearly marked "SEALED: MAY BE EXAMINED ONLY BY ORDER OF THE COURT", or with similar notice, and shall permit examination or copying of sealed portions of a juvenile's record only pursuant to a court order specifically authorizing inspection or copying.

(d) Any portion of a juvenile's record consisting of an electronic or mechanical recording of a hearing shall be transcribed only when notice of appeal has been timely given and shall be copied electronically or mechanically, only by order of the court. After the time for appeal has expired with no appeal having been filed, the court may enter a written order directing the clerk to destroy the recording of the hearing.

(e) Notwithstanding any other provision of law, if the defendant in a criminal proceeding involving a Class A1 misdemeanor or a felony was less than 21 years of age at the time of the offense, information obtained pursuant to subsection (b) of this section regarding the juvenile's record of an adjudication of delinquency for an offense that would be a Class A1 misdemeanor or a felony if committed by an adult, where the adjudication occurred after the defendant reached 13 years of age, may be used by law enforcement, the magistrate, the courts, and the prosecutor for pretrial release, plea negotiating decisions, and plea acceptance decisions. Information obtained regarding any juvenile record shall remain confidential and shall not be placed in any public record.

(e1) When a person is subject to probation supervision under Article 82 of Chapter 15A of the General Statutes, for an offense that was committed while the person was less than 25 years of age, that person's juvenile record of an adjudication of delinquency for an offense that would be a felony if committed by an adult may be examined without a court order by the probation officer in the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice assigned to supervise the person for the purpose of assessing risk related to supervision.

Each judicial district manager in the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice shall designate a staff person in each county to obtain from the clerk, at the request of the probation officer assigned to supervise the person, any juvenile records authorized to be examined under this subsection. The judicial district manager shall inform the clerk in each county, in writing, of the designated staff person in the county. The designated staff person shall transfer any juvenile records obtained to the probation officer assigned to supervise the person.

Any copies of juvenile records obtained pursuant to this subsection shall continue to be withheld from public inspection and shall not become part of the public record in any criminal proceeding. Any copies of juvenile records shall be destroyed within 30 days of termination of the person's period of probation supervision. Any other information in the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice records, relating to a person's juvenile record, shall remain confidential and shall be maintained or destroyed pursuant to guidelines established by the Department of Natural and Cultural

Resources for the maintenance and destruction of Section of Community Corrections of the Division of Adult Correction and Juvenile Justice records.

(f) The juvenile's record of an adjudication of delinquency for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult may be used in a subsequent criminal proceeding against the juvenile either under G.S. 8C-1, Rule 404(b), or to prove an aggravating factor at sentencing under G.S. 15A-1340.4(a), 15A-1340.16(d), or 15A-2000(e). The record may be so used only by order of the court in the subsequent criminal proceeding, upon motion of the prosecutor, after an in camera hearing to determine whether the record in question is admissible.

(g) Except as provided in subsection (d) of this section, a juvenile's record shall be destroyed only as authorized by G.S. 7B-3200 or by rules adopted by the Administrative Office of the Courts."

SECTION 2.(n) G.S. 7B-3001(d) reads as rewritten:

"(d) When the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety is authorized to access a juvenile record pursuant to G.S. 7B-3000(e1), the Division may, at the request of the Section of Community Corrections of the Division of Adult ~~Correction,~~ Correction and Juvenile Justice, notify the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice that there is a juvenile record of an adjudication of delinquency for an offense that would be a felony if committed by an adult for a person subject to probation supervision under Article 82 of Chapter 15A of the General Statutes and may notify the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the county or counties where the adjudication of delinquency occurred."

SECTION 2.(o) G.S. 7B-3100(a) reads as rewritten:

"(a) The Division, after consultation with the Conference of Chief District Court Judges, shall adopt rules designating certain local agencies that are authorized to share information concerning juveniles in accordance with the provisions of this section. Agencies so designated shall share with one another, upon request and to the extent permitted by federal law and regulations, information that is in their possession that is relevant to any assessment of a report of child abuse, neglect, or dependency or the provision or arrangement of protective services in a child abuse, neglect, or dependency case by a local department of social services pursuant to the authority granted under Chapter 7B of the General Statutes or to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent and shall continue to do so until the protective services case is closed by the local department of social services, or if a petition is filed when the juvenile is no longer subject to the jurisdiction of juvenile court. Agencies that may be designated as "agencies authorized to share information" include local mental health facilities, local health departments, local departments of social services, local law enforcement agencies, local school administrative units, the district's district attorney's office, the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the Office of Guardian ad Litem Services of the Administrative Office of the Courts, and, pursuant to the provisions of G.S. 7B-3000(e1), the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Any information shared among agencies pursuant to this section shall remain confidential, shall be withheld from public inspection, and shall be used only for the protection of the juvenile and others or to improve the educational opportunities of the juvenile, and shall be released in accordance with the provisions of the Family Educational and Privacy Rights Act as set forth in 20 U.S.C. § 1232g. Nothing in this section or any other provision of law shall preclude any other necessary sharing of information among agencies. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney."

SECTION 2.(p) G.S. 14-202(m) reads as rewritten:

"(m) The provisions of subsections (a), (a1), (c), (e), (g), (h), and (k) of this section do not apply to:

(1) Law enforcement officers while discharging or attempting to discharge their official duties; or

(2) Personnel of the Division of Adult Correction and Juvenile Justice of the Department of Public ~~Safety, the Division of Juvenile Justice of the Department of Public Safety,~~Safety or of a local confinement facility for security purposes or during investigation of alleged misconduct by a person in the custody of the Division or the local confinement facility."

SECTION 2.(q) G.S. 14-208.6(2) reads as rewritten:

"(2) "Penal institution" means:

a. A detention facility operated under the jurisdiction of the Section of Prisons of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety;

b. A detention facility operated under the jurisdiction of another state or the federal government; or

c. A detention facility operated by a local government in this State or another state."

SECTION 2.(r) G.S. 14-208.20(b) reads as rewritten:

"(b) Prior to sentencing a person as a sexually violent predator, the court shall order a presentence investigation in accordance with G.S. 15A-1332(c). However, the study of the defendant and whether the defendant is a sexually violent predator shall be conducted by a board of experts selected by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The board of experts shall be composed of at least four people. Two of the board members shall be experts in the field of the behavior and treatment of sexual offenders, one of whom shall be selected from a panel of experts in those fields provided by the North Carolina Medical Society and not employed with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or employed on a full-time basis with any other State agency. One of the board members shall be a victims' rights advocate, and one of the board members shall be a representative of law enforcement agencies."

SECTION 2.(s) G.S. 14-208.22(c) reads as rewritten:

"(c) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall also obtain the additional information set out in subsection (a) of this section and shall include this information in the prerelease notice forwarded to the sheriff or other appropriate law enforcement agency."

SECTION 2.(t) G.S. 14-208.40 reads as rewritten:

"**§ 14-208.40. Establishment of program; creation of guidelines; duties.**

(a) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall establish a sex offender monitoring program that uses a continuous satellite-based monitoring system and shall create guidelines to govern the program. The program shall be designed to monitor three categories of offenders as follows:

(1) Any offender who is convicted of a reportable conviction as defined by G.S. 14-208.6(4) and who is required to register under Part 3 of Article 27A of Chapter 14 of the General Statutes because the defendant is classified as a sexually violent predator, is a recidivist, or was convicted of an aggravated offense as those terms are defined in G.S. 14-208.6.

(2) Any offender who satisfies all of the following criteria: (i) is convicted of a reportable conviction as defined by G.S. 14-208.6(4), (ii) is required to register under Part 2 of Article 27A of Chapter 14 of the General Statutes, (iii) has committed an offense involving the physical, mental, or sexual abuse of a minor, and (iv) based on the Division of Adult

~~Correction's~~Correction and Juvenile Justice's risk assessment program requires the highest possible level of supervision and monitoring.

(3) Any offender who is convicted of G.S. 14-27.23 or G.S. 14-27.48, who shall be enrolled in the satellite-based monitoring program for the offender's natural life upon termination of the offender's active punishment.

(b) In developing the guidelines for the program, the Division of Adult Correction and Juvenile Justice shall require that any offender who is enrolled in the satellite-based program submit to an active continuous satellite-based monitoring program, unless an active program will not work as provided by this section. If the Division of Adult Correction and Juvenile Justice determines that an active program will not work as provided by this section, then the Division of Adult Correction and Juvenile Justice shall require that the defendant submit to a passive continuous satellite-based program that works within the technological or geographical limitations.

(c) The satellite-based monitoring program shall use a system that provides all of the following:

(1) Time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location tracking technology.

(2) Reporting of subject's violations of prescriptive and proscriptive schedule or location requirements. Frequency of reporting may range from once a day (passive) to near real-time (active).

(d) The Division of Adult Correction and Juvenile Justice may contract with a single vendor for the hardware services needed to monitor subject offenders and correlate their movements to reported crime incidents. The contract may provide for services necessary to implement or facilitate any of the provisions of this Part."

SECTION 2.(u) G.S. 14-208.40A reads as rewritten:

"**§ 14-208.40A. Determination of satellite-based monitoring requirement by court.**

...

(d) If the court finds that the offender committed an offense that involved the physical, mental, or sexual abuse of a minor, that the offense is not an aggravated offense or a violation of G.S. 14-27.23 or G.S. 14-27.48 and the offender is not a recidivist, the court shall order that the Division of Adult Correction do a risk assessment of the offender. The Division of Adult Correction and Juvenile Justice shall have a minimum of 30 days, but not more than 60 days, to complete the risk assessment of the offender and report the results to the court.

(e) Upon receipt of a risk assessment from the Division of Adult Correction and Juvenile Justice pursuant to subsection (d) of this section, the court shall determine whether, based on the Division of Adult ~~Correction's~~Correction and Juvenile Justice's risk assessment, the offender requires the highest possible level of supervision and monitoring. If the court determines that the offender does require the highest possible level of supervision and monitoring, the court shall order the offender to enroll in a satellite-based monitoring program for a period of time to be specified by the court."

SECTION 2.(v) G.S. 14-208.40B reads as rewritten:

"**§ 14-208.40B. Determination of satellite-based monitoring requirement in certain circumstances.**

(a) When an offender is convicted of a reportable conviction as defined by G.S. 14-208.6(4), and there has been no determination by a court on whether the offender shall be required to enroll in satellite-based monitoring, the Division of Adult Correction and Juvenile Justice shall make an initial determination on whether the offender falls into one of the categories described in G.S. 14-208.40(a).

(b) If the Division of Adult Correction and Juvenile Justice determines that the offender falls into one of the categories described in G.S. 14-208.40(a), the district attorney, representing

the Division of Adult ~~Correction,~~Correction and Juvenile Justice, shall schedule a hearing in superior court for the county in which the offender resides. The Division of Adult Correction and Juvenile Justice shall notify the offender of the Division of Adult ~~Correction's~~Correction and Juvenile Justice's determination and the date of the scheduled hearing by certified mail sent to the address provided by the offender pursuant to G.S. 14-208.7. The hearing shall be scheduled no sooner than 15 days from the date the notification is mailed. Receipt of notification shall be presumed to be the date indicated by the certified mail receipt. Upon the court's determination that the offender is indigent and entitled to counsel, the court shall assign counsel to represent the offender at the hearing pursuant to rules adopted by the Office of Indigent Defense Services.

(c) At the hearing, the court shall determine if the offender falls into one of the categories described in G.S. 14-208.40(a). The court shall hold the hearing and make findings of fact pursuant to G.S. 14-208.40A.

If the court finds that (i) the offender has been classified as a sexually violent predator pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated offense, or (iv) the conviction offense was a violation of G.S. 14-27.23 or G.S. 14-27.48, the court shall order the offender to enroll in satellite-based monitoring for life.

If the court finds that the offender committed an offense that involved the physical, mental, or sexual abuse of a minor, that the offense is not an aggravated offense or a violation of G.S. 14-27.23 or G.S. 14-27.48, and the offender is not a recidivist, the court shall order that the Division of Adult Correction and Juvenile Justice do a risk assessment of the offender. The Division of Adult Correction and Juvenile Justice shall have a minimum of 30 days, but not more than 60 days, to complete the risk assessment of the offender and report the results to the court. The Division of Adult Correction and Juvenile Justice may use a risk assessment of the offender done within six months of the date of the hearing.

Upon receipt of a risk assessment from the Division of Adult ~~Correction,~~ Correction and Juvenile Justice, the court shall determine whether, based on the Division of Adult ~~Correction's~~Correction and Juvenile Justice's risk assessment, the offender requires the highest possible level of supervision and monitoring. If the court determines that the offender does require the highest possible level of supervision and monitoring, the court shall order the offender to enroll in a satellite-based monitoring program for a period of time to be specified by the court."

SECTION 2.(w) G.S. 14-208.40C reads as rewritten:

"**§ 14-208.40C. Requirements of enrollment.**

(a) Any offender required to enroll in satellite-based monitoring pursuant to G.S. 14-208.40A or G.S. 14-208.40B who receives an active sentence shall be enrolled and receive the appropriate equipment immediately upon the offender's release from the Section of Prisons of the Division of Adult ~~Correction.~~Correction and Juvenile Justice.

(b) Any offender required to enroll in satellite-based monitoring pursuant to G.S. 14-208.40A or G.S. 14-208.40B who receives an intermediate punishment shall, immediately upon sentencing, report to the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice for enrollment in the satellite-based monitoring program, and, if necessary, shall return at any time designated by that Division to receive the appropriate equipment. If the intermediate sentence includes a required period of imprisonment, the offender shall not be required to be enrolled in the satellite-based monitoring program during the period of imprisonment.

(c) Any offender required to enroll in satellite-based monitoring pursuant to G.S. 14-208.40A or G.S. 14-208.40B who receives a community punishment shall, immediately upon sentencing, report to the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice for enrollment in the satellite-based monitoring

program, and, if necessary, shall return at any time designated by that Section to receive the appropriate equipment."

SECTION 2.(x) G.S. 14-208.41 reads as rewritten:

"**§ 14-208.41. Enrollment in satellite-based monitoring programs mandatory; length of enrollment.**

(a) Any person described by G.S. 14-208.40(a)(1) shall enroll in a satellite-based monitoring program with the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice office in the county where the person resides. The person shall remain enrolled in the satellite-based monitoring program for the registration period imposed under G.S. 14-208.23 which is the person's life, unless the requirement to enroll in the satellite-based monitoring program is terminated pursuant to G.S. 14-208.43.

(b) Any person described by G.S. 14-208.40(a)(2) who is ordered by the court pursuant to G.S. 14-208.40A or G.S. 14-208.40B to enroll in a satellite-based monitoring program shall do so with the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice office in the county where the person resides. The person shall remain enrolled in the satellite-based monitoring program for the period of time ordered by the court.

(c) Any person described by G.S. 14-208.40(a)(3), upon completion of active punishment, shall enroll in a satellite-based monitoring program with the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice office in the county where the person resides. The person shall enroll in the satellite-based monitoring program for the entire period of post-release supervision and shall remain enrolled in the satellite-based monitoring program for the person's life, unless the requirement to enroll in the satellite-based monitoring program is terminated pursuant to G.S. 14-208.43."

SECTION 2.(y) G.S. 14-208.42 reads as rewritten:

"**§ 14-208.42. Offenders required to submit to satellite-based monitoring required to cooperate with Division of Adult Correction and Juvenile Justice upon completion of sentence.**

Notwithstanding any other provision of law, when an offender is required to enroll in satellite-based monitoring pursuant to G.S. 14-208.40A or G.S. 14-208.40B, upon completion of the offender's sentence and any term of parole, post-release supervision, intermediate punishment, or supervised probation that follows the sentence, the offender shall continue to be enrolled in the satellite-based monitoring program for the period required by G.S. 14-208.40A or G.S. 14-208.40B unless the requirement that the person enroll in a satellite-based monitoring program is terminated pursuant to G.S. 14-208.43.

The Division of Adult Correction and Juvenile Justice shall have the authority to have contact with the offender at the offender's residence or to require the offender to appear at a specific location as needed for the purpose of enrollment, to receive monitoring equipment, to have equipment examined or maintained, and for any other purpose necessary to complete the requirements of the satellite-based monitoring program. The offender shall cooperate with the Division of Adult Correction and Juvenile Justice and the requirements of the satellite-based monitoring program until the offender's requirement to enroll is terminated and the offender has returned all monitoring equipment to the Division of Adult ~~Correction.~~Correction and Juvenile Justice."

SECTION 2.(z) G.S. 14-208.43(d1) reads as rewritten:

"(d1) Notwithstanding the provisions of this section, if the Commission is notified by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety that the offender has been released, pursuant to G.S. 14-208.12A, from the requirement to register under Part 2 of Article 27A of this Chapter, upon request of the offender, the Commission shall order the termination of the monitoring requirement."

SECTION 2.(aa) G.S. 14-208.44 reads as rewritten:

"**§ 14-208.44. Failure to enroll; tampering with device.**

(a) Any person required to enroll in a satellite-based monitoring program who fails to enroll shall be guilty of a Class F felony.

(b) Any person who intentionally tampers with, removes, vandalizes, or otherwise interferes with the proper functioning of a device issued pursuant to a satellite-based monitoring program to a person duly enrolled in the program shall be guilty of a Class E felony.

(c) Any person required to enroll in a satellite-based monitoring program who fails to provide necessary information to the Division of Adult ~~Correction,~~Correction and Juvenile Justice or fails to cooperate with the Division of Adult ~~Correction's~~Correction and Juvenile Justice's guidelines and regulations for the program shall be guilty of a Class 1 misdemeanor.

(d) For purposes of this section, "enroll" shall include appearing, as directed by the Division of Adult ~~Correction,~~Correction and Juvenile Justice to receive the necessary equipment."

SECTION 2.(bb) G.S. 14-208.45 reads as rewritten:

"**§ 14-208.45. Fees.**

(a) Except as provided in subsections (b) and (b1) of this section, each person required to enroll pursuant to this Part shall pay a one-time fee of ninety dollars ($90.00). The fee shall be payable to the clerk of superior court, and the fees shall be remitted quarterly to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. This fee is intended to offset only the costs associated with the time-correlated tracking of the geographic location of subjects using the location tracking crime correlation system.

(b) When a court determines a person is required to enroll pursuant to G.S. 14-208.40A or G.S. 14-208.40B, the court may exempt a person from paying the fee required by subsection (a) of this section only for good cause and upon motion of the person required to enroll in satellite-based monitoring. The court may require that the fee be paid in advance or in a lump sum or sums, and a probation officer may require payment by those methods.

(c) When a person is required to enroll based on a determination by the Division of Adult Correction and Juvenile Justice pursuant to G.S. 14-208.40B, the Division of Adult Correction and Juvenile Justice shall have the authority to exempt the person from paying the fee only for good cause and upon request of the person required to enroll in satellite-based monitoring. The Division of Adult Correction and Juvenile Justice may require that the fee be paid in advance or in a lump sum or sums, and a probation officer may require payment by those methods."

SECTION 2.(cc) G.S. 14-239 reads as rewritten:

"**§ 14-239. Allowing prisoners to escape; punishment.**

If any sheriff, deputy sheriff, jailer, or other custodial personnel shall willfully or wantonly allow the escape of any person committed to that person's custody who is (i) a person charged with a crime, (ii) a person sentenced by the court upon conviction of any offense, or (iii) committed to the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, that person shall be guilty of a Class 1 misdemeanor. No prosecution shall be brought against any such officer pursuant to this section by reason of a prisoner being allowed to participate pursuant to court order in any work release, work study, community service, or other lawful program, or by reason of any such prisoner failing to return from participation in any such program."

SECTION 2.(dd) G.S. 14-258.1 reads as rewritten:

"**§ 14-258.1. Furnishing poison, controlled substances, deadly weapons, cartridges, ammunition or alcoholic beverages to inmates of charitable, mental or penal institutions or local confinement facilities; furnishing tobacco products including vapor products; or furnishing mobile phones to inmates or delinquent juveniles.**

...

(c) Any person who knowingly gives or sells any tobacco products, including vapor products, as defined in G.S. 148-23.1, to an inmate in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and on the premises of a correctional facility or to an inmate in the custody of a local confinement facility, or any person who knowingly gives or sells any tobacco products, including vapor products, to a person who is not an inmate for delivery to an inmate in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and on the premises of a correctional facility or to an inmate in the custody of a local confinement facility, other than for authorized religious purposes, is guilty of a Class 1 misdemeanor.

(d) Any person who knowingly gives or sells a mobile telephone or other wireless communications device, or a component of one of those devices, to an inmate in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, to a delinquent juvenile in the custody of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, or to an inmate in the custody of a local confinement facility, or any person who knowingly gives or sells any such device or component to a person who is not an inmate or delinquent juvenile for delivery to an inmate or delinquent juvenile, is guilty of a Class H felony.

For purposes of this subsection, a delinquent juvenile in the custody of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall mean a juvenile confined in a youth development center or a detention facility as defined in G.S. 7B-1501, and shall include transportation of a juvenile to or from confinement.

...."

SECTION 2.(ee) G.S. 14-258.2(b) reads as rewritten:

"(b) A person is guilty of a Class H felony if he assists a prisoner in the custody of the Section of Prisons of the Division of Adult Correction and Juvenile Justice or of any local confinement facility as defined in G.S. 153A-217 in escaping or attempting to escape and:

(1) In the perpetration of the escape or attempted escape he commits an assault with a deadly weapon and inflicts bodily injury; or

(2) By the use of a deadly weapon he effects the escape of the prisoner."

SECTION 2.(ff) G.S. 14-258.3 reads as rewritten:

"**§ 14-258.3. Taking of hostage, etc., by prisoner.**

Any prisoner in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, including persons in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pending trial or appellate review or for presentence diagnostic evaluation, or any prisoner in the custody of any local confinement facility (as defined in G.S. 153A-217), or any person in the custody of any local confinement facility (as defined in G.S. 153A-217) pending trial or appellate review or for any lawful purpose, who by threats, coercion, intimidation or physical force takes, holds, or carries away any person, as hostage or otherwise, shall be punished as a Class F felon. The provisions of this section apply to: (i) violations committed by any prisoner in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, whether inside or outside of the facilities of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety; (ii) violations committed by any prisoner or by any other person lawfully under the custody of any local confinement facility (as defined in G.S. 153A-217), whether inside or outside the local confinement facilities (as defined in G.S. 153A-217)."

SECTION 2.(gg) G.S. 14-258.4(a) reads as rewritten:

"(a) Any person in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, including the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, any law enforcement officer, or any local confinement facility (as defined in G.S. 153A-217, or G.S. 153A-230.1), including persons pending trial, appellate review, or presentence diagnostic evaluation, who

knowingly and willfully throws, emits, or causes to be used as a projectile, bodily fluids or excrement at a person who is an employee of the State or a local government while the employee is in the performance of the employee's duties is guilty of a Class F felony. The provisions of this section apply to violations committed inside or outside of the prison, jail, detention center, or other confinement facility."

SECTION 2.(hh) G.S. 14-269(b)(9) reads as rewritten:

"(b) This prohibition shall not apply to the following persons:

...

(9) State correctional officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body. If the concealed weapon is a handgun, the correctional officer must meet the firearms training standards of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 2.(ii) G.S. 14-316.1 reads as rewritten:

"**§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

Any person who is at least 16 years old who knowingly or willfully causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty of a Class 1 misdemeanor.

It is not necessary for the district court exercising juvenile jurisdiction to make an adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to prosecute a parent or any person, including an employee of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety under this section. An adjudication that a juvenile is delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or any other person including an employee of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or neglected condition of any juvenile."

SECTION 2.(jj) G.S. 14-415.10 reads as rewritten:

"**§ 14-415.10. Definitions.**

The following definitions apply to this Article:

...

(4b) Qualified retired probation or parole certified officer. – An individual who retired from service as a State probation or parole certified officer, other than for reasons of mental disability, who has been retired as a probation or parole certified officer two years or less from the date of the permit application and who meets all of the following criteria:

a. Immediately before retirement, the individual met firearms training standards of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and was authorized by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to carry a handgun in the course of duty.

b. The individual retired in good standing and was never a subject of a disciplinary action by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety that would have prevented the individual from carrying a handgun.

c. The individual has a vested right to benefits under the Teachers' and State Employees' Retirement System of North Carolina established under Article 1 of Chapter 135 of the General Statutes.

d. The individual is not prohibited by State or federal law from receiving a firearm.

...."

SECTION 2.(kk) G.S. 15-6.1 reads as rewritten:

"**§ 15-6.1. Changing place of confinement of prisoner committing offense.**

In all cases where a defendant has been convicted in a court inferior to the superior court and sentenced to a term in the county jail or to serve in some county institution other than under the supervision of the State Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and such defendant is subsequently brought before such court for an offense committed prior to the expiration of the term to be served in such county institution, upon conviction, plea of guilty or nolo contendere, the judge shall have the power and authority to change the place of confinement of the prisoner and commit such defendant to work under the supervision of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. This provision shall apply whether or not the terms of the new sentence are to run concurrently with or consecutive to the remaining portion of the old sentence."

SECTION 2.(ll) G.S. 15-10.1 reads as rewritten:

"**§ 15-10.1. Detainer; purpose; manner of use.**

Any person confined in the State prison system of North Carolina, subject to the authority and control of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, or any person confined in any other prison of North Carolina, may be held to account for any other charge pending against him only upon a written order from the clerk or judge of the court in which the charge originated upon a case regularly docketed, directing that such person be held to answer the charge pending in such court; and in no event shall the prison authorities hold any person to answer any charge upon a warrant or notice when the charge has not been regularly docketed in the court in which the warrant or charge has been issued: Provided, that this section shall not apply to any State agency exercising supervision over such person or prisoner by virtue of a judgment, order of court or statutory authority."

SECTION 2.(mm) G.S. 15-194(a) reads as rewritten:

"(a) In sentencing a capital defendant to a death sentence pursuant to G.S. 15A-2000(b), the sentencing judge need not specify the date and time the execution is to be carried out by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Attorney General of North Carolina shall provide written notification to the Secretary of the Department of Public Safety of the occurrence of any of the following not more than 90 days from that occurrence:

...."

SECTION 2.(nn) G.S. 15-196.3 reads as rewritten:

"**§ 15-196.3. Effect of credit.**

Time creditable under this section shall reduce the minimum and maximum term of a sentence; and, irrespective of sentence, shall reduce the time required to attain privileges made available to inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety which are dependent, in whole or in part, upon the passage of a specific length of time in custody, including parole or post-release supervision consideration by the Post-Release Supervision and Parole Commission. However, nothing in this section shall be construed as requiring an automatic award of privileges by virtue of the passage of time."

SECTION 2.(oo) G.S. 15-206 reads as rewritten:

"**§ 15-206. Cooperation with Division of Adult Correction and Juvenile Justice of the Department of Public Safety and officials of local units.**

It is hereby made the duty of every city, county, or State official or department to render all assistance and cooperation within the official's or the Department's fundamental power which may further the objects of this Article. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Secretary of Public Safety, and the probation officers are authorized to seek the cooperation of such officials and departments, and especially of the county superintendents of social services and of the Department of Health and Human Services."

SECTION 2.(pp) G.S. 15-209 reads as rewritten:

"**§ 15-209. Accommodations for probation offices.**

(a) The county commissioners in each county in which a probation office exists shall provide, in or near the courthouse, suitable office space for those probation officers assigned to the county who have probationary caseloads and their administrative support. This requirement does not include management staff of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, nonprobation staff, or other Division of Adult Correction and Juvenile Justice of the Department of Public Safety employees.

(b) If a county is unable to provide the space required under subsection (a) of this section for any reason, it may elect to request that the Division of Adult Correction and Juvenile Justice of the Department of Public Safety lease space for the probation office and receive reimbursement from the county for the leased space. If a county fails to reimburse the Division for such leased space, the Secretary of Public Safety may request that the Administrative Office of the Courts transfer the unpaid amount to the Division from the county's court and jail facility fee remittances."

SECTION 2.(qq) G.S. 15A-145(c) reads as rewritten:

"(c) The court shall also order that the misdemeanor conviction, or a civil revocation of a drivers license as the result of a criminal charge, be expunged from the records of the court. The court shall direct all law-enforcement agencies, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Division of Motor Vehicles, and any other State or local government agencies identified by the petitioner as bearing record of the same to expunge their records of the petitioner's conviction or a civil revocation of a drivers license as the result of a criminal charge. This subsection does not apply to civil or criminal charges based upon the civil revocation, or to civil revocations under G.S. 20-16.2. The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150. The clerk shall forward a certified copy of the order to the Division of Motor Vehicles for the expunction of a civil revocation provided the underlying criminal charge is also expunged. The civil revocation of a drivers license shall not be expunged prior to a final disposition of any pending civil or criminal charge based upon the civil revocation."

SECTION 2.(rr) G.S. 15A-145.1(b) reads as rewritten:

"(b) If the court, after hearing, finds that (i) the petitioner was dismissed and the proceedings against the petitioner discharged pursuant to G.S. 14-50.29 and that the person had not yet attained 18 years of age at the time of the offense or (ii) the petitioner has remained of good behavior and been free of conviction of any felony or misdemeanor other than a traffic violation for two years from the date of conviction of the offense in question, the petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against the petitioner, and the petitioner had not attained the age of 18 years at the time of the offense in question, it shall order that such person be restored, in the contemplation of the law, to the status occupied by the petitioner before such arrest or indictment or information, and that the record be expunged from the records of the court. No person as to whom such order has been entered shall be held thereafter under any provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such arrest, or indictment or information, or trial, or response to any inquiry made of the person for any purpose. The court shall also direct all law enforcement agencies, the

Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Division of Motor Vehicles, and any other State or local government agencies identified by the petitioner as bearing record of the same to expunge their records of the petitioner's criminal charge and any conviction resulting from the charge. The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150."

SECTION 2.(ss) G.S. 15A-145.2(a) reads as rewritten:

"(a) Whenever a person is discharged, and the proceedings against the person dismissed, pursuant to G.S. 90-96(a) or (a1), and the person was not over 21 years of age at the time of the offense, the person may apply to the court for an order to expunge from all official records, other than the confidential files retained under G.S. 15A-151, all recordation relating to the person's arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. The applicant shall attach to the application the following:

(1) An affidavit by the petitioner that he or she has been of good behavior during the period of probation since the decision to defer further proceedings on the offense in question and has not been convicted of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state;

(2) Verified affidavits by two persons who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which he or she lives, and that the petitioner's character and reputation are good;

(3) Repealed by Session Laws 2010-174, s. 5, effective October 1, 2010, and applicable to petitions for expunctions filed on or after that date.

(3a) An application on a form approved by the Administrative Office of the Courts requesting and authorizing a name-based State and national criminal record check by the Department of Justice using any information required by the Administrative Office of the Courts to identify the individual and a search of the confidential record of expunctions maintained by the Administrative Office of the Courts. The application shall be forwarded to the Department of Justice and to the Administrative Office of the Courts, which shall conduct the searches and report their findings to the court.

The judge to whom the petition is presented is authorized to call upon a probation officer for any additional investigation or verification of the petitioner's conduct during the probationary period deemed desirable.

If the court determines, after hearing, that such person was discharged and the proceedings against him or her dismissed and that the person was not over 21 years of age at the time of the offense, it shall enter such order. The effect of such order shall be to restore such person in the contemplation of the law to the status the person occupied before such arrest or indictment or information. No person as to whom such order was entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failures to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made of him or her for any purpose.

The court shall also order that all records of the proceeding be expunged from the records of the court and direct all law enforcement agencies, the Division of Adult ~~Correction,~~Correction and Juvenile Justice, the Division of Motor Vehicles, and any other State and local government agencies identified by the petitioner as bearing records of the same to expunge their records of the proceeding. The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150."

SECTION 2.(tt) G.S. 15A-146(b) reads as rewritten:

"(b) The court may also order that the said entries, including civil revocations of drivers licenses as a result of the underlying charge, shall be expunged from the records of the court,

and direct all law-enforcement agencies, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Division of Motor Vehicles, and any other State or local government agencies identified by the petitioner as bearing record of the same to expunge their records of the entries, including civil revocations of drivers licenses as a result of the underlying charge being expunged. This subsection does not apply to civil or criminal charges based upon the civil revocation, or to civil revocations under G.S. 20-16.2. The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150. The clerk shall forward a certified copy of the order to the Division of Motor Vehicles for the expunction of a civil revocation provided the underlying criminal charge is also expunged. The civil revocation of a drivers license shall not be expunged prior to a final disposition of any pending civil or criminal charge based upon the civil revocation. The costs of expunging the records, as required under G.S. 15A-150, shall not be taxed against the petitioner."

SECTION 2.(uu) G.S. 15A-147 reads as rewritten:

"**§ 15A-147. Expunction of records when charges are dismissed or there are findings of not guilty as a result of identity theft.**

...

(c) The court shall also order that the said entries shall be expunged from the records of the court and direct all law enforcement agencies, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Division of Motor Vehicles, or any other State or local government agencies identified by the petitioner, or the person eligible for automatic expungement under subsection (a1) of this section, as bearing record of the same to expunge their records of the entries. The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150. The costs of expunging the records, as required under G.S. 15A-150, shall not be taxed against the petitioner.

...

(e) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety and any other applicable State or local government agency shall expunge its records as provided in G.S. 15A-150. The agency shall also reverse any administrative actions taken against a person whose record is expunged under this section as a result of the charges or convictions expunged. Notwithstanding any other provision of law, the normal fee for any reinstatement of a license or privilege resulting under this section shall be waived.

...."

SECTION 2.(vv) G.S. 15A-149(b) reads as rewritten:

"(b) The order of expunction shall include an instruction that any entries relating to the person's apprehension, charge, or trial shall be expunged from the records of the court and direct all law enforcement agencies, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Division of Motor Vehicles, or any other State or local government agencies identified by the petitioner as bearing record of the same to expunge their records of the entries. The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150. The costs of expunging the records, as required under G.S. 15A-150, shall not be taxed against the petitioner."

SECTION 2.(ww) G.S. 15A-534(a) reads as rewritten:

"(a) In determining conditions of pretrial release a judicial official must impose at least one of the following conditions:

(1) Release the defendant on his written promise to appear.

(2) Release the defendant upon his execution of an unsecured appearance bond in an amount specified by the judicial official.

(3) Place the defendant in the custody of a designated person or organization agreeing to supervise him.

(4) Require the execution of an appearance bond in a specified amount secured by a cash deposit of the full amount of the bond, by a mortgage pursuant to G.S. 58-74-5, or by at least one solvent surety.

(5) House arrest with electronic monitoring.

If condition (5) is imposed, the defendant must execute a secured appearance bond under subdivision (4) of this subsection. If condition (3) is imposed, however, the defendant may elect to execute an appearance bond under subdivision (4). If the defendant is required to provide fingerprints pursuant to G.S. 15A-502(a1), (a2), (a4), or (a6), or a DNA sample pursuant to G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the fingerprints or DNA sample have not yet been taken or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial official shall make the collection of the fingerprints or DNA sample a condition of pretrial release. The judicial official may also place restrictions on the travel, associations, conduct, or place of abode of the defendant as conditions of pretrial release. The judicial official may include as a condition of pretrial release that the defendant abstain from alcohol consumption, as verified by the use of a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and that any violation of this condition be reported by the monitoring provider to the district attorney."

SECTION 2.(xx) G.S. 15A-534.1(a) reads as rewritten:

"(a) In all cases in which the defendant is charged with assault on, stalking, communicating a threat to, or committing a felony provided in Articles 7A, 8, 10, or 15 of Chapter 14 of the General Statutes upon a spouse or former spouse, a person with whom the defendant lives or has lived as if married, or a person with whom the defendant is or has been in a dating relationship as defined in G.S. 50B-1(b)(6), with domestic criminal trespass, or with violation of an order entered pursuant to Chapter 50B, Domestic Violence, of the General Statutes, the judicial official who determines the conditions of pretrial release shall be a judge. The judge shall direct a law enforcement officer or a district attorney to provide a criminal history report for the defendant and shall consider the criminal history when setting conditions of release. After setting conditions of release, the judge shall return the report to the providing agency or department. No judge shall unreasonably delay the determination of conditions of pretrial release for the purpose of reviewing the defendant's criminal history report. The following provisions shall apply in addition to the provisions of G.S. 15A-534:

(1) Upon a determination by the judge that the immediate release of the defendant will pose a danger of injury to the alleged victim or to any other person or is likely to result in intimidation of the alleged victim and upon a determination that the execution of an appearance bond as required by G.S. 15A-534 will not reasonably assure that such injury or intimidation will not occur, a judge may retain the defendant in custody for a reasonable period of time while determining the conditions of pretrial release.

(2) A judge may impose the following conditions on pretrial release:

a. That the defendant stay away from the home, school, business or place of employment of the alleged victim.

b. That the defendant refrain from assaulting, beating, molesting, or wounding the alleged victim.

c. That the defendant refrain from removing, damaging or injuring specifically identified property.

d. That the defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.

e. That the defendant abstain from alcohol consumption, as verified by the use of a continuous alcohol monitoring system, of a type

approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and that any violation of this condition be reported by the monitoring provider to the district attorney.

The conditions set forth above may be imposed in addition to requiring that the defendant execute a secured appearance bond.

(3) Should the defendant be mentally ill and dangerous to himself or others or a substance abuser and dangerous to himself or others, the provisions of Article 5 of Chapter 122C of the General Statutes shall apply."

SECTION 2.(yy) G.S. 15A-544.3(b) reads as rewritten:

"(b) The forfeiture shall contain the following information:

...

(9) The following notice: "TO THE DEFENDANT AND EACH SURETY NAMED ABOVE: The defendant named above has failed to appear as required before the court in the case identified above. A forfeiture for the amount of the bail bond shown above was entered in favor of the State against the defendant and each surety named above on the date of forfeiture shown above. This forfeiture will be set aside if, on or before the final judgment date shown above, satisfactory evidence is presented to the court that one of the following events has occurred: (i) the defendant's failure to appear has been stricken by the court in which the defendant was required to appear and any order for arrest that was issued for that failure to appear is recalled, (ii) all charges for which the defendant was bonded to appear have been finally disposed by the court other than by the State's taking a voluntary dismissal with leave, (iii) the defendant has been surrendered by a surety or bail agent to a sheriff of this State as provided by law, (iv) the defendant has been served with an Order for Arrest for the Failure to Appear on the criminal charge in the case in question as evidenced by a copy of an official court record, including an electronic record, (v) the defendant died before or within the period between the forfeiture and the final judgment as demonstrated by the presentation of a death certificate, (vi) the defendant was incarcerated in a unit of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and is serving a sentence or in a unit of the Federal Bureau of Prisons located within the borders of the State at the time of the failure to appear as evidenced by a copy of an official court record or a copy of a document from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or Federal Bureau of Prisons, or (vii) the defendant was incarcerated in a local, state, or federal detention center, jail, or prison located anywhere within the borders of the United States at the time of the failure to appear, and the district attorney for the county in which the charges are pending was notified of the defendant's incarceration while the defendant was still incarcerated and the defendant remains incarcerated for a period of 10 days following the district attorney's receipt of notice, as evidenced by a copy of the written notice served on the district attorney via hand delivery or certified mail and written documentation of date upon which the defendant was released from incarceration, if the defendant was released prior to the time the motion to set aside was filed. The forfeiture will not be set aside for any other reason. If this forfeiture is not set aside on or before the final judgment date shown above, and if no motion to set it aside is pending on that date, the forfeiture will become a final judgment on that date. The final judgment will be

enforceable by execution against the defendant and any accommodation bondsman and professional bondsman on the bond. The final judgment will also be reported to the Department of Insurance. Further, no surety will be allowed to execute any bail bond in the above county until the final judgment is satisfied in full."

SECTION 2.(zz) G.S. 15A-544.5(b) reads as rewritten:

"(b) Reasons for Set Aside. – Except as provided by subsection (f) of this section, a forfeiture shall be set aside for any one of the following reasons, and none other:

...

(6) The defendant was incarcerated in a unit of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and is serving a sentence or in a unit of the Federal Bureau of Prisons located within the borders of the State at the time of the failure to appear as evidenced by a copy of an official court record or a copy of a document from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or Federal Bureau of Prisons, including an electronic record."

SECTION 2.(aaa) G.S. 15A-615(c) reads as rewritten:

"(c) If the defendant is in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the defendant shall be tested by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. If the defendant is not in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the defendant shall be tested by the local health department. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall inform the local health director of all test results. The local health director shall ensure that the victim is informed of the results of the tests and counseled appropriately. The agency conducting the tests shall inform the defendant of the results of the tests and ensure that the defendant is counseled appropriately. The results of the tests shall not be admissible as evidence in any criminal proceeding."

SECTION 2.(bbb) G.S. 15A-821(a) reads as rewritten:

"(a) If a judge of a court of general jurisdiction in any other state, which by its laws has made provision for commanding a prisoner within that state to attend and testify in this State, certifies under the seal of that court that there is a criminal prosecution pending in the court or that a grand jury investigation has commenced, and that a person confined in an institution under the control of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety of North Carolina, other than a person confined as criminally insane, is a material witness in the prosecution or investigation and that his presence is required for a specified number of days, upon presentment of the certificate to a superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the person is confined, upon notice to the Attorney General, the judge must fix a time and place for a hearing and order the person having custody of the prisoner to produce him at the hearing."

SECTION 2.(ccc) G.S. 15A-830(a) reads as rewritten:

"(a) The following definitions apply in this Article:

...

(3) Custodial agency. – The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by this Article including, but not limited to, local jails or detention facilities, regional jails or detention facilities, facilities designated under G.S. 122C-252 for the custody and treatment of involuntary clients, or the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 2.(ddd) G.S. 15A-832(g) reads as rewritten:

"(g) At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the identifying information set forth in G.S. 15A-831(c) about any victim's electing to receive further notices under this Article. The clerk of superior court shall include the form with the final judgment and commitment, or judgment suspending sentence, transmitted to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or other agency receiving custody of the defendant and shall be maintained by the custodial agency as a confidential file."

SECTION 2.(eee) G.S. 15A-837 reads as rewritten:

"**§ 15A-837. Responsibilities of Section of Community Corrections of the Division of Adult ~~Correction.~~Correction and Juvenile Justice.**

(a) The Section of Community Corrections of the Division of Adult Correction and Juvenile Justice shall notify the victim of:

...."

SECTION 2.(fff) G.S. 15A-1332(c) reads as rewritten:

"(c) Presentence Commitment for Study. – When the court desires more detailed information as a basis for determining the sentence to be imposed than can be provided by a presentence investigation, the court may commit a defendant to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for study for the shortest period necessary to complete the study, not to exceed 90 days, if that defendant has been charged with or convicted of any felony or a Class A1 or Class 1 misdemeanor crime or crimes for which he may be imprisoned for more than six months and if he consents. The period of commitment must end when the study is completed, and may not exceed 90 days. The Division must conduct a complete study of a defendant committed to it under this subsection, inquiring into such matters as the defendant's previous delinquency or criminal experience, his social background, his capabilities, his mental, emotional and physical health, and the availability of resources or programs appropriate to the defendant. Upon completion of the study or the end of the 90-day period, whichever occurs first, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety must release the defendant to the sheriff of the county in which his case is docketed. The Division must forward the study to the clerk in that county, including whatever recommendations the Division believes will be helpful to a proper resolution of the case. When a defendant is returned from a presentence commitment for study, the conditions of pretrial release which obtained for the defendant before the commitment continue until judgment is entered, unless the conditions are modified under the provisions of G.S. 15A-534(e)."

SECTION 2.(ggg) G.S. 15A-1340.13(d) reads as rewritten:

"(d) Service of Minimum Required; Earned Time Authorization. – An offender sentenced to an active punishment shall serve the minimum term imposed, except as provided in G.S. 15A-1340.18. The maximum term may be reduced to, but not below, the minimum term by earned time credits awarded to an offender by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or the custodian of the local confinement facility, pursuant to rules adopted in accordance with law."

SECTION 2.(hhh) G.S. 15A-1340.16(d) reads as rewritten:

"(d) Aggravating Factors. – The following are aggravating factors:

...

(6) The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, employee of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, jailer, fireman, emergency medical technician, ambulance attendant, social worker, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while

engaged in the performance of that person's official duties or because of the exercise of that person's official duties.

...."

SECTION 2.(iii) G.S. 15A-1340.18(b) reads as rewritten:

"(b) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety is authorized to create risk reduction incentives consisting of treatment, education, and rehabilitative programs. The incentives shall be designed to reduce the likelihood that the prisoner who receives the incentive will reoffend."

SECTION 2.(jjj) G.S. 15A-1340.20(d) reads as rewritten:

"(d) Earned Time Authorization. – An offender sentenced to a term of imprisonment that is activated is eligible to receive earned time credit for misdemeanant offenders awarded by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or the custodian of a local confinement facility, pursuant to rules adopted in accordance with law and pursuant to G.S. 162-60. These rules and statute combined shall not award misdemeanant offenders more than four days of earned time credit per month of incarceration."

SECTION 2.(kkk) G.S. 15A-1342(a1) reads as rewritten:

"(a1) Supervision of Defendants on Deferred Prosecution or Conditional Discharge. – The Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may be ordered by the court to supervise an offender's compliance with the terms of a conditional discharge or deferred prosecution agreement. Violations of the terms of the agreement or conditional discharge shall be reported to the court as provided in this Article and to the district attorney in the district in which the agreement was entered."

SECTION 2.(lll) G.S. 15A-1343 reads as rewritten:

"**§ 15A-1343. Conditions of probation.**

...

(b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

(16) Supply a breath, urine, or blood specimen for analysis of the possible presence of prohibited drugs or alcohol when instructed by the defendant's probation officer for purposes directly related to the probation supervision. If the results of the analysis are positive, the probationer may be required to reimburse the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the actual costs of drug or alcohol screening and testing.

...

In addition to these regular conditions of probation, a defendant required to serve an active term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and regulations of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety governing the conduct of inmates while imprisoned and report to a probation officer in the State of North Carolina within 72 hours of his discharge from the active term of imprisonment.

Regular conditions of probation apply to each defendant placed on supervised probation unless the presiding judge specifically exempts the defendant from one or more of the conditions in open court and in the judgment of the court. It is not necessary for the presiding judge to state each regular condition of probation in open court, but the conditions must be set forth in the judgment of the court.

Defendants placed on unsupervised probation are subject to the provisions of this subsection, except that defendants placed on unsupervised probation are not subject to the

regular conditions contained in subdivisions (2), (3), (6), (8), (13), (14), (15), (16), and (17) of this subsection.

(b1) Special Conditions. – In addition to the regular conditions of probation specified in subsection (b), the court may, as a condition of probation, require that during the probation the defendant comply with one or more of the following special conditions:

...

(6) Perform community or reparation service under the supervision of the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice and pay the fee required by G.S. 143B-708.

...

(b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – As special conditions of probation, a defendant who has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, must:

...

(8) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is in the category described by G.S. 14-208.40(a)(2), and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, based on the Division's risk assessment program, recommends that the defendant submit to the highest possible level of supervision and monitoring.

(9) Submit at reasonable times to warrantless searches by a probation officer of the probationer's person and of the probationer's vehicle and premises while the probationer is present, for purposes specified by the court and reasonably related to the probation supervision, but the probationer may not be required to submit to any other search that would otherwise be unlawful. For purposes of this subdivision, warrantless searches of the probationer's computer or other electronic mechanism which may contain electronic data shall be considered reasonably related to the probation supervision. Whenever the warrantless search consists of testing for the presence of illegal drugs, the probationer may also be required to reimburse the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the actual cost of drug screening and drug testing, if the results are positive.

Defendants subject to the provisions of this subsection shall not be placed on unsupervised probation.

(b3) Screening and Assessing for Chemical Dependency. – A defendant ordered to submit to a period of residential treatment in the Drug Alcohol Recovery Treatment program (DART) or the Black Mountain Substance Abuse Treatment Center for Women operated by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety must undergo a screening to determine chemical dependency. If the screening indicates the defendant is chemically dependent, the court shall order an assessment to determine the appropriate level of treatment. The assessment may be conducted either before or after the court imposes the condition, but participation in the program shall be based on the results of the assessment.

(b4) Intermediate Conditions. – The following conditions of probation apply to each defendant subject to intermediate punishment:

(1) If required in the discretion of the defendant's probation officer, perform community service under the supervision of the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice and pay the fee required by G.S. 143B-708.

(2) Not use, possess, or control alcohol.
(3) Remain within the county of residence unless granted written permission to leave by the court or the defendant's probation officer.
(4) Participate in any evaluation, counseling, treatment, or educational program as directed by the probation officer, keeping all appointments and abiding by the rules, regulations, and direction of each program.

These conditions apply to each defendant subject to intermediate punishment unless the court specifically exempts the defendant from one or more of the conditions in its judgment or order. It is not necessary for the presiding judge to state each of these conditions in open court, but the conditions must be set forth in the judgment or order of the court.

...."

SECTION 2.(mmm) G.S. 15A-1343.2 reads as rewritten:

"**§ 15A-1343.2. Special probation rules for persons sentenced under Article 81B.**

...

(b) Purposes of Probation for Community and Intermediate Punishments. – The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall develop a plan to handle offenders sentenced to community and intermediate punishments. The probation program designed to handle these offenders shall have the following principal purposes: to hold offenders accountable for making restitution, to ensure compliance with the court's judgment, to effectively rehabilitate offenders by directing them to specialized treatment or education programs, and to protect the public safety.

(b1) Departmental Risk Assessment by Validated Instrument Required. – As part of the probation program developed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pursuant to subsection (b) of this section, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall use a validated instrument to assess each probationer for risk of reoffending and shall place a probationer in a supervision level based on the probationer's risk of reoffending and criminogenic needs.

...

(e) Delegation to Probation Officer in Community Punishment. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may require an offender sentenced to community punishment to do any of the following:

...

(f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may require an offender sentenced to intermediate punishment to do any of the following:

...."

SECTION 2.(nnn) G.S. 15A-1343.3 reads as rewritten:

"**§ 15A-1343.3. Division of Adult Correction and Juvenile Justice of the Department of Public Safety to establish regulations for continuous alcohol monitoring systems; payment of fees; authority to terminate monitoring.**

(a) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall establish regulations for continuous alcohol monitoring systems that are authorized for use by the courts as evidence that an offender on probation has abstained from the use of alcohol for a specified period of time. A "continuous alcohol monitoring system" is a device that is worn by a person that can detect, monitor, record, and report the amount of alcohol within the wearer's system over a continuous 24-hour daily basis. The regulations shall include the procedures for supervision of the offender, collection and monitoring of the results, and the

transmission of the data to the court for consideration by the court. All courts, including those using continuous alcohol monitoring systems prior to July 4, 2007, shall comply with the regulations established by the Division pursuant to this section.

The Secretary, or the Secretary's designee, shall approve continuous alcohol monitoring systems for use by the courts prior to their use by a court as evidence of alcohol abstinence, or their use as a condition of probation. The Secretary shall not unreasonably withhold approval of a continuous alcohol monitoring system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against.

...."

SECTION 2.(ooo) G.S. 15A-1344 reads as rewritten:

"**§ 15A-1344. Response to violations; alteration and revocation.**

...

(c) Procedure on Altering or Revoking Probation; Returning Probationer to District Where Sentenced. – When a judge reduces, terminates, extends, modifies, or revokes probation outside the county where the judgment was entered, the clerk must send a copy of the order and any other records to the court where probation was originally imposed. A court on its own motion may return the probationer to the district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be, where probation was imposed or where the probationer resides for reduction, termination, continuation, extension, modification, or revocation of probation. In cases where the probation is revoked in a county other than the county of original conviction the clerk in that county must issue a commitment order and must file the order revoking probation and the commitment order, which will constitute sufficient permanent record of the proceeding in that court, and must send a certified copy of the order revoking probation, the commitment order, and all other records pertaining thereto to the county of original conviction to be filed with the original records. The clerk in the county other than the county of original conviction must issue the formal commitment to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...

(e) Special Probation in Response to Violation. – When a defendant has violated a condition of probation, the court may modify the probation to place the defendant on special probation as provided in this subsection. In placing the defendant on special probation, the court may continue or modify the conditions of probation and in addition require that the defendant submit to a period or periods of imprisonment, either continuous or noncontinuous, at whatever time or intervals within the period of probation the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the rules and regulations of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in either the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment imposed for the offense. For probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty

allowed by law. No confinement other than an activated suspended sentence may be required beyond the period of probation or beyond two years of the time the special probation is imposed, whichever comes first.

(e1) Criminal Contempt in Response to Violation. – If a defendant willfully violates a condition of probation, the court may hold the defendant in criminal contempt as provided in Article 1 of Chapter 5A of the General Statutes. A finding of criminal contempt by the court shall not revoke the probation. If the offender serves a sentence for contempt in a local confinement facility, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall pay for the confinement at the standard rate set by the General Assembly pursuant to G.S. 148-32.1(a) regardless of whether the offender would be eligible under the terms of that subsection.

...."

SECTION 2.(ppp) G.S. 15A-1351(a) reads as rewritten:

"(a) The judge may sentence to special probation a defendant convicted of a criminal offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment is authorized for the class of offense of which the defendant has been convicted. A defendant convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation. Under a sentence of special probation, the court may suspend the term of imprisonment and place the defendant on probation as provided in Article 82, Probation, and in addition require that the defendant submit to a period or periods of imprisonment in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or a designated local confinement or treatment facility at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court determines, as provided in this subsection. For probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1, all imprisonment under this subsection shall be in a designated local confinement or treatment facility. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the Rules and Regulations of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. Except for probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1, if imprisonment is for continuous periods, the confinement may be in the custody of either the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences of impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment imposed for the offense, and no confinement other than an activated suspended sentence may be required beyond two years of conviction. For probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. In imposing a sentence of special probation, the judge may credit any time spent committed or confined, as a result of the charge, to either the suspended sentence or to the imprisonment required for special probation. The original period of probation, including the period of imprisonment required for special probation, shall be as specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five years, except as provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate special probation as otherwise provided for probationary sentences."

SECTION 2.(qqq) G.S. 15A-1352 reads as rewritten:

"**§ 15A-1352. Commitment to Division of Adult Correction of the Department of Public Safety and Juvenile Justice or local confinement facility.**

...

(b) A person sentenced to imprisonment for a felony under this Article or for nonpayment of a fine for conviction of a felony under Article 84 of this Chapter shall be committed for the term designated by the court to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 2.(rrr) G.S. 15A-1353(f) reads as rewritten:

"(f) When the sentencing court, with the consent of the person sentenced, orders that a person convicted of a misdemeanor be granted work release, the following provisions must be included in the commitment, or in a separate order referred to in the commitment:

(1) The date work release is to begin;

(2) The prison or local confinement facility to which the offender is to be committed;

(3) A provision that work release terminates the date the offender loses his job or violates the conditions of the work-release plan established by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety; and

(4) A determination whether the earnings of the offender are to be disbursed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or the clerk of the sentencing court in the manner that the court in its order directs."

SECTION 2.(sss) G.S. 15A-1354(b) reads as rewritten:

"(b) Effect of Consecutive Terms. – In determining the effect of consecutive sentences imposed under authority of this Article and the manner in which they will be served, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety must treat the defendant as though he has been committed for a single term with the following incidents:

(1) The maximum prison sentence consists of the total of the maximum terms of the consecutive sentences, less 12 months for each of the second and subsequent sentences imposed for Class B through Class E felonies, or less 60 months for each second or subsequent Class B1 through E felony for which the sentence was established pursuant to G.S. 15A-1340.17(f), and less nine months for each of the second and subsequent sentences imposed for Class F through Class I felonies; and

(2) The minimum term consists of the total of the minimum terms of the consecutive sentences."

SECTION 2.(ttt) G.S. 15A-1355 reads as rewritten:

"**§ 15A-1355. Calculation of terms of imprisonment.**

(a) Commencement of Sentence. – The commencement date of a sentence of imprisonment under authority of this Article is as provided in G.S. 15A-1353(a), except when the sentence is a consecutive sentence. When it is a consecutive sentence, it commences to run when the State has custody of the defendant following completion of the prior sentence.

(b) Repealed by Session Laws 1977, 2nd Sess., c. 1147, s. 19.

(c) Earned Time; Credit for Good Behavior for Impaired Drivers. – Persons convicted of felonies or misdemeanors under Article 81B of this Chapter may, consistent with rules of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, earn credit which may be used to reduce their maximum terms of imprisonment as provided in G.S. 15A-1340.13(d) for felony sentences and in G.S. 15A-1340.20(d) for misdemeanor sentences.

For sentences of imprisonment imposed for convictions of impaired driving under G.S. 20-138.1, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may give credit toward service of the maximum term and any minimum term of imprisonment and toward eligibility for parole for allowances of time as provided in rules and regulations made under G.S. 148-11 and 148-13.

(d) Earned Time Credit for Medically and Physically Unfit Inmates. – Inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety who suffer from medical conditions or physical disabilities that prevent their assignment to work release or other rehabilitative activities may, consistent with rules of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, earn credit based upon good behavior or other criteria determined by the Division that may be used to reduce their maximum term of imprisonment as provided in G.S. 15A-1340.13(d) for felony sentences and in G.S. 15A-1340.20(d) for misdemeanor sentences."

SECTION 2.(uuu) G.S. 15A-1368 reads as rewritten:

"**§ 15A-1368. Definitions and administration.**

(a) The following words have the listed meaning in this Article:

...

(2) Supervisee. – A person released from incarceration and in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and Post-Release Supervision and Parole Commission on post-release supervision.

...."

SECTION 2.(vvv) G.S. 15A-1368.2 reads as rewritten:

"**§ 15A-1368.2. Post-release supervision eligibility and procedure.**

(a) Except as otherwise provided in this subsection, a prisoner to whom this Article applies shall be released from prison for post-release supervision on the date equivalent to his maximum imposed prison term less 12 months in the case of Class B1 through E felons and less nine months in the case of Class F through I felons, less any earned time awarded by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or the custodian of a local confinement facility under G.S. 15A-1340.13(d). A prisoner whose maximum sentence is established pursuant to G.S. 15A-1340.17(f) shall be released from prison for post-release supervision on the date equivalent to his or her maximum imposed prison term less 60 months, less any earned time awarded by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or the custodian of a local confinement facility under G.S. 15A-1340.13(d). If a prisoner has not been awarded any earned time, the prisoner shall be released for post-release supervision on the date equivalent to his maximum prison term less 12 months for Class B1 through E felons and less nine months for Class F through I felons.

...

(d) A supervisee's period of post-release supervision may be reduced while the supervisee is under supervision by earned time awarded by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, pursuant to rules adopted in accordance with law. A supervisee is eligible to receive earned time credit toward the period of supervision for compliance with reintegrative conditions described in G.S. 15A-1368.5.

...."

SECTION 2.(www) G.S. 15A-1368.3(c) reads as rewritten:

"(c) Effect of Violation. – If the supervisee violates a condition, described in G.S. 15A-1368.4, at any time before the termination of the supervision period, the Commission may continue the supervisee on the existing supervision, with or without modifying the conditions, or if continuation or modification is not appropriate, may revoke post-release

supervision as provided in G.S. 15A-1368.6 and reimprison the supervisee for a term consistent with the following requirements:

...

(3) Pursuant to Article 19A of Chapter 15, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall award a prisoner credit against any term of reimprisonment for all time spent in custody as a result of revocation proceedings under G.S. 15A-1368.6.

...."

SECTION 2.(xxx) G.S. 15A-1368.4 reads as rewritten:

"**§ 15A-1368.4. Conditions of post-release supervision.**

...

(b1) Additional Required Conditions for Sex Offenders and Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the required condition set forth in subsection (b) of this section, for a supervisee who has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, controlling conditions, violations of which may result in revocation of post-release supervision, are:

...

(8) Submit at reasonable times to warrantless searches by a post-release supervision officer of the supervisee's person and of the supervisee's vehicle and premises while the supervisee is present, for purposes reasonably related to the post-release supervision, but the supervisee may not be required to submit to any other search that would otherwise be unlawful. For purposes of this subdivision, warrantless searches of the supervisee's computer or other electronic mechanism which may contain electronic data shall be considered reasonably related to the post-release supervision. Whenever the warrantless search consists of testing for the presence of illegal drugs, the supervisee may also be required to reimburse the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the actual cost of drug screening and drug testing, if the results are positive.

(c) Discretionary Conditions. – The Commission, in consultation with the Section of Community Corrections of the Division of Adult ~~Correction,~~Correction and Juvenile Justice, may impose conditions on a supervisee it believes reasonably necessary to ensure that the supervisee will lead a law-abiding life or to assist the supervisee to do so. The Commission may also impose a condition of community service on a supervisee who was a Class F through I felon and who has failed to fully satisfy any order for restitution, reparation, or costs imposed against the supervisee as part of the supervisee's sentence; however, the Commission shall not impose such a condition of community service if the Commission determines, upon inquiry, that the supervisee has the financial resources to satisfy the order.

...

(e) Controlling Conditions. – Appropriate controlling conditions, violation of which may result in revocation of post-release supervision, are:

...

(10) Submit at reasonable times to searches of the supervisee's person by a post-release supervision officer for purposes reasonably related to the post-release supervision. The Commission shall not require as a condition of post-release supervision that the supervisee submit to any other searches that would otherwise be unlawful. Whenever the search consists of testing for the presence of illegal drugs, the supervisee may also be required to reimburse the Division of Adult Correction and Juvenile Justice of the Department of

Public Safety for the actual cost of drug testing and drug screening, if the results are positive.

...."

SECTION 2.(yyy) G.S. 15A-1368.6 reads as rewritten:

"**§ 15A-1368.6. Arrest and hearing on post-release supervision violation.**

...

(c) Officers to Conduct Preliminary Hearing. – The preliminary hearing on post-release supervision violation shall be conducted by a judicial official, or by a hearing officer designated by the Commission. A person employed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall not serve as a hearing officer at a hearing provided by this section unless that person is a member of the Commission, or is employed solely as a hearing officer.

(d) Procedure for Preliminary Hearing. – The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall give the supervisee notice of the preliminary hearing and its purpose, including a statement of the violations alleged. At the hearing, the supervisee may appear and speak in the supervisee's own behalf, may present relevant information, and may, on request, personally question witnesses and adverse informants, unless the hearing officer finds good cause for not allowing confrontation. If the person holding the hearing determines there is probable cause to believe the supervisee violated conditions of supervision, the hearing officer shall summarize the reasons for the determination and the evidence relied on. Formal rules of evidence do not apply at the hearing. If probable cause is found, the supervisee may be held in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to serve the appropriate term of imprisonment, subject to the outcome of a revocation hearing under subsection (e) of this section.

...."

SECTION 2.(zzz) G.S. 15A-1369 reads as rewritten:

"**§ 15A-1369. Definitions.**

For purposes of this Article, the term:

...

(2) "Division" means the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...

(4) "Inmate" means any person sentenced to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 2.(aaaa) G.S. 15A-1369.4(a) reads as rewritten:

"(a) The Commission shall set reasonable conditions upon an inmate's medical release that shall apply through the date upon which the inmate's sentence would have expired. These conditions shall include:

...

(3) That the released inmate shall be subject to supervision by the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice and shall permit officers from the Division to visit the inmate at reasonable times at the inmate's home or elsewhere;

...."

SECTION 2.(bbbb) G.S. 15A-1371(h) reads as rewritten:

"(h) Community Service Parole. – Notwithstanding the provisions of any other subsection herein, prisoners serving sentences for impaired driving shall be eligible for community service parole after serving the minimum sentence required by G.S. 20-179, in the discretion of the Post-Release Supervision and Parole Commission.

Community service parole is early parole for the purpose of participation in community service under the supervision of the Section of Community Corrections of the Division of Adult ~~Correction.~~Correction and Juvenile Justice. A parolee who is paroled under this subsection must perform as a condition of parole community service in an amount and over a period of time to be determined by the Post-Release Supervision and Parole Commission. However, the total amount of community service shall not exceed an amount equal to 32 hours for each month of active service remaining in his minimum sentence. The Post-Release Supervision and Parole Commission may grant early parole under this section without requiring the performance of community service if it determines that such performance is inappropriate to a particular case.

The probation/parole officer and the judicial services coordinator shall develop a program of community service for the parolee. The coordinator shall report any willful failure to perform community service work to the probation/parole officer. Parole may be revoked for any parolee who willfully fails to perform community service work as directed by the Section of Community Corrections of the Division of Adult ~~Correction.~~Correction and Juvenile Justice. The provisions of G.S. 15A-1376 shall apply to this violation of a condition of parole.

Community service parole eligibility shall be available to a prisoner:

(1) Who is serving an active sentence the term of which exceeds six months; and

(2) Who, in the opinion of the Post-Release Supervision and Parole Commission, is unlikely to engage in further criminal conduct; and

(3) Who agrees to complete service of his sentence as herein specified; and

(4) Who has served one-half of his minimum sentence, at least 10 days if sentenced to Level One punishment or at least seven days if sentenced to Level Two punishment, whichever is longer.

In computing the service requirements of subdivision (4) of this subsection, credit shall be given for good time and gain time credit earned pursuant to G.S. 148-13 but only after a person has served at least 10 days if sentenced to Level One punishment or at least seven days if sentenced to Level Two punishment. Nothing herein is intended to create or shall be construed to create a right or entitlement to community service parole in any prisoner."

SECTION 2.(cccc) G.S. 15A-1374(b) reads as rewritten:

"(b) Appropriate Conditions. – As conditions of parole, the Commission may require that the parolee comply with one or more of the following conditions:

...

(8b) Remain alcohol free, and prove such abstinence through evaluation by a continuous alcohol monitoring system of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...

(11) Submit at reasonable times to warrantless searches by a parole officer of the parolee's person and of the parolee's vehicle and premises while the parolee is present, for purposes reasonably related to the parole supervision. The Commission may not require as a condition of parole that the parolee submit to any other searches that would otherwise be unlawful. If the parolee has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, warrantless searches of the parolee's computer or other electronic mechanism which may contain electronic data shall be considered reasonably related to the parole supervision. Whenever the search consists of testing for the presence of illegal drugs, the parolee may also be required to reimburse the Division of Adult Correction and Juvenile Justice of the

Department of Public Safety for the actual cost of drug testing and drug screening, if the results are positive.

...."

SECTION 2.(dddd) G.S. 15A-1376 reads as rewritten:

"**§ 15A-1376. Arrest and hearing on parole violation.**

...

(c) Officers to Conduct Hearing. – The preliminary hearing on parole violation must be conducted by a judicial official, or by a hearing officer designated by the Post-Release Supervision and Parole Commission. No person employed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may serve as a hearing officer at a hearing provided in this section unless he is a member of the Post-Release Supervision and Parole Commission or is employed solely as a hearing officer.

(d) Procedure for Preliminary Hearing on Parole Violation. – The Division of Adult Correction and Juvenile Justice of the Department of Public Safety must give the parolee notice of the preliminary hearing and its purpose, including a statement of the violations alleged. At the hearing, the parolee may appear and speak in his own behalf, may present relevant information, and may, on request, personally question witnesses and adverse informants, unless the hearing officer finds good cause for not allowing confrontation. If the person holding the hearing determines there is probable cause to believe the parolee violated his parole, he must summarize the reasons for his determination and the evidence he relied on. Formal rules of evidence do not apply at the hearing. If probable cause is found, the parolee may be held in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to serve the appropriate term of imprisonment, subject to the outcome of a revocation hearing under subsection (e).

...."

SECTION 2.(eeee) G.S. 15A-2000(e) reads as rewritten:

"(e) Aggravating Circumstances. – Aggravating circumstances which may be considered shall be limited to the following:

...

(8) The capital felony was committed against a law-enforcement officer, employee of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, jailer, fireman, judge or justice, former judge or justice, prosecutor or former prosecutor, juror or former juror, or witness or former witness against the defendant, while engaged in the performance of his official duties or because of the exercise of his official duty.

...."

SECTION 2.(ffff) G.S. 15B-21 reads as rewritten:

"**§ 15B-21. Annual report.**

The Commission shall, by March 15 each year, prepare and transmit to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety a report of its activities in the prior fiscal year and the current fiscal year to date. The report shall include:

...

(8) The amount of funds received in the prior fiscal year from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.; and

(9) The amount of funds expected to be received in the current fiscal year, as well as the amount actually received in the current fiscal year on the date of the report, from the Division of Adult Correction and Juvenile Justice of the

Department of Public Safety and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.

...."

SECTION 2.(gggg) G.S. 15B-31 reads as rewritten:

"**§ 15B-31. Definitions.**

The following definitions apply in this Article:

...

(7) Funds of an offender. – All funds and property received from any source by an offender, excluding child support and earned income, where the offender:

a. Is an inmate serving a sentence with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or a prisoner confined at a local correctional facility or federal correctional institute, and includes funds that a superintendent, sheriff, or municipal official receives on behalf of an inmate or prisoner and deposits in an inmate account to the credit of the inmate or deposits in a prisoner account to the credit of the prisoner; or

b. Is not an inmate or prisoner but who is serving a sentence of probation, conditional discharge, or post-release supervision.

...."

SECTION 2.(hhhh) G.S. 15B-32(a) reads as rewritten:

"(a) Notice to Commission. –

...

(2) Whenever the payment or obligation to pay involves funds of an offender that a superintendent, sheriff, or municipal officer (i) receives or will receive on behalf of an inmate serving a sentence with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or a prisoner confined at a local correctional facility, (ii) deposits or will deposit in an inmate account to the credit of an inmate or prisoner, and (iii) the value of such funds exceeds or will exceed ten thousand dollars ($10,000), the State or subdivision of the State shall also give written notice to the Commission.

...."

SECTION 2.(iiii) G.S. 17C-3(a) reads as rewritten:

"(a) There is established the North Carolina Criminal Justice Education and Training Standards Commission, hereinafter called "the Commission." The Commission shall be composed of 31 members as follows:

...

(6) Adult Correction and Juvenile Justice. – Four correctional officers in management positions employed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be appointed, two from the Section of Community Corrections upon the recommendation of the Speaker of the House of Representatives and two from the Section of Prisons upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-122. Appointments by the General Assembly shall serve two-year terms to conclude on June 30th in odd-numbered years or until the appointee no longer serves in a management position with the Division of Adult ~~Correction,~~Correction and Juvenile Justice, whichever occurs first. The Governor shall appoint one correctional officer employed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and assigned to the Office of Staff Development and Training,

and one juvenile justice officer employed by the ~~Section of~~ Juvenile ~~Justice.~~Justice Section of the Division of Adult Correction and Juvenile Justice. The Governor's appointments shall serve three-year terms or until the appointee is no longer assigned to the Office of Staff Development and Training or is no longer a juvenile justice officer, whichever occurs first."

SECTION 2.(jjjj) G.S. 20-19(e2) reads as rewritten:

"(e2) Notwithstanding subsection (e) of this section, the Division may conditionally restore the license of a person to whom subsection (e) applies after it has been revoked for at least 24 months under G.S. 20-17(a)(2) if the person provides the Division with satisfactory proof of all of the following:

(1) The person has not consumed any alcohol for the 12 months preceding the restoration while being monitored by a continuous alcohol monitoring device of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 2.(kkkk) G.S. 20-28(a1) reads as rewritten:

"(a1) Driving While License Revoked for Impaired Driving. – Any person whose drivers license has been revoked for an impaired driving revocation as defined in G.S. 20-28.2(a) and who drives any motor vehicle upon the highways of the State is guilty of a Class 1 misdemeanor. Upon conviction, the person's license shall be revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense.

If the person's license was originally revoked for an impaired driving revocation, the court may order as a condition of probation that the offender abstain from alcohol consumption and verify compliance by use of a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, for a minimum period of 90 days.

The restoree of a revoked drivers license who operates a motor vehicle upon the highways of the State without maintaining financial responsibility as provided by law shall be punished as for driving without a license."

SECTION 2.(llll) G.S. 20-79.4(a3) reads as rewritten:

"(a3) The Division shall develop, in consultation with the State Highway Patrol and the Division of Adult ~~Correction.~~Correction and Juvenile Justice, a standardized format for special license plates. The format shall allow for the name of the State and the license plate number to be reflective and to contrast with the background so it may be easily read by the human eye and by cameras installed along roadways as part of tolling and speed enforcement. A designated segment of the plate shall be set aside for unique design representing various groups and interests. Nothing in this subsection shall be construed to require the recall of existing special license plates."

SECTION 2.(mmmm) G.S. 20-81.12(b38) reads as rewritten:

"(b38) Stock Car Racing Theme. – The Division may issue any plate in this series without a minimum number of applications if the person providing the State with the license to use the words, logos, trademarks, or designs associated with the plate produces the plate for the State without a minimum order quantity.

The cost of the Stock Car Racing Theme plate shall include all costs to produce blank plates for issuance by the Division. Notwithstanding G.S. 66-58(b), the Division or the Division of Adult Correction of the Department of Public Safety may contract for the production of the blank plates in this series to be issued by the Division, provided the plates meet or exceed the State's specifications including durability and retroreflectivity, and provided the plates are manufactured using high-quality embossable aluminum. The cost of the blank plates to the State shall be substantially equivalent to the price paid to the Division of Adult Correction and

Juvenile Justice of the Department of Public Safety for license tags, as provided in G.S. 66-58(b)(15).

The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Stock Car Racing Theme plates to the North Carolina Motorsports Foundation, Inc.; except that the Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Charlotte Motor Speedway plates to Speedway Children's Charities."

SECTION 2.(nnnn) G.S. 20-179 reads as rewritten:

"**§ 20-179. Sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments.**

...

(e) Mitigating Factors to Be Weighed. – The judge shall also determine before sentencing under subsection (f) whether any of the mitigating factors listed below apply to the defendant. The judge shall weigh the degree of mitigation of each factor in light of the particular circumstances of the case. The factors are:

...

(6a) Completion of a substance abuse assessment, compliance with its recommendations, and simultaneously maintaining 60 days of continuous abstinence from alcohol consumption, as proven by a continuous alcohol monitoring system. The continuous alcohol monitoring system shall be of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(7) Any other factor that mitigates the seriousness of the offense.

Except for the factors in subdivisions (4), (6), (6a), and (7), the conduct constituting the mitigating factor shall occur during the same transaction or occurrence as the impaired driving offense.

...

(f3) Aggravated Level One Punishment. – A defendant subject to Aggravated Level One punishment may be fined up to ten thousand dollars ($10,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 12 months and a maximum term of not more than 36 months. Notwithstanding G.S. 15A-1371, a defendant sentenced to a term of imprisonment pursuant to this subsection shall not be eligible for parole. However, the defendant shall be released from the Statewide Misdemeanant Confinement Program on the date equivalent to the defendant's maximum imposed term of imprisonment less four months and shall be supervised by the Section of Community Supervision of the Division of Adult Correction and Juvenile Justice under and subject to the provisions of Article 84A of Chapter 15A of the General Statutes and shall also be required to abstain from alcohol consumption for the four-month period of supervision as verified by a continuous alcohol monitoring system. For purposes of revocation, violation of the requirement to abstain from alcohol or comply with the use of a continuous alcohol monitoring system shall be deemed a controlling condition under G.S. 15A-1368.4.

The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least 120 days. If the defendant is placed on probation, the judge shall impose as requirements that the defendant (i) abstain from alcohol consumption for a minimum of 120 days to a maximum of the term of probation, as verified by a continuous alcohol monitoring system pursuant to subsections (h1) and (h3) of this section, and (ii) obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge may impose any other lawful condition of probation.

(g) Level One Punishment. – A defendant subject to Level One punishment may be fined up to four thousand dollars ($4,000) and shall be sentenced to a term of imprisonment

that includes a minimum term of not less than 30 days and a maximum term of not more than 24 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least 30 days. A judge may reduce the minimum term of imprisonment required to a term of not less than 10 days if a condition of special probation is imposed to require that a defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, for a period of not less than 120 days. If the defendant is monitored on an approved continuous alcohol monitoring system during the pretrial period, up to 60 days of pretrial monitoring may be credited against the 120-day monitoring requirement for probation. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge may impose any other lawful condition of probation.

(h) Level Two Punishment. – A defendant subject to Level Two punishment may be fined up to two thousand dollars ($2,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than seven days and a maximum term of not more than 12 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least seven days or to abstain from consuming alcohol for at least 90 consecutive days, as verified by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. If the defendant is subject to Level Two punishment based on a finding that the grossly aggravating factor in subdivision (1) or (2) of subsection (c) of this section applies, the conviction for a prior offense involving impaired driving occurred within five years before the date of the offense for which the defendant is being sentenced and the judge suspends all active terms of imprisonment and imposes abstention from alcohol as verified by a continuous alcohol monitory system, then the judge must also impose as an additional condition of special probation that the defendant must complete 240 hours of community service. If the defendant is monitored on an approved continuous alcohol monitoring system during the pretrial period, up to 60 days of pretrial monitoring may be credited against the 90-day monitoring requirement for probation. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge may impose any other lawful condition of probation.

(h1) The judge may impose, as a condition of probation for defendants subject to Level One or Level Two punishments, that the defendant abstain from alcohol consumption for a minimum of 30 days, to a maximum of the term of probation, as verified by a continuous alcohol monitoring system. The defendant's abstinence from alcohol shall be verified by a continuous alcohol monitoring system of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...

(k2) Probationary Requirement for Abstinence and Use of Continuous Alcohol Monitoring. – The judge may order that as a condition of special probation for any level of offense under G.S. 20-179 the defendant abstain from alcohol consumption, as verified by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 2.(oooo) G.S. 20-179.3(j1) reads as rewritten:

"(j1) Effect of Violation of Community Service Requirement. – Section of Community Corrections of the Division of Adult Correction and Juvenile Justice staff shall report

significant violations of the terms of a probation judgment related to community service to the court that ordered the community service. The court shall then conduct a hearing to determine if there was a willful failure to comply. The hearing may be held in the district where the requirement was imposed, where the alleged violation occurred, or where the probationer resides. If the court determines that there was a willful failure to pay the prescribed fee or to complete the work as ordered within the applicable time limits, the court shall revoke any limited driving privilege issued in the impaired driving case until community service requirements have been met. In addition, the court may take any further action authorized by Article 82 of Chapter 15A of the General Statutes for violation of a condition of probation."

SECTION 2.(pppp) G.S. 50-13.2(b2) reads as rewritten:

"(b2) Any order for custody, including visitation, may, as a condition of such custody or visitation, require either or both parents, or any other person seeking custody or visitation, to abstain from consuming alcohol and may require submission to a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, to verify compliance with this condition of custody or visitation. Any order pursuant to this subsection shall include an order to the monitoring provider to report any violation of the order to the court and each party to the action. Failure to comply with this condition shall be grounds for civil or criminal contempt."

SECTION 2.(qqqq) G.S. 65-4 reads as rewritten:

"**§ 65-4. State Division of Adult Correction of the Department of Public Safety to furnish labor.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety is hereby authorized and directed to furnish at such time, or times, as may be convenient, such prisoner's labor as may be available, to properly care for the Confederate Cemetery situated in the City of Raleigh, such services to be rendered by the State's prisoners without compensation."

SECTION 2.(rrrr) G.S. 66-25(b) reads as rewritten:

"(b) Electrical devices, appliances, or equipment used by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in institutional kitchens and manufacturing equipment used by Correction Enterprises are exempt from the evaluation requirement of subsection (a) of this section."

SECTION 2.(ssss) G.S. 66-58 reads as rewritten:

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

(a) Except as may be provided in this section, it shall be unlawful for any unit, department or agency of the State government, or any division or subdivision of the unit, department or agency, or any individual employee or employees of the unit, department or agency in his, or her, or their capacity as employee or employees thereof, to engage directly or indirectly in the sale of goods, wares or merchandise in competition with citizens of the State, or to engage in the operation of restaurants, cafeterias or other eating places in any building owned by or leased in the name of the State, or to maintain service establishments for the rendering of services to the public ordinarily and customarily rendered by private enterprises, or to provide transportation services, or to contract with any person, firm or corporation for the operation or rendering of the businesses or services on behalf of the unit, department or agency, or to purchase for or sell to any person, firm or corporation any article of merchandise in competition with private enterprise. The leasing or subleasing of space in any building owned, leased or operated by any unit, department or agency or division or subdivision thereof of the State for the purpose of operating or rendering of any of the businesses or services herein referred to is hereby prohibited.

(b) The provisions of subsection (a) of this section shall not apply to:

...

(6a) The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...

(15) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety is authorized to purchase and install automobile license tag plant equipment for the purpose of manufacturing license tags for the State and local governments and for such other purposes as the Division may direct.

The Commissioner of Motor Vehicles, or such other authority as may exercise the authority to purchase automobile license tags is hereby directed to purchase from, and to contract with, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the State automobile license tag requirements from year to year.

The price to be paid to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the tags shall be fixed and agreed upon by the Governor, the ~~State~~ Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the Motor Vehicle Commissioner, or such authority as may be authorized to purchase the supplies.

(16) Laundry services performed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may be provided only for agencies and instrumentalities of the State which are supported by State funds and for county or municipally controlled and supported hospitals presently being served by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, or for which services have been contracted or applied for in writing, as of May 22, 1973. In addition to the prior sentence, laundry services performed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may be provided for VA Medical Centers of the United States Department of Veterans Affairs, the Governor Morehead School, and the North Carolina School for the Deaf.

The services shall be limited to wet-washing, drying and ironing of flatwear or flat goods such as towels, sheets and bedding, linens and those uniforms prescribed for wear by the institutions and further limited to only flat goods or apparel owned, distributed or controlled entirely by the institutions and shall not include processing by any dry-cleaning methods; provided, however, those garments and items presently being serviced by wet-washing, drying and ironing may in the future, at the election of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, be processed by a dry-cleaning method.

...

(25) The gift or sale of any craft items made by inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety as part of a program or initiative established by the Section of Prisons of the Division of Adult ~~Correction.~~Correction and Juvenile Justice.

...

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

...

(7) The operation by penal, correctional or facilities operated by the Department of Health and Human Services, the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety,

or by the Department of Agriculture and Consumer Services, of dining rooms for the inmates or clients or members of the staff while on duty and for the accommodation of persons visiting the inmates or clients, and other bona fide visitors.

...

(13) The operation by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety of forestry management programs on State-owned lands, including the sale on the open market of timber cut as a part of the management program.

(14) The operation by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety of facilities to manufacture and produce traffic and street name signs for use on the public streets and highways of the State.

(15) The operation by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety of facilities to manufacture and produce paint for use on the public streets and highways of the State.

...

(f) Notwithstanding the provisions of G.S. 66-58(a), the operation by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety of facilities for the manufacture of any product or the providing of any service pursuant to Article 14 of Chapter 148 of the General Statutes not regulated by the provisions of subsection (c) of this section shall be subject to the prior approval of the Governor, with biennial review by the General Assembly, at the beginning of each fiscal year commencing after October 1, 1975. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall file with the Director of the Budget quarterly reports detailing prison enterprise operations in such a format as shall be required by the Director of the Budget.

...."

SECTION 2.(tttt) G.S. 97-13(c) reads as rewritten:

"(c) Prisoners. – This Article shall not apply to prisoners being worked by the State or any subdivision thereof, except to the following extent: Whenever any prisoner assigned to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall suffer accidental injury or accidental death arising out of and in the course of the employment to which he had been assigned, if there be death or if the results of such injury continue until after the date of the lawful discharge of such prisoner to such an extent as to amount to a disability as defined in this Article, then such discharged prisoner or the dependents or next of kin of such discharged prisoner may have the benefit of this Article by applying to the Industrial Commission as any other employee; provided, such application is made within 12 months from the date of the discharge; and provided further that the maximum compensation to any prisoner or to the dependents or next of kin of any deceased prisoner shall not exceed thirty dollars ($30.00) per week and the period of compensation shall relate to the date of his discharge rather than the date of the accident. If any person who has been awarded compensation under the provisions of this subsection shall be recommitted to prison upon conviction of an offense committed subsequent to the award, such compensation shall immediately cease. Any awards made under the terms of this subsection shall be paid by the Department of Public Safety from the funds available for the operation of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The provisions of G.S. 97-10.1 and 97-10.2 shall apply to prisoners and discharged prisoners entitled to compensation under this subsection and to the State in the same manner as said section applies to employees and employers."

SECTION 2.(uuuu) G.S. 105-259(b) reads as rewritten:

"(b) Disclosure Prohibited. – An officer, an employee, or an agent of the State who has access to tax information in the course of service to or employment by the State may not disclose the information to any other person except as provided in this subsection. Standards used or to be used for the selection of returns for examination and data used or to be used for determining the standards may not be disclosed for any purpose. All other tax information may be disclosed only if the disclosure is made for one of the following purposes:

...

(15) To exchange information concerning a tax imposed by Articles 2A, 2C, or 2D of this Chapter with one of the following agencies when the information is needed to fulfill a duty imposed on the Department or the agency:

a. The North Carolina Alcoholic Beverage Control Commission.

b. The Alcohol Law Enforcement Branch of the Department of Public Safety.

c. The Bureau of Alcohol, Tobacco, and Firearms of the United States Department of Justice.

d. Law enforcement agencies.

e. The Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 2.(vvvv) G.S. 108A-14(a) reads as rewritten:

"(a) The director of social services shall have the following duties and responsibilities:

...

(9) To assist and cooperate with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and their representatives;

...."

SECTION 2.(wwww) G.S. 114-12.1(b) reads as rewritten:

"(b) The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall ensure that all juvenile court counselors and other Division personnel receive the minority sensitivity training specified in subsection (a) of this section."

SECTION 2.(xxxx) G.S. 115C-46.2 reads as rewritten:

"**§ 115C-46.2. Probation officer visits at school; limitations.**

(a) Except as provided in this section, probation officers are not authorized to visit students during school hours on school property.

(b) Probation officers of the Section of Community Corrections of the Division of Adult ~~Corrections.~~Correction and Juvenile Justice, when working as a part of the Section's School Partnership Program, may visit students during school hours on school property with prior authorization by school administrators. For purposes of this section, "authorization" includes requests for assistance from guidance counselors or school resource officers.

(c) Each local board of education shall develop policies and guidelines for coordinating with probation officers of the Section of Community Corrections of the Division of Adult ~~Corrections~~ Correction and Juvenile Justice in the planning and scheduling of school visits as provided in this section, utilizing existing administrative capacity to manage scheduling. Visits shall be conducted in a private area designated for such use and located away from contact with the general student population. The probation officer shall not initiate direct contact with a student while the student is in class or between classes. Initial contact with the student shall be made by a school administrator or other designated school employee, who shall direct the student to a private area to meet with the probation officer."

SECTION 2.(yyyy) G.S. 115C-106.3 reads as rewritten:

"**§ 115C-106.3. Definitions.**

The following definitions apply in this Article:

...

(11) "Local educational agency" includes any of the following that provides special education and related services to children with disabilities:

a. A local school administrative unit.

b. A charter school.

c. The Department of Health and Human Services.

d. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

~~e. The Division of Juvenile Justice of the Department of Public Safety.~~

f. Any other State agency or unit of local government.

...."

SECTION 2.(zzzz) G.S. 115C-107.6 reads as rewritten:

"**§ 115C-107.6. Duties of local educational agencies.**

(a) Each local educational agency, in providing for the education of children with disabilities within its jurisdiction, must comply with IDEA and the rules adopted by the State Board under this Article. In addition, each local educational agency shall have in effect policies, procedures, and programs that are consistent with this Article, IDEA, and rules adopted by the State Board.

(b) No child with disabilities shall be prevented from attending the public schools of the local educational agency in which the child resides or from which the child receives services or from attending any other public program of free appropriate public education based solely on the fact that the child has a disability. If it appears the child should receive a program of free appropriate public education in a program operated by or under the supervision of the Department of Health and Human Services or the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the local school administrative unit shall confer with the appropriate Department of Health and Human Services or Division of Adult Correction and Juvenile Justice of the Department of Public Safety staff for their participation and determination of the appropriateness of placement in that program and development of the child's individualized education program.

(c) No matriculation or tuition fees or other fees or charges shall be required or asked of children with disabilities or their parents except those fees or charges that are required uniformly of all public school pupils. The provision of a free appropriate public education within the facilities of the Department of Health and Human Services and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may not prevent that Department from charging for other services or treatment.

(d) Each child with a disability shall be educated in accordance with that child's IEP and in the least restrictive environment for that child.

(e) Each local educational agency may use the forms developed under G.S. 115C-107.2(d)."

SECTION 2.(aaaaa) G.S. 115C-108.1 reads as rewritten:

"**§ 115C-108.1. State Board lead agency.**

(a) The Board shall cause all local educational agencies to provide special education and related services to children with disabilities in their care, custody, management, jurisdiction, control, or programs.

(b) The jurisdiction of the Board with respect to the design and content of special education programs or related services for children with disabilities extends to and over the Department of Health and Human Services, and the Division of Adult Correction and Juvenile Justice of the Department of Public ~~Safety, and the Division of Adult Correction of the Department of Public~~ Safety.

(c) All provisions of this Article that are specifically applicable to local school administrative units also are applicable to the Department of Health and Human Services, and

the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, ~~and the Division of Adult Correction of the Department of Public Safety,~~ and their divisions and agencies; all duties, responsibilities, rights, and privileges specifically imposed on or granted to local school administrative units by this Article also are imposed on or granted to the Department of Health and Human Services, and the Division of Adult Correction and Juvenile Justice of the Department of Public ~~Safety, and the Division of Adult Correction of the Department of Public~~ Safety, and their divisions and agencies. However, with respect to children with disabilities who are residents or patients of any State-operated or State-supported residential treatment facility, including a school for the deaf, school for the blind, mental hospital or center, mental retardation center, or in a facility operated by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, ~~the Division of Adult Correction of the Department of Public Safety,~~ or any of their divisions and agencies, the Board may contract with the Department of Health and Human Services, and the Division of Adult Correction and Juvenile Justice of the Department of Public ~~Safety, and the Division of Adult Correction of the Department of Public~~ Safety for the provision of special education and related services and the power to review, revise, and approve any plans for special education and related services to those residents.

(d) The ~~Departments~~Department of Health and Human ~~Services, Correction, and Juvenile Justice and Delinquency Prevention~~Services and the Department of Public Safety shall submit to the Board their plans for the education of children with disabilities in their care, custody, or control. The Board may grant specific exemptions for programs administered by the Department of Health and Human ~~Services,~~Services or the Division of Adult Correction and Juvenile Justice of the Department of Public ~~Safety, or the Division of Adult Correction of the Department of Public~~ Safety when compliance by them with the Board's standards would, in the Board's judgment, impose undue hardship on that department or division and when other procedural due process requirements, substantially equivalent to those required under this Article and IDEA, are assured in programs of special education and related services furnished to children with disabilities served by that department. Further, the Board shall recognize that inpatient and residential special education programs within the Departments of Health and Human ~~Services,~~Services or the Division of Adult Correction and Juvenile Justice of the Department of ~~Public Safety, or the Division of Adult Correction of the Department of~~ Public Safety may require more program resources than those necessary for optimal operation of these programs in local school administrative units.

(e) The Board shall support and encourage joint and collaborative special education planning and programming at local levels to include local school administrative units and the programs and agencies of the Departments of Health and Human ~~Services,~~ Services or the Division of Adult Correction and Juvenile Justice of the Department of Public ~~Safety, or the Division of Adult Correction of the Department of Public~~ Safety."

SECTION 2.(bbbbb) G.S. 115C-108.2 reads as rewritten:

"**§ 115C-108.2. Interlocal cooperation.**

The Board, any two or more local educational agencies, and any other agency and any State department, agency, or division having responsibility for the education, treatment, or habilitation of children with disabilities may enter into interlocal cooperative undertakings under Part 1 of Article 20 of Chapter 160A of the General Statutes or into undertakings with a State agency such as the Departments of Public Instruction, Health and Human Services, ~~Juvenile Justice and Delinquency Prevention, or Correction,~~or Public Safety, or their divisions, agencies, or units, for the purpose of providing for the special education and related services, treatment, or habilitation of these children within the jurisdiction of the agency or unit, and shall do so when it is unable to provide the appropriate public special education or related services for these children. In entering into such undertakings, the local agency and State department, agency, or division shall also contract to provide the special education or related

services that are educationally appropriate to the children with disabilities for whose benefit the undertaking is made and provide these services by or in the local agency unit or State department, agency, or division located in the place most convenient to these children."

SECTION 2.(ccccc) G.S. 115C-250(a) reads as rewritten:

"(a) The State Board of Education and local boards of education may expend public funds for transportation of children with disabilities who are unable because of their disability to ride the regular school buses and who have been placed in programs by a local school board as a part of its duty to provide these children with a free appropriate education under Article 9 of this Chapter. At the option of the local board of education with the concurrence of the State Board of Education, funds appropriated to the State Board of Education for contract transportation of children with disabilities may be used to purchase buses and minibuses as well as for the purposes authorized in the budget. The State Board of Education shall adopt rules concerning the construction and equipment of these buses and minibuses.

The Departments of Health and Human ~~Services, Juvenile Justice and Delinquency Prevention, and Correction~~Services and Public Safety may also expend public funds for transportation of children with disabilities who are unable because of their disability to ride the regular school buses and who have been placed in programs by one of these agencies as a part of that agency's duty to provide these children with a free appropriate public education under Article 9 of this Chapter.

If a local area mental health center places a child with a disability in an educational program, the local area mental health center shall pay for the transportation of the child who is unable due to the disability to ride the regular school buses to the program."

SECTION 2.(ddddd) G.S. 115C-296.2(b) reads as rewritten:

"(b) Definitions. – As used in this subsection:

(1) A "North Carolina public school" is a school operated by a local board of education, the Department of Health and Human Services, the Division of Adult Correction of the Department of Public Safety, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or The University of North Carolina; a school affiliated with The University of North Carolina; or a charter school approved by the State Board of Education.

…."

SECTION 2.(eeeee) G.S. 115C-325(p) reads as rewritten:

"(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation to the contrary, this section shall apply to all persons employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human ~~Services and Public Instruction and the Divisions of Juvenile Justice and Adult Correction of the Department of Public Safety~~Services, Public Instruction, and Public Safety regardless of the age of the students."

SECTION 2.(fffff) G.S. 115C-325.10 reads as rewritten:

"**§ 115C-325.10. Application to certain institutions.**

Notwithstanding any law or regulation to the contrary, this Part shall apply to all persons employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human Services and Public Instruction and the ~~Divisions of Juvenile Justice and Adult Correction~~Division of Adult Correction and Juvenile Justice of the Department of Public Safety, regardless of the age of the students."

SECTION 2.(ggggg) G.S. 115D-1 reads as rewritten:

"**§ 115D-1. Statement of purpose.**

The purposes of this Chapter are to provide for the establishment, organization, and administration of a system of educational institutions throughout the State offering courses of instruction in one or more of the general areas of two-year college parallel, technical,

vocational, and adult education programs, to serve as a legislative charter for such institutions, and to authorize the levying of local taxes and the issuing of local bonds for the support thereof. The major purpose of each and every institution operating under the provisions of this Chapter shall be and shall continue to be the offering of vocational and technical education and training, and of basic, high school level, academic education needed in order to profit from vocational and technical education, for students who are high school graduates or who are beyond the compulsory age limit of the public school system and who have left the public schools, provided, juveniles of any age committed to the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety by a court of competent jurisdiction may, if approved by the director of the youth development center to which they are assigned, take courses offered by institutions of the system if they are otherwise qualified for admission.

The Community Colleges System Office is designated as the primary lead agency for delivering workforce development training, adult literacy training, and adult education programs in the State."

SECTION 2.(hhhhh) G.S. 115D-5(b) reads as rewritten:

"(b) In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of Community Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds. The State Board of Community Colleges may provide by general and uniform regulations for waiver of tuition and registration fees for the following:

...

(2) Courses requested by the following entities that support the organizations' training needs and are on a specialized course list approved by the State Board of Community Colleges:

...

g. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the training of full-time custodial employees and employees of the ~~Division's Section of Community Corrections~~Division required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission.

~~h. The Division of Juvenile Justice of the Department of Public Safety for the training of employees required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission.~~

...."

SECTION 2.(iiiii) G.S. 120-70.94 reads as rewritten:

"**§ 120-70.94. Purpose and powers of Committee.**

(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

...

(2) Examine the effectiveness of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.

...

(2b) Examine the effectiveness of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in implementing the duties and responsibilities charged to the Division in Part 3 of Article 13 of Chapter 143B of the General Statutes and the overall effectiveness and efficiency of the juvenile justice system in the State.

...

(10) Study the needs of juveniles. This study may include, but is not limited to:

a. Determining the adequacy and appropriateness of services:

1. To children and youth receiving child welfare services;
2. To children and youth in the juvenile court system;
3. Provided by the Division of Social Services of the Department of Health and Human Services and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety;

...."

SECTION 2.(jjjjj) G.S. 122C-22(a) reads as rewritten:

"(a) All of the following are excluded from the provisions of this Article and are not required to obtain licensure under this Article:

...

(10) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, as described in G.S. 148-19.1.

...."

SECTION 2.(kkkkk) G.S. 122C-55(c) reads as rewritten:

"(c) A facility may furnish confidential information in its possession to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety when requested by that department regarding any client of that facility when the inmate has been determined by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to be in need of treatment for mental illness, developmental disabilities, or substance abuse. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may furnish to a facility confidential information in its possession about treatment for mental illness, developmental disabilities, or substance abuse that the Division of Adult Correction and Juvenile Justice of the Department of Public Safety has provided to any present or former inmate if the inmate is presently seeking treatment from the requesting facility or if the inmate has been involuntarily committed to the requesting facility for inpatient or outpatient treatment. Under the circumstances described in this subsection, the consent of the client or inmate shall not be required in order for this information to be furnished and the information shall be furnished despite objection by the client or inmate. Confidential information disclosed pursuant to this subsection is restricted from further disclosure."

SECTION 2.(lllll) G.S. 122C-62(b) reads as rewritten:

"(b) Except as provided in subsections (e) and (h) of this section, each adult client who is receiving treatment or habilitation in a 24-hour facility at all times keeps the right to:

...

(4) Make visits outside the custody of the facility unless:
a. Commitment proceedings were initiated as the result of the client's being charged with a violent crime, including a crime involving an assault with a deadly weapon, and the respondent was found not guilty by reason of insanity or incapable of proceeding;
b. The client was voluntarily admitted or committed to the facility while under order of commitment to a correctional facility of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety; or
c. The client is being held to determine capacity to proceed pursuant to G.S. 15A-1002;
A court order may expressly authorize visits otherwise prohibited by the existence of the conditions prescribed by this subdivision;
...."

SECTION 2.(mmmmm) G.S. 122C-113(b1) reads as rewritten:

"(b1) The Secretary shall cooperate with the State Board of Education and the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in coordinating the responsibilities of the Department of Health and Human Services, the State Board of Education, the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the Department of Public Instruction for adolescent substance abuse programs. The Department of Health and Human Services, through its Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in cooperation with the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, shall be responsible for intervention and treatment in non-school based programs. The State Board of Education and the Department of Public Instruction, in consultation with the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, shall have primary responsibility for in-school education, identification, and intervention services, including student assistance programs."

SECTION 2.(nnnnn) G.S. 122C-115.4(g) reads as rewritten:

"(g) The Commission shall adopt rules to ensure that the needs of members of the active and reserve components of the Armed Forces of the United States, veterans, and their family members are met by requiring:
(1) Each LME to have at least one trained care coordination person on staff to serve as the point of contact for TRICARE, the North Carolina National Guard's Integrated Behavioral Health System, the Army Reserve Department of Psychological Health, the United States Department of Veterans Affairs, the Juvenile Justice Section of the Division of Adult ~~Correction,~~Correction and Juvenile Justice, and related organizations to ensure that members of the active and reserve components of the Armed Forces of the United States, veterans, and their family members have access to State-funded services when they are not eligible for federally funded mental health or substance abuse services.
...."

SECTION 2.(ooooo) G.S. 122C-117 reads as rewritten:

"**§ 122C-117. Powers and duties of the area authority.**

(a) The area authority shall do all of the following:
...
(2) Ensure the provision of services to clients in the catchment area, including clients committed to the custody of the Juvenile Justice Section of the

Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(3) Determine the needs of the area authority's clients and coordinate with the Secretary and with the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the provision of services to clients through area and State facilities.

...."

SECTION 2.(ppppp) Part 10 of Article 5 of Chapter 122C of the General Statutes reads as rewritten:

"Part 10. Voluntary Admissions, Involuntary Commitments and Discharges, Inmates and Parolees, Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...

"§ 122C-312. Voluntary admissions and discharges of inmates of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

Inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may seek voluntary admission to State facilities for the mentally ill or substance abusers. The provisions of Part 2 of this Article shall apply except that an admission may be accomplished only when the Secretary and the Secretary of Public Safety jointly agree to the inmate's request. When an inmate is admitted he shall be discharged in accordance with the provisions of Part 2 of this Article except that an inmate who is ready for discharge, but still under a term of incarceration, shall be discharged only to an official of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety is responsible for the security and cost of transporting inmates to and from facilities under the provisions of this section.

"§ 122C-313. Inmate becoming mentally ill and dangerous to himself or others.

(a) An inmate who becomes mentally ill and dangerous to himself or others after incarceration in any facility operated by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in the State is processed in accordance with Part 7 of this Article, as modified by this section, except when the provisions of Part 7 are manifestly inappropriate. A staff psychiatrist or eligible psychologist of the correctional facility shall execute the affidavit required by G.S. 122C-261 and send it to the clerk of superior court of the county in which the correctional facility is located. Upon receipt of the affidavit, the clerk shall calendar a district court hearing and notify the respondent and his counsel as required by G.S. 122C-284(a). The hearing is conducted in a district courtroom. If the judge finds by clear, cogent, and convincing evidence that the respondent is mentally ill and dangerous to himself or others, he shall order him transferred for treatment to a State facility designated by the Secretary. The judge shall not order outpatient commitment for an inmate-respondent.

...

(c) If the sentence of an inmate-respondent has not expired, and if in the opinion of the attending physician of the State facility an inmate-respondent ceases to be mentally ill and dangerous to himself or others, he shall notify the Division of Adult Correction and Juvenile Justice of the Department of Public Safety which shall arrange for the inmate-respondent's return to a correctional facility.

...

(e) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety is responsible for the security and cost of transporting inmates to and from State facilities under the provisions of this section."

SECTION 2.(qqqqq) G.S. 122C-402 reads as rewritten:

"§ 122C-402. Application of State highway and motor vehicle laws at State institutions on Camp Butner reservation.

The provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles thereon are made applicable to the streets, alleys, and driveways on the Camp Butner reservation that are on the grounds of any State facility or any State institution operated by the Department or by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Any person violating any of the provisions of Chapter 20 of the General Statutes in or on these streets, alleys, or driveways shall upon conviction be punished as prescribed in that Chapter. This section does not interfere with the ownership and control of the streets, alleys, and driveways on the grounds as is now vested by law in the Department."

SECTION 2.(rrrrr) G.S. 122C-421(b) reads as rewritten:

"(b) These special police officers may exercise any and all of the powers enumerated in this Part upon or in pursuit from the property formerly occupied by the Black Mountain Center and transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety by Senate Bill 388 and House Bill 709 of the 1985 Session of the General Assembly. These special police officers shall exercise said powers upon the property transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety only by agreement of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and the Department of Health and Human Services."

SECTION 2.(sssss) G.S. 126-5(c3) reads as rewritten:

"(c3) Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(5) and the provisions of Article 6 of this Chapter, the provisions of this Chapter shall not apply to: Teaching and related educational classes of employees of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Department of Health and Human Services, and any other State department, agency or institution, whose salaries shall be set in the same manner as set for corresponding public school employees in accordance with Chapter 115C of the General Statutes."

SECTION 2.(ttttt) G.S. 126-23 reads as rewritten:

"**§ 126-23. Certain records to be kept by State agencies open to inspection.**

...

(d) Notwithstanding any other provision of this section, persons in the custody of, or under the supervision of, the Division of Adult Correction and Juvenile Justice and persons in the custody of local confinement facilities are not entitled to access to the records made public under this section and are prohibited from obtaining those records, absent a court order authorizing access to, or custody, or possession.

(e) An attorney investigating allegations of unlawful misconduct or abuse by a Division of Adult Correction and Juvenile Justice employee may request, and shall be provided with, information sufficient to identify the full name or names of the employee alleged to be involved in the misconduct or abuse in the current position of the employee within the Division; or, the last position held by the employee and the last date of employment by the Division. The attorney may not give the offender copies of departmental records or official documents absent a court order authorizing access to, or custody, or possession."

SECTION 2.(uuuuu) G.S. 127A-54(c) reads as rewritten:

"(c) Any defendant whose sentence by a military court includes confinement shall be placed into the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Division of Adult Correction of the Department of Public Safety is authorized to transfer physical custody of the defendant to a local confinement facility."

SECTION 2.(vvvvv) G.S. 130A-25(b) reads as rewritten:

"(b) A person convicted under this section for violation of G.S. 130A-144(f) or G.S. 130A-145 shall not be sentenced under Article 81B of Chapter 15A of the General Statutes but shall instead be sentenced to a term of imprisonment of no more than two years

and shall serve any prison sentence in McCain Hospital, Section of Prisons of the Division of Adult Correction, McCain, North Carolina; the North Carolina Correctional Center for Women, Section of Prisons of the Division of Adult ~~Correction,~~Correction and Juvenile Justice, Raleigh, North Carolina; or any other confinement facility designated for this purpose by the Secretary of Public Safety after consultation with the State Health Director. The Secretary of Public Safety shall consult with the State Health Director concerning the medical management of these persons."

SECTION 2.(wwwww) G.S. 131E-98 reads as rewritten:

"**§ 131E-98. Inmate medical records.**

Notwithstanding any other provision of law, a hospital does not breach patient confidentiality by providing the Division of Adult Correction and Juvenile Justice of the Department of Public Safety with the medical records of inmates who receive medical treatment at the hospital while in the custody of the Division. A hospital complying with a request from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or its agent for a copy of the medical records of an inmate who received medical services while in custody shall be immune from liability in any civil action for the release of the inmate's medical record."

SECTION 2.(xxxxx) G.S. 131E-184(d) reads as rewritten:

"(d) In accordance with, and subject to the limitations of G.S. 148-19.1, the Department shall exempt from certificate of need review the construction and operation of a new chemical dependency or substance abuse facility for the purpose of providing inpatient chemical dependency or substance abuse services solely to inmates of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and to members of the general public, only the portion of the facility that serves inmates shall be exempt from certificate of need review."

SECTION 2.(yyyyy) G.S. 131E-214.1 reads as rewritten:

"**§ 131E-214.1. Definitions.**

As used in this Article:

...

(3) "Hospital" means a facility licensed under Article 5 of this Chapter or Article 2 of Chapter 122C of the General Statutes, but does not include the following:

a. A facility with all of its beds designated for medical type "LTC" (long-term care).

b. A facility with the majority of its beds designated for medical type "PSY-3" (mental retardation).

c. A facility operated by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 2.(zzzzz) G.S. 143-63.1(d) reads as rewritten:

"(d) Notwithstanding the provisions of this section, but subject to the provisions of G.S. 20-187.2, the North Carolina State Highway Patrol, the North Carolina Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the North Carolina State Bureau of Investigation may sell, trade, or otherwise dispose of any or all surplus weapons they possess to any federally licensed firearm dealers. The sale, trade, or disposal of these weapons shall be in a manner prescribed by the Department of Administration. Any moneys or property obtained from the sale, trade, or disposal shall go to the general fund."

SECTION 2.(aaaaaa) G.S. 143-138(g) reads as rewritten:

"(g) Publication and Distribution of Code. – The Building Code Council shall cause to be printed, after adoption by the Council, the North Carolina State Building Code and each amendment thereto. It shall, at the State's expense, distribute copies of the Code and each amendment to State and local governmental officials, departments, agencies, and educational institutions, as is set out in the table below. (Those marked by an asterisk will receive copies only on written request to the Council.)

OFFICIAL OR AGENCY	NUMBER OF COPIES
State Departments and Officials	
Governor	1
Lieutenant Governor	1
Auditor	1
Treasurer	1
Secretary of State	1
Superintendent of Public Instruction	1
Attorney General (Library)	1
Commissioner of Agriculture	1
Commissioner of Labor	1
Commissioner of Insurance	1
Department of Environmental Quality	1
Department of Health and Human Services	1
Division of Adult Correction and Juvenile Justice of the Department of Public Safety	1
Board of Transportation	1
Utilities Commission	1
Department of Administration	1
Clerk of the Supreme Court	1
Clerk of the Court of Appeals	1
Department of Natural and Cultural Resources [State Library]	1
Supreme Court Library	1
Legislative Library	1
Office of Administrative Hearings	1
Rules Review Commission	1
Schools	
All state-supported colleges and universities in the State of North Carolina	*1 each
Local Officials	
Clerks of the Superior Courts	1 each
Chief Building Inspector of each incorporated municipality or county	1

In addition, the Building Code Council shall make additional copies available at such price as it shall deem reasonable to members of the general public. The proceeds from sales of the Building Code shall be credited to the Insurance Regulatory Fund under G.S. 58-6-25."

SECTION 2.(bbbbbb) G.S. 143-166.2(d) reads as rewritten:

"(d) The term "law-enforcement officer", "officer", or "firefighter" shall mean a sheriff and all law-enforcement officers employed full-time, permanent part-time, or temporarily by a sheriff, the State of North Carolina or any county or municipality thereof, whether paid or unpaid; and all full-time custodial employees and probation and parole officers of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety; and all full time institutional and full-time, permanent part-time, and temporary detention employees of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and full-time, permanent part-time, and temporary detention

officers employed by any sheriff, county or municipality, whether paid or unpaid. The term "firemen" shall mean both firefighter or firemen as defined in G.S. 58-84-5(3a), or "eligible firemen" as defined in Article 86 of Chapter 58 of the General Statutes, notwithstanding any age requirements set out in that Article, and all full-time, permanent part-time and temporary employees of the North Carolina Forest Service of the Department of Agriculture and Consumer Services during the time they are actively engaged in firefighting activities; or engaged in emergency response activities pursuant to G.S. 166A-19.77; and shall mean all full-time employees of the North Carolina Department of Insurance during the time they are actively engaged in firefighting activities, during the time they are training firefighters or rescue squad workers, and during the time they are engaged in activities as members of the State Emergency Response Team, when the Team has been activated; and shall mean all otherwise eligible persons who, while actively engaged as firefighters or rescue squad workers, are acting in the capacity of a fire or rescue instructor outside their own department or squad. The term "rescue squad worker" shall mean a person who is dedicated to the purpose of alleviating human suffering and assisting anyone who is in difficulty or who is injured or becomes suddenly ill by providing the proper and efficient care or emergency medical services. In addition, this person must belong to an organized rescue squad which is eligible for membership in the North Carolina Association of Rescue and Emergency Medical Services, Inc., and the person must have attended a minimum of 36 hours of training in the last calendar year. Each rescue squad belonging to the North Carolina Association of Rescue and Emergency Medical Services, Inc., must file a roster of those members meeting the above requirements with the State Treasurer on or about January 31 of each year, and this roster must be certified to by the secretary of said association. In addition, the term "rescue squad worker" shall mean a member of an ambulance service certified by the Department of Health and Human Services pursuant to Article 7 of Chapter 131E of the General Statutes. The Department of Health and Human Services shall furnish a list of ambulance service members to the State Treasurer on or about January 31 of each year. The term "Civil Air Patrol members" shall mean those senior members of the North Carolina Wing-Civil Air Patrol 18 years of age or older and currently certified pursuant to G.S. 143B-1031. The term "firefighter" shall also mean county fire marshals when engaged in the performance of their county duties. The term "rescue squad worker" shall also mean county emergency services coordinators when engaged in the performance of their county duties."

SECTION 2.(ccccc) G.S. 143-166.13 reads as rewritten:

"**§ 143-166.13. Persons entitled to benefits under Article.**

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

(1) State Government Security Officers, Department of Administration;

(2) State Correctional Officers, Division of Adult Correction and Juvenile Justice of the Department of Public Safety;

(3) State Probation and Parole Officers, Division of Adult Correction and Juvenile Justice of the Department of Public Safety;

(4) Sworn State Law-Enforcement Officers with the power of arrest, Division of Adult Correction and Juvenile Justice of the Department of Public Safety;

(5) Sworn Law Enforcement Officers in the Medicaid Fraud Unit of the Department of Justice;

(6) State Highway Patrol Officers, Department of Public Safety;

(7) General Assembly Special Police, General Assembly;

(8) Sworn State Law-Enforcement Officers with the power of arrest, Department of Health and Human Services;

(9) Juvenile Justice Officers, Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety;

(10) Insurance Investigators, Department of Insurance;
(11) State Bureau of Investigation Officers and Alcohol Law Enforcement Agents, Department of Public Safety;
(12) Director and Assistant Director, License and Theft Enforcement Section, Division of Motor Vehicles, Department of Transportation;
(13) Members of License and Theft Enforcement Section, Division of Motor Vehicles, Department of Transportation, designated by the Commissioner of Motor Vehicles as either "inspectors" or uniformed weigh station personnel;
(14) Utilities Commission Transportation Inspectors and Special Investigators;
(15) North Carolina Ports Authority Police, Department of Transportation;
(16) Sworn State Law-Enforcement Officers with the power of arrest, Department of Environmental Quality;
(17) Sworn State Law-Enforcement Officers with the power of arrest, Department of Public Safety.
(18) Sworn State Law-Enforcement Officers with the power of arrest, Department of Revenue.
(19) Sworn State Law-Enforcement Officers with the power of arrest, University System.
(20) Sworn State Law-Enforcement Officers with the power of arrest, Department of Agriculture and Consumer Services.

(b) The following persons are entitled to benefits under this Article regardless of whether they are subject to the Criminal Justice Training and Standards Act:
(1) Driver License Examiners injured by accident arising out of and in the course of giving a road test, Division of Motor Vehicles, Department of Transportation;
(2) Employees of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety injured by a direct and deliberate act of an offender supervised by the Division or while performing supervisory duties over offenders which place the employees at risk of such injury.

...."

SECTION 2.(dddddd) G.S. 143-300.7 reads as rewritten:

"**§ 143-300.7. Defense of medical contractors.**

Notwithstanding any other provisions of this Article, any person or professional association who at the request of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety provides medical and dental services to inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and who is sued pursuant to the Federal Civil Rights Act of 1871 may be defended by the Attorney General and shall be protected from liability for violations of civil rights in accordance with the provisions of this Article."

SECTION 2.(eeeeee) G.S. 143-599 reads as rewritten:

"**§ 143-599. Exemptions.**

All of the following facilities shall be exempt from the provisions of this Article:

...
(9) State correctional facilities operated by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 2.(ffffff) G.S. 143B-1391(b) reads as rewritten:

"(b) The Board shall consist of 21 members, appointed as follows:
(1) Five members appointed by the Governor, including one member who is a director or employee of a State correction agency for a term to begin September 1, 1996 and to expire on June 30, 1997, one member who is an

employee of the North Carolina Department of Public Safety for a term beginning September 1, 1996 and to expire on June 30, 1997, one member selected from the North Carolina Association of Chiefs of Police for a term to begin September 1, 1996 and to expire on June 30, 1999, one member who is an employee of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and one member who represents the Division of Motor Vehicles.

...."

SECTION 2.(ggggggg) G.S. 143B-152.14 reads as rewritten:

"**§ 143B-152.14. Cooperation of State and local agencies.**

All agencies of the State and local government, including the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Health and Human Services, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Secretary of Health and Human Services, after consultation with the Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of State agencies and local agencies and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program."

SECTION 2.(hhhhhh) G.S. 143B-153(2) reads as rewritten:

"(2) The Social Services Commission shall have the power and duty to establish standards and adopt rules and regulations:

...

c. For the placement and supervision of dependent juveniles and of delinquent juveniles who are placed in the custody of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and payment of necessary costs of foster home care for needy and homeless children as provided by G.S. 108A-48;

...."

SECTION 2.(iiiiii) G.S. 143B-179(a) reads as rewritten:

"(a) The Council on Developmental Disabilities of the Department of Health and Human Services shall consist of 32 members appointed by the Governor. The composition of the Council shall be as follows:

(1) Eleven members from the General Assembly and State government agencies as follows: One person who is a member of the Senate, one person who is a member of the House of Representatives, one representative of the Department of Public Instruction, one representative of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and seven representatives of the Department of Health and Human Services to include the Secretary or his designee.

...."

SECTION 2.(jjjjjj) G.S. 143B-935 reads as rewritten:

"**§ 143B-935. Criminal history record checks of employees of and applicants for employment with the Department of Health and Human Services, and the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.**

(a) Definitions. – As used in this section, the term:

(1) "Covered person" means any of the following:

a. An applicant for employment or a current employee in a position in the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety who provides direct care for a client, patient, student, resident or ward of the Division.

b. A person who supervises positions in the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety providing direct care for a client, patient, student, resident or ward of the Division.

...

f. An independent contractor or an employee of an independent contractor who has contracted with the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to provide direct care for a client, patient, student, resident, or ward of the Division.

g. A person who has been approved to perform volunteer services in or for the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to provide direct care for a client, patient, student, resident, or ward of the Division.

...

(b) When requested by the Department of Health and Human Services or the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the North Carolina Department of Public Safety may provide to the requesting department or division a covered person's criminal history from the State Repository of Criminal Histories. Such requests shall not be due to a person's age, sex, race, color, national origin, religion, creed, political affiliation, or handicapping condition as defined by G.S. 168A-3. For requests for a State criminal history record check only, the requesting department or division shall provide to the Department of Public Safety a form consenting to the check signed by the covered person to be checked and any additional information required by the Department of Public Safety. National criminal record checks are authorized for covered applicants who have not resided in the State of North Carolina during the past five years. For national checks the Department of Health and Human Services or the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall provide to the North Carolina Department of Public Safety the fingerprints of the covered person to be checked, any additional information required by the Department of Public Safety, and a form signed by the covered person to be checked consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Department of Health and Human Services and the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall keep all information pursuant to this section confidential. The Department of Public Safety shall charge a reasonable fee for conducting the checks of the criminal history records authorized by this section.

(c) All releases of criminal history information to the Department of Health and Human Services or the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be subject to, and in compliance with, rules governing the dissemination of criminal history record checks as adopted by the North Carolina Department of Public Safety. All of the information either department receives through the

checking of the criminal history is privileged information and for the exclusive use of that department.

(d) If the covered person's verified criminal history record check reveals one or more convictions covered under subsection (a) of this section, then the conviction shall constitute just cause for not selecting the person for employment, or for dismissing the person from current employment with the Department of Health and Human Services or the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The conviction shall not automatically prohibit employment; however, the following factors shall be considered by the Department of Health and Human Services or the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in determining whether employment shall be denied:

(1) The level and seriousness of the crime;
(2) The date of the crime;
(3) The age of the person at the time of the conviction;
(4) The circumstances surrounding the commission of the crime, if known;
(5) The nexus between the criminal conduct of the person and job duties of the person;
(6) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and
(7) The subsequent commission by the person of a crime listed in subsection (a) of this section.

(e) The Department of Health and Human Services and the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may deny employment to or dismiss a covered person who refuses to consent to a criminal history record check or use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the employment denial or the dismissal from employment.

(f) The Department of Health and Human Services and the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may extend a conditional offer of employment pending the results of a criminal history record check authorized by this section."

SECTION 2.(kkkkkk) G.S. 143B-1100 reads as rewritten:

"**§ 143B-1100. Governor's Crime Commission – creation; composition; terms; meetings, etc.**

(a) There is hereby created the Governor's Crime Commission of the Department of Public Safety. The Commission shall consist of 37 voting members and five nonvoting members. The composition of the Commission shall be as follows:

...

(2) The nonvoting members shall be the Director of the State Bureau of Investigation, the ~~Deputy Director~~Deputy Chief of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety who is responsible for Intervention/Prevention programs, the ~~Deputy Director~~ Deputy Chief of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety who is responsible for Youth Development programs, the Section Chief of the Section of Prisons of the Division of Adult Correction and Juvenile Justice and the Section Chief of the Section of Community Corrections of the Division of Adult ~~Correction.~~Correction and Juvenile Justice.

(b) The membership of the Commission shall be selected as follows:

(1) The following members shall serve by virtue of their office: the Governor, the Chief Justice of the Supreme Court, the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of Public Safety, the Director of the State Bureau of Investigation, the Section Chief of the Section of Prisons of the Division of Adult ~~Correction.~~Correction and Juvenile Justice, the Section Chief of the Section of Community Corrections of the Division of Adult ~~Correction.~~Correction and Juvenile Justice, the ~~Deputy Director~~Deputy Chief who is responsible for Intervention/Prevention of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the ~~Deputy Director~~ Deputy Chief who is responsible for Youth Development of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the Superintendent of Public Instruction. Should the Chief Justice of the Supreme Court choose not to serve, his alternate shall be selected by the Governor from a list submitted by the Chief Justice which list must contain no less than three nominees from the membership of the Supreme Court.

...."

SECTION 2.(llllll) G.S. 143B-1104(c) reads as rewritten:

"(c) The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall report to the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and annually thereafter, on the results of the alternatives to commitment demonstration programs funded by Section 16.7 of S.L. 2004-124. The 2007 report and all annual reports thereafter shall also include projects funded by Section 16.11 of S.L. 2005-276 for the 2005-2006 fiscal year. Specifically, the report shall provide a detailed description of each of the demonstration programs, including the numbers of juveniles served, their adjudication status at the time of service, the services/treatments provided, the length of service, the total cost per juvenile, and the six- and 12-month recidivism rates for the juveniles after the termination of program services."

SECTION 2.(mmmmmm) G.S. 143B-1152 reads as rewritten:

"**§ 143B-1152. Definitions.**

The following definitions apply in this Subpart:

...

(2) Division. – The Division of Adult ~~Correction.~~Correction and Juvenile Justice.

...

(6a) Section. – The Section of Community Corrections of the Division of Adult ~~Correction.~~Correction and Juvenile Justice.

...."

SECTION 2.(nnnnnn) G.S. 143B-1154(b) reads as rewritten:

"(b) The priority populations for programs funded under this Subpart shall be as follows:

(1) Offenders convicted of a felony or offenders sentenced under G.S. 90-96 conditional discharge for a felony offense.

(2) Offenders identified by the Division of Adult Correction and Juvenile Justice using a validated risk assessment instrument to have a high likelihood of reoffending and a moderate to high need for substance abuse treatment."

SECTION 2.(oooooo) G.S. 143B-1155 reads as rewritten:

"**§ 143B-1155. Duties of Division of Adult ~~Correction.~~Correction and Juvenile Justice.**

(a) In addition to those otherwise provided by law, the Division of Adult Correction and Juvenile Justice shall have the following duties:

(1) To enter into contractual agreements with eligible entities for the operation of community-based corrections programs and monitor compliance with those agreements.

(2) To develop the minimum program standards, policies, and rules for community-based corrections programs and to consult with the Department of Health and Human Services on those standards, policies, and rules that are applicable to licensed and credentialed substance abuse services.

(3) To monitor, oversee, and evaluate contracted service providers.

(4) To act as an information clearinghouse regarding community-based corrections programs.

(5) To collaborate with the Department of Health and Human Services on focusing treatment resources on high-risk and moderate to high need offenders on probation, parole, and post-release supervision.

(b) The Section of Community Corrections of the Division of Adult Correction and Juvenile Justice shall develop and publish a recidivism reduction plan for the State that accomplishes the following:

(1) Articulates a goal of reducing revocations among people on probation and post-release supervision by twenty percent (20%) from the rate in the 2009-2010 fiscal year.

(2) Identifies the number of people on probation and post-release supervision in each county that are in the priority population and have a likely need for substance abuse and/or mental health treatment, employment, education, and/or housing.

(3) Identifies the program models that research has shown to be effective at reducing recidivism for the target population and ranks those programs based on their cost-effectiveness.

(4) Propose a plan to fund the provision of the most cost-effective programs and services across the State. The plan shall describe the number and types of programs and/or services to be funded in each region of the State and how that program capacity compares with the needs of the target population in that region.

(c) The Department of Public Safety, Community Corrections Section, shall report by March 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the status of the programs funded through the Treatment for Effective Community Supervision Program. The report shall include the following information from each of the following components:

(1) Recidivism Reduction Services:

a. The method by which offenders are referred to the program.

b. The target population.

c. The amount of services contracted for and the amount of funding expended in each fiscal year.

d. The supervision type.

e. The risk level of the offenders served.

f. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.

g. The demographics of the population served.

h. The number and kind of mandatory and optional services received by offenders in this program.

i. Employment status at entry and exit.
j. Supervision outcomes, including completion, revocation, and termination.

(2) Community Intervention Centers (CIC):
a. The target population.
b. The amount of funds contracted for and expended each fiscal year.
c. The supervision type.
d. The risk level of the offenders served.
e. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.
f. The demographics of the population served.
g. Supervision outcomes, including completion, revocation, and termination.

(3) Transitional and Temporary Housing:
a. The target population.
b. The amount of funds contracted for and expended each fiscal year.
c. The supervision type.
d. The risk level of the offenders served.
e. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.
f. The demographics of the population served.
g. The employment status at entry and exit.
h. Supervision outcomes, including completion, revocation, and termination.

(4) Local Reentry Councils (LRC):
a. The target population.
b. The amount of funds contracted for and expended each fiscal year.
c. The supervision type.
d. The risk level of the offenders served.
e. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.
f. The demographics of the population served.
g. The employment status at entry and exit including, wherever possible, the average wage received at entry and exit.
h. Supervision outcomes, including completion, revocation, and termination.

(5) Intensive Outpatient Services. – If the Department enters into a contract for Intensive Outpatient Services, the Department of Public Safety shall report in the next fiscal year on this service including the following:
a. The target population.
b. The amount of funds contracted for and expended each fiscal year.
c. The supervision type.
d. The risk level of the offenders served.
e. The number of successful and unsuccessful core service exits with a breakdown of reasons for unsuccessful exits.
f. The demographics of the population served.
g. Supervision outcomes, including completion, revocation, and termination."

SECTION 2.(pppppp) G.S. 143B-1156 reads as rewritten:

"**§ 143B-1156. Contract for services.**

(a) The Division of Adult Correction and Juvenile Justice shall contract with service providers through a competitive procurement process to provide community-based services to offenders on probation, parole, or post-release supervision.

...

(c) The Division of Adult ~~Correction,~~Correction and Juvenile Justice, in partnership with the Department of Health and Human Services, shall develop standard service definitions and performance measures for substance abuse and aftercare support services for inclusion in the contracts.

...."

SECTION 2.(qqqqqq) G.S. 143B-1391(b)(1) reads as rewritten:

"(b) The Board shall consist of 21 members, appointed as follows:

(1) Five members appointed by the Governor, including one member who is a director or employee of a State correction agency for a term to begin September 1, 1996 and to expire on June 30, 1997, one member who is an employee of the North Carolina Department of Public Safety for a term beginning September 1, 1996 and to expire on June 30, 1997, one member selected from the North Carolina Association of Chiefs of Police for a term to begin September 1, 1996 and to expire on June 30, 1999, one member who is an employee of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and one member who represents the Division of Motor Vehicles."

SECTION 2.(rrrrrr) G.S. 146-33 reads as rewritten:

"**§ 146-33. State agencies to locate and mark boundaries of lands.**

Every State agency shall locate and identify, and shall mark and keep marked, the boundaries of all lands allocated to that agency or under its control. The Department of Administration shall locate and identify, and mark and keep marked, the boundaries of all State lands not allocated to or under the control of any other State agency. The chief administrative officer of every State agency is authorized to contract with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the furnishing, upon such conditions as may be agreed upon from time to time between the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and the chief administrative officer of that agency, of prison labor for use where feasible in the performance of these duties."

SECTION 2.(ssssss) G.S. 147-12(b) reads as rewritten:

"(b) The Department of Transportation, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the State Highway Patrol, the Wildlife Resources Commission, the Division of Parks and Recreation in the Department of Environment and Natural Resources, and the Division of Marine Fisheries in the Department of Environment and Natural Resources shall deliver to the Governor by February 1 of each year detailed information on the agency's litter enforcement, litter prevention, and litter removal efforts. The Administrative Office of the Courts shall deliver to the Governor, by February 1 of each year, detailed information on the enforcement of the littering laws of the State, including the number of charges and convictions under the littering laws of the State. The Governor shall gather the information submitted by the respective agencies and deliver a consolidated annual report, on or before March 1 of each year, to the Environmental Review Commission, the Joint Legislative Transportation Oversight Committee, and the House of Representatives and the Senate Appropriations Subcommittees on Natural and Economic Resources."

SECTION 2.(tttttt) G.S. 148-2 reads as rewritten:

"**§ 148-2. Prison moneys and earnings.**

(a) Persons authorized to collect or receive the moneys and earnings of the State prison system shall enter into bonds payable to the State of North Carolina in penal sums and with security approved by the Division of Adult Correction and Juvenile Justice of the Department

of Public Safety, conditioned upon the faithful performance by these persons of their duties in collecting, receiving, and paying over prison moneys and earnings to the State Treasurer. Only corporate security with sureties licensed to do business in North Carolina shall be accepted.

(b) Repealed by Session Laws 2007-280, s. 2, effective August 1, 2007.

(c) Notwithstanding G.S. 147-77, Article 6A of Chapter 147 of the General Statutes, or any other provision of law, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may deposit revenue from prison canteens in local banks. The profits from prison canteens shall be deposited with the State Treasurer on a monthly basis in a fund denominated as the Correction Inmate Welfare Fund. Once the operating budget for the Correction Inmate Welfare Fund has been met, an amount equal to the funds allocated to each prison unit on a per inmate per year basis shall be credited to the Crime Victims Compensation Fund established in ~~G.S. 15B-23~~G.S. 15B-23G as soon as practicable after the total amount paid to each unit per inmate per year has been determined."

SECTION 2.(uuuuuu) G.S. 148-3 reads as rewritten:

"**§ 148-3. Prison property.**

(a) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall subject to the provisions of G.S. 143-341, have control and custody of all unexpended surplus highway funds previously allocated for prison purposes and all property of every kind and description now used by or considered a part of units of the State prison system, except vehicles used on a rental basis. The property coming within the provisions of this section shall be identified and agreed upon by the executive heads of the highway and prison systems, or by their duly authorized representatives. The Governor shall have final authority to decide whether or not particular property shall be transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in event the executive heads of the two systems are unable to agree.

(b) Property, both real and personal, deemed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to be necessary or convenient in the operation of the State prison system may, subject to the provisions of G.S. 143-341, be acquired by gift, devise, purchase, or lease. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may, subject to the provisions of G.S. 143-341, dispose of any prison property, either real or personal, or any interest or estate therein."

SECTION 2.(vvvvvv) G.S. 148-4 reads as rewritten:

"**§ 148-4. Control and custody of prisoners; authorizing prisoner to leave place of confinement.**

The Secretary of Public Safety shall have control and custody of all prisoners serving sentence in the State prison system, and such prisoners shall be subject to all the rules and regulations legally adopted for the government thereof. Any sentence to imprisonment in any unit of the State prison system, or to jail to be assigned to work under the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, shall be construed as a commitment, for such terms of imprisonment as the court may direct, to the custody of the Secretary of Public Safety or his authorized representative, who shall designate the places of confinement within the State prison system where the sentences of all such persons shall be served. The authorized agents of the Secretary shall have all the authority of peace officers for the purpose of transferring prisoners from place to place in the State as their duties might require and for apprehending, arresting, and returning to prison escaped prisoners, and may be commissioned by the Governor, either generally or specially, as special officers for returning escaped prisoners or other fugitives from justice from outside the State, when such persons have been extradited or voluntarily surrendered. Employees of departments, institutions, agencies, and political subdivisions of the State hiring prisoners to perform work outside prison confines may be designated as the authorized agents of the Secretary of Public Safety for the purpose of maintaining control and custody of prisoners who may be placed under the

supervision and control of such employees, including guarding and transferring such prisoners from place to place in the State as their duties might require, and apprehending and arresting escaped prisoners and returning them to prison. The governing authorities of the State prison system are authorized to determine by rules and regulations the manner of designating these agents and placing prisoners under their supervision and control, which rules and regulations shall be established in the same manner as other rules and regulations for the government of the State prison system.

The Secretary of Public Safety may extend the limits of the place of confinement of a prisoner, as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to

...."

SECTION 2.(wwwwww) G.S. 148-4.1 reads as rewritten:

"**§ 148-4.1. Release of inmates.**

(a) Whenever the Secretary of Public Safety determines from data compiled by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety that it is necessary to reduce the prison population to a more manageable level or to meet the State's obligations under law, he shall direct the Post-Release Supervision and Parole Commission to release on parole over a reasonable period of time a number of prisoners sufficient to that purpose. From the time the Secretary directs the Post-Release Supervision and Parole Commission until the prison population has been reduced to a more manageable level, the Secretary may not accept any inmates ordered transferred from local confinement facilities to the State prison system under G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State prison system under an order entered pursuant to G.S. 148-32.1(b) to the local confinement facility from which the inmate was transferred. In order to meet the requirements of this section, the Parole Commission shall not parole any person convicted under Article 7A of Chapter 14 of a sex offense, under G.S. 14-39, 14-41, or 14-43.3, under G.S. 90-95(h) of a drug trafficking offense, or under G.S. 14-17, or any other violent felon as defined in subsection (a1) of this section. The Parole Commission may continue to consider the suitability for release of such persons in accordance with the criteria set forth in Articles 85 and 85A of Chapter 15A.

(a1) Notwithstanding any other provision of this section, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall at all times secure the necessary prison space to house any violent felon or habitual felon for the full active sentence imposed by the court. For purposes of this subsection, the term "violent felon" means any person convicted of the following felony offenses: first or second degree murder, voluntary manslaughter, first or second degree rape, first or second degree sexual offense, any sexual offense involving a minor, robbery, kidnapping, or assault, or attempting, soliciting, or conspiring to commit any of those offenses.

...."

SECTION 2.(xxxxxx) G.S. 148-6 reads as rewritten:

"**§ 148-6. Custody, employment and hiring out of convicts.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall provide for receiving, and keeping in custody until discharged by law, all such convicts as may be now confined in the prison and such as may be hereafter sentenced to imprisonment therein by the several courts of this State. The Division shall have full power and authority to provide for employment of such convicts, either in the prison or on farms leased or owned by the State of North Carolina, or elsewhere, or otherwise; and may contract for the hire or employment of any able-bodied convicts upon such terms as may be just and fair, but such convicts so hired, or employed, shall remain under the actual management, control and care of the Division."

SECTION 2.(yyyyyy) G.S. 148-10 reads as rewritten:

"**§ 148-10. Department of Environment and Natural Resources to supervise sanitary and health conditions of prisoners.**

The Department of Environmental Quality shall have general supervision over the sanitary and health conditions of the central prison, over the prison camps, or other places of confinement of prisoners under the jurisdiction of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and shall make periodic examinations of the same and report to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the conditions found there with respect to the sanitary and hygienic care of such prisoners."

SECTION 2.(zzzzzz) G.S. 148-10.1 reads as rewritten:

"**§ 148-10.1. Employment of clinical chaplains for inmates.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety is authorized and directed to employ clinical chaplains to provide moral, spiritual and social counselling and ministerial services to inmates in the custody of the Secretary of Public Safety. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall seek to employ a diversity of qualified persons having differing faiths which are to the extent practicable reflective of the professed religious composition of the inmate population."

SECTION 2.(aaaaaaa) G.S. 148-10.2 reads as rewritten:

"**§ 148-10.2. Policy: Certain inmates not to contact family members of victims.**

(a) It shall be the policy of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to prohibit death row inmates from contacting the surviving family members of the victims without the written consent of the family members being contacted. For purposes of this subsection, the term "contact" includes arranging for a third party to forward communications from the inmate to the surviving family members of the victim.

(b) At the request of the victim or a family member of the victim, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall prohibit an inmate convicted of an offense listed in G.S. 15A-830(a)(7) from contacting the requesting party. For purposes of this subsection, the term "contact" includes arranging for a third party to forward communications from the inmate to the victim or family member.

(c) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall develop and impose sanctions against any inmate who violates the provisions of this section."

SECTION 2.(bbbbbbb) G.S. 148-10.3 reads as rewritten:

"**§ 148-10.3. Electronic monitoring costs.**

Personnel, equipment, and other costs of providing electronic monitoring of pretrial or sentenced offenders shall be reimbursed to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety by the State or local agency requesting the service in an amount not exceeding the actual costs."

SECTION 2.(ccccccc) G.S. 148-10.4 reads as rewritten:

"**§ 148-10.4. Statewide Misdemeanant Confinement Fund.**

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

(1) Division. – Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...

(c) Statewide Misdemeanant Confinement Fund established. – There is created within the Division of Adult Correction and Juvenile Justice a special nonreverting fund called the Statewide Misdemeanant Confinement Fund.

(d) Fund Uses. – Moneys in the Fund may be used for the following:

(1) Reimbursements by the Sheriffs' Association to counties for the costs of housing misdemeanants under the Program, including the care, supervision, and transportation of those misdemeanants.

(2) Reimbursements to the Division of Adult Correction and Juvenile Justice for the cost of housing misdemeanants transferred to the Division pursuant to G.S. 148-32.1(b3), including the care, supervision, and transportation of those misdemeanants.

(3) To pay the Sheriffs' Association for administrative and operating expenses pursuant to subsection (e) of this section.

(4) To pay the Division of Adult Correction and Juvenile Justice for administrative and operating expenses pursuant to subsection (e) of this section.

...."

SECTION 2.(ddddddd) G.S. 148-10.5 reads as rewritten:

"**§ 148-10.5. Facilitation of reentry.**

In order to facilitate successful reentry and improve judicial efficiency, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall work with law enforcement, the district attorneys' offices, and the courts to develop a process by which, both at intake and before release, effort is made, for each inmate in custody, to identify all outstanding warrants on the inmate. The plan should seek to resolve inmates' outstanding warrants while in custody, whenever feasible. In the course of resolving an outstanding warrant while in custody, an inmate shall be notified of the outstanding warrant and his or her right to counsel if such a right exists."

SECTION 2.(eeeeeee) G.S. 148-11(b) reads as rewritten:

"(b) The Secretary of Public Safety has sole authority to designate the uniforms worn by inmates confined in the Section of Prisons of the Division of Adult ~~Correction.~~Correction and Juvenile Justice."

SECTION 2.(fffffff) G.S. 148-12(a) reads as rewritten:

"(a) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall, as soon as practicable, establish diagnostic centers to make social, medical, and psychological studies of persons committed to the Division. Full diagnostic studies shall be made before initial classification in cases where such studies have not been made."

SECTION 2.(ggggggg) G.S. 148-18(a) reads as rewritten:

"(a) Prisoners employed by Correction Enterprises shall be compensated as set forth in Article 14 of this Chapter. Prisoners participating in work assignments established by the Section of Prisons of the Division of Adult Correction and Juvenile Justice shall be compensated at rates fixed by the Division of Adult Correction of the Department of Public Safety's rules and regulations; provided, that no prisoner so paid shall receive more than one dollar ($1.00) per day, unless the Secretary determines that the work assignment requires special skills or training. Upon approval of the Secretary, inmates working in job assignments requiring special skills or training may be paid up to three dollars ($3.00) per day. The Correction Enterprises Fund shall be the source of wages and allowances provided to inmates who are employed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in work assignments established by the Section of Prisons of the Division of Adult Correction."

SECTION 2.(hhhhhhh) G.S. 148-18.1 reads as rewritten:

"**§ 148-18.1. Confiscation of unauthorized articles.**

Any item of personal property which a prisoner in any correctional facility is prohibited from possessing by State law or which is not authorized by rules adopted by the Secretary of Public Safety shall, when found in the possession of a prisoner, be confiscated and destroyed or otherwise disposed of as the Secretary may direct. Any unauthorized funds confiscated under

this section or funds from the sale of confiscated property shall be deposited to Inmate Welfare Fund maintained by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 2.(iiiiiii) G.S. 148-19 reads as rewritten:

"**§ 148-19. Health services.**

(a) The general policies, rules and regulations of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall prescribe standards for health services to prisoners, which shall include preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis, for all types of patients. A prisoner may be taken, when necessary, to a medical facility outside the State prison system. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall seek the cooperation of public and private agencies, institutions, officials and individuals in the development of adequate health services to prisoners.

(b) Upon request of the Secretary of Public Safety, the Secretary of Health and Human Services may detail personnel employed by the Department of Health and Human Services to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the purpose of supervising and furnishing medical, psychiatric, psychological, dental, and other technical and scientific services to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The compensation, allowances, and expenses of the personnel detailed under this section may be paid from applicable appropriations to the Department of Health and Human Services, and reimbursed from applicable appropriations to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Secretary of Public Safety may make similar arrangements with any other agency of State government able and willing to aid the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to meet the needs of prisoners for health services.

(c) Each prisoner committed to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall receive a physical and mental examination by a health care professional authorized by the North Carolina Medical Board to perform such examinations as soon as practicable after admission and before being assigned to work. The prisoner's work and other assignments shall be made with due regard for the prisoner's physical and mental condition.

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Public Safety an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within the Department of Health and Human Services to monitor the implementation by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety of these standards and of substance abuse standards adopted by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 2.(jjjjjjj) G.S.148-19.1 reads as rewritten:

"**§ 148-19.1. Exemption from licensure and certificate of need.**

(a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be exempt from licensure by the Department of Health and Human Services under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Division of

Adult Correction and Juvenile Justice of the Department of Public Safety and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Health and Human Services pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need."

SECTION 2.(kkkkkkk) G.S. 148-19.2 reads as rewritten:

"**§ 148-19.2. Mandatory HIV testing.**

Each person sentenced to imprisonment and committed to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be tested to determine whether the person is HIV positive.

Each inmate who has not previously tested positive for HIV shall also be tested:

(1) Not less than once every four years from the date of that inmate's initial testing.

(2) Prior to the inmate's release from the custody of the Division of Adult ~~Correction,~~Correction and Juvenile Justice, except that testing is not mandatory prior to the release of an inmate who has been tested within one year of the inmate's release date.

In each case, the results of the test shall be reported to the inmate. If an inmate tests positive for HIV, that inmate shall be referred to public health officials for counseling."

SECTION 2.(lllllll) G.S. 148-22 reads as rewritten:

"**§ 148-22. Treatment programs.**

(a) The general policies, rules and regulations of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall provide for humane treatment of prisoners and for programs to effect their correction and return to the community as promptly as practicable. Visits and correspondence between prisoners and approved friends shall be authorized under reasonable conditions, and family members shall be permitted and encouraged to maintain close contact with the prisoners unless such contacts prove to be hurtful. Casework, counseling, and psychotherapy services provided to prisoners may be extended to include members of the prisoner's family if practicable and necessary to achieve the purposes of such programs. Education, library, recreation, and vocational training programs shall be developed so as to coordinate with corresponding services and opportunities which will be available to the prisoner when he is released. Programs may be established for the treatment and training of mentally retarded prisoners and other special groups. These programs may be operated in segregated sections of facilities housing other prisoners or in separate facilities.

(b) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may cooperate with and seek the cooperation of public and private agencies, institutions, officials, and individuals in the development and conduct of programs designed to give persons committed to the Division opportunities for physical, mental and moral improvement. The Division may enter into agreements with other agencies of federal, State or local government and with private agencies to promote the most effective use of available resources.

Specifically the Secretary of Public Safety may enter into contracts or agreements with appropriate public or private agencies offering needed services including health, mental health, mental retardation, substance abuse, rehabilitative or training services for such inmates of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety as the Secretary may deem eligible. These agencies shall be reimbursed from applicable

appropriations to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for services rendered at a rate not to exceed that which such agencies normally receive for serving their regular clients.

The Secretary may contract for the housing of work-release inmates at county jails and local confinement facilities. Inmates may be placed in the care of such agencies but shall remain the responsibility of the Division and shall be subject to the complete supervision of the Division. The Division may reimburse such agencies for the support of such inmates at a rate not in excess of the average daily cost of inmate care in the corrections unit to which the inmate would otherwise be assigned."

SECTION 2.(mmmmmmm) G.S. 148-22.1 reads as rewritten:

"**§ 148-22.1. Educational facilities and programs for selected inmates.**

(a) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety is authorized to take advantage of aid available from any source in establishing facilities and developing programs to provide inmates of the State prison system with such academic and vocational and technical education as seems most likely to facilitate the rehabilitation of these inmates and their return to free society with attitudes, knowledge, and skills that will improve their prospects of becoming law-abiding and self-supporting citizens. The State Department of Public Instruction is authorized to cooperate with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in planning academic and vocational and technical education of prison system inmates, but the State Department of Public Instruction is not authorized to expend any funds in this connection.

(b) In expending funds that may be made available for facilities and programs to provide inmates of the State prison system with academic and vocational and technical education, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall give priority to meeting the needs of inmates who are less than 21 years of age when received in the prison system with a sentence or sentences under which they will be held for not less than six months nor more than five years before becoming eligible to be considered for a parole or unconditional release. These inmates shall be given appropriate tests to determine their educational needs and aptitudes. When the necessary arrangements can be made, they shall receive such instruction as may be deemed practical and advisable for them.

...."

SECTION 2.(nnnnnnn) G.S. 148-23 reads as rewritten:

"**§ 148-23. Prison employees not to use intoxicants, narcotic drugs or profanity.**

No one addicted to the use of alcoholic beverages, or narcotic drugs, shall be employed as superintendent, warden, guard, or in any other position connected with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, where such position requires the incumbent to have any charge or direction of the prisoners; and anyone holding such position, or anyone who may be employed in any other capacity in the State prison system, who shall come under the influence of alcoholic beverages during hours of employment, or reports for duty under the effect of intoxicants, or narcotic drugs, or who shall become intoxicated, or uses narcotic drugs, under circumstances that bring discredit on the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, shall be subject to immediate dismissal from employment by any of the institutions and shall not be eligible for reinstatement to such position or be employed in any other position in any of the institutions. Any superintendent, warden, correctional officer, supervisor, or other person holding any position in the Division of Adult Correction and Juvenile Justice of the Department of Public Safety who curses a prisoner under his charge shall be subject to immediate dismissal from employment and shall not be eligible for reinstatement."

SECTION 2.(ooooooo) G.S. 148-23.1 reads as rewritten:

"**§ 148-23.1. Tobacco products prohibited on State correctional facilities premises.**

(a) The General Assembly finds that in order to protect the health, welfare, and comfort of inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and to reduce the costs of inmate health care, it is necessary to prohibit inmates from using tobacco products on the premises of State correctional facilities and to ensure that employees and visitors do not use tobacco products on the premises of those facilities.

(b) No person may use tobacco products on the premises of a State correctional facility, except for authorized religious purposes. Notwithstanding any other provision of law, inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and persons facilitating religious observances may use and possess tobacco products for religious purposes consistent with the policies of the Division.

(b1) Except as provided in subsection (b) of this section, no person may possess tobacco products on the premises of a State correctional facility. Notwithstanding the provisions of this subsection, an employee or visitor may possess tobacco products within the confines of a motor vehicle located in a designated parking area of a correctional facility's premises if the tobacco product remains in the vehicle and the vehicle is locked when the employee or visitor has exited the vehicle.

(c) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may adopt rules to implement the provisions of this section. Inmates in violation of this section are subject to disciplinary measures to be determined by the Division, including the potential loss of sentence credits earned prior to that violation. Employees in violation of this section are subject to disciplinary action by the Division. Visitors in violation of this section are subject to removal from the facility and loss of visitation privileges.

(d) As used in this section, the following terms mean:

(1) State correctional facility. – All buildings and grounds of a State correctional institution operated by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(2) Tobacco products. – Cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant that are prepared or used for smoking, chewing, dipping, or other personal use.

(3) Vapor products. – Nonlighted, noncombustible products that employ a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act."

SECTION 2.(ppppppp) G.S. 148-23.2 reads as rewritten:

"**§ 148-23.2. Mobile phones prohibited on State correctional facilities premises.**

Except as authorized by Division of Adult Correction and Juvenile Justice of the Department of Public Safety policy, no person shall possess a mobile telephone or other wireless communications device on the premises of a State correctional facility. Notwithstanding the provisions of this section, an employee or visitor may possess a mobile telephone or other wireless communications device within the confines of a motor vehicle located in a designated parking area of a correctional facility's premises if the mobile telephone or other wireless communications device remains in the vehicle and the vehicle is locked when the employee or visitor has exited the vehicle."

SECTION 2.(qqqqqqq) G.S. 148-24 reads as rewritten:

"**§ 148-24. Religious services.**

The general policies, rules and regulations of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall provide for religious services to be held in all

units of the State prison system on Sunday and at such other times as may be deemed appropriate. Attendance of prisoners at religious services shall be voluntary. The Secretary of Public Safety shall if possible secure the visits of some minister at the prison hospitals to administer to the spiritual wants of the sick."

SECTION 2.(rrrrrrr) G.S. 148-26 reads as rewritten:

"**§ 148-26. State policy on employment of prisoners.**

...

(b) As many minimum custody prisoners as are available and fit for road work, who cannot appropriately be placed on work release, study release, or other full-time programs, and as many medium custody prisoners as are available, fit for road work and can be adequately guarded during such work without reducing security levels at prison units, shall be employed in the maintenance and construction of public roads of the State. The number and location of prisoners to be kept available for work on the public roads shall be agreed upon by the governing authorities of the Department of Transportation and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety far enough in advance of each budget to permit proper provisions to be made in the request for appropriations submitted by the Department of Transportation. Any dispute between the Departments will be resolved by the Governor. Prisoners so employed shall be compensated, at rates fixed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety's rules and regulations for work performed; provided, that no prisoner working on the public roads under the provisions of this section shall be paid more than one dollar ($1.00) per day from funds provided by the Department of Transportation to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for this purpose. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety and the Department of Transportation shall develop a program to be implemented no later than July 1, 1982, to the extent money is herein appropriated, which shall include:

(1) The use of portable toilets for inmate road crews.

(c) As many of the male prisoners available and fit for forestry work shall be employed in the development and improvement of state-owned forests as can be used for this purpose by the agencies controlling these forests.

(d) The remainder of the able-bodied inmates of the State prison system shall be employed so far as practicable in prison industries and agriculture, giving preference to the production of food supplies and other articles needed by state-supported institutions or activities.

(e) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may make such contracts with departments, institutions, agencies, and political subdivisions of the State for the hire of prisoners to perform other appropriate work as will help to make the prisons as nearly self-supporting as is consistent with the purposes of their creation. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may contract with any person or any group of persons for the hire of prisoners for forestry work, soil erosion control, water conservation, hurricane damage prevention, or any similar work certified by the Secretary of Environment and Natural Resources as beneficial in the conservation of the natural resources of this State. All contracts for the employment of prisoners shal provide that they shall be fed, clothed, quartered, guarded, and otherwise cared for by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Such work may include but is not limited to work with State or local government agencies in cleaning, construction, landscaping and maintenance of roads, parks, nature trails, bikeways, cemeteries, landfills or other government-owned or operated facilities.

(e1) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may establish work assignments for inmates or allow inmates to volunteer in service projects that benefit units of State or local government or 501(c)(3) entities that serve the

citizens of this State. The work assignments may include the use of inmate labor and the use of Division of Adult Correction and Juvenile Justice of the Department of Public Safety resources in the production of finished goods. Any products made pursuant to this section shall not be subject to the provisions of Article 3A of Chapter 143 of the General Statutes and may be donated to the government unit or 501(c)(3) organization at no cost.

(f) Adult inmates of the State prison system shall be prohibited from working at or being on the premises of any schools or institutions operated or administered by the Youth Development Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety unless a complete sight and sound barrier is erected and maintained during the course of the labor performed by the adult inmates.

(g) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall establish rules, standards, and procedures for establishing inmate labor services contracts with any county or municipality expressing interest in contracting for inmate labor."

SECTION 2.(sssssss) G.S. 148-26.5 reads as rewritten:

"**§ 148-26.5. Pay and time allowances for work.**

The provisions of G.S. 148-18 and 148-13 shall be applicable to inmate work on local or State public work projects contracted for by the Secretary of Public Safety as provided by G.S. 148-26 through 148-26.4. Travel, cost of inmate wages and custodial supervision expenses incurred by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and arising out of a local or State public work project shall be reimbursed on a cost basis to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety by the local or State contracting agency."

SECTION 2.(ttttttt) G.S. 148-28 reads as rewritten:

"**§ 148-28. Sentencing prisoners to Central Prison; youthful offenders.**

When a sentenced offender is to be taken to the Central Prison at Raleigh, a sheriff or other appropriate officer of the county shall cause such prisoner to be delivered with the proper commitment papers to the warden of the Central Prison. A person under 16 years of age convicted of a felony shall not be imprisoned in the Central Prison at Raleigh unless:

(1) The person was convicted of a capital felony; or

(2) He has previously been imprisoned in a county jail or under the authority of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety upon conviction of a felony.

This provision shall not limit the authority of the Secretary of Public Safety from transferring a person under 16 years of age to Central Prison when in the Secretary's determination this person would not benefit from confinement in separate facilities for youthful offenders or when it has been determined that his presence would be detrimental to the implementation of programs designed for the benefit of other youthful offenders. Nor shall this provision limit the authority of the judges of the superior courts of this State or the Secretary of Public Safety from committing or transferring a person under 16 years of age to Central Prison for medical or psychiatric treatment."

SECTION 2.(uuuuuuu) G.S. 148-29 reads as rewritten:

"**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.**

(a) The sheriff having in charge any prisoner to be taken to the State prison system shall send the prisoner to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety after sentencing and the disposal of all pending charges against the prisoner, if no appeal has been taken. Beginning on the day after the Section of Prisons of the Division of Adult Correction and Juvenile Justice has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Section of Prisons of the Division of Adult ~~Correction,~~Correction and Juvenile Justice, the

Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall pay the county:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the prisoner awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

If the Section of Prisons of the Division of Adult Correction and Juvenile Justice determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the prisoner to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the day after the Section of Prisons of the Division of Adult Correction and Juvenile Justice has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Section of Prisons of the Division of Adult ~~Correction,~~Correction and Juvenile Justice, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall pay the county:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

If the Section of Prisons of the Division of Adult Correction and Juvenile Justice determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(c) The sheriff shall file with the board of commissioners of his county a copy of his affidavit as to necessary guard, together with a copy of his itemized account of expenses, both certified to by him as true copies of those on file in his office."

SECTION 2.(vvvvvvv) G.S. 148-32.1 reads as rewritten:

"**§ 148-32.1. Local confinement, costs, alternate facilities, parole, work release.**

(a) Repealed by Session Laws 2009-451, s. 19.22A, effective July 1, 2009.

(b) In the event that the custodian of the local confinement facility certifies in writing to the clerk of the superior court in the county in which the local confinement facility is located that the local confinement facility is filled to capacity, or that the facility cannot reasonably accommodate any more prisoners due to segregation requirements for particular prisoners, or that the custodian anticipates, in light of local experiences, an influx of temporary prisoners at that time, or if the local confinement facility does not meet the minimum standards published pursuant to G.S. 153A-221, any judge of the district court in the district court district as defined in G.S. 7A-133 where the facility is located, or any superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or G.S. 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the facility is located may order that a prisoner not housed pursuant to the Statewide Misdemeanant Confinement Program established in subsection (b2) of this section be transferred to any other qualified local confinement facility within that district or within

another such district where space is available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if the prisoner is a non-violent misdemeanant, which local facility shall accept the transferred prisoner.

If no other local confinement facility is available and the reason for the requested transfer is that the local confinement facility that would be required to house the prisoner cannot reasonably accommodate any more prisoners due to segregation requirements for particular prisoners or the local facility does not meet the minimum standards published pursuant to G.S. 153A-221, then the judge may order that a prisoner not housed pursuant to the Statewide Misdemeanant Confinement Program established in subsection (b2) of this section be transferred to a facility operated by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety as designated by the Division of Adult ~~Correction.~~Correction and Juvenile Justice. In no event, however, shall a prisoner whose term of imprisonment is less than 30 days be assigned or ordered transferred to a facility operated by the Division of Adult ~~Correction.~~Correction and Juvenile Justice.

(b1) It is the intent of the General Assembly to authorize the Division of Adult Correction and Juvenile Justice to enter into voluntary agreements with counties to provide housing for misdemeanants serving periods of confinement of more than 90 days and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless of length. It is further the intent of the General Assembly that the Division of Adult ~~Correction,~~ Correction and Juvenile Justice, in conjunction with the North Carolina Sheriffs' Association, Inc., establish a program for housing misdemeanants serving periods of confinement of more than 90 days and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless of length. It is also the intent of the General Assembly that the Division of Adult Correction and Juvenile Justice contract with the North Carolina Sheriffs' Association, Inc., to provide a service that identifies space in local confinement facilities that is available for housing these misdemeanants.

The General Assembly intends that the cost of housing and caring for these misdemeanants, including, but not limited to, care, supervision, transportation, medical, and any other related costs, be covered by State funds and not be imposed as a local cost. Therefore, the General Assembly intends that the funds appropriated for the Statewide Misdemeanant Confinement Program be used to provide funding to cover the costs of managing a system for providing that housing of misdemeanants in local confinement facilities as well as reimbursing the counties for housing and related expenses for those misdemeanants.

(b2) The Statewide Misdemeanant Confinement Program is established. The Program shall provide for the housing of misdemeanants from all counties serving sentences imposed for a period of more than 90 days and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless of length. Those misdemeanants shall be confined in local confinement facilities except as provided in subsections (b3) and (b4) of this section. The Program shall address methods for the placement and transportation of inmates and reimbursement to counties for the housing of those inmates. Any county that voluntarily agrees to house misdemeanants from that county or from other counties pursuant to the Program may enter into a written agreement with the Division of Adult Correction and Juvenile Justice to do so.

(b3) The custodian of a local confinement facility may request a judicial order to transfer a misdemeanant housed pursuant to the Statewide Misdemeanant Confinement Program to a facility operated by the Division of Adult Correction and Juvenile Justice by certifying in writing to the clerk of the superior court in the county in which the local confinement facility is located that:

(1) The misdemeanant poses a security risk because the misdemeanant:

a. Poses a serious escape risk;

b. Exhibits violently aggressive behavior that cannot be contained and warrants a higher level of supervision;
c. Needs to be protected from other inmates, and the county jail facility cannot provide such protection;
d. Is a female or a person 18 years of age or younger, and the county jail facility does not have adequate housing for such prisoners;
e. Is in custody at a time when a fire or other catastrophic event has caused the county jail facility to cease or curtail operations; or
f. Otherwise poses an imminent danger to the staff of the county jail facility or to other prisoners in the facility.

(2) The misdemeanant requires medical or mental health treatment that the county decides can best be provided by the Division of Adult ~~Correction.~~Correction and Juvenile Justice.

(3) The local confinement facility that would be required to house the prisoner (i) cannot reasonably accommodate any more prisoners due to segregation requirements for particular prisoners, or the local facility does not meet the minimum standards published pursuant to G.S. 153A-221, and (ii) no other local confinement facility is available.

Upon receiving such request and certification in writing, any superior or district court judge for the district in which the local confinement facility is located may, after ascertaining that the request meets the criteria set forth in subdivision (1), (2), or (3) of this subsection, order the misdemeanant transferred to a unit of the State prison system designated by the Secretary of Public Safety or the Secretary's authorized representative. The Division of Adult Correction and Juvenile Justice shall be reimbursed from the Statewide Misdemeanant Confinement Fund for the costs of housing the misdemeanant, including the care, supervision, and transportation of the misdemeanant.

(b4) A misdemeanant housed under the Statewide Misdemeanant Confinement Program established pursuant to subsection (b2) of this section may be transferred to a facility operated by the Division of Adult Correction and Juvenile Justice if the North Carolina Sheriffs' Association, Inc., determines that the local confinement facilities available for housing misdemeanants under the Program are filled to capacity. The Division of Adult Correction and Juvenile Justice shall be reimbursed from the Statewide Misdemeanant Confinement Fund for the costs of housing the misdemeanant, including the care, supervision, and transportation of the misdemeanant.

(c) Repealed by Session Laws 2015-40, s. 6.

(d) When a prisoner serving a sentence of 30 days or more in a local confinement facility is placed on work release pursuant to a recommendation of the sentencing court, the custodian of the facility shall forward the prisoner's work-release earnings to the Division of Adult ~~Correction,~~Correction and Juvenile Justice, which shall disburse the earnings as determined under G.S. 148-33.1(f). When a prisoner serving a sentence of 30 days or more in a local confinement facility is placed on work release pursuant to an order of the sentencing court, the custodian of the facility shall forward the prisoner's work-release earnings to the clerk of the court that sentenced the prisoner or to the Division of Adult ~~Correction,~~Correction and Juvenile Justice, as provided in the prisoner's commitment order. The clerk or the Division, as appropriate, shall disburse the earnings as provided in the prisoner's commitment order. Upon agreement between the Division of Adult Correction and Juvenile Justice and the custodian of the local confinement facility, however, the clerk may disburse to the local confinement facility the amount of the earnings to be paid for the cost of the prisoner's keep, and that amount shall be set off against the reimbursement to be paid by the Department to the local confinement facility pursuant to G.S. 148-32.1(a).

(e) Upon entry of a prisoner serving a sentence of imprisonment for impaired driving under G.S. 20-138.1 into a local confinement facility pursuant to this section, the custodian of the local confinement facility shall forward to the Post-Release Supervision and Parole Commission information pertaining to the prisoner so as to make him eligible for parole consideration pursuant to G.S. 15A-1371. Such information shall include date of incarceration, jail credit, and such other information as may be required by the Post-Release Supervision and Parole Commission. The Post-Release Supervision and Parole Commission shall approve a form upon which the custodian shall furnish this information, which form will be provided to the custodian by the Division of Adult ~~Correction.~~Correction and Juvenile Justice."

SECTION 2.(wwwwwww) G.S. 148-32.2 reads as rewritten:

"**§ 148-32.2. Community work crew fee.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may charge a fee to any unit of local government to which it provides, upon request, a community work crew. The amount of the fee shall be no more than the cost to the Division to provide the crew to the unit of local government."

SECTION 2.(xxxxxxx) G.S. 148-33 reads as rewritten:

"**§ 148-33. Prison labor furnished other State agencies.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety may furnish to any of the other State departments, State institutions, or agencies, upon such conditions as may be agreed upon from time to time between the Division and the governing authorities of such Department, institution or agency, prison labor for carrying on any work where it is practical and desirable to use prison labor in the furtherance of the purposes of any State department, institution or agency, and such other employment as is now provided by law for inmates of the State's prison under the provisions of G.S. 148-6: Provided that such prisoners shall at all times be under the custody of and controlled by the duly authorized agent of such Division. Provided, further, that notwithstanding any provisions of law contained in this Article or in this Chapter, no prisoner or group of prisoners may be assigned to work in any building utilized by any State department, agency, or institution unless a duly designated custodial agent of the Secretary of Public Safety is assigned to the building to maintain supervision and control of the prisoner or prisoners working there."

SECTION 2.(yyyyyyy) G.S. 148-33.1 reads as rewritten:

"**§ 148-33.1. Sentencing, quartering, and control of prisoners with work-release privileges.**

...

(c) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall from time to time, as the need becomes evident, designate and adapt facilities in the State prison system for quartering prisoners with work-release privileges. No State or county prisoner shall be granted work-release privileges by the Director of Prisons or the custodian of a local confinement facility until suitable facilities for quartering him have been provided in the area where the prisoner has employment or the offer of employment.

...

(f) A prisoner who is convicted of a felony and who is granted work-release privileges shall give his work-release earnings, less standard payroll deductions required by law, to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. A prisoner who is convicted of a misdemeanor, is committed to a local confinement facility, and is granted work-release privileges by order of the sentencing court shall give his work-release earnings, less standard payroll deductions required by law, to the custodian of the local confinement facility. Other misdemeanants granted work-release privileges shall give their work-release earnings, less standard payroll deductions required by law, to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Division of Adult Correction and Juvenile Justice of the Department of Public Safety or the sentencing

court, as appropriate, shall determine the amount to be deducted from a prisoner's work-release earnings to pay for the cost of the prisoner's keep and to accumulate a reasonable sum to be paid the prisoner when he is paroled or discharged from prison. The Division or sentencing court shall also determine the amount to be disbursed by the Division or clerk of court, as appropriate, for each of the following:

(1) To pay travel and other expenses of the prisoner made necessary by his employment;

(2) To provide a reasonable allowance to the prisoner for his incidental personal expenses;

(3) To make payments for the support of the prisoner's dependents in accordance with an order of a court of competent jurisdiction, or in the absence of a court order, in accordance with a determination of dependency status and need made by the local department of social services in the county of North Carolina in which such dependents reside;

(3a) To make restitution or reparation as provided in G.S. 148-33.2.

(4) To comply with an order from any court of competent jurisdiction regarding the payment of an obligation of the prisoner in connection with any judgment rendered by the court.

(5) To comply with a written request by the prisoner to withhold an amount, when the request has been granted by the Division or the sentencing court, as appropriate.

Any balance of his earnings remaining at the time the prisoner is released from prison shall be paid to him. The Social Services Commission is authorized to promulgate uniform rules and regulations governing the duties of county social services departments under this section.

...."

SECTION 2.(zzzzzzz) G.S. 148-36 reads as rewritten:

"**§ 148-36. Secretary of Public Safety to control classification and operation of prison facilities.**

All facilities established or acquired by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be under the administrative control and direction of the Secretary of Public Safety, and operated under rules and regulations proposed by the Secretary and adopted by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety as provided in G.S. 148-11. Subject to such rules and regulations, the Secretary shall classify the facilities of the State prison system and develop a variety of programs so as to permit proper segregation and treatment of prisoners according to the nature of the offenses committed, the character and mental condition of the prisoners, and such other factors as should be considered in providing an individualized system of discipline, care, and correctional treatment of persons committed to the Division. The Secretary of Public Safety, or his authorized representative, shall designate the places of confinement where sentences to imprisonment in the State's prison system shall be served. The Secretary or his representative may designate any available facility appropriate for the individual in view of custodial and correctional considerations."

SECTION 2.(aaaaaaaa) G.S. 148-37 reads as rewritten:

"**§ 148-37. Additional facilities authorized; contractual arrangements.**

(a) Subject to the provisions of G.S. 143-341, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may establish additional facilities for use by the Division, such facilities to be either of a permanent type of construction or of a temporary or movable type as the Division may find most advantageous to the particular needs, to the end that the prisoners under its supervision may be so distributed throughout the State as to facilitate individualization of treatment designed to prepare them for lawful living in the community where they are most likely to reside after their release from prison. For this

purpose, the Division may purchase or lease sites and suitable lands adjacent thereto and erect necessary buildings thereon, or purchase or lease existing facilities, all within the limits of allotments as approved by the Department of Administration.

(b) The Secretary of Public Safety may contract with the proper official of the United States or of any county or city of this State for the confinement of federal prisoners after they have been sentenced, county, or city prisoners in facilities of the State prison system or for the confinement of State prisoners in any county or any city facility located in North Carolina, or any facility of the United States Bureau of Prisons, when to do so would most economically and effectively promote the purposes served by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Except as otherwise provided, any contract made under the authority of this subsection shall be for a period of not more than two years, and shall be renewable from time to time for a period not to exceed two years. Contracts made under the authority of this subsection for the confinement of State prisoners in local or district confinement facilities may be for a period of not more than 10 years and renewable from time to time for a period not to exceed 10 years, and shall be subject to the approval of the Council of State and the Department of Administration after consultation with the Joint Legislative Commission on Governmental Operations. Contracts for receiving federal, county and city prisoners shall provide for reimbursing the State in full for all costs involved. The financial provisions shall have the approval of the Department of Administration before the contract is executed. Payments received under such contracts shall be deposited in the State treasury for the use of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Such payments are hereby appropriated to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety as a supplementary fund to compensate for the additional care and maintenance of such prisoners as are received under such contracts.

(b1) Recodified as G.S. 148-37.2 by Session Laws 2001-84, s. 1, effective May 17, 2001.

(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Public Safety may enter into contracts with any public entity or any private nonprofit or for-profit firms for the confinement and care of State prisoners in any out-of-state correctional facility when to do so would most economically and effectively promote the purposes served by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Contracts entered into under the authority of this subsection shall be for a period not to exceed two years and shall be renewable from time to time for a period not to exceed two years. Prisoners may be sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection shall be approved by the Department of Administration before the contract is executed. Before expending more than the amount specifically appropriated by the General Assembly for the out-of-state housing of inmates, the Division shall obtain the approval of the Joint Legislative Commission on Governmental Operations and shall report such expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.

(d) Prisoners confined in out-of-state correctional facilities pursuant to subsection (c) of this section shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The rules regarding good time and gain time, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in those out-of-state correctional facilities. The operators of those out-of-state correctional facilities may promulgate any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Public Safety. Custodial officials employed by an out-of-state correctional facility are agents of the Secretary

of Public Safety and may use those procedures for use of force authorized by the Secretary of Public Safety not inconsistent with the laws of the State of situs of the facility to defend themselves, to enforce the observance of discipline in compliance with correctional facility rules, to secure the person of a prisoner, and to prevent escape. Prisoners confined to out-of-state correctional facilities may be required to perform reasonable work assignments within those facilities. Private firms under subsection (c) of this section shall employ inmate disciplinary and grievance policies of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(e) Repealed by Session Laws 1995, c. 324, s. 19.10.

(f) Any contracts entered into by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety with public contractors prior to March 25, 1994, for the out-of-state housing of inmates are ratified.

(g) The Secretary of Public Safety may contract with private for-profit or nonprofit firms for the provision and operation of four or more confinement facilities totaling up to 2,000 beds in the State to house State prisoners when to do so would most economically and effectively promote the purposes served by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. This 2,000-bed limitation shall not apply to the 500 beds in private substance abuse treatment centers authorized by the General Assembly prior to July 1, 1995. Whenever the Division of Adult Correction and Juvenile Justice of the Department of Public Safety determines that new prison facilities are required in addition to existing and planned facilities, the Division may contract for any remaining beds authorized by this section before constructing State-operated facilities.

Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years. The Secretary of Public Safety shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly. Contracts entered under the authority of this subsection may be subject to any requirements for the location of the confinement facilities set forth by the General Assembly in appropriating those funds.

Once the Division has made a determination to contract for additional private prison beds, it shall issue a request for proposals within 30 days of the decision. The request for proposals shall require bids to be submitted within two months, and the Division shall award contracts at the earliest practicable date after the submission of bids. The Secretary of Public Safety, in consultation with the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection may provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. Contracts made under the authority of this subsection shall state that plans and specifications for private confinement facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State. All contracts for the housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system.

The Secretary of Public Safety may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Public Safety. Custodial officials employed by a private confinement facility are agents of the Secretary of Public Safety and may use those procedures for use of force authorized by the Secretary of Public Safety to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(h) Private confinement facilities under this section shall be designed, built, and operated in accordance with applicable State laws, court orders, fire safety codes, and local regulations.

(i) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall make a written report no later than March 1 of every year, beginning in 1997, on the substance of all outstanding contracts for the housing of State prisoners entered into under the authority of this section. The report shall be submitted to the Joint Legislative Oversight Committee on Justice and Public Safety."

SECTION 2.(bbbbbbbb) G.S. 148-37.3(a) reads as rewritten:

"(a) Correctional officers and security supervisors employed at private correctional facilities pursuant to a contract between their employer and the Federal Bureau of Prisons may, in the course of their employment as correctional officers or security supervisors, use necessary force and make arrests consistent with the laws applicable to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, which force shall not exceed that authorized to Division of Adult Correction and Juvenile Justice of the Department of Public Safety officers, provided that the employment policies of such private corporations meet the same minimum standards and practices followed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in employing its correctional personnel, and if:

(1) Those correctional officers and security supervisors have been certified as correctional officers as provided under Chapter 17C of the General Statutes; or

(2) Those correctional officers and security supervisors employed by the private corporation at the facility have completed a training curriculum that meets or exceeds the standards required by the North Carolina Criminal Justice Education and Training Standards Commission for correctional personnel."

SECTION 2.(cccccccc) G.S. 148-40 reads as rewritten:

"**§ 148-40. Recapture of escaped prisoners.**

The rules and regulations for the government of the State prison system may provide for the recapture of convicts that may escape, or any convicts that may have escaped from the State's prison or prison camps, or county road camps of this State, and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may pay to any person recapturing an escaped convict such reward or expense of recapture as the regulations may provide. Any citizen of North Carolina shall have authority to apprehend any convict who may escape before the expiration of his term of imprisonment whether he be guilty of a felony or misdemeanor, and retain him in custody and deliver him to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 2.(ddddddddd) G.S. 148-41 reads as rewritten:

"**§ 148-41. Recapture of escaping prisoners; reward.**

The Secretary of Public Safety shall use every means possible to recapture, regardless of expense, any prisoners escaping from or leaving without permission any of the State prisons, camps, or farms. When any person who has been confined or placed to work escapes from the State prison system, the Secretary shall immediately notify the Governor, and accompany the notice with a full description of the escaped prisoner, together with such information as will aid in the recapture. The Governor may offer such rewards as he may deem desirable and necessary for the recapture and return to the State prison system of any person who may escape or who heretofore has escaped therefrom. Such reward earned shall be paid by warrant of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and accounted for as a part of the expense of maintaining the State's prisons."

SECTION 2.(eeeeeeee) G.S. 148-45 reads as rewritten:

"**§ 148-45. Escaping or attempting escape from State prison system; failure of conditionally and temporarily released prisoners and certain youthful offenders to return to custody of Division of Adult Correction and Juvenile Justice of the Department of Public Safety.**

(a) Any person in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in any of the classifications hereinafter set forth who shall escape from the State prison system, shall for the first such offense, except as provided in subsection (g) of this section, be guilty of a Class 1 misdemeanor:

(1) A prisoner serving a sentence imposed upon conviction of a misdemeanor;

(2) A person who has been charged with a misdemeanor and who has been committed to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety under the provisions of G.S. 162-39;

(3) Repealed by Session Laws 1985, c. 226, s. 4.

(4) A person who shall have been convicted of a misdemeanor and who shall have been committed to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for presentence diagnostic study under the provisions of G.S. 15A-1332(c).

(b) Any person in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, in any of the classifications hereinafter set forth, who shall escape from the State prison system, shall, except as provided in subsection (g) of this section, be punished as a Class H felon.

(1) A prisoner serving a sentence imposed upon conviction of a felony;

(2) A person who has been charged with a felony and who has been committed to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety under the provisions of G.S. 162-39;

(3) Repealed by Session Laws 1985, c. 226, s. 5.

(4) A person who shall have been convicted of a felony and who shall have been committed to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for presentence diagnostic study under the provisions of G.S. 15A-1332(c); or

(5) Any person previously convicted of escaping or attempting to escape from the State prison system.

(c) Repealed by Session Laws 1979, c. 760, s. 5.

(d) Any person who aids or assists other persons to escape or attempt to escape from the State prison system shall be guilty of a Class 1 misdemeanor.

(e) Repealed by Session Laws 1983, c. 465, s. 5.

(f) Any person convicted of an escape or attempt to escape classified as a felony by this section shall be immediately classified and treated as a convicted felon even if such person has

time remaining to be served in the State prison system on a sentence or sentences imposed upon conviction of a misdemeanor or misdemeanors.

(g) (1) Any person convicted and in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and ordered or otherwise assigned to work under the work-release program, G.S. 148-33.1, or any convicted person in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and temporarily allowed to leave a place of confinement by the Secretary of Public Safety or his designee or other authority of law, who shall fail to return to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, shall be guilty of the crime of escape and subject to the applicable provisions of this section and shall be deemed an escapee. For the purpose of this subsection, escape is defined to include, but is not restricted to, willful failure to return to an appointed place and at an appointed time as ordered.

(2) If a person, who would otherwise be guilty of a first violation of G.S. 148-45(g)(1), voluntarily returns to his place of confinement within 24 hours of the time at which he was ordered to return, such person shall not be charged with an escape as provided in this section but shall be subject to such administrative action as may be deemed appropriate for an escapee by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety; said escapee shall not be allowed to be placed on work release for a four-month period or for the balance of his term if less than four months; provided, however, that if such person commits a subsequent violation of this section then such person shall be charged with that offense and, if convicted, punished under the provisions of this section."

SECTION 2.(fffffff) G.S. 148-46.1 reads as rewritten:

"**§ 148-46.1. Inflicting or assisting in infliction of self injury to prisoner resulting in incapacity to perform assigned duties.**

Any person serving a sentence or sentences within the State prison system who, during the term of such imprisonment, willfully and intentionally inflicts upon himself any injury resulting in a permanent or temporary incapacity to perform work or duties assigned to him by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, or any prisoner who aids or abets any other prisoner in the commission of such offense, shall be punished as a Class H felon."

SECTION 2.(ggggggg) G.S. 148-53 reads as rewritten:

"**§ 148-53. Investigators and investigations of cases of prisoners.**

For the purpose of investigating the cases of prisoners, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety is hereby authorized and empowered to appoint an adequate staff of competent investigators, particularly qualified for such work, with such reasonable clerical assistance as may be required, who shall, under the rules and regulations duly adopted by the Post-Release Supervision and Parole Commission, investigate all cases designated by it, investigate cases of prisoners eligible for post-release supervision, and otherwise aid the Commission in passing upon the question of the parole and post-release supervision of prisoners, to the end that every prisoner in the custodial care of the State may receive full, fair, and just consideration."

SECTION 2.(hhhhhhhh) G.S. 148-54 reads as rewritten:

"**§ 148-54. Parole and post-release supervision supervisors provided for; duties.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety is hereby authorized to appoint a sufficient number of competent parole and post-release supervision supervisors, who shall be particularly qualified for and adapted for the work

required of them, and who shall under the direction of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and under regulations prescribed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety after consultation with the Commission, exercise supervision and authority over paroled prisoners and persons on post-release supervision, assist paroled prisoners and persons on post-release supervision, and those who are to be paroled or released for post-release supervision in finding and retaining self-supporting employment, and to promote rehabilitation work with paroled and post-release supervised prisoners, to the end that they may become law-abiding citizens. The supervisors shall also, under the direction of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, maintain frequent contact with paroled and post-release supervised prisoners and find out whether or not they are observing the conditions of their paroles or post-release supervision, and assist them in every possible way toward compliance with the conditions, and they shall perform such other duties in connection with paroled prisoners as the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may require. The number of supervisors may be increased by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety as and when the number of paroled and post-release supervised prisoners to be supervised requires or justifies such increase."

SECTION 2.(iiiiiiii) G.S. 148-59 reads as rewritten:

"**§ 148-59. Duties of clerks of superior courts as to commitments; statements filed with Division of Adult Correction and Juvenile Justice of the Department of Public Safety.**

The several clerks of the superior courts shall attach to the commitment of each prisoner sentenced in such courts a statement furnishing such information as the Post-Release Supervision and Parole Commission shall by regulations prescribe, which information shall contain, among other things, the following:

(1) The court in which the prisoner was tried;
(2) The name of the prisoner and of all codefendants;
(3) The date or session when the prisoner was tried;
(4) The offense with which the prisoner was charged and the offense for which convicted;
(5) The judgment of the court and the date of the beginning of the sentence;
(6) The name and address of the presiding judge;
(7) The name and address of the prosecuting solicitor;
(8) The name and address of private prosecuting attorney, if any;
(9) The name and address of the arresting officer;
(10) All available information of the previous criminal record of the prisoner; and
(11) For all Class G or more serious felonies, the names and addresses of the following persons, where the presiding judge makes a finding of such facts:
    a. Any victims of the offense for which the prisoner was convicted;
    b. The parent or legal guardian of any minor victims of the offense for which the prisoner was convicted; and
    c. The next of kin of any homicide victims of the offense for which the prisoner was convicted.

The prison authorities receiving the prisoner for the beginning of the service of sentence shall detach from the commitment the statement furnishing such information and forward it to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, together with any additional information in the possession of such prison authorities relating to the previous criminal record of such prisoner, and the information thus furnished shall constitute the foundation and file of the prisoner's case. Forms for furnishing the information

required by this section shall, upon request, be furnished to the said clerks by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety without charge."

SECTION 2.(jjjjjjjj) G.S. 148-64 reads as rewritten:

"**§ 148-64. Cooperation of prison and parole officials and employees.**

The officials and employees of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and the Post-Release Supervision and Parole Commission shall at all times cooperate with and furnish each other such information and assistance as will promote the purposes of this Chapter and the purposes for which these agencies were established. The Commission shall have free access to all prisoners."

SECTION 2.(kkkkkkkk) G.S. 148-64.1 reads as rewritten:

"**§ 148-64.1. Early conditional release of inmates subject to a removal order; revocation of release.**

(a) Eligibility for Early Release. – Notwithstanding any other provision of law, the Post-Release Supervision and Parole Commission may conditionally release an inmate into the custody and control of United States Immigration and Customs Enforcement if all of the following requirements are satisfied:

(1) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety has received a final order of removal for the inmate from United States Immigration and Customs Enforcement.

...

(c) Return of Inmates. – In the event that the United States Immigration and Customs Enforcement is unable to or does not deport the inmate, the inmate shall be returned to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to serve the remainder of the original sentence.

...."

SECTION 2.(lllllllll) G.S. 148-65.6(a) reads as rewritten:

"(a) The North Carolina State Council for Interstate Adult Offender Supervision shall be established, consisting of 14 members. North Carolina's Commissioner to the Interstate Compact Commission is a member of the State Council and serves as chair of the State Council. The remaining members of the State Council shall consist of the following:

...

(7) Four members representing the Section of Community Corrections of the Division of Adult ~~Correction;~~Correction and Juvenile Justice, to be appointed by the Director of the Section of Community Corrections of the Division of Adult ~~Correction;~~Correction and Juvenile Justice;

...."

SECTION 2.(mmmmmmmm) G.S. 148-65.7(a) reads as rewritten:

"(a) Persons convicted in this State who make a request for transfer to another state pursuant to the compact shall pay a transfer application of two hundred fifty dollars ($250.00) for each transfer application submitted. The transfer application fee shall be paid to the Compact Commissioner upon submission of the transfer application. The Commissioner or the Commissioner's designee may waive the application fee if either the Commissioner or the Commissioner's designee finds that payment of the fee will constitute an undue economic burden on the offender.

All fees collected pursuant to this section shall be deposited in the Interstate Compact Fund and shall be used only to support administration of the Interstate Compact.

The Interstate Compact Fund is established within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert, and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Division of Adult Correction and Juvenile Justice of the Department of Public

Safety pursuant to this subsection shall be remitted to the State Treasurer to be deposited and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the administration of the Interstate Compact."

SECTION 2.(nnnnnnnn) G.S. 148-66 reads as rewritten:

"**§ 148-66. Cities and towns and Department of Agriculture and Consumer Services may contract for prison labor.**

The corporate authorities of any city or town may contract in writing with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the employment of convicts upon the highways or streets of such city or town, and such contracts when so exercised shall be valid and enforceable against such city or town, and the Attorney General may prosecute an action in the Superior Court of Wake County in the name of the State for their enforcement.

The Department of Agriculture and Consumer Services is hereby authorized and empowered to contract, in writing, with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the employment and use of convicts under its supervision to be worked on the State test farms and/or State experimental stations."

SECTION 2.(oooooooo) G.S. 148-67 reads as rewritten:

"**§ 148-67. Hiring to cities and towns and State Department of Agriculture and Consumer Services.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall in their discretion, upon application to them, hire to the corporate authorities of any city or town for the purposes specified in G.S. 148-66, such convicts as are mentally and physically capable of performing the work or labor contemplated and are not at the time of such application hired or otherwise engaged in labor under the direction of the Division; but the convicts so hired for services shall be fed, clothed and quartered while so employed by the Division.

Upon application to it, it shall be the duty of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, in its discretion, to hire to the Department of Agriculture and Consumer Services for the purposes of working on the State test farms and/or State experimental stations, such convicts as may be mentally and physically capable of performing the work or labor contemplated; but the convicts so hired for services under this paragraph shall be fed, clothed and quartered while so employed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 2.(pppppppp) G.S. 148-70 reads as rewritten:

"**§ 148-70. Management and care of inmates.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety in all contracts for labor shall provide for feeding and clothing the inmates and shall maintain, control and guard the quarters in which the inmates live during the time of the contracts; and the Division shall provide for the guarding and working of such inmates under its sole supervision and control. The Division may make such contracts for the hire of the inmates confined in the State prison as may in its discretion be proper."

SECTION 2.(qqqqqqqq) G.S. 148-74 reads as rewritten:

"**§ 148-74. Records Section.**

Case records and related materials compiled for the use of the Secretary of Public Safety and the Parole Commission shall be maintained in a single central file system designed to minimize duplication and maximize effective use of such records and materials. When an individual is committed to the State prison system after a period on probation, the probation files on that individual shall be made a part of the combined files used by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and the Parole Commission.

The administration of the Records Section shall be under the control and direction of the Secretary of Public Safety."

SECTION 2.(rrrrrrrr) G.S. 148-78 reads as rewritten:

"**§ 148-78. Reports.**

The Secretary of Public Safety may prepare and release reports on the work of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, including statistics and other data, accounts of research, and recommendations for legislation."

SECTION 2.(sssssssss) G.S. 148-118.1 reads as rewritten:

"**§ 148-118.1. Authority.**

The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall adopt an Administrative Remedy Procedure in compliance with 42 U.S.C. 1997, the "Civil Rights of Institutionalized Persons Act". The Administrative Remedy Procedure and any amendments or changes thereto shall be adopted only after prior consultation with the Grievance Resolution Board."

SECTION 2.(ttttttt) G.S. 148-118.2(a) reads as rewritten:

"(a) Upon approval of the Administrative Remedy Procedure by a federal court as authorized and required by 42 U.S.C. 1997(e)(a), and the implementation of the procedure, this procedure shall constitute the administrative remedies available to a prisoner for the purpose of preserving any cause of action under the purview of the Administrative Remedy Procedure, which a prisoner may claim to have against the State of North Carolina, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, or its employees."

SECTION 2.(uuuuuuuu) G.S. 148-118.4 reads as rewritten:

"**§ 148-118.4. Definitions.**

For purposes of this Article, "prisoner" shall refer to all prisoners in the physical custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 2.(vvvvvvvv) G.S. 148-118.5 reads as rewritten:

"**§ 148-118.5. Records confidentiality.**

All reports, investigations, and like supporting documents prepared by the Division for purposes of responding to the prisoner's request for an administrative remedy shall be deemed to be confidential. All formal written responses to the prisoner's request shall be furnished to the prisoner as a matter of course as required by the procedure. The Grievance Resolution Board shall have access to all relevant records developed by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 2.(wwwwwwww) G.S. 148-118.6 reads as rewritten:

"**§ 148-118.6. Grievance Resolution Board.**

The Grievance Resolution Board is established as a separate agency within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. It shall consist of five members appointed by the Governor to serve four-year terms. Of the members so appointed, three shall be attorneys selected from a list of 10 persons recommended by the Council of the North Carolina State Bar. The remaining two members shall be persons of knowledge and experience in one or more fields under the jurisdiction of the Secretary of Public Safety. In the event a vacancy occurs on the Board prior to the expiration of a member's term, the Governor shall appoint a new Board member to serve the unexpired term. If the vacancy occurs in one of the positions designated for an attorney, the Governor shall select another attorney from a list of five persons recommended by the Council of the North Carolina State Bar. The Board shall perform those functions assigned to it by the Governor and shall review the grievance procedure. The Grievance Resolution Board shall meet not less then quarterly to review summaries of grievances. All members of the Inmate Grievance Commission, appointed by the Governor pursuant to G.S. 148-101, may complete their terms as members of the Board. Each member of the Board shall receive per diem and travel expenses as authorized for members of State commissions and boards under G.S. 138-5."

SECTION 2.(xxxxxxxx) G.S. 148-118.8(a) reads as rewritten:

"(a) The Grievance Resolution Board, in consultation with the Secretary of Public Safety, shall provide the Governor with at least three nominees, and the Governor shall appoint an Executive Director from those nominees. The Grievance Resolution Board shall appoint grievance examiners. The Executive Director shall manage the staff and perform such other functions as are assigned to the Director by the Grievance Resolution Board. The Executive Director shall serve at the pleasure of the Governor. The grievance examiners shall serve at the pleasure of the Grievance Resolution Board. The grievance examiners shall be subject to Article 2 of Chapter 126 of the North Carolina General Statutes for purposes of salary and leave. Support staff, equipment, and facilities for the Board shall be provided by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 2.(yyyyyyyy) G.S. 148-128 reads as rewritten:

"**§ 148-128. Authorization for Correction Enterprises.**

The Section of Correction Enterprises of the Division of Adult Correction and Juvenile Justice is established as a division of the Division of Adult Correction of the Department of Public Safety. The Section of Correction Enterprises of the Division of Adult Correction and Juvenile Justice may develop and operate industrial, agricultural, and service enterprises that employ incarcerated offenders in an effort to provide them with meaningful work experiences and rehabilitative opportunities that will increase their employability upon release from prison. Enterprises operated under this Article shall be known as "Correction Enterprises.""

SECTION 2.(zzzzzzzz) G.S. 148-130 reads as rewritten:

"**§ 148-130. Correction Enterprises Fund.**

(a) All revenues from the sale of articles and commodities manufactured or produced by Correction Enterprises shall be deposited with the State Treasurer to be kept and maintained as a special revolving working-capital fund designated "Correction Enterprises Fund."

(b) Revenue in the Correction Enterprises Fund shall be applied first to capital and operating expenditures, including salaries and wages of personnel necessary to develop and operate Correction Enterprises and incentive wages for inmates employed by Correction Enterprises or participating in work assignments established by the Section of Prisons of the Division of Adult ~~Correction.~~Correction and Juvenile Justice. Of the remaining revenue in the Fund, five percent (5%) of the net proceeds, before expansion costs, shall be credited to the Crime Victims Compensation Fund established in G.S. 15B-23 as soon as practicable after net proceeds have been determined for the previous year. At the direction of the Governor, the remainder shall be used for other purposes within the State prison system or shall be transferred to the General Fund.

(c) The Correction Enterprises Fund shall be the source of all incentive wages and allowances paid to inmates employed by Correction Enterprises and inmates participating in work assignments established by the Section of Prisons of the Division of Adult ~~Correction.~~Correction and Juvenile Justice."

SECTION 2.(aaaaaaaaa) G.S. 148-131 reads as rewritten:

"**§ 148-131. Powers and responsibilities.**

In order to fulfill the purposes set forth in G.S. 148-129, the Section of Correction Enterprises of the Division of Adult Correction and Juvenile Justice is authorized and empowered to take all actions necessary in the operation of its enterprises, including any of the following actions to:

...."

SECTION 2.(bbbbbbbbb) G.S. 148-132 reads as rewritten:

"**§ 148-132. Distribution of products and services.**

The Section of Correction Enterprises of the Division of Adult Correction and Juvenile Justice is empowered and authorized to market and sell products and services produced by Correction Enterprises to any of the following entities:

...."

SECTION 2.(ccccccccc) G.S. 148-134 reads as rewritten:

"**§ 148-134. Preference for Division of Adult Correction and Juvenile Justice of the Department of Public Safety products.**

All departments, institutions, and agencies of this State that are supported in whole or in part by the State shall give preference to Correction Enterprises products in purchasing articles, products, and commodities that these departments, institutions, and agencies require and that are manufactured or produced within the State prison system and offered for sale to them by Correction Enterprises. No article or commodity available from Correction Enterprises shall be purchased by any State department, institution, or agency from any other source unless the prison product does not meet the standard specifications and the reasonable requirements of the department, institution, or agency as determined by the Secretary of Administration or the requisition cannot be complied with because of an insufficient supply of the articles or commodities required. The provisions of Article 3 of Chapter 143 of the General Statutes respecting contracting for the purchase of all supplies, materials, and equipment required by the State government or any of its departments, institutions, or agencies under competitive bidding shall not apply to articles or commodities available from Correction Enterprises. The Section of Correction Enterprises of the Division of Adult Correction and Juvenile Justice shall be required to keep the price of such articles or commodities substantially in accord with that paid by governmental agencies for similar articles and commodities of equivalent quality."

SECTION 2.(ddddddddd) G.S. 150B-1 reads as rewritten:

§ 150B-1. Policy and scope.

...

(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

...

(6) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety, with respect to matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees.

...

(e) Exemptions From Contested Case Provisions. – The contested case provisions of this Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The contested case provisions of this Chapter do not apply to the following:

...

(7) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

...."

SECTION 2.(eeeeeeeee) G.S. 153A-221(b) reads as rewritten:

"(b) In developing the standards and any amendments thereto, the Secretary shall consult with organizations representing local government and local law enforcement, including the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, the North Carolina Sheriffs' Association, and the North Carolina Police Executives' Association. The Secretary shall also consult with interested State departments and agencies, including the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Department of Health and Human Services, the Department of Insurance, and the North Carolina Criminal Justice Education and Training Standards Commission, and the North Carolina Sheriffs' Education and Training Standards Commission."

SECTION 2.(fffffffff) G.S. 153A-221.1 reads as rewritten:

"**§ 153A-221.1. Standards and inspections.**

The legal responsibility of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for State services to county juvenile

detention homes under this Article is hereby confirmed and shall include the following: development of State standards under the prescribed procedures; inspection; consultation; technical assistance; and training.

The Secretary of Health and Human Services, in consultation with the Secretary of Public Safety, shall also develop standards under which a local jail may be approved as a holdover facility for not more than five calendar days pending placement in a juvenile detention home which meets State standards, providing the local jail is so arranged that any child placed in the holdover facility cannot converse with, see, or be seen by the adult population of the jail while in the holdover facility. The personnel responsible for the administration of a jail with an approved holdover facility shall provide close supervision of any child placed in the holdover facility for the protection of the child."

SECTION 2.(ggggggggg) G.S. 153A-230.1(2) reads as rewritten:

"(2) "Satellite Jail/Work Release Unit" means a building or designated portion of a building primarily designed, staffed, and used for the housing of misdemeanants participating in a work release program. These units shall house misdemeanants only, except that, if he so chooses, the Sheriff may accept responsibility from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the housing of felons who do not present security risks, who have achieved work release status, and who will be employed on work release, or for felons committed directly to his custody pursuant to G.S. 15A-1352(b). These units shall be operated on a full time basis, i.e., seven days/nights a week."

SECTION 2.(hhhhhhhhh) G.S. 153A-230.2(b) reads as rewritten:

"(b) A county or group of counties is eligible for a grant under this section if it agrees to abide by the basic requirements for satellite jail/work release units established in G.S. 153A-230.3. In order to receive a grant under this section, there must be a written agreement to abide by the basic requirements for satellite jail/work release units set forth in G.S. 153A-230.3. The written agreement shall be signed by the Chairman of the Board of County Commissioners, with approval of the Board of County Commissioners and after consultation with the Sheriff, and a representative of the Office of State Budget and Management. If a group of counties applies for the grant, then the agreement must be signed by the Chairman of the Board of County Commissioners of each county. Any variation from, including termination of, the original signed agreement must be approved by both the Office of State Budget and Management and by a vote of the Board of County Commissioners of the county or counties.

When the county or group of counties receives a grant under this section, the county or group of counties accepts ownership of the satellite jail/work release unit and full financial responsibility for maintaining and operating the unit, and for the upkeep of its occupants who comply with the eligibility criteria in G.S. 153A-230.3(a)(1). The county shall receive from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the amount paid to local confinement facilities under G.S. 148-32.1 for prisoners which are in the unit, but do not meet the eligibility of requirements under G.S. 153A-230.3(a)(1)."

SECTION 2.(iiiiiiiii) G.S. 153A-230.3 reads as rewritten:

"**§ 153A-230.3. Basic requirements for satellite jail/work release units.**

(a) Eligibility for Unit. – The following rules shall govern which misdemeanants are housed in a satellite jail/work release unit:

...

(5) The Sheriff may accept work release misdemeanants or felons from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety provided that those inmates agree to pay for their upkeep, that

space is available, and that the Sheriff is willing to accept responsibility for the prisoner after screening.

...

(b) Operation of Satellite Jail/Work Release Unit. – A county or group of counties operating a satellite jail/work release unit shall comply with the following requirements concerning operation of the unit:

...

(2) The county shall require the occupants to give their earnings, less standard payroll deduction required by law and premiums for group health insurance coverage, to the Sheriff. The county may charge a per day charge from those occupants who are employed or otherwise able to pay from other resources available to the occupants. The per day charge shall be calculated based on the following formula: The charge shall be either the amount that the Division of Adult Correction and Juvenile Justice of the Department of Public Safety deducts from a prisoner's work-release earnings to pay for the cost of the prisoner's keep or fifty percent (50%) of the occupant's net weekly income, whichever is greater, but in no event may the per day charge exceed an amount that is twice the amount that the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays each local confinement facility for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical expenses. The per day charge may be adjusted on an individual basis where restitution and/or child support has been ordered, or where the occupant's salary or resources are insufficient to pay the charge.

The county also shall accumulate a reasonable sum from the earnings of the occupant to be returned to him when he is released from the unit. The county also shall follow the guidelines established for the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in G.S. 148-33.1(f) for determining the amount and order of disbursements from the occupant's earnings.

...

(4) The unit shall be operated on a full-time basis, i.e., seven days/nights a week, but weekend leave may be granted by the Sheriff. In granting weekend leave, the Sheriff shall follow the policies and procedures of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for granting weekend leave for Level 3 minimum custody inmates.

...."

SECTION 2.(jjjjjjjj) G.S. 153A-230.5(b) reads as rewritten:

"(b) If a county operates a non-State funded satellite jail/work release unit that does not comply with the basic requirements listed in G.S. 153A-230.2 and G.S. 153A-230.3, then the satellite jail shall be subject to the standards, rules, and regulations to be promulgated by the Secretary of Health and Human Services pursuant to Part 2 of Article 10 of Chapter 153A. If a county is reimbursed for the cost of a prisoner's keep from an inmate's work release earnings in an amount equal to or greater than that paid by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to local confinement facilities under G.S. 148-32.1, the county may not receive additional payments from the Division for the cost of a prisoner's keep. However, if reimbursement to the county for the cost of a prisoner's keep is less than the amount allowed under G.S. 148-32.1, the county may receive from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the difference in the amount

received from work release earnings and the amount paid by the Division to local confinement facilities. The Division may promulgate rules regarding such payment arrangements."

SECTION 2.(kkkkkkkkk) G.S. 162-39 reads as rewritten:

"**§ 162-39. Transfer of prisoners when necessary for safety and security; application of section to municipalities.**

...

(c) The sheriff of the county from which the prisoner is removed shall be responsible for conveying the prisoner to the jail or prison unit where he is to be held, and for returning him to the common jail of the county from which he was transferred. The return shall be made at the expiration of the time designated in the court order directing the transfer unless the judge, by appropriate order, shall direct otherwise. The sheriff or keeper of the jail of the county designated in the court order, or the officer in charge of the prison unit designated by the Secretary of Public Safety, shall receive and release custody of the prisoner in accordance with the terms of the court order. If a prisoner is transferred to a unit of the State prison system, the county from which the prisoner is transferred shall pay the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for maintaining the prisoner for the time designated by the court at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner. The county shall also pay the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the costs of extraordinary medical care incurred while the prisoner was in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, defined as follows:

(1) Medical expenses incurred as a result of providing health care to a prisoner as an inpatient (hospitalized);

(2) Other medical expenses when the total cost exceeds thirty-five dollars ($35.00) per occurrence or illness as a result of providing health care to a prisoner as an outpatient (nonhospitalized); and

(3) Cost of replacement of eyeglasses and dental prosthetic devices if those eyeglasses or devices are broken while the prisoner is incarcerated, provided the prisoner was using the eyeglasses or devices at the time of his commitment and then only if prior written consent of the county is obtained by the Division.

If the prisoner is transferred to a jail in some other county, the county from which the prisoner is transferred shall pay to the county receiving the prisoner in its jail the actual cost of maintaining the prisoner for the time designated by the court. Counties are hereby authorized to enter into contractual agreements with other counties to provide jail facilities to which prisoners may be transferred as deemed necessary under this section.

Whenever prisoners are arrested in such numbers that county jail facilities are insufficient and inadequate for the safekeeping of such prisoners, the resident judge of the superior court or any superior or district court judge holding court in the district may order the prisoners transferred to a unit of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety designated by the Secretary of Public Safety or his authorized representative, where the prisoners may be held for such length of time as the judge may direct, such detention to be in cell separate from that used for imprisonment of persons already convicted of crimes, except when admission to an inpatient prison medical or mental health unit is required to provide services deemed necessary by a prison health care clinician. The sheriff of the county from which the prisoners are removed shall be responsible for conveying the prisoners to the prison unit or units where they are to be held, and for returning them to the common jail of the county from which they were transferred. However, if due to the number of prisoners to be conveyed the sheriff is unable to provide adequate transportation, he may request the assistance of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety,

and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety is hereby authorized and directed to cooperate with the sheriff and provide whatever assistance is available, both in vehicles and manpower, to accomplish the conveying of the prisoners to and from the county to the designated prison unit or units. The officer in charge of the prison unit designated by the Secretary of Public Safety or his authorized representative shall receive and release the custody of the prisoners in accordance with the terms of the court order. The county from which the prisoners are transferred shall pay to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the actual cost of transporting the prisoners and the cost of maintaining the prisoners at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner, provided, however, that a county is not required to reimburse the State for transporting or maintaining a prisoner who was a resident of another state or county at the time he was arrested. However, if the county commissioners shall certify to the Governor that the county is unable to pay the bill submitted by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to the county for the services rendered, either in whole or in part, the Governor may recommend to the Council of State that the State of North Carolina assume and pay, in whole or in part, the obligation of the county to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and upon approval of the Council of State the amount so approved shall be paid from Contingency and Emergency Fund to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

When, due to an emergency, it is not feasible to obtain from a judge of the superior or district court a prior order of transfer, the sheriff of the county and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may exercise the authority hereinafter conferred; provided, however, that the sheriff shall, as soon as possible after the emergency, obtain an order from the judge authorizing the prisoners to be held in the designated place of confinement for such period as the judge may direct. All provisions of this subsection shall be applicable to municipalities whenever prisoners are arrested in such numbers that the municipal jail facilities and the county jail facilities are insufficient and inadequate for the safekeeping of the prisoners. The chief of police is hereby authorized to exercise the authority herein conferred upon the sheriff, and the municipality shall be liable for the cost of transporting and maintaining the prisoners to the same extent as a county would be unless action is taken by the Governor and Council of State as herein provided for counties which are unable to pay such costs.

(d) Whenever a prisoner held in a county jail requires medical or mental health treatment that the county decides can best be provided by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the resident judge of the superior court or any judge holding superior court in the district or any district court judge may order the prisoner transferred to a unit of the State prison system designated by the Secretary of Public Safety or his authorized representative. The sheriff of the county from which the prisoner is removed shall be responsible for conveying the prisoner to the prison unit where he is to be held, and for returning him to the jail of the county from which he was transferred. The prisoner shall be returned when the attending medical or mental health professional determines that the prisoner may be returned safely. The officer in charge of the prison unit designated by the Secretary of Public Safety shall receive custody of the prisoner in accordance with the terms of the order and shall release custody of the prisoner in accordance with the instructions of the attending medical or mental health professional. The county from which the prisoner is transferred shall pay the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for maintaining the prisoner for the period of treatment at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public

Safety pays a local jail for maintaining a prisoner, and for extraordinary medical expenses as set forth in subsection (c) of this section.

...."

SECTION 2.(lllllllll) G.S. 163-82.20A reads as rewritten:

"**§ 163-82.20A. Voter registration upon restoration of citizenship.**

The State Board of Elections, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the Administrative Office of the Courts shall jointly develop and implement educational programs and procedures for persons to apply to register to vote at the time they are restored to citizenship and all filings required have been completed under Chapter 13 of the General Statutes. Those procedures shall be designed to do both of the following:

...."

SECTION 2.(mmmmmmmmm) G.S. 164-40 reads as rewritten:

"**§ 164-40. Correction population simulation model; Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety facilities population simulation model.**

(a) The Commission shall develop a correctional population simulation model, and shall have first priority to apply the model to a given fact situation, or theoretical change in the sentencing laws, when requested to do so by the Chairman, the Executive Director, or the Commission as a whole.

The Executive Director or the Chairman shall make the model available to respond to inquiries by any State legislator, or by the Secretary of Public Safety, in second priority to the work of the Commission.

(b) The Commission shall develop a Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety facilities population simulation model, and shall have first priority to apply the model to a given fact situation, or theoretical change in the dispositional laws set forth in Chapter 7B of the General Statutes, when requested to do so by the Chairman, the Executive Director, or the Commission as a whole.

The Executive Director or the Chairman shall make the model available to respond to inquiries by any State legislator, or by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, in second priority to the work of the Commission."

SECTION 2.(nnnnnnnnn) G.S. 164-42 reads as rewritten:

"**§ 164-42. Sentencing structures.**

...

(b) The sentencing structures shall be consistent with the goals, policies, and purposes of the criminal justice and corrections systems, as set forth in Sections 2 and 3 of the Sentencing and Policy Advisory Commission Act of 1990. As part of its work, the Commission shall offer recommendations for the incorporation of those sections into the sentencing laws of North Carolina. In formulating structures, the Commission also shall consider:

(1) The nature and characteristics of the offense;

(2) The severity of the offense in relation to other offenses;

(3) The characteristics of the defendant that mitigate or aggravate the seriousness of his criminal conduct and the punishment deserved therefor;

(4) The defendant's number of prior convictions;

(5) The available resources and constitutional capacity of the Division of Adult ~~Correction,~~Correction and Juvenile Justice, local confinement facilities, and community-based sanctions;

(6) The rights of the victims;

(7) That felony offenders sentenced to an active term of imprisonment, or whose suspended sentence to imprisonment is activated, should serve a designated minimum percentage of their sentences before they are eligible for parole; and

(8) That misdemeanor offenders sentenced to an active term of imprisonment, or whose suspended sentence to imprisonment is activated, should serve a designated minimum percentage of their sentence before they are eligible for parole.

(c) The Commission shall also consider the policy issues set forth in G.S. 164-42.1 in developing its sentencing structures.

(d) The Commission shall include with each set of sentencing structures a statement of its estimate of the effect of the sentencing structures on the Division of Adult Correction and Juvenile Justice and local facilities, both in terms of fiscal impact and on inmate population. If the Commission finds that the proposed sentencing structures will result in inmate populations in the Division of Adult Correction and Juvenile Justice and local confinement facilities that exceed the standard operating capacity, then the Commission shall present an additional set of structures that are consistent with that capacity. For purposes of this subsection, "standard operating capacity" means the total capacity expected to be available in both local confinement facilities and in the Division of Adult Correction and Juvenile Justice once all the proceeds of bonds authorized by Chapter 933 of the 1989 Session Laws and Chapter 935 of the 1989 Session Laws have been expended for the construction of prison facilities."

SECTION 2.(oooooooo) G.S. 164-43 reads as rewritten:

"**§ 164-43. Priority of duties; reports; continuing duties.**

...

(d) Once the primary duties of the Commission have been accomplished, it shall have the continuing duty to monitor and review the criminal justice and corrections systems and the juvenile justice system in this State to ensure that sentences and dispositions remain uniform and consistent, and that the goals and policies established by the State are being implemented by sentencing and dispositional practices, and it shall recommend methods by which this ongoing work may be accomplished and by which the correctional population simulation model and the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety facilities population simulation model developed under G.S. 164-40 shall continue to be used by the State.

...

(h) The Commission or its successor shall meet within 10 days after the last day for filing general bills in the General Assembly for the purpose of reviewing bills as described in subsections (e), (f), and (g). The Commission or its successor shall include in its report on a bill an analysis based on an application of the correctional population simulation model or the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety facilities population simulation model to the provisions of the bill."

SECTION 2.(ppppppppp) G.S. 164-47 reads as rewritten:

"**§ 164-47. Biennial Report on Recidivism.**

The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall jointly conduct ongoing evaluations of community corrections programs and in-prison treatment programs and make a biennial report to the General Assembly. The report shall include composite measures of program effectiveness based on recidivism rates, other outcome measures, and costs of the programs.

During the 1998-99 fiscal year, the Sentencing and Policy Advisory Commission shall coordinate the collection of all data necessary to create an expanded database containing

offender information on prior convictions, current conviction and sentence, program participation, and outcome measures. Each program to be evaluated shall assist the Commission in the development of systems and collection of data necessary to complete the evaluation process. The first evaluation report shall be presented to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by April 15, 2000, and future reports shall be made by April 15 of each even-numbered year."

SECTION 2.(qqqqqqqqq) G.S. 164-50 reads as rewritten:

"**§ 164-50. Annual report on implementation of Justice Reinvestment Project.**

The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, and the Division of Adult Correction and Juvenile Justice shall jointly conduct ongoing evaluations regarding the implementation of the Justice Reinvestment Act of 2011. The Commission shall present the first evaluation report to the Joint Legislative Correction, Crime Control, and Juvenile Justice Oversight Committee and to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by April 15, 2012, and future reports shall be made annually by April 15 of each year."

PART III. INSTRUCTIONS TO REVISOR AND EFFECTIVE DATE

SECTION 3.(a) The Revisor of Statutes shall change any additional references in the General Statutes to the "Division of Adult Correction" to the "Division of Adult Correction and Juvenile Justice".

SECTION 3.(b) The Revisor of Statutes shall change any additional references in the General Statutes to the "Division of Juvenile Justice" to the "Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice".

SECTION 3.(c) This act is effective retroactively to July 1, 2013, and any acts committed by an employee of the Division of Adult Correction of the Department of Public Safety or the Division of Juvenile Justice of the Department of Public Safety after that date shall be deemed to have been committed by an employee of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

House Committee on Rules, Calendar, and Operations of the House
Wednesday, June 28, 2017 at 12:30pm
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 12:30pm on June 28, 2017 in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Blust, Boles, Brawley, Bumgardner, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 582 Agency Technical Corrections (Barringer)
Central Staff explained the bill. Representative Jackson sent forth an amendment. The amendment was adopted. Representative Jackson sent forth another amendment. The amendment was adopted. Representative Dulin sent forth an amendment. The amendment was adopted. Representative McGrady sent forth an amendment. The amendment was withdrawn. Representative Stevens sent forth an amendment. The amendment was withdrawn. Representative Torbett moved that SB 582 be rolled into a new proposed committee substitute (PCS), and that the new PCS be given a favorable report unfavorable to the original bill. The motion carried.

HR 925 Creation of House Select Investigatory Committee (Rules Committee)
Representative Jackson made a motion to object. After a roll call vote of 21-10, the resolution was properly before the committee. Representative Millis explained the resolution. Representative Floyd sent forth an amendment. The amendment failed. Mike Arnold, senior advisor of government affairs to Secretary of State Elaine Marshall spoke on the resolution. Haley Hanes, Deputy Secretary of State spoke on the resolution. Representative Burr moved that the resolution be favorable for introduction. Representative Jackson moved that the motion by Representative Burr be done by roll call vote. By vote of 20-10, the resolution was moved favorable for introduction.

With no further business before the committee, the meeting adjourned at 2:45 PM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

Corrected #1: Add SB 420 & SB 335, Remove SB 374. Change time to 12:30

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 28, 2017
TIME: **12:30 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **Will also be introducing one resolution for introduction.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 582	Agency Technical Corrections.	Senator Barringer
SB 420	CC Bd. of Trustees/Governance.	Senator Curtis Senator Barefoot
SB 335	Study/Fair Treatment of College Athletes.	Senator Daniel Senator Bishop Senator Tarte

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:22 PM on Monday, July 10, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Wednesday, June 28, 2017, 12:30 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 582	GSC Technical Corrections 2017.	Senator Barringer
SB 420	CC Bd. of Trustees/Governance.	Senator Curtis Senator Barefoot
SB 335	Study/Fair Treatment of College Athletes.	Senator Daniel Senator Bishop Senator Tarte

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE FOR INTRODUCTION

DRHR40637-RI-19 A HOUSE RESOLUTION ESTABLISHING A SELECT COMMITTEE TO INVESTIGATE, REPORT FINDINGS, AND, IF WARRANTED, FILE ARTICLES OF IMPEACHMENT REGARDING SECRETARY OF STATE ELAINE F. MARSHALL PURSUANT TO ARTICLE IV OF THE NORTH CAROLINA CONSTITUTION.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **582** GSC Technical Corrections 2017.

Draft Number:	S582-PCS15243-MN-2
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1



SENATE BILL 582:
Agency Technical Corrections.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 28, 2017
Introduced by:	Sen. Barringer	**Prepared by:**	Jennifer H. Bedford
Analysis of:	PCS to First Edition S582-CSMN-2		Committee Counsel

OVERVIEW: The PCS for Senate Bill 582 would make technical changes requested by State agencies, and various other changes to State law.

[As introduced, this bill was identical to H229, as introduced by Rep. Davis, which was concurred by the House June 27, 2017.]

BILL ANALYSIS:

PART I.

Section 1 would repeal two provisions that have been found to be unconstitutional because they allow a criminal sentence to be modified based on findings by a judge. The U.S. Supreme Court has held that, other than prior record, factors affecting sentencing must be found by a jury.

Section 1.5 would make a conforming change to the applicability of premises restrictions for registered sex offenders.

Section 2 would allow the Department of Health and Human Services to comply with federal Food and Drug Administration testing on minors with parental consent.

Section 3 would allow a member of the State Lottery Commission with a law enforcement background to be an elected law enforcement official.

Section 4 would amend the living probate statutes enacted last year by changing "domicile" to "residence" in order to conform to venue requirements for trusts and other civil matters.

Section 5.(a) and (b) would amend G.S. 39-35 to remove certain references to "limitation" of a power of appointment that are no longer needed. This section would allow the Revisor of Statutes to print explanatory comments if House Bill 229 becomes law.

Section 6.(a) and (b) would amend the law regarding a creditor's claim against a certain trust whose assets are protected against creditors by allowing stepchildren to be beneficiaries as well as children. This section would allow the Revisor of Statutes to print explanatory comments.

Sections 7 would correct a statutory reference within the statute regarding early termination of a vacation rental agreement for any member of the Armed Forces.

Section 8 would prohibit an attorney serving as a trustee or substitute trustee in a non-judicial, or power-of-sale, foreclosure proceeding from also representing a note holder or a borrower as a result of a neutrality standard set by the North Carolina Bar.

Section 9.(a) and (b) would amend the statute regarding a claim payment under a health benefit plan by removing guidelines for the third-party payer.

Section 10.(a) through (c) would make clarifying changes to the North Carolina Captive Insurance Act by changing the term "investigation" to the term "audit" and the term "survey" to "review" and would specify the process and timeframe in which any change in executive officers or directors of a captive insurance company is deemed approved by the Commissioner.

Section 11.(a) would amend and expand the definition of "personal property" when used in reference to credit property insurance.

Section 11.(b) would allow the Commissioner to prescribe a loss ratio standard for credit unemployment insurance every three years rather than every year in North Carolina Credit Insurance law.

Section 12.(a) would amend the statute pertaining to the sale of merchandise or services by governmental units to exempt the operation of food and vending services under Article 3 of Chapter 111 of the General Statutes from the prohibition of governmental entities operating restaurants, cafeterias, or other eating places in State buildings. The exemption created in this section broadens an existing exemption for the Department of Health and Human Services in the statute.

Section 12.(b) would amend Article 3 of Chapter 111, which governs the operations of vending facilities on State property, to add a new section that would allow the Department of Health and Human Services (DHHS) to operate or contract for the operation of food services at state properties or facilities that are allocated to the Department of Administration or the Department of Insurance. The net proceeds of these operations would go to the Division of Services for the Blind to be used to support programs that enable blind and visually impaired people to live more independently. This new section creates an exemption to the requirement that State agencies, upon the request of DHHS, give preference to blind persons for food services operations on State property. This exemption is similar to the exemption that already exists in statute for the Department of Natural and Cultural Resources and the Department of the State Treasurer.

Section 12.(c) would amend the statute pertaining to the State's lease or sale of real property for less than fair market value to specify that the statute does not apply to leases entered into by the Department of Health and Human Services for the operation of food and vending service under Article 3 of Chapter 111 of the General Statutes.

Section 13.(a) through (c) would amend Schedule IV of controlled substances by adding as a "Narcotic Drug": 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).

Section 14 would grant the State Opioid Treatment Authority access to the data in the controlled substances reporting system.

Section 15.(a) eliminates an annual report from the Department of Public Instruction to the Joint Legislative Education Oversight Committee on school plant operations management.

Section 15(b) moves the required report date on the status of agency capital projects from October 1 to October 15 of each year, and from the 1st to the 15th of any other month a report is due.

Section 16 eliminates a requirement that notice of appointment to public office be filed with the State Library.

Section 17.(a) and (b) would recodify G.S. 143-320(3) as G.S. 143B-135.44(3a) and G.S. 143-323(a) as G.S. 143B-153.58(a). This recodification would transfer the duties concerning "recreation" from the Department of Environmental Quality (DEQ) to the Department of Natural and Cultural Resources (DNCR). Section 57.(b) would also recodify G.S. 143-323(d) as G.S. 143B-153.58(b). This

recodification would transfer authority from DEQ to DNCR to apply for, and accept, recreation-related funding from the federal government.

Section 17.(c) would designate the Director of the Division of Parks and Recreation the authority to accept and administer funding through the federal Land and Water Conservation Fund or its successor.

Section 17.(d) would make a conforming change by including specific sworn law enforcement officers that had previously been covered, in the eligibility list for salary continuation benefits.

Section 18 would eliminate the two consecutive term limit for the member of the Vocational Rehabilitation Council representing a parent training and information center.

Section 19 would adjust the membership of the Public Librarian Certification Commission to eliminate the chairman of the NC Association of Library Trustees, and would substitute an individual named by the Governor upon nomination by the NC Library Association.

Section 20.(a) would change the title of Part 39 of Article 2 of Chapter 143B to "North Carolina Zoological Park".

Section 20.(b) would allow the Secretary of the Department of Natural and Cultural Resources to adopt rules governing the operation of the Zoological Park. This section would also require any sale, lease or trade by the Secretary to acquire, dispose of, or develop park property to be conducted in accordance with generally accepted practices for zoos and aquariums that are accredited by the American Association of Zoos and Aquariums.

Section 21 would transfer the administration of the Clean Water Management Trust Fund from the Department of Environmental Quality to the Department of Natural and Cultural Resources.

Section 21.5 would make unlawful any provision that conditions the terms of an agreement not to sue or to settle litigation upon an agricultural producer's status as a union or nonunion employer or entry into or refusal to enter into an agreement with a labor union or labor organization.

Section 22.(a) and (b) would amend local governments' authority relating to subdivision ordinances by providing that local governments shall require only a plat for recordation for a subdivision that meets certain requirements, including the requirement that each resultant lot either fronts an existing public right-of-way or may be accessed by a recorded permanent means of ingress and egress, and such is indicated on the plat.

Section 23.(a) and (b) would amend a statute that currently requires counties to deposit cash when it reaches $250 ***or*** at the end of each month, to eliminate the required monthly deposit and allow the cash to be locked in a secure location until it reaches $250, at which point a deposit would be required with a properly licensed and recognized cash collection service.

Section 24 would correct the effective date of S.L. 2016-81 (NC Money Transmitters Act).

Section 25 would postpone the Department of Environmental Quality's report to the Environmental Review Commission on solid waste management activities and landfill capacity from May 1, 2017 to March 1, 2018.

Section 26 – Except as otherwise provided in this act, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 582
PROPOSED HOUSE COMMITTEE SUBSTITUTE S582-CSMN-2 [v.19]
06/28/2017 12:19:12 PM

Short Title: Agency Technical Corrections. (Public)

Sponsors:

Referred to:

April 4, 2017

A BILL TO BE ENTITLED

AN ACT TO MAKE AGENCY TECHNICAL CORRECTIONS.

The General Assembly of North Carolina enacts:

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

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

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

...

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

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

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

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

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

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

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

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

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

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

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

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

"**§ 28A-2B-2. Venue.**

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

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

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

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

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

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

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

...

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

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

a. An irrevocable inter vivos marital trust that is treated as a general power of appointment trust described in section 2523(e) of the Internal Revenue Code.

b. An irrevocable inter vivos marital trust that is treated as a qualified terminable interest trust under section 2523(f) of the Internal Revenue Code.

c. An irrevocable inter vivos trust of which the settlor's spouse is a beneficiary during the spouse's lifetime but which does not qualify for the federal gift tax marital deduction, and during the lifetime of the settlor's spouse (i) the settlor's spouse is the only beneficiary or

(ii) the settlor's spouse and ~~the settlor's issue~~ any issue of the settlor or the settlor's spouse, or both, are the only beneficiaries.

d. Another trust, to the extent that the property of the other trust is attributable to property passing from a trust described in sub-subdivisions a., b., and c. of this subdivision.

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

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

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

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

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

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

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

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

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

...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

…."

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

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

...."

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

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

...

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

...

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

...."

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

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

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

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

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

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

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

...

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

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

b. Buprenorphine.

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

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

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

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

"**§ 90-113.74. Confidentiality.**

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

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

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

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

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

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

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

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

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

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

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

(5) To a sheriff or designated deputy sheriff or a police chief or a designated police investigator who is assigned to investigate the diversion and illegal use of prescription medication or pharmaceutical products identified in Article 5 of this Chapter of the General Statutes as Schedule II through V controlled substances and who is engaged in a bona fide specific investigation related to the enforcement of laws governing licit drugs pursuant to a lawful court order specifically issued for that purpose.

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

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

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

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

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

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

...

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

...."

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

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

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

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

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

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

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

(a) Within 30 days after acceptance of appointment by a person appointed to public office, the appointing authority shall file written notice of the appointment with the Governor, the Secretary of State, the Legislative Library, ~~the State Library,~~ the State Ethics Commission, and the State Controller. For the purposes of this section, a copy of the letter from the appointing authority, a copy of the properly executed notice of appointment as set forth in

subsection (c) of this section, or a copy of the properly executed Commission of Appointment shall be sufficient to be filed if the copy contains the information required in subsection (b) of this section.

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

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

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

"NOTICE OF APPOINTMENT

Notice is given that _____ is hereby appointed to the following
Name
public office:
Public Office: _____
Citation to Law or Other Authority Authorizing the Appointment:
_____
Specific Statutory Qualification for the Public Office, if Applicable:
_____
Address of the Appointee: _____
_____
_____
County of Residence of the Appointee: _____
Date Term of Appointment Begins: _____
Date Term of Appointment Ends: _____
Name of Person the Appointee Replaces, if applicable:
_____

_____ _____
Date of Appointment Signature

_____
Office of Appointing Authority

Distribution:
Governor
Secretary of State
Legislative Library
~~State Library~~
State Ethics Commission
State Controller"."

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

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

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

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

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

(1) To study and appraise the recreation needs of the State and to assemble and disseminate information relative to recreation.

(2) To cooperate in the promotion and organization of local recreation systems for counties, municipalities, and other political subdivisions of the State, to aid them in the administration, finance, planning, personnel, coordination and cooperation of recreation organizations and programs.

(3) To aid in recruiting, training, and placing recreation workers, and to promote recreation institutes and conferences.

(4) To establish and promote recreation standards.

(5) To cooperate with appropriate State, federal, and local agencies and private membership groups and commercial recreation interests in the promotion of recreation opportunities, and to represent the State in recreation conferences, study groups, and other matters of recreation concern.

(6) To accept gifts, devises, and endowments. The funds, if given as an endowment, shall be invested in securities designated by the donor, or if there is no such designation, in securities in which the State sinking fund may be invested. All such gifts and devises and all proceeds from such invested endowments shall be used for carrying out the purposes for which they were made.

(7) To advise agencies, departments, organizations and groups in the planning, application and use of federal and State funds which are assigned or administered by the State for recreation programs and services on land and water recreation areas and on which the State renders advisory or other recreation services or upon which the State exercises control.

(8) To act jointly, when advisable, with any other State, local or federal agency, institution, private individual or group in order to better carry out the Department's objectives and responsibilities.

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

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

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

...

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

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

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

...

(d1) Terms of Appointment. –

(1) Length of Term. – Each member of the Council shall serve for a term of not more than three years, except that:

a. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of that term;
b. The terms of service of the members initially appointed are as specified by the appointing authority for a fewer number of years as will provide for the expiration of terms on a staggered basis and shall include the members of the existing Council to the extent possible with appropriate adjustments to their terms;
c. The appointing authority shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16; and
d. A member may continue to serve until a successor for the position is appointed;

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

...."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

…."

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

"**§ 95-25.8. Withholding of wages.**

…

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

…."

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

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

…

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

SECTION 21.5.(c) Subsection (a) of this section is effective when it becomes law and applies to agreements between employers and employees or membership associations entered into, renewed, or extended on or after that date. The remainder of this section is effective when it becomes law.

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

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

…

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

(1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.

(2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.

(3) The entire area of the tract or parcel to be divided is greater than five acres.

(4) After division, no more than three lots result from the division.

(5) After division, all resultant lots comply with all of the following:

a. Any lot dimension size requirements of the applicable land-use regulations, if any.

b. The use of the lots is in conformity with the applicable zoning requirements, if any.

c. ~~A~~ Each lot either fronts an existing public right-of-way or may be accessed by a recorded permanent means of ingress and ~~egress is recorded for each lot.~~egress, and such is indicated on the plat."

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

"**§ 160A-376. Definition.**

...

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

(1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.

(2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.

(3) The entire area of the tract or parcel to be divided is greater than five acres.

(4) After division, no more than three lots result from the division.

(5) After division, all resultant lots comply with all of the following:

a. Any lot dimension size requirements of the applicable land-use regulations, if any.

b. The use of the lots is in conformity with the applicable zoning requirements, if any.

c. ~~A~~ Each lot either fronts an existing public right-of-way or may be accessed by a recorded permanent means of ingress and ~~egress is recorded for each lot.~~egress, and such is indicated on the plat."

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

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

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

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

"**§ 159-32. Daily deposits.**

Except as otherwise provided by law, all taxes and other moneys collected or received by an officer or employee of a local government or public authority shall be deposited in accordance with this section. Each officer and employee of a local government or public authority whose duty it is to collect or receive any taxes or other moneys ~~shall~~ shall, on a daily basis, deposit ~~his~~ or submit to a properly licensed and recognized cash collection service all collections and ~~receipts daily. If~~ receipts. However, if the governing board gives its approval, deposits or submissions to a properly licensed and recognized cash collection service shall be required only when the moneys on hand amount to ~~as much as~~ two hundred fifty dollars ~~($250.00), but in any event a deposit shall be made on the last business day of the month.~~ ($250.00) or greater. Until deposited or officially submitted to a properly licensed and recognized cash collection service, all moneys must be maintained in a secure location. All deposits shall be made with the finance officer or in an official depository. Deposits in an official depository shall be immediately reported to the finance officer by means of a duplicate deposit ticket. The finance officer may at any time audit the accounts of any officer or employee collecting or receiving taxes or other moneys, and may prescribe the form and detail of these accounts. The accounts of such an officer or employee shall be audited at least annually."

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

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

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

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

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

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 582*

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S582-ATT-44 [v.4]

Amends Title [NO]
First Edition

Date _____,2017

Representative Dulin

moves to amend the bill on page 2, lines 12-13, by inserting the following between the lines:

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

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

The following requirements and definitions shall apply to this Chapter:

...

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

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

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

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

(1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes (i) the retail sale of malt beverages for consumption on the premises, (ii) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of malt beverages in a cleaned, sanitized, resealable container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

a. Restaurants;
b. Hotels;
c. Eating establishments;
d. Food businesses;
e. Retail businesses;
f. Private clubs;
g. Convention centers;
h. Community theatres;
i. Breweries as authorized by G.S. 18B-1104(7) and ~~(8).~~(8);
j. Sports and entertainment venues.

...

(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned, sanitized, resealable container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

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

...

(10) Mixed Beverages Permit. – A mixed beverages permit authorizes the retail sale of mixed beverages for consumption on the premises. The permit also

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

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

...."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 582*

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S582-AMN-11 [v.1]

Amends Title [NO]
PCS

Date _____,2017

Representative _____

moves to amend the bill on page 10, lines 49 and 50, by inserting between the lines the following new section to read:

"**SECTION 21.5.(a)** G.S. 147.86.70 reads as rewritten:

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

...

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

...

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

SECTION 21.5.(b) G.S.147-86.71 reads as rewritten:

"**§ 147-86.71. ABLE Program.**

...

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

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

...

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

...

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 582 Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE S582-CSMN-2

(Rep.) D. Jackson
Sen.)

moves to amend the bill on page 11, lines 34-35

( ) WHICH CHANGES THE TITLE

by rewriting those lines to read:

"entered into, renewed, or extended on or after that date. Subsection (b) of this section is effective when it becomes law and applies to agreements and settlements entered into, renewed, or extended on or after that date." The remainder of this section is effective when it becomes law.

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 582 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE S582-CSMN-2

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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 582 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE S582-CSMN-2

(Rep.) McGrady
Sen.)

1 moves to amend the bill on page 4, line S 39-50
2 ( ) WHICH CHANGES THE TITLE
3 by rewriting the lines to read:
4
5 " SECTION 11. G.S. 58-7-110(a) reads as
6 rewritten: ".
7
8
9
10
11
12
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16
17
18
19

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 582 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE S582-CSMN-2

Rep.) McGrady
Sen.)

moves to amend the bill on page 4, line S 39-50

( ) WHICH CHANGES THE TITLE

by rewriting the lines to read:

" SECTION 11. G.S. 58-7-110(a) reads as rewritten:".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 582*

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S582-ATT-44 [v.4]

Amends Title [NO]
First Edition

Date _____,2017

Representative Dulin

moves to amend the bill on page 2, lines 12-13, by inserting the following between the lines:

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

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

The following requirements and definitions shall apply to this Chapter:

...

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

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

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

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

(1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes (i) the retail sale of malt beverages for consumption on the premises, (ii) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of malt beverages in a cleaned, sanitized, resealable container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

a. Restaurants;
b. Hotels;
c. Eating establishments;
d. Food businesses;
e. Retail businesses;
f. Private clubs;
g. Convention centers;
h. Community theatres;
i. Breweries as authorized by G.S. 18B-1104(7) and ~~(8).~~(8);
j. Sports and entertainment venues.

...

(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned, sanitized, resealable container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

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

...

(10) Mixed Beverages Permit. – A mixed beverages permit authorizes the retail sale of mixed beverages for consumption on the premises. The permit also

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

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

...."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 582*

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S582-AMN-11 [v.1]

Amends Title [NO]
PCS

Date _____,2017

Representative Johnson

moves to amend the bill on page 10, lines 49 and 50, by inserting between the lines the following new section to read:

"**SECTION 21.5.(a)** G.S. 147.86.70 reads as rewritten:

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

...

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

...

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

SECTION 21.5.(b) G.S.147-86.71 reads as rewritten:

"**§ 147-86.71. ABLE Program.**

...

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

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

...

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

...

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 582*

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S582-AMN-11 [v.1]

SIGNED Johnson
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 335:
Study/Fair Treatment of College Athletes.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 28, 2017
Introduced by:	Sens. Daniel, Bishop, Tarte	**Prepared by:**	Brian Gwyn* Committee Co-Counsel
Analysis of:	PCS to First Edition S335-CSBE-29		

OVERVIEW: ***The 1st edition of Senate Bill 335 would create the Legislative Commission on the Fair Treatment of College Student-Athletes. The PCS would remove the requirement to study student athlete unionization. Additionally, it would create a three-year pilot program in which the State Board of Education would authorize up to two new educator preparation programs with proven track records in other states.***

BILL ANALYSIS:

LEGISLATIVE COMMISSION ON THE FAIR TREATMENT OF COLLEGE STUDENT-ATHLETES

Senate Bill 335 creates the Legislative Commission on the Fair Treatment of College Student-Athletes (Commission) to examine the needs and concerns of college students participating in athletics on behalf of the constituent institutions of The University of North Carolina. The Commission would consist of 6 members of the Senate and 6 members of the House with political parties represented in proportion to the legislative makeup. The Lieutenant Governor would be an ex officio voting member and would serve as the chair of the Commission.

The Commission would study issues related to the provision of health insurance, sports injuries and non-sport injuries, and profit-sharing for student athletes. The Commission must consider:

- Health and safety concerns from participation in athletic competition or resulting from injuries sustained during athletic competition such as concussions and other life impacting injuries.
- Long term health issues from participation in athletic competition but not manifesting until later in an athlete's life, and the ability of former athletes to receive adequate long term treatment for these issues.
- The need for full time enrolled college students to have adequate time to devote to educational responsibilities separate and apart from time demands for athletic competition.
- Educational opportunities for choosing majors and classes consistent with the nonathletic participating students' opportunities at a constituent institution, including, but not limited to, academic choices and extracurricular abilities to participate in internships and study abroad.
- The right to receive academic instruction from qualified faculty members at the constituent institutions and to be taught at an academic level consistent with the standards of accredited higher education institutions.
- The right to a fair and impartial hearing and the right to be independently represented before being disciplined for alleged eligibility rules violations by any school, conference, or membership association governing participation in college athletics.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- In exchange for his or her participation on behalf of any constituent institution, a fair and adequate financial aid or scholarship assistance package to the extent financial aid or scholarship sources are provided to selected students in exchange for their participation on institutional athletic teams.
- Consideration of remuneration or profit sharing for student athletes for the use by institutional or commercial entities of the students' image, or other identifiable source, such as television rights or collegiate apparel that produce commercial profit for the institutions, membership associations, or commercial entities.
- The right of students participating in college athletics to be adequately represented by attorneys, agents, or financial advisors throughout their college careers (as do all other students) without being subject to losing their eligibility to participate in college athletics.
- A review of regulatory rules and punishments imposed on student athletes by any governing membership organization, including, but not limited to, the National Collegiate Athletic Association, that limits a student's ability to transfer between schools, or participate on college athletic teams by restricting the student's ability to engage in outside work or compensatory services.
- The obligation of the university to provide the means for a student athlete to finish their academic requirements to obtain an undergraduate degree after their athletic eligibility or athletic scholarship has expired.
- Any other issue the Commission deems relevant based on testimony or evidence presented to the Commission.

The Commission must submit an interim report by December 1, 2017 and a final report by April 1, 2018, including any proposed legislation to the General Assembly.

THREE-YEAR PILOT PROGRAM

Section 5 would create a three-year pilot program to allow up to two new educator preparation programs (EPPs) to operate in North Carolina, starting in the 2017-2018 school year. To continue operating beyond the pilot period, the EPPs would have to meet the same criteria as other EPPs. Pilot programs would have to meet the following criteria:

- Meet the criteria for approval established in G.S. 115C-269.15, G.S. 115C-269.20, and G.S. 115C-269.25.
- Have a demonstrated track record of success with clearly demonstrated results as an EPP in other states.
- Have Council for the Accreditation of Educator Preparation (CAEP) accreditation or be in the process of attaining CAEP accreditation in North Carolina or another state.

EFFECTIVE DATE: Section 5 of the bill (the pilot program) would be effective when SB 599 becomes law. The remainder of the bill would become effective July 1, 2017.

**Drupti Chauhan of the Legislative Analysis Division contributed substantially to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 335
PROPOSED HOUSE COMMITTEE SUBSTITUTE S335-CSBE-29 [v.4]
06/28/2017 10:59:45 AM

Short Title: Study/Fair Treatment of College Athletes. (Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO CREATE THE LEGISLATIVE COMMISSION ON THE FAIR TREATMENT OF COLLEGE STUDENT-ATHLETES AND TO CREATE A THREE-YEAR PILOT PROGRAM FOR NEW EDUCATOR PREPARATION PROGRAMS.

Whereas, college athletics is a multimillion dollar industry across the United States; and

Whereas, college athletics in North Carolina is a major economic and entertainment resource through which the State, local governments, the business community, and public educational institutions financially benefit; and

Whereas, most of the constituent institutions of The University of North Carolina participate in athletic competitions in North Carolina and around the country in a wide range of sports; and

Whereas, these athletic teams at each constituent institution are comprised of individually enrolled full-time students; and

Whereas, these students, participating on athletic teams provided as extracurricular activities for them, are enrolled for the primary purpose of receiving a college education subsidized in part by the taxpayers of North Carolina; and

Whereas, while receiving the benefits of playing competitive collegiate sports and in some cases financial assistance for the cost of attending college, these students in return commit a substantial amount of time, talent, and resources for the benefit (both financially and promotionally) of the institutions they compete for as well as organizations and businesses profiting from their athletic competition; and

Whereas, numerous issues and court cases have arisen around the country and in North Carolina pertaining to the system of college athletics, its governance, and control by membership organizations, including, but not limited to, the National Collegiate Athletic Association, and to concerns over the welfare and operation of the system to the long-term detriment of the students participating in college athletics; and

Whereas, the General Assembly of North Carolina has a responsibility to the young men and women enrolled in the State institutions of higher learning within the University of North Carolina System to ensure fairness and equal opportunity in all aspects of their experience but in particular while participating in athletic activities for these institutions and to take appropriate legislative action where needed to ensure fairness and equal opportunity; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Legislative Commission on the Fair Treatment of College Student-Athletes is created. The purpose of the Commission is to examine the needs and concerns of college students participating in athletics on behalf of the constituent institutions of The University of North Carolina and to propose appropriate legislation where needed to implement the objectives of this Commission.

SECTION 1.(b) The Commission shall consist of six members of the Senate, appointed by the President Pro Tempore of the Senate with political parties represented in proportion to the legislative makeup, and six members of the House of Representatives, appointed by the Speaker of the House of Representatives with political parties represented in proportion to the legislative makeup.

Vacancies on the Commission shall be filled by the same appointing authority that made the initial appointment.

SECTION 1.(c) The Lieutenant Governor shall be an ex officio voting member and shall also serve as the chair of the Commission. The Commission shall meet upon the call of the chair.

SECTION 1.(d) A quorum shall be a majority of the Commission members.

SECTION 2. The Commission shall study issues related to the provision of health insurance, sports injuries and nonsports injuries, and profit-sharing for student athletes. In its study, the Commission shall consider all of the following:

(1) Physical and mental health and safety concerns arising out of participation in athletic competition or resulting from injuries sustained during athletic competition, including, but not limited to, concussions and other life-impacting injuries.

(2) Long-term physical and mental health and wellness issues grounded in participation in athletic competition but not manifesting until later in an athlete's life, and the ability of former athletes to receive adequate long-term treatment for these issues.

(3) The need for full-time enrolled college students to have adequate time to devote to educational responsibilities separate and apart from time demands for athletic competition.

(4) Educational opportunities for choosing majors and classes consistent with the nonathletic participating students' opportunities at a constituent institution, including, but not limited to, academic choices and extracurricular abilities to participate in internships and study abroad.

(5) The right to receive academic instruction from qualified faculty members at the constituent institutions and to be taught at an academic level consistent with the standards of accredited higher education institutions.

(6) The right to a fair and impartial hearing and the right to be independently represented before being disciplined for alleged eligibility rules violations by any school, conference, or membership association governing participation in college athletics.

(7) In exchange for his or her participation on behalf of any constituent institution, a fair and adequate financial aid or scholarship assistance package to the extent financial aid or scholarship sources are provided to selected students in exchange for their participation on institutional athletic teams.

(8) Consideration of remuneration or profit-sharing for student athletes for the use by institutional or commercial entities of the students' image, or other identifiable source, such as television rights or collegiate apparel that produce commercial profit for the institutions, membership associations, or commercial entities.

(9) The right of students participating in college athletics to be adequately represented by attorneys, agents, or financial advisors throughout their college careers (as do all other students) without being subject to losing their eligibility to participate in college athletics.

(10) A review of regulatory rules and punishments imposed on student athletes by any governing membership organization, including, but not limited to, the National Collegiate Athletic Association, that limits a student's ability to transfer between schools, or participate on college athletic teams by restricting the student's ability to engage in outside work or compensatory services.

(11) The obligation of the university to provide the means for a student-athlete to finish their academic requirements to obtain an undergraduate degree after their athletic eligibility or athletic scholarship has expired.

(12) Any other issue the Commission deems relevant based on testimony or evidence presented to the Commission.

SECTION 3. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet in the Legislative Building or the Legislative Office Building. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1 or G.S. 138-6 as appropriate.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The Senate shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. The Commission may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02.

SECTION 4. The Commission shall submit an interim report on the results of its study, including any proposed legislation, by December 1, 2017, to the members of the Senate and the House of Representatives by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Commission shall submit a final report on the results of its study, including any proposed legislation, by April 1, 2018, to the members of the Senate and the House of Representatives, by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Commission shall terminate upon the convening of the 2019 General Assembly or upon the filing of its final report, whichever occurs first.

SECTION 5. The State Board of Education shall establish a three-year Educator Preparation Pilot Program to operate from the 2017-2018 school year through the 2019-2020 school year. Upon the recommendation of the Superintendent of Public Instruction, the State Board shall select up to two new EPPs to be part of the program by October 1, 2017. These EPPs shall be deemed recognized EPPs under G.S. 115C-269.1(15) for the duration of the pilot period and shall be permitted to recommend clinical residency candidates for licensure without receiving State approval under G.S. 115C-269.10. During the course of the pilot program, each pilot EPP shall meet all other requirements of Article 17D of Chapter 115C of the General Statutes. In order to be eligible for the pilot program, an EPP shall meet the following criteria:

(1) Meet the criteria for approval established in G.S. 115C-269.15, 115C-269.20, and 115C-269.25.

(2) Have a demonstrated track record of success with clearly demonstrated results as an EPP in other states.

(3) Have CAEP accreditation or be in the process of attaining CAEP accreditation in North Carolina or another state.

Each pilot EPP's recognized EPP status will expire on June 30, 2020. In order for the pilot EPPs to regain recognized status, they must meet all requirements of Article 17D of Chapter 115C of the General Statutes.

SECTION 6. Section 5 is effective when Senate Bill 599, 2017 Regular Session, becomes law. The remainder of this act becomes effective July 1, 2017.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE SIMPLE RESOLUTION DRHR40637-RI-19 (05/09)

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

Referred to:

A HOUSE RESOLUTION ESTABLISHING A SELECT COMMITTEE TO INVESTIGATE, REPORT FINDINGS, AND, IF WARRANTED, FILE ARTICLES OF IMPEACHMENT REGARDING SECRETARY OF STATE ELAINE F. MARSHALL PURSUANT TO ARTICLE IV OF THE NORTH CAROLINA CONSTITUTION.

Whereas, verifiable allegations have been raised regarding the conduct of Secretary of State Elaine F. Marshall in granting commissions to several hundred individuals as notaries public who did not "[r]eside legally in the United States" as required by G.S. 10B-5 and who were not "qualified aliens" pursuant to 8 U.S.C. § 1621, in violation of State and federal law; and

Whereas, Article IV of the North Carolina Constitution provides that the House of Representatives solely shall have the power of impeaching and, by the vote of a majority of the members elected, to impeach executive and judicial officers; and

Whereas, Chapter 123 of the General Statutes governs impeachment and provides that "[e]ach member of the Council of State, each justice of the General Court of Justice, and each judge of the General Court of Justice shall be liable to impeachment for the commission of any felony, or the commission of any misdemeanor involving moral turpitude, or for malfeasance in office, or for willful neglect of duty"; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. That the Speaker of the House of Representatives shall appoint a select committee of 15 members of the House of Representatives and designate one of those appointees to serve as chair, to conduct a comprehensive investigation relating to alleged misconduct by Secretary of State Elaine F. Marshall and submit a report to the House of Representatives as to whether sufficient grounds exist for the House of Representatives to exercise its power to impeach Secretary of State Elaine F. Marshall pursuant to Article IV of the North Carolina Constitution.

SECTION 2. That the Speaker instruct the select committee to (i) organize, adopt rules and procedures, and hire special counsel and such other personnel as may be necessary to carry out the select committee's responsibilities; (ii) review and investigate the facts and circumstances relating to alleged misconduct of Secretary of State Elaine F. Marshall; and (iii) submit to the House of Representatives its findings and recommendations in the form of a final report, including, if it concludes such action is warranted, a resolution embodying articles of impeachment describing the acts or omissions with which Secretary of State Elaine F. Marshall is charged.

SECTION 3. That the select committee shall investigate, consider, and report upon allegations of misconduct by Secretary of State Elaine F. Marshall, including:

(1) That Secretary of State Elaine F. Marshall granted notary public commissions to several hundred persons who did not "[r]eside legally in the

United States" in violation of G.S. 10B-5 and who were not "qualified aliens" in violation of 8 U.S.C. § 1621.

(2) That Secretary of State Elaine F. Marshall granted said notary commissions to ineligible aliens surreptitiously, without means for the public or the General Assembly to have knowledge of such action.

(3) That Secretary of State Elaine F. Marshall made untrue statements to the press and public involving the grant of these notary commissions to ineligible aliens.

(4) That senior staff of the office of the Secretary of State, in furtherance of Secretary Elaine F. Marshall's actions, misrepresented the facts surrounding the granting of these notary commissions to ineligible aliens to the Joint Legislative Oversight Committee on General Government of the North Carolina General Assembly.

SECTION 4. That the select committee shall have all the powers provided in Articles 5 and 5A of Chapter 120 of the General Statutes, including the power to administer oaths and compel attendance and testimony of persons and the production of papers, documents, and other evidence.

SECTION 5. That the select committee shall continue in existence after adjournment of the 2017 Regular Session of the General Assembly and is authorized to meet at any time during the 2017-2018 biennium, including during the interims.

SECTION 6. That the select committee shall submit its final report to the House of Representatives, including, if it concludes such action is warranted, a resolution embodying articles of impeachment describing the acts or omissions with which Secretary of State Elaine F. Marshall is charged.

SECTION 7. This resolution is effective upon adoption.

House Pages
Assignments
Wednesday, June 28, 2017

Committee	Room	Time	Staff	Comments	Member
			Andrew Lavine		Rep. Greg Murphy
			Amelia Todd		Rep. Deb Butler
			Matthew Tripp		Rep. Jay Adams
Regulatory Reform	1228/1327	1:00 PM	Leah Campbell		Rep. John R. Bell, IV
			Josie Clary		Speaker Tim Moore
			Susanna Martin		Speaker Tim Moore
			Dylan Skinner		Rep. Susan Martin
Rules, Calendar, and Operations of the House	1228/1327	12:00	John Washburn		Rep. George W. Graham, Jr.
			David Washburn		Rep. Moore

Committee Sergeants at Arms

NAME OF COMMITTEE H C on Rules,Calendar,and Operations

DATE: 6/28/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Russell Salisbury
3. Name: Doug Harris
4. Name: David linthicum
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations — 6/28/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kelly Tornow	Ctr. for Responsible Lending
Margie Foreman	NCAE
Flint Benson	SEANC
Kathy Hawkins	DWI
Linda F. Johnson	NCBA
Michelle Frazier	SML
Josh Lasic	SML
W. Gardner Culpepper III	PPAB
Sam Cooke	Fedex
CF	A
Edgar Mills	CTNC

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations 6/28/2017

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bo Watts	McGuireWoods
Wayne Hardister	Rep Jon Hardister
Howard N Robinson	NCRMT
Seth Peler	NCR
NICK OCHSNER	WBTV

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations — 6/28/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Suzanne Bradley	SEANC
Dai Collins	SEANC
Addis Watkins	SEANC
Sara Coburn	SEANC
Amanda Wise	SEANC
George Robinson	DOI
Meghan Cook	DOI
Penny Hauser	SoG
Mac Miller	AMGA
Neal Inman	NCJC
Becki Gray	John Locke Foundation

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations 6/28/2017

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Will Pumphrey	NCHFA
Robin Maynard	citizen
Tammy Russ	wife of Rep.
Mike Leighton	NCEC
Starnes	OST
McNeil Clutanst	RLNR
Morgan Dunn	Walk West
Jeff Moore	NST
Tim KENT	NC Beer & Wine
Skye David	newframe
Dan Sipe	SA

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations 6/28/2017

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Nelt	NCICU
Ann Fry	FBA
Sue Ann Forest	NCMS
CSHollis	CSX
Rob Lamm	PLA
Chip Boggs	NCMS

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations 6/28/2017

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
TRACY GLOVER	AFMA
Julia Adams Scheinick	Oak City GR
[illegible]	NCTC
Brooks Rainey Pearson	SELC
J. Tunnell	Duke
Andy Chase	KMA
Robert Passchal	NC DOJ
Greg Ludeman	Rep Hall
Carol Bales	Rockefeller's SOC.
John Delgorno	" "
TJ Bugbee	NP
Courtney Johnston	NP
Katherine Joyce	NCASA

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations — 6/28/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Richard Bostic	NCSBA
Christin Craig	Wakemed
Jon Carr	Jordan Price
Ryan Mcnwald	WM
Phoebe Landon	MWLLC
JOHN MIDGETTE	NCPBA
Tony Adams	Adams and Assoc.
David Heinen	NC Center for Nonprofits
Elizabeth Biser	Brooks Pierce
Katy Kingsbury	Brooks Pierce
John Poland	NCAJ

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations — 6/28/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jonathan Kappler	UNC GA
Drew Maretz	UNC GA
GEORGE CUNEN	NM
Phaegan Jackson	Focus Carolina
[illegible]	MTS
Will Morgan	MTS
Nathan Batts	NCBA
Jamie Lassiter	Conf. of Clerks
Lillie Rhodes	Conf of Clerks
[illegible]	SOSNC
Max Putcat / Emma Parry	Sen. Fousnee

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 29, 2017 at 7:30pm
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 7:30pm on June 29, 2017 in Room 1228/1327 of the Legislative Building. Representatives Bumgardner, Carney, Davis, Dollar, Dulin, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 335 Study/ Fair Treatment of College Athletes (Bishop)
Representative Floyd moved for a favorable report. The motion carried.

SB 548 Strengthen Human Trafficking Laws/ Studies (Randleman)
Representative Davis moved for a favorable report. The motion carried.

SB 78 Cost to Comply/ Fed Ed Funds/ PED Study (Daniel)
Representative Stevens moved for a favorable report. The motion carried.

Adjournment Resolution (Rules, Calendar, and Operations of the House)
Representative Torbett moved that the resolution be favorable for introduction. The motion carried.

With no further business before the committee, the meeting adjourned at 7:50 PM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 29, 2017
TIME: **9:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **We will also be taking up the adjournment resolution.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 335	Study/Fair Treatment of College Athletes.	Senator Daniel Senator Bishop Senator Tarte
SB 78	Cost to Comply/Fed Ed Funds/PED Study.	Senator Daniel
SB 548	Strengthen Human Trafficking Laws/Studies.	Senator Randleman Senator Daniel Senator Brock

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:32 PM on Monday, July 10, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 29, 2017, 9:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 335	Study/Fair Treatment of College Athletes.	Senator Daniel Senator Bishop Senator Tarte
SB 78	Cost to Comply/Fed Ed Funds/PED Study.	Senator Daniel
SB 548	Strengthen Human Trafficking Laws/Studies.	Senator Randleman Senator Daniel Senator Brock

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **78** Cost to Comply/Fed Ed Funds/PED Study.

Draft Number:	S78-PCS15244-BE-30
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Blackwell

SB **335** Study/Fair Treatment of College Athletes.

Draft Number:	S335-PCS45475-BE-29
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Blackwell

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **548 (CS#1)** Strengthen Human Trafficking Laws/Studies.

Draft Number:	S548-PCS35317-TGf-37
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	McNeill

TOTAL REPORTED: 3



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE FOR INTRODUCTION

DRHJR10408-MM-107E A JOINT RESOLUTION ADJOURNING THE 2017 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

SENATE BILL 548:
Strengthen Human Trafficking Laws/Studies.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 28, 2017
Introduced by:	Sens. Randleman, Daniel, Brock	**Prepared by:**	Bill Patterson Staff Attorney
Analysis of:	PCS to Third Edition S548-CSTGf-37		

OVERVIEW: The Proposed Committee Substitute for Senate Bill 548 would:

- ***Increase the felony level for human trafficking.***
- ***Require licensure of establishments providing massage and bodywork therapy services.***
- ***Make it a Class 1 misdemeanor to employ any person to provide massage and bodywork therapy services to the public who is not licensed to provide such services and is not exempt from licensure requirements.***
- ***Require massage and bodywork therapists to obtain a statewide privilege license.***
- ***Direct the Department of Health and Human Services to study the feasibility of providing human trafficking training to health care providers, emergency medical providers, and relevant first responders.***

The PCS adds a privilege license requirement for massage and bodywork therapists, deletes a requirement that massage and bodywork establishments post a sign containing human trafficking hotline information, deletes provisions already enacted by other enacted legislation, and makes technical and conforming changes to the bill.

BILL ANALYSIS:

Section 1 of the bill would increase the existing Class F felony of human trafficking with an adult victim to a Class C felony, and would increase the current Class C felony of human trafficking with a minor victim to a Class B1 felony.

Sections 2.(a) and 2.(b) would remove massage businesses from the definition of "adult establishment" and make conforming statutory changes.

Section 2.(c) would prohibit the practice of massage and bodywork therapy in an adult establishment.

Section 3 would establish standards for and require licensure of establishments providing massage and bodywork therapy services to the public. These businesses would be regulated by the North Carolina Board of Massage and Bodywork Therapy. Sexual activity in any licensed establishment would be prohibited. Any person employing a person who is not licensed or exempt from licensure to provide massage and bodywork therapy services to the public would be guilty of a Class 1 misdemeanor.

"Massage and bodywork therapy establishments" subject to regulation would not include the following:

- On-site massage performed at the customer's location.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Devices such as chairs that are operated by the customer.
- Establishments within a hospital, nursing home or similar facility licensed by DHHS.
- Massage and bodywork therapy provided by a sole practitioner.
- Student clinics operated by a Board-approved school or massage and bodywork therapy programs offered by accredited community colleges or colleges or universities.
- Chiropractic physician offices in which massage and bodywork therapy is provided only by massage and bodywork therapists licensed in North Carolina.

Section 4 would require massage and bodywork therapists to obtain a statewide privilege license.

Section 5 would direct the Department of Health and Human Services, in consultation with the North Carolina Human Trafficking Commission, to study the feasibility of training health care providers, emergency medical providers, and relevant first responders in human trafficking identification and response and preventative tools and measures.

EFFECTIVE DATE: Section 1 (enhanced felony level) and Section 3.(*l*) (new misdemeanor offense) become effective December 1, 2017, and apply to offenses committed on or after that date. Section 2 and Sections 3.(a) through 3.(k) become effective October 1, 2017. Section 5.5 of this act is effective when it becomes law and applies to taxable years beginning on or after July 1, 2018. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 548
Judiciary Committee Substitute Adopted 6/13/17
Third Edition Engrossed 6/26/17

Short Title: Strengthen Human Trafficking Laws/Studies. (Public)

Sponsors:

Referred to:

April 3, 2017

A BILL TO BE ENTITLED

AN ACT STRENGTHENING HUMAN TRAFFICKING LAWS, AUTHORIZING THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY TO REGULATE MASSAGE AND BODYWORK THERAPY ESTABLISHMENTS, AND AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY WAYS TO IDENTIFY AND PROTECT VICTIMS OF HUMAN TRAFFICKING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-43.11 reads as rewritten:

"**§ 14-43.11. Human trafficking.**

...

(b) A person who violates this section is guilty of a Class ~~F~~ C felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class ~~C~~ B1 felony if the victim of the offense is a minor.

...."

SECTION 1.1. G.S. 143B-919(c) reads as rewritten:

"**§ 143B-919. Investigations of lynchings, election frauds, etc.; services subject to call of Governor; witness fees and mileage for employees.**

...

(c) The State Bureau of Investigation is further authorized, upon request of the Governor or the Attorney General, to investigate the commission or attempted commission of the crimes defined in the following statutes:

(1) ~~All sections of~~ Article 4A of Chapter 14 of the General Statutes;
(1a) G.S. 14-43.11;
(2) G.S. 14-277.1;
(3) G.S. 14-277.2;
(4) G.S. 14-283;
(5) G.S. 14-284;
(6) G.S. 14-284.1;
(7) G.S. 14-288.2;
(8) G.S. 14-288.7;
(9) G.S. 14-288.8;
(10) G.S. 14-288.20;
(10a) G.S. 14-288.21;
(10b) G.S. 14-288.22;

(10c) G.S. 14-288.23;
(10d) G.S. 14-288.24;
(11) G.S. 14-284.2;
(12) G.S. 14-399(e);
(12a) G.S. 15A-287 and G.S. 15A-288;
(13) G.S. 130A-26.1;
(14) G.S. 143-215.6B;
(15) G.S. 143-215.88B; and
(16) G.S. 143-215.114B."

SECTION 2.(a) G.S. 14-202.10(2) reads as rewritten:

"(2) "Adult establishment" means an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, or adult live entertainment ~~business, or massage~~ business as defined in this section."

SECTION 2.(b) G.S. 14-202.10(7) and G.S. 14-202.10(8) are repealed.

SECTION 2.(c) G.S. 14-202.11 is amended by adding a new subsection to read as follows:

"(a1) No person shall permit the practice of massage and bodywork therapy, as defined in Article 36 of Chapter 90 of the General Statutes, in an adult establishment."

SECTION 2.(d) Article 27 of Chapter 14 of the General Statutes is amended by adding a new section to read as follows:

"**§ 14-202.13. Human trafficking public awareness sign.**

An adult establishment, as defined in G.S. 14-202.10, shall prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information."

SECTION 3. G.S. 18B-1003 reads as rewritten:

"**§ 18B-1003. Responsibilities of permittee.**

...

(c1) Posting Human Trafficking Hotline. – All permittees shall prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.

...."

SECTION 4. Article 1 of Chapter 19 of the General Statutes is amended by adding a new section to read as follows:

"**§ 19-8.4. Human trafficking public awareness sign.**

The owner, operator, or agent in charge of a business described in G.S. 19-1.2 shall prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information."

SECTION 5.(a) G.S. 90-621 reads as rewritten:

"**§ 90-621. Declaration of purpose.**

The purpose of this Article is to ensure the protection of the health, safety, and welfare of the citizens of this State receiving massage and bodywork therapy services. This purpose is achieved ~~by establishing~~by:

(1) Establishing education and testing standards that ensure competency in the practice of massage and bodywork therapy. Mandatory licensure of those engaged in the practice of massage and bodywork therapy assures the public that each individual has satisfactorily met the standards of the profession and continues to meet both the ethical and competency goals of the profession.

(2) Establishing standards for establishments that provide massage and bodywork therapy services. Mandatory licensure of those who own or operate massage and bodywork therapy establishments assures the public that these establishments provide legal, professional services and employ licensed massage and bodywork therapists who have satisfactorily met the standards of the profession and continue to meet both the ethical and competency goals of the profession."

SECTION 5.(b) G.S. 90-622 reads as rewritten:

"**§ 90-622. Definitions.**

The following definitions apply in this Article:

(1) Accreditation. – Status granted to a postsecondary institution of higher learning that has met standards set by an accrediting agency recognized by the Secretary of the United States Department of Education. The accreditation for massage and bodywork schools may be institutional or programmatic in nature.

(1a) Board. – The North Carolina Board of Massage and Bodywork Therapy.

(2) Board-approved school. – Any massage and bodywork therapy school or training program in this State or another state that is not otherwise exempt from Board approval, that has met the standards set forth in this Article, and been granted approval by the Board.

(2a) Business name. – The name under which the owner applies for the establishment license to provide massage therapy, if different from the name of the owner.

~~(2a)~~(2b) Criminal history record check. – A report resulting from a request made by the Board to the North Carolina Department of Public Safety for a history of conviction of a crime, whether a misdemeanor or felony, that bears on an applicant's fitness for licensure to practice massage and bodywork therapy.

(3) Massage and bodywork therapy. – Systems of activity applied to the soft tissues of the human body for therapeutic, educational, or relaxation purposes. The application may include:

a. Pressure, friction, stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement.

b. Complementary methods, including the external application of water, heat, cold, lubricants, and other topical preparations.

c. The use of mechanical devices that mimic or enhance actions that may possibly be done by the hands.

(3a) Massage and bodywork therapy establishment. – Any duly licensed site or premises in which massage and bodywork therapy is practiced. This term does not include any of the following:

a. On-site massage performed at the location of the customer.

b. Stand-alone devices, such as chairs, that are operated by the customer.

c. Establishments located within the confines of a hospital, nursing home, or other similar establishment or facility licensed or otherwise regulated by the Department of Health and Human Services.

d. Massage and bodywork therapy provided by a sole practitioner.

e. A student clinic operated by a Board-approved school or a massage and bodywork therapy program offered by community colleges in North Carolina that are accredited by the Southern Association of Colleges and Schools or massage and bodywork therapy programs

offered by a degree or diploma granting college or university accredited by any accrediting agency that is recognized by the United States Department of Education and licensed by the North Carolina Community College System or The University of North Carolina Board of Governors or exempt from such licensure pursuant to G.S. 116-15(c).

f. Chiropractic physician offices that provide massage and bodywork therapy only by massage and bodywork therapists currently licensed in North Carolina.

~~(3a)~~(3b) Massage and bodywork therapy school. – Any educational institution that conducts a training program or curriculum for a tuition charge, which is intended to teach adults the knowledge, skills, and abilities necessary for the safe, effective, and ethical practice of massage and bodywork therapy.

(4) Massage and bodywork therapist. – A person licensed under this Article.

(4a) Owner. – The person, sole proprietor, partnership, limited partnership, or corporation that operates the massage and bodywork therapy establishment.

(5) Practice of massage and bodywork therapy. – The application of massage and bodywork therapy to any person for a fee or other consideration.

(6) Sole practitioner. – A single licensed massage and bodywork therapist offering massage or bodywork therapy services from a space the licensed massage and bodywork therapist controls and from which only the licensed massage and bodywork therapist offers and provides the services."

SECTION 5.(c) The catch line of G.S. 90-623 reads as rewritten:

"**§ 90-623. License to practice required.**"

SECTION 5.(d) The catch line of G.S. 90-624 reads as rewritten:

"**§ 90-624. ~~Exemptions.~~Activities not requiring a license to practice.**"

SECTION 5.(e) Subdivision (9) of G.S. 90-626 reads as rewritten:

"(9) Adopt, amend, or repeal any ~~rules~~ of the following rules:

a. Rules necessary to carry out the purposes of this ~~Article and~~Article.

b. Rules necessary to carry out the duties and responsibilities of the Board, including ~~rules~~ the following:

1. Rules related to the approval of massage and bodywork therapy schools, continuing education providers, examinations for licensure, and the practice of advanced techniques or ~~specialties, and massage and bodywork therapy establishments.~~specialties. Any rules adopted or amended shall take into account the educational standards of national bodywork and massage therapy associations and professional organizations.

2. Rules related to massage and bodywork therapy establishments."

SECTION 5.(f) G.S. 90-628(b) reads as rewritten:

"(b) The Board may impose the following fees up to the amounts listed ~~below:~~below for a license to practice massage and bodywork therapy:

(1) Application for license $20.00

(2) Initial license fee 150.00

(3) License renewal 100.00

(4) Late renewal penalty 75.00

(5) Repealed by Session Laws 2008-224, s. 8, effective August 17, 2008.

(6) Duplicate license 25.00

(7) Repealed by Session Laws 2008-224, s. 8, effective August 17, 2008."

SECTION 5.(g) G.S. 90-629 reads as rewritten:

"**§ 90-629. Requirements for ~~licensure.~~licensure to practice.**

Upon application to the Board and the payment of the required fees, an applicant may be licensed as a massage and bodywork therapist if the applicant meets all of the following qualifications:

(1) Has obtained a high school diploma or equivalent.
(2) Is 18 years of age or older.
(3) Is of good moral character as determined by the Board.
(4) Has successfully completed a training program consisting of a minimum of 500 in-class hours of supervised instruction at a Board-approved school.
(5) Has passed a competency assessment examination that meets generally accepted psychometric principles and standards and is approved by the Board.
(6) Has submitted fingerprint cards in a form acceptable to the Board at the time the license application is filed and consented to a criminal history record check by the North Carolina Department of Public Safety.
(7) Demonstrates satisfactory proof of proficiency in the English language."

SECTION 5.(h) G.S. 90-629.1 reads as rewritten:

"**§ 90-629.1. Criminal history record checks of applicants for ~~licensure.~~licensure to practice and for ownership or operation of an establishment.**

(a) All applicants for licensure to practice massage and bodywork therapy or to operate a massage and bodywork therapy establishment shall consent to a criminal history record check. Refusal to consent to a criminal history record check may constitute grounds for the Board to deny licensure to an applicant. The Board shall ensure that the State and national criminal history of an applicant is checked. The Board shall be responsible for providing to the North Carolina Department of Public Safety the fingerprints of the applicant to be checked, a form signed by the applicant consenting to the criminal record check and the use of fingerprints and other identifying information required by the State or National Repositories, and any additional information required by the Department of Public Safety. The Board shall keep all information obtained pursuant to this section confidential.

...."

SECTION 5.(i) The catch line of G.S. 90-630.1 reads as rewritten:

"**§ 90-630.1. Licensure to practice by endorsement.**"

SECTION 5.(j) G.S. 90-632 is recodified as G.S. 90-630.5 and reads as rewritten:

"**§ 90-630.5. ~~License renewal and~~Renewal of license to practice and license to operate massage and bodywork therapy establishment; continuing education.**

(a) The license to practice and the license to operate a massage and bodywork therapy establishment under this Article shall be renewed every two years.

(b) The continuing education requirement for the renewal of an initial license ~~renewal~~ to practice is as follows:

(1) If the licensure period is two years or more, each licensee shall submit to the Board evidence of the successful completion of at least 24 hours of study, as approved by the Board, since the initial licensure application date in the practice of massage and bodywork therapy.
(2) If the licensure period is less than two years, but more than one year, each licensee shall submit to the Board evidence of the successful completion of at least 12 hours of study, as approved by the Board, since the initial licensure application date in the practice of massage and bodywork therapy.

(c) For subsequent renewals of a license ~~renewals,~~to practice, each licensee shall submit to the Board evidence of the successful completion of at least 24 hours of study, as approved by

the Board, since the previous licensure renewal submission date in the practice of massage and bodywork therapy."

SECTION 5.(k) Article 36 of Chapter 90 of the General Statutes is amended by adding new sections to read:

"**§ 90-632.10. Massage and bodywork therapy establishment license required.**

The Board shall license massage and bodywork therapy establishments in this State for the purpose of protecting the health, safety, and welfare of the public. Unless otherwise exempt from the Board licensure process, no individual, association, partnership, corporation, or other entity shall open, operate, or advertise a massage and bodywork therapy establishment in this State unless it has first been licensed by the Board. The Board shall maintain a list of licensed massage and bodywork therapy establishments operating pursuant to this Article.

"**§ 90-632.11. Requirements for massage and bodywork therapy establishment licensure.**

(a) Any person who wishes to operate a massage and bodywork therapy establishment shall obtain a license from the Board by submitting a massage and bodywork therapy establishment licensure application accompanied by all of the following:

(1) The applicable fee set forth in G.S. 90-632.14.

(2) Proof of property damage and bodily injury liability insurance coverage in the name of the owner or, if the establishment is operated under a business name, in the name of both the owner and the business.

(3) Prior licensure and disciplinary history, including verifications from all North Carolina licensing boards from which the owner holds or has held any health related professional license.

(4) Fingerprint cards submitted in accordance with G.S. 90-629.1 at the time the license application is filed and consented to a criminal history record check by the Department of Public Safety.

(5) Ownership information, including at least all of the following:

a. Type of ownership.

b. Name of owner.

c. Name of authorized representative.

d. Address of establishment.

e. Social Security number or federal tax identification number.

f. E-mail address.

g. Current phone number.

h. Hours of operation.

(6) Proof of good moral character as determined by the Board.

(7) Signature of all owners or authorized corporate representatives or both.

(8) A successfully completed self-evaluation inspection report demonstrating compliance with this section and any rules adopted pursuant to G.S. 90-632.13.

(9) Proof that the establishment employs, hires, or plans to employ or hire one or more massage and bodywork therapists who hold a current license from the Board.

(b) The application for licensure shall be submitted in the name of the owner or owners of the establishment. If the owner is a corporation, the application shall be submitted in the name of the corporation and shall be signed by a corporate representative.

"**§ 90-632.12. Operation of a massage and bodywork therapy establishment under a name different than the owner; advertisment.**

(a) An owner may operate a licensed massage and bodywork therapy establishment under a name other than the name of the owner, provided such name is submitted to the Board on the application for licensure.

(b) Any advertisement by the massage and bodywork therapy establishment shall include the establishment's business name and shall comply with 21 NCAC 30 .0404.

"**§ 90-632.13. Rules for massage and bodywork therapy establishment license.**

The Board shall establish rules for the licensure of massage and bodywork therapy establishments. These rules shall include at least all of the following:

(1) Requirements for adequate, safe, and sanitary facilities.

(2) Requirements for compliance with local building code requirements, State fire safety codes, and State health inspection codes necessary to ensure the safe and effective practice of massage and bodywork therapy.

(3) Requirements for retention of client and ownership records.

(4) A description of the process used by the Board to approve massage and bodywork therapy establishment licenses.

(5) Requirements for initial and periodic inspections of massage and bodywork therapy establishments.

(6) Requirements for transfer of a massage and bodywork therapy establishment license.

(7) A requirement that each massage and bodywork therapy establishment prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.

"**§ 90-632.14. Fees for massage and bodywork therapy establishment license.**

(a) The Board may impose the following fees up to the amounts listed below for massage and bodywork therapy establishment licensure:

(1) Application for license $20.00

(2) Initial license fee 150.00

(3) License renewal 100.00

(4) Late renewal penalty 75.00

(5) Duplicate license 25.00

(6) Inspection of establishment 150.00

(b) All fees listed in subsection (a) of this section shall be paid in the form of a cashier's check, certified check, or money order made payable to the North Carolina Board of Massage and Bodywork Therapy and shall be nonrefundable.

"**§ 90-632.15. Grounds for suspension, revocation, or refusal of a massage and bodywork establishment therapy license; notice and hearing; judicial review.**

(a) The Board may deny, suspend, revoke, discipline, or refuse to approve a massage and bodywork therapy establishment for any of the following reasons:

(1) The employment of fraud, deceit, or misrepresentation in obtaining or attempting to obtain a massage and bodywork therapy establishment license.

(2) Engaging in any act or practice in violation of any of the provisions of this Article or of any of the rules adopted by the Board or aiding, abetting, or assisting any other person in the violation of the provisions of this Article or rules adopted by the Board.

(3) Failure to require that its employees or independent contractors be currently licensed by the Board.

(4) Operating a massage and bodywork therapy establishment without a license from this Board.

(5) Engaging in conduct that could result in harm or injury to the public.

(6) The employment of fraud, deceit, or misrepresentation when communicating with the general public, health care professionals, or other business professionals.

(7) Falsely holding out a massage and bodywork therapy establishment as licensed by this Board.

(8) Failure to allow authorized representatives of the Board to conduct inspections of the massage and bodywork therapy establishment or refusing to make available to the Board, following written notice to the massage and bodywork therapy establishment, the requested information pertaining to the requirements for approval set forth in this Article.

(9) Failure to notify the Board in writing within 30 days of any notification it receives from any state, local, or federal court or agency of a show cause action, probation action, or denial of licensure or approval.

(10) The applicant for or holder of a massage and bodywork establishment therapy license has pleaded guilty, entered a plea of nolo contendere, or has been found guilty of a crime involving moral turpitude by a judge or jury in any state or federal court.

(b) A refusal to issue, refusal to renew, or suspension or revocation of a massage and bodywork therapy establishment license under this section shall be made in accordance with Chapter 150B of the General Statutes.

"**§ 90-632.16. Unlicensed massage and bodywork therapy prohibited at massage and bodywork therapy establishments.**

A massage and bodywork therapy establishment shall not employ or contract with any person in this State to provide massage and bodywork therapy unless that person holds a current license to practice massage and bodywork therapy issued pursuant to this Article.

"**§ 90-632.17. Sexual activity prohibited.**

(a) Sexual activity by any person or persons in any massage and bodywork therapy establishment is unlawful and prohibited.

(b) No owner shall engage in or permit any person or persons to engage in sexual activity in the owner's massage and bodywork therapy establishment. No owner shall engage in or permit any person or persons to use the owner's massage and bodywork therapy establishment to make arrangements to engage in sexual activity in any other place.

"**§ 90-632.18. Enforcement; injunctive relief against massage and bodywork therapy establishments.**

The Board may utilize the enforcement and injunctive relief set forth in G.S. 90-634 and assess civil penalties and disciplinary costs as provided in G.S. 90-634.1 to address violations of G.S. 90-632.10 through G.S. 90-632.17, any rules adopted pursuant to G.S. 90-632.13, or any other laws or rules applicable to the operation of a massage and bodywork therapy establishment."

SECTION 5.(*l*) G.S. 90-634 reads as rewritten:

"**§ 90-634. Enforcement; injunctive relief.**

(a) It is unlawful for a person not licensed or exempted under this Article to engage in any of the following:

(1) Practice of massage and bodywork therapy.

(2) Advertise, represent, or hold out himself or herself to others to be a massage and bodywork therapist.

(3) Use any title descriptive of any branch of massage and bodywork therapy, as provided in G.S. 90-623, to describe his or her practice.

(b) A person who violates subsection (a) of this section shall be guilty of a Class 1 misdemeanor.

(b1) Unless exempt from the approval process, it is unlawful for an individual, association, partnership, corporation, or other entity to open, operate, or advertise a massage and bodywork therapy school without first having obtained the approval required by G.S. 90-631.1.

(b2) An individual, association, partnership, corporation, or other entity that violates subsection (b1) of this section shall be guilty of a Class 3 misdemeanor.

(b3) It is unlawful for a person, individual, association, partnership, corporation, or other entity to do any of the following:

(1) Employ, hire, engage, or otherwise contract with a person who is not licensed or exempted under this Article to provide massage and bodywork therapy services to the public.

(2) Aid and abet any person not licensed or exempted under this Article in the practice of massage and bodywork therapy.

(3) Advertise, represent, or hold out any person not licensed or exempted under this Article to others as a massage and bodywork therapist.

(4) Describe the practice of any person not licensed or exempted under this Article or use any title descriptive of any branch of massage and bodywork therapy to reference any such person in violation of G.S. 90-623.

(b4) A person who violates subsection (b3) of this section shall be guilty of a Class 1 misdemeanor.

(c) The Board may make application to superior court for an order enjoining a violation of this Article. Upon a showing by the Board that a person, association, partnership, corporation, or other entity has violated or is about to violate this Article, the court may grant an injunction, restraining order, or take other appropriate action."

SECTION 6. Article 5 of Chapter 131E of the General Statutes is amended by adding a new section to read as follows:

"**§ 131E-84.1. Human trafficking public awareness sign.**

Each hospital licensed under this Article shall prominently display in its emergency room or emergency department in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information."

SECTION 7. G.S. 143B-348 reads as rewritten:

"**§ 143B-348. Department of Transportation – head; rules, regulations, etc., of Board of Transportation.**

(a) The Secretary of Transportation shall be the head of the Department of Transportation. He shall carry out the day-to-day operations of the Department and shall be responsible for carrying out the policies, programs, priorities, and projects approved by the Board of Transportation. He shall be responsible for all other transportation matters assigned to the Department of Transportation, except those reserved to the Board of Transportation by statute. Except as otherwise provided for by statute, the Secretary shall have all the powers and duties as provided for in Article 1 of Chapter 143B including the responsibility for all management functions for the Department of Transportation. The Secretary shall be vested with authority to adopt design criteria, construction specifications, and standards as required for the Department of Transportation to construct and maintain highways, bridges, and ferries. The Secretary or the Secretary's designee shall be vested with authority to promulgate rules and regulations concerning all transportation functions assigned to the Department.

(b) All rules, regulations, ordinances, specifications, standards, and criteria adopted by the Board of Transportation and in effect on July 1, 1977, shall continue in effect until changed by the Board of Transportation or the Secretary of Transportation. The Secretary shall have complete authority to modify any of these matters existing on July 1, 1977, except as specifically restricted by the Board. Whenever any such criteria, rule, regulation, ordinance, specification, or standards are continued in effect under this section and the words "Board of Transportation" are used, the words shall mean the "Department of Transportation" unless the context makes such meaning inapplicable. All actions pending in court by or against the Board

of Transportation may continue to be prosecuted in that name without the necessity of formally amending the name to the Department of Transportation.

(c) The Secretary of Transportation shall require that every transportation station, rest area, and welcome center in the State prominently display in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information."

SECTION 8. Article 10 of Chapter 143B of the General Statutes is amended by adding a new section to read as follows:

"**§ 143B-431.3. Human trafficking public awareness sign.**

The Secretary of the Department of Commerce shall require that every Joblink or other center under its authority that offers employment or training services to the public prominently display in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information."

SECTION 9. In consultation with the North Carolina Human Trafficking Commission, the Department of Health and Human Services shall study the feasibility of training health care providers, emergency medical providers, and relevant first responders in human trafficking identification and response and preventative tools and methods. The Department shall report its findings and recommendations to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Oversight Committee on Health and Human Services, the Human Trafficking Commission, and the Governor no later than February 1, 2018.

SECTION 9.5. If Senate Bill 257, 2017 Regular Session, becomes law, Section 17.4(g) of that act reads as rewritten:

"**SECTION 17.4.(g)** This section ~~is effective when it becomes law.~~becomes effective January 1, 2018."

SECTION 10. Section 1 and Section 5(*l*) of this act become effective December 1, 2017, and apply to offenses committed on or after that date. Sections 2, 3, 4, 5(a) through 5(k), 6, 7, and 8 of this act become effective January 1, 2018. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 548
Judiciary Committee Substitute Adopted 6/13/17
Third Edition Engrossed 6/26/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S548-CSTGf-37 [v.4]
06/29/2017 12:20:38 AM

Short Title: Strengthen Human Trafficking Laws/Studies. (Public)

Sponsors:

Referred to:

April 3, 2017

A BILL TO BE ENTITLED

AN ACT STRENGTHENING HUMAN TRAFFICKING LAWS, AUTHORIZING THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY TO REGULATE MASSAGE AND BODYWORK THERAPY ESTABLISHMENTS, REQUIRING MASSAGE AND BODYWORK THERAPISTS TO OBTAIN A STATEWIDE PRIVILEGE LICENSE, AND AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY WAYS TO IDENTIFY AND PROTECT VICTIMS OF HUMAN TRAFFICKING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-43.11 reads as rewritten:

"**§ 14-43.11. Human trafficking.**

...

(b) A person who violates this section is guilty of a Class ~~F~~ C felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class ~~C~~ B1 felony if the victim of the offense is a minor.

...."

SECTION 2.(a) G.S. 14-202.10(2) reads as rewritten:

"(2) "Adult establishment" means an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, or adult live entertainment ~~business, or massage~~ business as defined in this section."

SECTION 2.(b) G.S. 14-202.10(7) and G.S. 14-202.10(8) are repealed.

SECTION 2.(c) G.S. 14-202.11 is amended by adding a new subsection to read as follows:

"(a1) No person shall permit the practice of massage and bodywork therapy, as defined in Article 36 of Chapter 90 of the General Statutes, in an adult establishment."

SECTION 3.(a) G.S. 90-621 reads as rewritten:

"**§ 90-621. Declaration of purpose.**

The purpose of this Article is to ensure the protection of the health, safety, and welfare of the citizens of this State receiving massage and bodywork therapy services. This purpose is achieved ~~by establishing~~by:

(1) Establishing education and testing standards that ensure competency in the practice of massage and bodywork therapy. Mandatory licensure of those engaged in the practice of massage and bodywork therapy assures the public

that each individual has satisfactorily met the standards of the profession and continues to meet both the ethical and competency goals of the profession.

(2) Establishing standards for establishments that provide massage and bodywork therapy services. Mandatory licensure of those who own or operate massage and bodywork therapy establishments assures the public that these establishments provide legal, professional services and employ licensed massage and bodywork therapists who have satisfactorily met the standards of the profession and continue to meet both the ethical and competency goals of the profession."

SECTION 3.(b) G.S. 90-622 reads as rewritten:

"**§ 90-622. Definitions.**

The following definitions apply in this Article:

(1) Accreditation. – Status granted to a postsecondary institution of higher learning that has met standards set by an accrediting agency recognized by the Secretary of the United States Department of Education. The accreditation for massage and bodywork schools may be institutional or programmatic in nature.

(1a) Board. – The North Carolina Board of Massage and Bodywork Therapy.

(2) Board-approved school. – Any massage and bodywork therapy school or training program in this State or another state that is not otherwise exempt from Board approval, that has met the standards set forth in this Article, and been granted approval by the Board.

(2a) Business name. – The name under which the owner applies for the establishment license to provide massage therapy, if different from the name of the owner.

~~(2a)~~(2b) Criminal history record check. – A report resulting from a request made by the Board to the North Carolina Department of Public Safety for a history of conviction of a crime, whether a misdemeanor or felony, that bears on an applicant's fitness for licensure to practice massage and bodywork therapy.

(3) Massage and bodywork therapy. – Systems of activity applied to the soft tissues of the human body for therapeutic, educational, or relaxation purposes. The application may include:

a. Pressure, friction, stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement.

b. Complementary methods, including the external application of water, heat, cold, lubricants, and other topical preparations.

c. The use of mechanical devices that mimic or enhance actions that may possibly be done by the hands.

(3a) Massage and bodywork therapy establishment. – Any duly licensed site or premises in which massage and bodywork therapy is practiced. This term does not include any of the following:

a. On-site massage performed at the location of the customer.

b. Stand-alone devices, such as chairs, that are operated by the customer.

c. Establishments located within the confines of a hospital, nursing home, or other similar establishment or facility licensed or otherwise regulated by the Department of Health and Human Services.

d. Massage and bodywork therapy provided by a sole practitioner.

e. A student clinic operated by a Board-approved school or a massage and bodywork therapy program offered by community colleges in

North Carolina that are accredited by the Southern Association of Colleges and Schools or massage and bodywork therapy programs offered by a degree or diploma granting college or university accredited by any accrediting agency that is recognized by the United States Department of Education and licensed by the North Carolina Community College System or The University of North Carolina Board of Governors or exempt from such licensure pursuant to G.S. 116-15(c).

f. Chiropractic physician offices that provide massage and bodywork therapy only by massage and bodywork therapists currently licensed in North Carolina.

~~(3a)~~(3b) Massage and bodywork therapy school. – Any educational institution that conducts a training program or curriculum for a tuition charge, which is intended to teach adults the knowledge, skills, and abilities necessary for the safe, effective, and ethical practice of massage and bodywork therapy.

(4) Massage and bodywork therapist. – A person licensed under this Article.

(4a) Owner. – The person, sole proprietor, partnership, limited partnership, or corporation that operates the massage and bodywork therapy establishment.

(5) Practice of massage and bodywork therapy. – The application of massage and bodywork therapy to any person for a fee or other consideration.

(6) Sole practitioner. – A single licensed massage and bodywork therapist offering massage or bodywork therapy services from a space the licensed massage and bodywork therapist controls and from which only the licensed massage and bodywork therapist offers and provides the services."

SECTION 3.(c) The catch line of G.S. 90-623 reads as rewritten:

"**§ 90-623. License to practice required.**"

SECTION 3.(d) The catch line of G.S. 90-624 reads as rewritten:

"**§ 90-624. ~~Exemptions.~~Activities not requiring a license to practice.**"

SECTION 3.(e) Subdivision (9) of G.S. 90-626 reads as rewritten:

"(9) Adopt, amend, or repeal any ~~rules~~ of the following rules:

a. Rules necessary to carry out the purposes of this ~~Article and~~Article.

b. Rules necessary to carry out the duties and responsibilities of the Board, including ~~rules~~ the following:

1. Rules related to the approval of massage and bodywork therapy schools, continuing education providers, examinations for licensure, and the practice of advanced techniques or ~~specialties, and massage and bodywork therapy establishments.~~specialties. Any rules adopted or amended shall take into account the educational standards of national bodywork and massage therapy associations and professional organizations.

2. Rules related to massage and bodywork therapy establishments."

SECTION 3.(f) G.S. 90-628(b) reads as rewritten:

"(b) The Board may impose the following fees up to the amounts listed ~~below:~~below for a license to practice massage and bodywork therapy:

(1) Application for license $20.00

(2) Initial license fee 150.00

(3) License renewal 100.00

(4) Late renewal penalty 75.00

(5) Repealed by Session Laws 2008-224, s. 8, effective August 17, 2008.

(6) Duplicate license 25.00
(7) Repealed by Session Laws 2008-224, s. 8, effective August 17, 2008."

SECTION 3.(g) G.S. 90-629 reads as rewritten:

"**§ 90-629. Requirements for ~~licensure.~~licensure to practice.**

Upon application to the Board and the payment of the required fees, an applicant may be licensed as a massage and bodywork therapist if the applicant meets all of the following qualifications:

(1) Has obtained a high school diploma or equivalent.
(2) Is 18 years of age or older.
(3) Is of good moral character as determined by the Board.
(4) Has successfully completed a training program consisting of a minimum of 500 in-class hours of supervised instruction at a Board-approved school.
(5) Has passed a competency assessment examination that meets generally accepted psychometric principles and standards and is approved by the Board.
(6) Has submitted fingerprint cards in a form acceptable to the Board at the time the license application is filed and consented to a criminal history record check by the North Carolina Department of Public Safety.
(7) Demonstrates satisfactory proof of proficiency in the English language."

SECTION 3.(h) G.S. 90-629.1 reads as rewritten:

"**§ 90-629.1. Criminal history record checks of applicants for ~~licensure.~~licensure to practice and for ownership or operation of an establishment.**

(a) All applicants for licensure to practice massage and bodywork therapy or to operate a massage and bodywork therapy establishment shall consent to a criminal history record check. Refusal to consent to a criminal history record check may constitute grounds for the Board to deny licensure to an applicant. The Board shall ensure that the State and national criminal history of an applicant is checked. The Board shall be responsible for providing to the North Carolina Department of Public Safety the fingerprints of the applicant to be checked, a form signed by the applicant consenting to the criminal record check and the use of fingerprints and other identifying information required by the State or National Repositories, and any additional information required by the Department of Public Safety. The Board shall keep all information obtained pursuant to this section confidential.

...."

SECTION 3.(i) The catch line of G.S. 90-630.1 reads as rewritten:

"**§ 90-630.1. Licensure to practice by endorsement.**"

SECTION 3.(j) G.S. 90-632 is recodified as G.S. 90-630.5 and reads as rewritten:

"**§ 90-630.5. ~~License renewal and~~Renewal of license to practice and license to operate massage and bodywork therapy establishment; continuing education.**

(a) The license to practice and the license to operate a massage and bodywork therapy establishment under this Article shall be renewed every two years.

(b) The continuing education requirement for the renewal of an initial license ~~renewal~~ to practice is as follows:

(1) If the licensure period is two years or more, each licensee shall submit to the Board evidence of the successful completion of at least 24 hours of study, as approved by the Board, since the initial licensure application date in the practice of massage and bodywork therapy.
(2) If the licensure period is less than two years, but more than one year, each licensee shall submit to the Board evidence of the successful completion of at least 12 hours of study, as approved by the Board, since the initial licensure application date in the practice of massage and bodywork therapy.

(c) For subsequent renewals of a license ~~renewals,~~to practice, each licensee shall submit to the Board evidence of the successful completion of at least 24 hours of study, as approved by the Board, since the previous licensure renewal submission date in the practice of massage and bodywork therapy."

SECTION 3.(k) Article 36 of Chapter 90 of the General Statutes is amended by adding new sections to read:

"**§ 90-632.10. Massage and bodywork therapy establishment license required.**

The Board shall license massage and bodywork therapy establishments in this State for the purpose of protecting the health, safety, and welfare of the public. Unless otherwise exempt from the Board licensure process, no individual, association, partnership, corporation, or other entity shall open, operate, or advertise a massage and bodywork therapy establishment in this State unless it has first been licensed by the Board. The Board shall maintain a list of licensed massage and bodywork therapy establishments operating pursuant to this Article.

"**§ 90-632.11. Requirements for massage and bodywork therapy establishment licensure.**

(a) Any person who wishes to operate a massage and bodywork therapy establishment shall obtain a license from the Board by submitting a massage and bodywork therapy establishment licensure application accompanied by all of the following:

(1) The applicable fee set forth in G.S. 90-632.14.

(2) Proof of property damage and bodily injury liability insurance coverage in the name of the owner or, if the establishment is operated under a business name, in the name of both the owner and the business.

(3) Prior licensure and disciplinary history, including verifications from all North Carolina licensing boards from which the owner holds or has held any health related professional license.

(4) Fingerprint cards submitted in accordance with G.S. 90-629.1 at the time the license application is filed and consented to a criminal history record check by the Department of Public Safety.

(5) Ownership information, including at least all of the following:

a. Type of ownership.

b. Name of owner.

c. Name of authorized representative.

d. Address of establishment.

e. Social Security number or federal tax identification number.

f. E-mail address.

g. Current phone number.

h. Hours of operation.

(6) Proof of good moral character as determined by the Board.

(7) Signature of all owners or authorized corporate representatives or both.

(8) A successfully completed self-evaluation inspection report demonstrating compliance with this section and any rules adopted pursuant to G.S. 90-632.13.

(9) Proof that the establishment employs, hires, or plans to employ or hire one or more massage and bodywork therapists who hold a current license from the Board.

(b) The application for licensure shall be submitted in the name of the owner or owners of the establishment. If the owner is a corporation, the application shall be submitted in the name of the corporation and shall be signed by a corporate representative.

"**§ 90-632.12. Operation of a massage and bodywork therapy establishment under a name different than the owner; advertisment.**

(a) An owner may operate a licensed massage and bodywork therapy establishment under a name other than the name of the owner, provided such name is submitted to the Board on the application for licensure.

(b) Any advertisement by the massage and bodywork therapy establishment shall include the establishment's business name and shall comply with 21 NCAC 30 .0404.

"**§ 90-632.13. Rules for massage and bodywork therapy establishment license.**

The Board shall establish rules for the licensure of massage and bodywork therapy establishments. These rules shall include at least all of the following:

(1) Requirements for adequate, safe, and sanitary facilities.

(2) Requirements for compliance with local building code requirements, State fire safety codes, and State health inspection codes necessary to ensure the safe and effective practice of massage and bodywork therapy.

(3) Requirements for retention of client and ownership records.

(4) A description of the process used by the Board to approve massage and bodywork therapy establishment licenses.

(5) Requirements for initial and periodic inspections of massage and bodywork therapy establishments.

(6) Requirements for transfer of a massage and bodywork therapy establishment license.

"**§ 90-632.14. Fees for massage and bodywork therapy establishment license.**

(a) The Board may impose the following fees up to the amounts listed below for massage and bodywork therapy establishment licensure:

(1) Application for license $20.00

(2) Initial license fee 150.00

(3) License renewal 100.00

(4) Late renewal penalty 75.00

(5) Duplicate license 25.00

(6) Inspection of establishment 150.00

(b) All fees listed in subsection (a) of this section shall be paid in the form of a cashier's check, certified check, or money order made payable to the North Carolina Board of Massage and Bodywork Therapy and shall be nonrefundable.

"**§ 90-632.15. Grounds for suspension, revocation, or refusal of a massage and bodywork therapy establishment license; notice and hearing; judicial review.**

(a) The Board may deny, suspend, revoke, discipline, or refuse to approve a massage and bodywork therapy establishment for any of the following reasons:

(1) The employment of fraud, deceit, or misrepresentation in obtaining or attempting to obtain a massage and bodywork therapy establishment license.

(2) Engaging in any act or practice in violation of any of the provisions of this Article or of any of the rules adopted by the Board or aiding, abetting, or assisting any other person in the violation of the provisions of this Article or rules adopted by the Board.

(3) Failure to require that its employees or independent contractors be currently licensed by the Board.

(4) Operating a massage and bodywork therapy establishment without a license from this Board.

(5) Engaging in conduct that could result in harm or injury to the public.

(6) The employment of fraud, deceit, or misrepresentation when communicating with the general public, health care professionals, or other business professionals.

(7) Falsely holding out a massage and bodywork therapy establishment as licensed by this Board.

(8) Failure to allow authorized representatives of the Board to conduct inspections of the massage and bodywork therapy establishment or refusing to make available to the Board, following written notice to the massage and bodywork therapy establishment, the requested information pertaining to the requirements for approval set forth in this Article.

(9) Failure to notify the Board in writing within 30 days of any notification it receives from any state, local, or federal court or agency of a show cause action, probation action, or denial of licensure or approval.

(10) The applicant for or holder of a massage and bodywork therapy establishment license has pleaded guilty, entered a plea of nolo contendere, or has been found guilty of a crime involving moral turpitude by a judge or jury in any state or federal court.

(b) A refusal to issue, refusal to renew, or suspension or revocation of a massage and bodywork therapy establishment license under this section shall be made in accordance with Chapter 150B of the General Statutes.

"**§ 90-632.16. Unlicensed massage and bodywork therapy prohibited at massage and bodywork therapy establishments.**

A massage and bodywork therapy establishment shall not employ or contract with any person in this State to provide massage and bodywork therapy unless that person holds a current license to practice massage and bodywork therapy issued pursuant to this Article.

"**§ 90-632.17. Sexual activity prohibited.**

(a) Sexual activity or solicitation of sexual activity by any person or persons in any massage and bodywork therapy establishment is unlawful and prohibited.

(b) No owner shall engage in or permit any person or persons to engage in sexual activity in the owner's massage and bodywork therapy establishment. No owner shall engage in or permit any person or persons to use the owner's massage and bodywork therapy establishment to make arrangements to engage in sexual activity in any other place.

"**§ 90-632.18. Enforcement; injunctive relief against massage and bodywork therapy establishments.**

The Board may utilize the enforcement and injunctive relief set forth in G.S. 90-634 and assess civil penalties and disciplinary costs as provided in G.S. 90-634.1 to address violations of G.S. 90-632.10 through G.S. 90-632.17, any rules adopted pursuant to G.S. 90-632.13, or any other laws or rules applicable to the operation of a massage and bodywork therapy establishment."

SECTION 3.(*l*) G.S. 90-634 reads as rewritten:

"**§ 90-634. Enforcement; injunctive relief.**

(a) It is unlawful for a person not licensed or exempted under this Article to engage in any of the following:

(1) Practice of massage and bodywork therapy.

(2) Advertise, represent, or hold out himself or herself to others to be a massage and bodywork therapist.

(3) Use any title descriptive of any branch of massage and bodywork therapy, as provided in G.S. 90-623, to describe his or her practice.

(b) A person who violates subsection (a) of this section shall be guilty of a Class 1 misdemeanor.

(b1) Unless exempt from the approval process, it is unlawful for an individual, association, partnership, corporation, or other entity to open, operate, or advertise a massage and bodywork therapy school without first having obtained the approval required by G.S. 90-631.1.

(b2) An individual, association, partnership, corporation, or other entity that violates subsection (b1) of this section shall be guilty of a Class 3 misdemeanor.

(b3) It is unlawful for a person, individual, association, partnership, corporation, or other entity to do any of the following:

(1) Employ, hire, engage, or otherwise contract with a person who is not licensed or exempted under this Article to provide massage and bodywork therapy services to the public.

(2) Aid and abet any person not licensed or exempted under this Article in the practice of massage and bodywork therapy.

(3) Advertise, represent, or hold out any person not licensed or exempted under this Article to others as a massage and bodywork therapist.

(4) Describe the practice of any person not licensed or exempted under this Article or use any title descriptive of any branch of massage and bodywork therapy to reference any such person in violation of G.S. 90-623.

(b4) A person who violates subsection (b3) of this section shall be guilty of a Class 1 misdemeanor.

(c) The Board may make application to superior court for an order enjoining a violation of this Article. Upon a showing by the Board that a person, association, partnership, corporation, or other entity has violated or is about to violate this Article, the court may grant an injunction, restraining order, or take other appropriate action."

SECTION 4. G.S. 105-41(a) reads as rewritten:

"**§ 105-41. Attorneys-at-law and other professionals.**

(a) Every individual in this State who practices a profession or engages in a business and is included in the list below must obtain from the Secretary a statewide license for the privilege of practicing the profession or engaging in the business. A license required by this section is not transferable to another person. The tax for each license is fifty dollars ($50.00).

...

(2) A physician, a veterinarian, a surgeon, an osteopath, a chiropractor, a chiropodist, a dentist, an ophthalmologist, an optician, an optometrist, a massage and bodywork therapist, or another person who practices a professional art of healing.

...."

SECTION 5. In consultation with the North Carolina Human Trafficking Commission, the Department of Health and Human Services shall study the feasibility of training health care providers, emergency medical providers, and relevant first responders in human trafficking identification and response and preventative tools and methods. The Department shall report its findings and recommendations to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Oversight Committee on Health and Human Services, the Human Trafficking Commission, and the Governor no later than February 1, 2018.

SECTION 6. Section 1 and Section 3.(*l*) of this act become effective December 1, 2017, and apply to offenses committed on or after that date. Sections 2.(a) through 2.(c) and 3.(a) through 3.(k) of this act become effective October 1, 2017. Section 4 of this act is effective when it becomes law and applies to taxable years beginning on or after July 1, 2018. The remainder of this act is effective when it becomes law.

SENATE BILL 335:
Study/Fair Treatment of College Athletes.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 28, 2017
Introduced by:	Sens. Daniel, Bishop, Tarte	**Prepared by:**	Brian Gwyn* Committee Co-Counsel
Analysis of:	PCS to First Edition S335-CSBE-29		

OVERVIEW: ***The 1st edition of Senate Bill 335 would create the Legislative Commission on the Fair Treatment of College Student-Athletes. The PCS would remove the requirement to study student athlete unionization. Additionally, it would create a three-year pilot program in which the State Board of Education would authorize up to two new educator preparation programs with proven track records in other states.***

BILL ANALYSIS:

LEGISLATIVE COMMISSION ON THE FAIR TREATMENT OF COLLEGE STUDENT-ATHLETES

Senate Bill 335 creates the Legislative Commission on the Fair Treatment of College Student-Athletes (Commission) to examine the needs and concerns of college students participating in athletics on behalf of the constituent institutions of The University of North Carolina. The Commission would consist of 6 members of the Senate and 6 members of the House with political parties represented in proportion to the legislative makeup. The Lieutenant Governor would be an ex officio voting member and would serve as the chair of the Commission.

The Commission would study issues related to the provision of health insurance, sports injuries and non-sport injuries, and profit-sharing for student athletes. The Commission must consider:

- Health and safety concerns from participation in athletic competition or resulting from injuries sustained during athletic competition such as concussions and other life impacting injuries.
- Long term health issues from participation in athletic competition but not manifesting until later in an athlete's life, and the ability of former athletes to receive adequate long term treatment for these issues.
- The need for full time enrolled college students to have adequate time to devote to educational responsibilities separate and apart from time demands for athletic competition.
- Educational opportunities for choosing majors and classes consistent with the nonathletic participating students' opportunities at a constituent institution, including, but not limited to, academic choices and extracurricular abilities to participate in internships and study abroad.
- The right to receive academic instruction from qualified faculty members at the constituent institutions and to be taught at an academic level consistent with the standards of accredited higher education institutions.
- The right to a fair and impartial hearing and the right to be independently represented before being disciplined for alleged eligibility rules violations by any school, conference, or membership association governing participation in college athletics.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- In exchange for his or her participation on behalf of any constituent institution, a fair and adequate financial aid or scholarship assistance package to the extent financial aid or scholarship sources are provided to selected students in exchange for their participation on institutional athletic teams.
- Consideration of remuneration or profit sharing for student athletes for the use by institutional or commercial entities of the students' image, or other identifiable source, such as television rights or collegiate apparel that produce commercial profit for the institutions, membership associations, or commercial entities.
- The right of students participating in college athletics to be adequately represented by attorneys, agents, or financial advisors throughout their college careers (as do all other students) without being subject to losing their eligibility to participate in college athletics.
- A review of regulatory rules and punishments imposed on student athletes by any governing membership organization, including, but not limited to, the National Collegiate Athletic Association, that limits a student's ability to transfer between schools, or participate on college athletic teams by restricting the student's ability to engage in outside work or compensatory services.
- The obligation of the university to provide the means for a student athlete to finish their academic requirements to obtain an undergraduate degree after their athletic eligibility or athletic scholarship has expired.
- Any other issue the Commission deems relevant based on testimony or evidence presented to the Commission.

The Commission must submit an interim report by December 1, 2017 and a final report by April 1, 2018, including any proposed legislation to the General Assembly.

THREE-YEAR PILOT PROGRAM

Section 5 would create a three-year pilot program to allow up to two new educator preparation programs (EPPs) to operate in North Carolina, starting in the 2017-2018 school year. To continue operating beyond the pilot period, the EPPs would have to meet the same criteria as other EPPs. Pilot programs would have to meet the following criteria:

- Meet the criteria for approval established in G.S. 115C-269.15, G.S. 115C-269.20, and G.S. 115C-269.25.
- Have a demonstrated track record of success with clearly demonstrated results as an EPP in other states.
- Have Council for the Accreditation of Educator Preparation (CAEP) accreditation or be in the process of attaining CAEP accreditation in North Carolina or another state.

EFFECTIVE DATE: Section 5 of the bill (the pilot program) would be effective when SB 599 becomes law. The remainder of the bill would become effective July 1, 2017.

**Drupti Chauhan of the Legislative Analysis Division contributed substantially to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 335
PROPOSED HOUSE COMMITTEE SUBSTITUTE S335-CSBE-29 [v.4]

06/28/2017 10:59:45 AM

Short Title: Study/Fair Treatment of College Athletes. (Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO CREATE THE LEGISLATIVE COMMISSION ON THE FAIR TREATMENT OF COLLEGE STUDENT-ATHLETES AND TO CREATE A THREE-YEAR PILOT PROGRAM FOR NEW EDUCATOR PREPARATION PROGRAMS.

Whereas, college athletics is a multimillion dollar industry across the United States; and

Whereas, college athletics in North Carolina is a major economic and entertainment resource through which the State, local governments, the business community, and public educational institutions financially benefit; and

Whereas, most of the constituent institutions of The University of North Carolina participate in athletic competitions in North Carolina and around the country in a wide range of sports; and

Whereas, these athletic teams at each constituent institution are comprised of individually enrolled full-time students; and

Whereas, these students, participating on athletic teams provided as extracurricular activities for them, are enrolled for the primary purpose of receiving a college education subsidized in part by the taxpayers of North Carolina; and

Whereas, while receiving the benefits of playing competitive collegiate sports and in some cases financial assistance for the cost of attending college, these students in return commit a substantial amount of time, talent, and resources for the benefit (both financially and promotionally) of the institutions they compete for as well as organizations and businesses profiting from their athletic competition; and

Whereas, numerous issues and court cases have arisen around the country and in North Carolina pertaining to the system of college athletics, its governance, and control by membership organizations, including, but not limited to, the National Collegiate Athletic Association, and to concerns over the welfare and operation of the system to the long-term detriment of the students participating in college athletics; and

Whereas, the General Assembly of North Carolina has a responsibility to the young men and women enrolled in the State institutions of higher learning within the University of North Carolina System to ensure fairness and equal opportunity in all aspects of their experience but in particular while participating in athletic activities for these institutions and to take appropriate legislative action where needed to ensure fairness and equal opportunity; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Legislative Commission on the Fair Treatment of College Student-Athletes is created. The purpose of the Commission is to examine the needs and concerns of college students participating in athletics on behalf of the constituent institutions of The University of North Carolina and to propose appropriate legislation where needed to implement the objectives of this Commission.

SECTION 1.(b) The Commission shall consist of six members of the Senate, appointed by the President Pro Tempore of the Senate with political parties represented in proportion to the legislative makeup, and six members of the House of Representatives, appointed by the Speaker of the House of Representatives with political parties represented in proportion to the legislative makeup.

Vacancies on the Commission shall be filled by the same appointing authority that made the initial appointment.

SECTION 1.(c) The Lieutenant Governor shall be an ex officio voting member and shall also serve as the chair of the Commission. The Commission shall meet upon the call of the chair.

SECTION 1.(d) A quorum shall be a majority of the Commission members.

SECTION 2. The Commission shall study issues related to the provision of health insurance, sports injuries and nonsports injuries, and profit-sharing for student athletes. In its study, the Commission shall consider all of the following:

(1) Physical and mental health and safety concerns arising out of participation in athletic competition or resulting from injuries sustained during athletic competition, including, but not limited to, concussions and other life-impacting injuries.

(2) Long-term physical and mental health and wellness issues grounded in participation in athletic competition but not manifesting until later in an athlete's life, and the ability of former athletes to receive adequate long-term treatment for these issues.

(3) The need for full-time enrolled college students to have adequate time to devote to educational responsibilities separate and apart from time demands for athletic competition.

(4) Educational opportunities for choosing majors and classes consistent with the nonathletic participating students' opportunities at a constituent institution, including, but not limited to, academic choices and extracurricular abilities to participate in internships and study abroad.

(5) The right to receive academic instruction from qualified faculty members at the constituent institutions and to be taught at an academic level consistent with the standards of accredited higher education institutions.

(6) The right to a fair and impartial hearing and the right to be independently represented before being disciplined for alleged eligibility rules violations by any school, conference, or membership association governing participation in college athletics.

(7) In exchange for his or her participation on behalf of any constituent institution, a fair and adequate financial aid or scholarship assistance package to the extent financial aid or scholarship sources are provided to selected students in exchange for their participation on institutional athletic teams.

(8) Consideration of remuneration or profit-sharing for student athletes for the use by institutional or commercial entities of the students' image, or other identifiable source, such as television rights or collegiate apparel that produce commercial profit for the institutions, membership associations, or commercial entities.

(9) The right of students participating in college athletics to be adequately represented by attorneys, agents, or financial advisors throughout their college careers (as do all other students) without being subject to losing their eligibility to participate in college athletics.

(10) A review of regulatory rules and punishments imposed on student athletes by any governing membership organization, including, but not limited to, the National Collegiate Athletic Association, that limits a student's ability to transfer between schools, or participate on college athletic teams by restricting the student's ability to engage in outside work or compensatory services.

(11) The obligation of the university to provide the means for a student-athlete to finish their academic requirements to obtain an undergraduate degree after their athletic eligibility or athletic scholarship has expired.

(12) Any other issue the Commission deems relevant based on testimony or evidence presented to the Commission.

SECTION 3. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet in the Legislative Building or the Legislative Office Building. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1 or G.S. 138-6 as appropriate.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The Senate shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. The Commission may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02.

SECTION 4. The Commission shall submit an interim report on the results of its study, including any proposed legislation, by December 1, 2017, to the members of the Senate and the House of Representatives by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Commission shall submit a final report on the results of its study, including any proposed legislation, by April 1, 2018, to the members of the Senate and the House of Representatives, by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Commission shall terminate upon the convening of the 2019 General Assembly or upon the filing of its final report, whichever occurs first.

SECTION 5. The State Board of Education shall establish a three-year Educator Preparation Pilot Program to operate from the 2017-2018 school year through the 2019-2020 school year. Upon the recommendation of the Superintendent of Public Instruction, the State Board shall select up to two new EPPs to be part of the program by October 1, 2017. These EPPs shall be deemed recognized EPPs under G.S. 115C-269.1(15) for the duration of the pilot period and shall be permitted to recommend clinical residency candidates for licensure without receiving State approval under G.S. 115C-269.10. During the course of the pilot program, each pilot EPP shall meet all other requirements of Article 17D of Chapter 115C of the General Statutes. In order to be eligible for the pilot program, an EPP shall meet the following criteria:

(1) Meet the criteria for approval established in G.S. 115C-269.15, 115C-269.20, and 115C-269.25.

(2) Have a demonstrated track record of success with clearly demonstrated results as an EPP in other states.

(3) Have CAEP accreditation or be in the process of attaining CAEP accreditation in North Carolina or another state.

Each pilot EPP's recognized EPP status will expire on June 30, 2020. In order for the pilot EPPs to regain recognized status, they must meet all requirements of Article 17D of Chapter 115C of the General Statutes.

SECTION 6. Section 5 is effective when Senate Bill 599, 2017 Regular Session, becomes law. The remainder of this act becomes effective July 1, 2017.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 78
PROPOSED HOUSE COMMITTEE SUBSTITUTE S78-CSBE-30 [v.3]
06/28/2017 1:37:24 PM

Short Title: Cost to Comply/Fed Ed Funds/PED Study. (Public)

Sponsors:

Referred to:

February 15, 2017

A BILL TO BE ENTITLED

AN ACT TO STUDY THE FINANCIAL COSTS TO THE STATE AND LOCAL SCHOOL ADMINISTRATIVE UNITS OF COMPLIANCE WITH FEDERAL MANDATES RELATED TO THE RECEIPT OF FEDERAL EDUCATION FUNDING AND TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON EFFICIENCY AND COST-SAVINGS IN STATE GOVERNMENT.

The General Assembly of North Carolina enacts:

PART I. STUDY FINANCIAL COSTS OF FEDERAL MANDATES

SECTION 1.(a) By no later than January 15, 2018, the Department of Public Instruction shall study, report, and provide any supporting data to the Fiscal Research Division and the Program Evaluation Division of the General Assembly on the cost of compliance with federal education funding mandates to local school administrative units.

SECTION 1.(b) The Joint Legislative Program Evaluation Oversight Committee shall consider including in the 2017-2018 Work Plan for the Program Evaluation Division an evaluation of the cost of compliance with federal education funding mandates for K-12 education and, if included in the Work Plan, report its findings and recommendations to the General Assembly at a date to be determined by the Committee.

PART II. JOINT LEGISLATIVE STUDY COMMISSION ON EFFICIENCY AND COST-SAVINGS IN STATE GOVERNMENT

SECTION 2.(a) There is established the Joint Legislative Study Commission on Efficiency and Cost-Savings in State Government (Commission).

SECTION 2.(b) The Commission shall be composed of 10 members appointed as follows:

(1) Five senators appointed by the President Pro Tempore of the Senate.

(2) Five representatives appointed by the Speaker of the House of Representatives.

Vacancies on the Commission shall be filled by the appointing authority. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair. A quorum of the Commission shall be a majority of its members.

The Commission may meet at any time upon call of the chairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the

power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them, and the power to subpoena witnesses and documents.

The Legislative Services Commission, through the Legislative Services Officer, shall assign other professional staff to assist the Commission in its work. The House of Representatives' and Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

SECTION 2.(c) The Commission shall use a zero-based budgeting review process to study whether there are obsolete programs, cost-reduction opportunities in State government, and any cases where existing funds can be redirected to meet new and changing demands for public services. The Commission shall start the review process with the Department of the Secretary of State. The Commission may require any agency under review to submit written information in a form specified by the Commission by a specified time. The Commission may accept or reject any or part of any information submitted and require revision or resubmission. The Commission may require information as follows:

(1) Identification of decision units. – The agency shall identify decision units representing any group of services with a common set of objectives or comprising an agency program or administrative support unit.

(2) Impact of discontinuing each decision unit. – The agency shall provide a quantitative estimate of any adverse impacts that could reasonably be expected should the State discontinue a decision unit, together with a full description of the methods by which the adverse impact is estimated.

(3) Division of decision units into decision packages. – The agency shall divide each decision unit into the following four discrete decision packages:

a. Minimum. – A quantitative estimate of any adverse impacts that could reasonably be expected and an itemized account of expenditures that would be required to maintain the activity at the minimum level of service required by any statutory authorization and below which would effectively eliminate all services, together with a concise statement of the resulting quantity and quality of services. This service level shall be below the level described by sub-subdivision b. of this subdivision.

b. Reduced. – A quantitative estimate of any adverse impacts that could reasonably be expected and an itemized account of expenditures that would be required if funding were reduced by the percentage or amount specified by the Commission below the current level as defined by sub-subdivision c. of this subdivision and a concise statement of the resulting quantity and quality of services.

c. Current. – A quantitative description of benefits from and an itemized account of expenditures that would be required to maintain the activity at the current level of service, together with a full description of the methods by which the current level is determined and a concise statement of the resulting quantity and quality of services.

d. Enhanced. – A quantitative estimate of benefits that could reasonably be expected and an itemized account of expenditures that would be required to increase the current level of service, together with a full description of the methods by which the enhanced level is estimated

and a concise statement of the resulting quantity and quality of services.

(4) Service delivery alternatives. – For each decision package, a description of alternative methods for delivering services which may include, but not be limited to, shedding one or more services and relying upon the free market for delivery, delegation to another level of government, using Requests for Information or competitive selection to outsource to private for-profit or nonprofit organizations, in whole or in part, including franchising, assisting or providing incubator arrangements for current State employees to form non-State organizations to compete for outsourcing opportunities, or through methods used by other states or nations.

(5) Ranking. – As instructed by the Commission, a ranking of all decision packages compared with each other without ties.

SECTION 2.(d) The Commission shall make an interim report to the 2018 Regular Session of the 2017 General Assembly and shall make a final report to the 2019 General Assembly. The report shall include any proposed legislation. The Commission shall terminate upon filing its final report or upon the convening of the 2019 General Assembly, whichever is earlier.

SECTION 2.(e) This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE JOINT RESOLUTION DRHJR10408-MM-107E* (06/23)

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

Referred to:

A JOINT RESOLUTION ADJOURNING THE 2017 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1.1. When the House of Representatives and the Senate jointly adjourn on the date this resolution is ratified, they stand adjourned to reconvene on Thursday, August 3, 2017, at 12:00 noon.

SECTION 1.2. During the regular session that reconvenes on Thursday, August 3, 2017, only the following matters may be considered:

(1) Bills returned by the Governor with his objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(2) Bills providing for the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate.

(3) Bills providing for action on gubernatorial nominations or appointments.

(4) Bills responding to actions related to litigation concerning the districts for Congressional, State House, State Senate, judicial, municipal, county, and other elected officials' actions and any other litigation challenging the legality of legislative enactments.

(5) Bills returned on or after Wednesday, June 28, 2017, to the house in which the bill originated for concurrence.

(6) Adoption of conference reports for bills which were in conference on or after Wednesday, June 28, 2017, and conferees had been appointed by both houses on or after that date.

(7) Bills providing for impeachment pursuant to Article IV of the North Carolina Constitution or Chapter 123 of the General Statutes.

(8) Bills that are subject to Section 23 of Article II of the North Carolina Constitution that have passed second reading in the receiving house or have passed second reading for concurrence in the originating house, but have not been taken up for third reading.

(9) Simple resolutions addressing organizational matters of each respective house.

(10) A joint resolution further adjourning the 2017 Regular Session or amending a joint resolution adjourning the 2017 Regular Session to a date certain.

SECTION 2.1. When the House of Representatives and the Senate jointly adjourn the session convened on Thursday, August 3, 2017, they stand adjourned to reconvene on Wednesday, September 6, 2017, at 12:00 noon.

SECTION 2.2. During the regular session that reconvenes on Wednesday, September 6, 2017, only the following matters may be considered:

(1) Bills:
   a. Revising the judicial divisions of the State, the superior court districts, the district court districts, and the prosecutorial districts and the apportionment of judges and district attorneys among those districts and containing no other matter.
   b. Revising districts for cities, counties, and other political subdivisions of the State and the apportionment of elected officials among those districts and containing no other matter.

(2) Bills:
   a. Proposing an amendment or amendments to the North Carolina Constitution and containing no other matter.
   b. Proposing an amendment or amendments to the North Carolina Constitution and containing no other matter other than statutory conforming changes to implement such bills.
   c. Solely making statutory and transitional changes to implement bills under sub-subdivision a. of this subdivision.

(3) Bills returned by the Governor with his objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(4) Bills providing for the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate.

(5) Bills providing for action on gubernatorial nominations or appointments.

(6) Bills providing for impeachment pursuant to Article IV of the North Carolina Constitution or Chapter 123 of the General Statutes.

(7) Bills responding to actions related to litigation concerning the districts for Congressional, State House, State Senate, judicial, municipal, county, and other elected officials' actions and any other litigation challenging the legality of legislative enactments.

(8) A joint resolution further adjourning the 2017 Regular Session or amending a joint resolution adjourning the 2017 Regular Session to a date certain.

(9) A joint resolution further adjourning the 2017 Regular Session or amending a joint resolution adjourning the 2017 Regular Session to a date certain that is no later than November 15, 2017, for the purpose of considering bills:
   a. Revising the Senate districts and the apportionment of Senators among those districts and containing no other matter.
   b. Revising the Representative districts and the apportionment of Representatives among those districts and containing no other matter.
   c. Revising the judicial divisions of the State, the superior court districts, the district court districts, and the prosecutorial districts and the apportionment of judges and district attorneys among those districts and containing no other matter.

d. Revising districts for cities, counties, and other political subdivisions of the State and the apportionment of elected officials among those districts and containing no other matter.

SECTION 3.1. Subject to Section 2.2(8) of this Resolution, when the House of Representatives and the Senate jointly adjourn the session convened on Wednesday, September 6, 2017, they stand adjourned to reconvene on Wednesday, May 16, 2018, at 12:00 noon.

SECTION 3.2. During the regular session that reconvenes on Wednesday, May 16, 2018, only the following matters may be considered:

(1) Bills directly and primarily affecting the State budget, including the budget of an occupational licensing board for fiscal year 2018-2019, provided that the bill must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Friday, May 18, 2018, and must be introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Thursday, May 31, 2018.

(2) Bills:

a. Proposing an amendment or amendments to the North Carolina Constitution and containing no other matter.

b. Proposing an amendment or amendments to the North Carolina Constitution and containing no other matter other than statutory conforming changes to implement such bills.

c. Solely making statutory and transitional changes to implement bills under sub-subdivision a. of this subdivision.

(3) Bills and resolutions introduced in 2017 and having passed third reading in 2017 in the house in which introduced, received in the other house in accordance with Senate Rule 41 or House Rule 31.1(h), as appropriate, and not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading, and which do not violate the rules of the receiving house.

(4) Bills and resolutions implementing the recommendations of:

a. Study commissions, authorities, and statutory commissions authorized or directed to report to the 2018 Regular Session.

b. The General Statutes Commission, the Courts Commission, or any commission created under Chapter 120 of the General Statutes that is authorized or directed to report to the General Assembly.

c. The House Ethics Committee.

d. Select committees.

e. The Joint Legislative Ethics Committee or its Advisory Subcommittee.

A bill authorized by this subdivision must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Thursday, May 17, 2018, and must be filed for introduction in the Senate or introduced in the House of Representatives no later than 4:00 P.M. Wednesday, May 30, 2018.

(5) Any local bill that has been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. Thursday, May 24, 2018, is introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Thursday, June 7, 2018, and is accompanied by a certificate signed by the principal sponsor stating that (i) no public hearing will be required or asked for by a member on the bill, (ii) the bill is noncontroversial, and (iii) the bill is approved for introduction by each

member of the House of Representatives and the Senate whose district includes the area to which the bill applies.

(6) Bills providing for the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate.

(7) Bills providing for action on gubernatorial nominations or appointments.

(8) Any matter authorized by joint resolution passed by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting. A bill or resolution filed in either house under the provisions of this subdivision shall have a copy of the ratified enabling resolution attached to the jacket before filing for introduction in the Senate or introduction in the House of Representatives.

(9) A joint resolution authorizing the introduction of a bill pursuant to subdivision (8) of this section.

(10) Any bills primarily affecting any State or local pension or retirement system, provided that the bill has been submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Tuesday, May 22, 2018, and is introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Tuesday, June 5, 2018.

(11) Joint resolutions and simple resolutions authorized for introduction under Senate Rule 40 or House Rule 31.

(12) Bills returned by the Governor with objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(13) Bills responding to actions related to litigation concerning the districts for Congressional, State House, State Senate, judicial, municipal, county, and other elected officials' actions and any other litigation challenging the legality of legislative enactments.

(14) Any bills relating to election laws.

(15) Bills to disapprove rules under G.S. 150B-21.3.

(16) Bills providing for impeachment pursuant to Article IV of the North Carolina Constitution or Chapter 123 of the General Statutes.

(17) A joint resolution adjourning the 2017 Regular Session, sine die.

SECTION 4. The Speaker of the House of Representatives or the President Pro Tempore of the Senate may authorize appropriate committees or subcommittees of their respective houses to meet during the interims between sessions to (i) review matters related to the State budget for 2017-2019 fiscal biennium, (ii) prepare reports, including revised budgets, or (iii) consider any other matters as the Speaker of the House of Representatives or the President Pro Tempore of the Senate deems appropriate. A conference committee may meet in the interim upon approval by the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

SECTION 5. This resolution is effective upon ratification.

VISITOR REGISTRATION SHEET

House Committee on Rules,Calendar,and Operations — 6/29/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Peter Daniel	Connect C
~~Dakota~~	~~SEANC~~
Julia Adams Scheurich	Oak City GR
Coby Hand	NCHA
CLARK KENT	DAILY PLANET
R.H. Blackledge, Esq.	Cone Health
Katherine Joyce	NCASA

VISITOR REGISTRATION SHEET

House Committee on Rules,Calendar,and Operations — 6/29/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Peter Bolac	NC St. Bar
Carson Buhs	SEANC
Amanda Finelli	SEANC
~~Eugene Beasley~~	SEANC
Flint Benson	SEANC
Chris Saunders	NCDA & CS
Laurie Ondo	Walk West
Jerry Sabin	NCTA
Johanna Reese	NCACC
Caroline Perry	WalkWest
Morgan Dunn	Walk West

VISITOR REGISTRATION SHEET

House Committee on Rules,Calendar,and Operations — 6/29/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Max Potcat	Sen Foushee
Emma Parry	Sen Foushee
Elizabeth Bibe	Brooks Pierce
JAKE PARKER	NCFB
Paul Sherman	NCFB
Kourtney Smith	NCFB
Daniel Rudford	NCFB
Rachel Bunn	KBLaw
Tanya Hurtin	TSS
Courtney Johnson	NP
Sarah Smith	NP

VISITOR REGISTRATION SHEET

House Committee on Rules,Calendar,and Operations — 6/29/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kem Buck	KWC
Phoebe Dundon	KWC
Rian Mendel	WM
Sarah McQuillan	KC-ANC
Jillian Totman	MWC LLC
Charles Wilkins	NCBMBT
Tony Adams	Adams and Assoc.
Seth Pelar	NCR
	MWC
Tom Rabon	AT&T
	CSS

VISITOR REGISTRATION SHEET

House Committee on Rules,Calendar,and Operations — 6/29/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mary Shuping	NCCCS
Julie Harris	NFs
Deana Eatman	NCDOT
Joy Hicks	NCDOT
Lindsay Dowling	FJP
James Fogle	FJP
Sarah Collins	NCLM
Jamie Lassiter	Conf of CSC
Lillie Rhodes	Conf. of CSC
Chip Bassett	NCMS
SueAnn Forrest	NCMS

VISITOR REGISTRATION SHEET

House Committee on Rules,Calendar,and Operations — 6/29/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amanda Donavon	KTS
Sarah Hardin	NCEL
Hampton Billips	KTS
John Palatas	NCAOA
John Rustin	NC FAMILY
Jon Hall	NCICU
W. Gardner Clapp	PPAB
Justin Clayton	Governor
Hugh Johnson	NCPAC
Tom BEAN	NCSEA, EDF
Patrick Burns	AT&T
Rhaegen Jackson	Focus Carolina

VISITOR REGISTRATION SHEET

House Committee on Rules,Calendar,and Operations — 6/29/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Adam Pridemore	NCAA
Bruce Muldowney	NCSBA
Daniel Baum	Troutman Sanders
Terri Wilkerson	NCSU Social Work Student
Kathy Hawkins	Duke Energy
Mark Lanier	UNCW
Josh Lanier	SML
David Powers	UNC BOG
John DeHaven	B+A
Bill Rowe	NC Justice Center

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 29, 2017 at 7:30pm
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 7:30pm on June 29, 2017 in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Blust, Boles, Brawley, Bumgardner, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 42 PCS Reduce Cost & Reg. Burden/ Hospital Construction (Hise)
Representative Stevens moved that the PCS be properly before the committee. The motion carried. Central staff explained the bill. Public comment was allowed; the honorable Sandy Sands spoke in favor of the bill. Representative Dollar moves for a favorable report, unfavorable to the original bill. The motion carries.

SB 82 Achieving Business Efficiencies (Brock)
Representative Torbett moved that the bill be given a favorable report. The motion carried.

With no further business before the committee, the meeting adjourned at 7:50 PM.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 29, 2017
TIME: **7:30 PM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 42	Reduce Cost & Reg. Burden/Hosp. Construction.	Senator Hise Senator Krawiec Senator Pate
SB 82	Achieving Business Efficiencies.	Senator Brock Senator Tillman Senator Tucker

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:28 PM on Monday, July 10, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE

SB **42** **(CS#1)** Reduce Cost & Reg. Burden/Hosp. Construction.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	To be determined

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE, AS AMENDED

SB **82** **(CS#1)** Achieving Business Efficiencies.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

TOTAL REPORTED: 1



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 42
Health Care Committee Substitute Adopted 3/8/17

Short Title: Reduce Cost & Reg. Burden/Hosp. Construction. (Public)

Sponsors:

Referred to:

February 8, 2017

A BILL TO BE ENTITLED

AN ACT DIRECTING THE MEDICAL CARE COMMISSION TO ADOPT THE RECOMMENDATIONS OF THE AMERICAN SOCIETY OF HEALTHCARE ENGINEERING'S FACILITY GUIDELINES INSTITUTE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions. – For purposes of this section and its implementation:

(1) Commission or Medical Care Commission. – The Medical Care Commission created by Part 10 of Article 3 of Chapter 143B of the General Statutes.

(2) Hospital Facilities Rules. – Means all of the following:

a. 10A NCAC 13B .6001 – Physical Plant: Location.
b. 10A NCAC 13B .6002 – Physical Plant: Roads and Parking.
c. 10A NCAC 13B .6104 – General Requirements: Access and Safety.
d. 10A NCAC 13B .6201 – Construction Requirements: Medical, Surgical, and Post-Partum Care Unit.
e. 10A NCAC 13B .6202 – Construction Requirements: Special Care Unit.
f. 10A NCAC 13B .6203 – Construction Requirements: Neonatal Level I and Level II Nursery Unit.
g. 10A NCAC 13B .6204 – Construction Requirements: Neonatal Level III and Level IV Nursery.
h. 10A NCAC 13B .6205 – Construction Requirements: Psychiatric Unit.
i. 10A NCAC 13B .6206 – Construction Requirements: Surgical Department Requirements.
j. 10A NCAC 13B .6207 – Construction Requirements: Obstetrical Department Requirements.
k. 10A NCAC 13B .6209 – Construction Requirements: Emergency Services.
l. 10A NCAC 13B .6210 – Construction Requirements: Imaging Services.
m. 10A NCAC 13B .6211 – Construction Requirements: Laboratory Services.
n. 10A NCAC 13B .6212 – Construction Requirements: Morgue.
o. 10A NCAC 13B .6213 – Construction Requirements: Pharmacy Services.
p. 10A NCAC 13B .6214 – Construction Requirements: Dietary Services.
q. 10A NCAC 13B .6215 – Construction Requirements: Administration.
r. 10A NCAC 13B .6216 – Construction Requirements: Medical Records Services.

s. 10A NCAC 13B .6217 – Construction Requirements: Central Medical and Surgical Supply Services.
t. 10A NCAC 13B .6218 – Construction Requirements: General Storage.
u. 10A NCAC 13B .6219 – Construction Requirements: Laundry Services.
v. 10A NCAC 13B .6220 – Construction Requirements: Physical Rehabilitation Services.
w. 10A NCAC 13B .6221 – Construction Requirements: Engineering Services.
x. 10A NCAC 13B .6222 – Construction Requirements: Waste Processing.
y. 10A NCAC 13B .6223 – Construction Requirements: Details and Finishes.
z. 10A NCAC 13B .6224 – Construction Requirements: Elevator Requirements.
aa. 10A NCAC 13B .6225 – Construction Requirements: Mechanical Requirements.
bb. 10A NCAC 13B .6226 – Construction Requirements: Plumbing and Other Piping Systems Requirements.
cc. 10A NCAC 13B .6227 – Construction Requirements: Electrical Requirements.

(3) Guidelines. – The American Society for Healthcare Engineering's Facility Guidelines Institute "Guidelines for Design and Construction of Hospitals and Outpatient Facilities."

SECTION 1.(b) Repeal Hospital Facilities Rules. – The Secretary of Health and Human Services and the Medical Care Commission shall repeal the Hospital Facilities Rules within 120 days after this act becomes law.

SECTION 1.(c) Implementation and Rule-Making Authority. – Before the effective date of the repeal of the Hospital Facilities Rules required pursuant to subsection (b) of this section, the Medical Care Commission shall adopt temporary rules to replace the Hospital Facilities Rules and incorporate by reference all applicable rules, standards, and requirements of the most current edition of the Guidelines. If temporary rules are not adopted before the repeal of the Hospital Facilities Rules required pursuant to subsection (b) of this section, the Commission shall utilize the 2014 Edition of the Guidelines until such time as temporary rules are adopted. Furthermore, the Commission shall adopt permanent rules pursuant to this section.

SECTION 1.(d) Additional Rule-Making Authority. – The Medical Care Commission shall adopt rules to replace the Hospital Facilities Rules. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission pursuant to this section shall conform to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in subsection (b1) of G.S. 150B-21.3 as though 10 or more written objections had been received as provided by subsection (b2) of G.S. 150B-21.3. Furthermore, rules adopted pursuant to this section shall be exempt from the provisions of Chapter 150B of the General Statutes that require the preparation of fiscal notes for any rule proposed to incorporate the Guidelines by reference.

SECTION 1.(e) Exemption From Periodic Review. – Until such time as the Hospital Facilities Rules are repealed pursuant to subsection (b) of this section, the Hospital Facilities Rules shall be exempt from the periodic review process required pursuant to G.S. 150B-21.3A.

SECTION 2. This act is effective when it becomes law and applies to any licensee or prospective applicant who seeks to make specified types of alterations or additions to its hospital facilities or to construct new hospital facilities and who submits plans and specifications to the Department of Health and Human Services pursuant to Article 5 of Chapter 113E of the General Statutes on or after January 1, 2016.

SENATE BILL 82:
Achieving Business Efficiencies.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 29, 2017
Introduced by:	Sens. Brock, Tillman, Tucker	**Prepared by:**	*Wendy Ray Staff Attorney
Analysis of:	Second Edition, as amended by Senate Amendment A1		

OVERVIEW: Senate Bill 82 would:

- ***Exclude direct sellers from coverage under State unemployment insurance (UI).***
- ***Treat a franchisor as the employer of a franchisee's employee if:***
  - ***Franchisee and franchisor jointly determine the employment relationship.***
  - ***Franchisee and franchisor jointly control the employment relationship.***
- ***Exempt an employee of a seasonal amusement or recreational establishment from State overtime and record keeping requirements and remove the authority of the Commissioner of Labor to allow this same group to be paid less than minimum wage.***

Senate Amendment A1 deleted all of sections 1 and 2 from the bill, leaving only provisions in section 3.

CURRENT LAW: Individuals representing companies that sell goods and services sold directly to consumers (e.g., Tupperware, Avon, Mary Kay) are covered under the State's unemployment insurance (UI) system if the agreement between the individual and company is an employer-employee relationship. The State UI system excludes independent contractors. The agreement between the individual and company could be employer-employee or independent contractor depending on the level of control exercised by the company. Under federal law, individuals working for direct sellers are not treated as employees (called "statutory non-employees") for federal unemployment tax (FUTA).

Under G.S. 95-25.24A, a franchisor is never the employer of a franchisee or the franchisee's employee.

Under G.S. 95-25.14(c), the following 7 groups are exempt from G.S. 95-25.4 (Overtime) and G.S. 95 25.15(b) (Record Keeping): (1) drivers, drivers' helpers, loaders and mechanics; (2) taxicab drivers; (3) seamen, employees of railroads, and employees of air carriers; (4) salespersons, mechanics and partsmen employed by automotive, truck, and farm implement dealers; (5) salespersons employed by trailer, boat, and aircraft dealers; (6) live-in child care workers or other live-in employees in homes for dependent children; (7) radio and television announcers, news editors, and chief engineers.

BILL ANALYSIS:

Section 1 would conform State UI law to federal UI law by excluding direct sellers from UI coverage based on the federal definition of direct seller.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 2 would create an exception to the rule that a franchisor is never the employer of a franchisee or the franchisee's employee. A franchisor will be the employer if both of the following apply:

- Franchisee and franchisor share in the determination of or codetermine the matters governing the essential terms and conditions of the employee's employment.
- Franchisee and franchisor both directly and immediately control matters relating to the employment relationship, such as hiring, firing, discipline, supervision, and direction.

Section 3 would add a new group of workers exempt from G.S. 95-25.4 (Overtime) and G.S. 95-25.15(b) (Record Keeping): any employee of a seasonal amusement or recreational establishment. Section 3 would also remove the authority of the Commissioner of Labor to allow this same group (i.e., employees of a seasonal amusement or recreational establishment) to be paid less than the minimum wage allowed under G.S. 95-25.3. It also makes a conforming change deleting language in the overtime statute that requires employers of seasonal amusement or recreational establishment employees to pay overtime for hours exceeding 45 per work week.

EFFECTIVE DATE: Senate Bill 82 would be effective January 1, 2018.

Greg Roney substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

SENATE BILL 82*
Finance Committee Substitute Adopted 6/27/17

Short Title: Achieving Business Efficiencies. (Public)

Sponsors:

Referred to:

February 15, 2017

A BILL TO BE ENTITLED

AN ACT TO EXCLUDE DIRECT SELLERS FROM THE DEFINITION OF EMPLOYMENT FOR UNEMPLOYMENT INSURANCE AND TO MAKE VARIOUS CHANGES TO THE EMPLOYMENT LAWS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 96-1(b)(12) reads as rewritten:

"(12) Employment. – Defined in section 3306 of the Code, with the following additions and exclusions:

a. Additions. – The term includes service to a governmental unit, a nonprofit organization, or an Indian tribe as described in 3306(c)(7) and 3306(c)(8) of the Code.

b. Exclusions. – The term excludes all of the following:

1. Service performed by an independent contractor.

2. Service performed for a governmental entity or nonprofit organization under 3309(b) and 3309(c) of the Code.

3. Service by one or more of the following individuals if the individual is authorized to exercise independent judgment and control over the performance of the work and is compensated solely by way of commission:

A. A real estate broker, as defined in G.S. 93A-2.

B. A securities salesman, as defined in G.S. 78A-2.

4. Service performed by a direct seller, as defined in 3508(b)(2) of the Code. The term does not include a person defined in 3508(b)(2)(A)(iii) of the Code."

SECTION 1.(b) This section becomes effective January 1, 2018, applies to claims for benefits filed on or after that date, and applies to tax calculations on or after that date.

SECTION 2. G.S. 95-25.24A, as enacted in Section 1.1 of S.L. 2017-10, reads as rewritten:

"**§ 95-25.24A. Franchisee status.**

(a) Neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purposes, including, but not limited to, this Article and Chapters 96, 97, and 105 of the General ~~Statutes.~~Statutes, unless both of the following apply:

(1) The franchisee and franchisor share in the determination of or codetermine the matters governing the essential terms and conditions of the employee's employment.

(2) The franchisee and franchisor both directly and immediately control matters relating to the employment relationship, such as hiring, firing, discipline, supervision, and direction.

(b) For purposes of this section, "franchisee" and "franchisor" have the same definitions as set out in 16 C.F.R. § 436.1."

SECTION 3.(a) G.S. 95-25.14(c) reads as rewritten:

"(c) The provisions of G.S. 95-25.4 (Overtime), and the provisions of G.S. 95-25.15(b) (Record Keeping) as they relate to this exemption, do not apply to:

...

(8) Any employee of a seasonal amusement or recreational establishment."

SECTION 3.(b) G.S. 95-25.3(c) reads as rewritten:

"(e) The Commissioner, in order to prevent curtailment of opportunities for employment, and to not adversely affect the viability of seasonal establishments, may, by regulation, establish a wage rate not less than eighty-five percent (85%) of the otherwise applicable wage rate in effect under subsection (a) ~~which~~ that shall apply to any employee employed by an establishment ~~which~~ that is ~~a seasonal amusement or recreational establishment, or~~ a seasonal food service establishment."

SECTION 3.(c) G.S. 95-25.4(a) reads as rewritten:

"(a) Every employer shall pay each employee who works longer than 40 hours in any workweek at a rate of not less than time and one half of the regular rate of pay of the employee for those hours in excess of 40 per ~~week; provided that employers of seasonal amusement or recreational establishment employees are required to pay those employees the overtime rate only for hours in excess of 45 per workweek.~~week."

SECTION 4. Except as otherwise provided, this act becomes effective January 1, 2018.

CHANGES TITLE

ADOPTED

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 82*

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S82-ATM-24 [v.1]

Page 1 of 1

Amends Title [YES]
Second Edition

Date June 28 ,2017

Senator Wells

moves to amend the bill on page 1, lines 2-4, by rewriting the lines to read:
"AN ACT TO MAKE VARIOUS CHANGES TO THE EMPLOYMENT LAWS.";
and on page 1, line 6, through page 2, line 5, by deleting the lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 46-0 FAILED _____ TABLED _____
6.28.17

S82-ATM-24-V-1

ADOPTED

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 82*

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S82-ATM-24 [v.1]

Amends Title [YES]
Second Edition

Date _____,2017

Senator Wells

moves to amend the bill on page 1, lines 2-4, by rewriting the lines to read:
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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

The official copy of this document, with signatures and vote information, is available in the Senate Principal Clerk's Office

S82-ATM-24-V-1

Committee Sergeants at Arms

NAME OF COMMITTEE H C on Rules,Calendar,and Operations

DATE: 6/29/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Russell Salisbury
3. Name: Jim Moran
4. Name: Malachi McCullough
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 29, 2017
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House on June 29, 2017 at 11:10 PM in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Boles, Brawley, Bumgardner, Burr, Davis, Dollar, Dulin, Floyd, Fraley, Goodman, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, R. Moore, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray were present.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 687 Confirmation Dan Clodfelter/Utilities Commission (Rabon)
Rep. Floyd moves for favorable report. Motion carries.

Meeting Adjourned at 11:11 PM

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

SENATE JOINT RESOLUTION 687

Sponsors: Senator Rabon (Primary Sponsor).

Referred to: Calendar 6/29/2017

June 29, 2017

A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DANIEL G. CLODFELTER TO THE UTILITIES COMMISSION.

Whereas, under the provisions of G.S. 62-10, appointments made by the Governor to membership on the North Carolina Utilities Commission are subject to confirmation by the General Assembly by joint resolution; and

Whereas, a vacancy will occur on June 30, 2017, when the term of Don M. Bailey expires; and

Whereas, the Governor has submitted to the presiding officers of the Senate and the House of Representatives the appointment of Daniel G. Clodfelter to serve a term commencing July 1, 2017, and expiring June 30, 2023, on the North Carolina Utilities Commission; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. The appointment of Daniel G. Clodfelter of Mecklenburg County to the North Carolina Utilities Commission for a new term beginning July 1, 2017, and expiring June 30, 2023, is confirmed.

SECTION 2. This resolution is effective upon ratification.

ROY COOPER
GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

May 1, 2017

The Honorable Tim Moore
Speaker of the House
Legislative Office Building, Room 2304
Raleigh, NC 27601-1096

Dear Speaker Moore:

Pursuant to North Carolina General Statute §62-10, I am pleased to nominate the following individuals to serve on the North Carolina Utilities Commission and hereby submit their names for confirmation by the General Assembly:

- Commissioner ToNola D. Brown–Bland of Alamance County for reappointment to her current position, Employee Position 60077195
- Hon. Daniel G. Clodfelter of Mecklenburg County, to replace Commissioner Don M. Bailey, Employee Position 60077201
- Ms. Charlotte A. Mitchell of Wake County, to replace Commissioner Bryan E. Beatty, Employee Position 60077803

I am grateful for their willingness to assume this important responsibility for the State of North Carolina. Attached is their biographical information for your review. Please feel free to call my staff for any additional information.

Sincerely,

Roy Cooper

cc:
The Honorable Phil Berger
The Honorable Dan Forest
The Honorable Dan Blue
The Honorable Darren G. Jackson
Ms. Sarah Lang, Senate Principal Clerk
Mr. James White, House Principal Clerk

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DANIEL G. CLODFELTER
Abbreviated Resume

SUMMARY OF EDUCATION

Thomasville, N.C. public schools, 1968
Davidson College, B.A. cum laude, 1972
Oxford University, Corpus Christi College, A.B. first class, 1974
Yale Law School, J.D. 1977

EMPLOYMENT HISTORY

Clerk, Hon. James B. McMillan, Jr., Western District of North Carolina, 1977-78
Moore & Van Allen, PLLC, 1978-2014
Parker Poe Adams & Bernstein, LLC, 2014-present

LOCAL GOVERNMENT EXPERIENCE

Charlotte-Mecklenburg Planning Commission, 1984-1987, member and chairman

Charlotte City Council, 1987-1993
Planning and Public Works Committee, chairman

Mayor, City of Charlotte, 2014-2015

NORTH CAROLINA GENERAL ASSEMBLY
District 37 (Mecklenburg), 1999-2014

Some Selected Legislative Activities

Judiciary I Committee, chairman
Finance Committee, co-chairman
Revenue Laws Study Committee, co-chairman
Environmental Review Commission, co-chairman
Program Evaluation Committee, co-chairman
Senate Redistricting Committee, chairman
Joint Legislative Ethics Committee, co-chairman
Select Committee on Election Law and Government Reform, chairman
Justice and Public Safety Appropriations, vice-chairman
Agriculture, Environment and Natural Resources, vice-chairman

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Renewable Energy Portfolio Standard (SB3, 2007)
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North Carolina-South Carolina Joint Commission on Catawba-Wateree River (2005)
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Governor's School Foundation of N.C., Inc. -- Board of Directors, 2016-present
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North Carolina Leadership Forum, participant, 2016-17

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Chief Justice's Commission on Access to Justice, member
North Carolina-South Carolina Commission on Catawba-Wateree River, founding member and chairman
North Carolina Center for Public Policy Research, board member
Legal Services of Southern Piedmont, board member

ROY COOPER
GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

May 1, 2017

The Honorable Tim Moore
Speaker of the House
Legislative Office Building, Room 2304
Raleigh, NC 27601-1096

Dear Speaker Moore:

Pursuant to North Carolina General Statute §62-10, I am pleased to nominate the following individuals to serve on the North Carolina Utilities Commission and hereby submit their names for confirmation by the General Assembly:

- Commissioner ToNola D. Brown–Bland of Alamance County for reappointment to her current position, Employee Position 60077195
- Hon. Daniel G. Clodfelter of Mecklenburg County, to replace Commissioner Don M. Bailey, Employee Position 60077201
- Ms. Charlotte A. Mitchell of Wake County, to replace Commissioner Bryan E. Beatty, Employee Position 60077803

I am grateful for their willingness to assume this important responsibility for the State of North Carolina. Attached is their biographical information for your review. Please feel free to call my staff for any additional information.

Sincerely,

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The Honorable Dan Forest
The Honorable Dan Blue
The Honorable Darren G. Jackson
Ms. Sarah Lang, Senate Principal Clerk
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North Carolina Center for Public Policy Research, board member
Legal Services of Southern Piedmont, board member

FILED SENATE
Jun 29, 2017
S.J.R. 687
PRINCIPAL CLERK

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S **D**

SENATE JOINT RESOLUTION DRSJR15247-LG-110A (06/07)

Sponsors: Senator Rabon (Primary Sponsor).

Referred to:

A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DANIEL G. CLODFELTER TO THE UTILITIES COMMISSION.

Whereas, under the provisions of G.S. 62-10, appointments made by the Governor to membership on the North Carolina Utilities Commission are subject to confirmation by the General Assembly by joint resolution; and

Whereas, a vacancy will occur on June 30, 2017, when the term of Don M. Bailey expires; and

Whereas, the Governor has submitted to the presiding officers of the Senate and the House of Representatives the appointment of Daniel G. Clodfelter to serve a term commencing July 1, 2017, and expiring June 30, 2023, on the North Carolina Utilities Commission; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. The appointment of Daniel G. Clodfelter of Mecklenburg County to the North Carolina Utilities Commission for a new term beginning July 1, 2017, and expiring June 30, 2023, is confirmed.

SECTION 2. This resolution is effective upon ratification.

North Carolina General Assembly

House Committee on Rules, Calendar, and Operations of the House

2017-18 Session

Chair
Rep. David R. Lewis

Co-Chairs
Rep. Torbett, Rep. Ross, Rep. Davis

Committee Clerks
Mark Coggins, Neal Inman

HOUSE COMMITTEE ON RULES, CALENDAR, AND OPERATIONS OF THE HOUSE

2017-18 Session Member List

Rep. David R. Lewis, *Chairman*

Rep. John A. Torbett, *Vice Chair*

Rep. Stephen M. Ross, *Vice Chair*

Rep. Ted Davis, Jr., *Vice Chair*

Rep. John R. Bell, IV

Rep. John Blust

Rep. James L. Boles, Jr.

Rep. William M. Brawley

Rep. Dana Bumgardner

Rep. Justin Burr

Rep. Becky Carney

Rep. Nelson Dollar

Rep. Andy Dulin

Rep. Beverly M. Earle

Rep. Elmer Floyd

Rep. John A. Fraley

Rep. Ken Goodman

Rep. Jon Hardister

Rep. Kelly E. Hastings

Rep. Darren G. Jackson

Rep. Linda P. Johnson

Rep. Susan Martin

Rep. Chuck McGrady

Rep. Derwin L. Montgomery

Rep. Rodney Moore

Rep. Robert T. Reives, II

Rep. Jason Saine

Rep. John Sauls

Rep. Sarah Stevens

Rep. John Szoka

Rep. Shelly Willingham

Rep. Michael Wray

HOUSE COMMITTEE ON RULES, CALENDAR, AND OPERATIONS OF THE HOUSE

2017-2018 SESSION

Clerks: Mark Coggins, Neal Inman



Rep. David R. Lewis, *Chairman*



Rep. Torbett, *Vice Chair*



Rep. Ross, *Vice Chair*



Rep. Davis, *Vice Chair*



Rep. Bell



Rep. Blust



Rep. Boles



Rep. Brawley



Rep. Bumgardner



Rep. Burr



Rep. Carney



Rep. Dollar



Rep. Dulin



Rep. Earle



Rep. Floyd



Rep. Fraley



Rep. Goodman



Rep. Hardister



Rep. Hastings



Rep. Jackson



Rep. Johnson



Rep. Martin



Rep. McGrady



Rep. Montgomery



Rep. Moore



Rep. Reives



Rep. Saine



Rep. Sauls



Rep. Stevens



Rep. Szoka



Rep. Willingham



Rep. Wray

ATTENDANCE

House Committee on Rules, Calendar, and Operations of the House

MEMBER	8/3/17	8/30/17	10/4/17	10/5/17	1/10/18	5/1/18	5/7/18	5/12/18	5/14/18	5/15/18	5/20/18	5/21/18	5/25/18	5/26/18	5/26/18	5/27/18	6/24/18	6/24/18	11/28/18	12/4/18	12/7/18	12/11/18
Rep. Bell	X	X	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X	X	N/A	X
Rep. Blust	X	X	X	X	X	X	X					X			X	X	X	X	X	X	N/A	X
Rep. Boles	X	X	X	X	X	X	X	X	X		X		X		X	X	X	X	X	X	N/A	X
Rep. Brawley	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Bumgardner	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	N/A	X
Rep. Burr	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	N/A	X
Rep. Carney	X	X	X	X	X	X	X				X		X	X	X	X	X	X	X	X	N/A	X
Rep. Davis	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	N/A	X
Rep. Dollar	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Dulin	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Earle	X	X	X	X	X	X	X		X		X	X			X	X	X	X	X	X	N/A	X
Rep. Floyd	X	X	X	X	X	X	X		X	X	X	X	X		X	X	X	X	X	X	N/A	X
Rep. Fraley	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	N/A	X
Rep. Goodman	X	X	X	X	X	X	X		X		X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Hardister	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Hastings	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Jackson	X	X	X	X	X	X	X	X	X	X		X			X	X	X	X	X	X	N/A	X
Rep. Johnson	X	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Lewis	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Martin	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. McGrady	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Montgomery	X	X	X	X	X	X									X	X	X	X	X	X	N/A	X
Rep. Moore	X	X	X	X	X	X	X	X			X	X		X	X	X	X	X	X	X	N/A	X
Rep. Reives	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Ross	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Saine	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	X	X	N/A	X
Rep. Sauls	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X	N/A	X
Rep. Stevens	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	N/A	X

Rep. Szoka	X	X	X	X	X	X	X	X	X	X		X		X	X	X	X	X	X	N/A	X
Rep. Torbett	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Willingham	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A	X
Rep. Wray	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A	X

House Committee on Rules, Calendar, and Operations of the House
Thursday August 3, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 2:00pm on Thursday, August 3, 2017 in room 1228 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 560 Clarify Cleveland Board of Education Election (Senator J. Jackon)
Proposed committee substitute was introduced by Rep. Hastings. Rep. Lewis moved for a favorable report to the proposed committee substitute, unfavorable to the original. The motion carried.

SB 689 2017 Appointments Bill Modifications (Senator Rabon)
Rep. Davis moves for a favorable report. The motion carries.

The meeting adjourned.

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 560
PROPOSED HOUSE COMMITTEE SUBSTITUTE S560-PCS45488-TC-50

Short Title: Clarify Cleveland Board of Education Election. (Local)

Sponsors:

Referred to:

April 3, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PROCESS FOR ELECTION OF THE CLEVELAND COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.1 of S.L. 2017-78 reads as rewritten:

"**SECTION 3.1.** Notwithstanding the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools and S.L. 2004-41, as amended by S.L. 2007-49, beginning with the 2017 elections, members of the Cleveland County Board of Education shall be elected in elections conducted on a partisan basis, as provided in G.S. 163-291. Unaffiliated candidates shall be nominated by petition as provided in G.S. 163-296. Vacancies for members elected in 2017 and thereafter shall be filled as provided in G.S. 115C-37.1."

SECTION 2. S.L. 2017-78 is amended by adding a new section to read:

"**SECTION 3.3.** Notwithstanding the petition signature requirements of G.S. 163-296, for the 2017 elections for the Cleveland County Board of Education only, petitions for an unaffiliated candidate to be placed upon the ballot for that office shall be signed by at least 500 voters of Cleveland County qualified to vote in the Cleveland County Board of Education election according to the voter registration records of the Bipartisan State Board of Elections and Ethics Enforcement as of January 1, 2017."

SECTION 3. This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

SENATE BILL 689

Short Title:	2017 Appointments Bill Modifications.	(Public)
Sponsors:	Senator Rabon (Primary Sponsor).	
Referred to:	Calendar 8/3/2017	

August 3, 2017

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2017 APPOINTMENTS BILL.

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS TO BOARDS AND COMMISSIONS

SECTION 1.1. Effective January 1, 2018, James S. Stewart of Hoke County is appointed to the 911 Board for a term expiring on December 31, 2021.

SECTION 1.2. Christine Fernandini of Harnett County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2019, to fill the unexpired term of Donna White.

SECTION 1.3. Joan L. Sutton of Mecklenburg County is appointed to the North Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2020.

SECTION 1.4. Melissa J. Burroughs of Guilford County is appointed to the North Carolina Child Care Commission for a term expiring on June 30, 2019.

SECTION 1.5. John T. Lucey, Jr., of New Hanover County is appointed to the North Carolina Oil and Gas Commission for a term expiring on December 31, 2019.

SECTION 1.6. Effective September 1, 2017, Dr. Patrick Miller of Greene County, Meaghan Loftus of Mecklenburg County, Dr. Ellen McIntyre of Mecklenburg County, Dr. Hank Weddington of Catawba County, Dr. Anthony Graham of Guilford County, Lauren Genesky of Wake County, Glenda Jones of Cabarrus County, and Michael Maher of Wake County are appointed to the Professional Educator Preparation and Standards Commission for terms expiring on August 31, 2019.

SECTION 1.7. Dr. Mariann Tillery of Guilford County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on July 1, 2019.

SECTION 1.8. Dr. Harvey H. Allen, Jr., of Robeson County is appointed to the Fayetteville State University Board of Trustees for a term expiring on June 30, 2019, to fill the unexpired term of Rajan Shamdasani.

PART II. SPEAKER'S RECOMMENDATIONS TO BOARDS AND COMMISSIONS

SECTION 2.1. Effective October 1, 2017, Russell E. Williams of Rowan County is appointed to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors for a term expiring on September 30, 2020.

SECTION 2.2. Effective September 1, 2017, Dr. C. Westley Wood of Wilkes County, Robin M. Hiatt of Johnston County, Dr. Van O. Dempsey, III, of New Hanover County, Dr. Virginia "Ann" Bullock of Alamance County, Aaron L. Fleming of Wake County, Dr. Connie O. Locklear of Robeson County, Joseph W. Childers of Stokes County, and Samuel H. Houston, Jr., of Wake County are appointed to the Professional Educator Preparation and Standards Commission for terms expiring on August 31, 2019.

SECTION 2.3. Dr. Jennifer W. Olsen of Wake County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on July 1, 2019.

SECTION 2.4. Effective August 1, 2017, Phillip J. Strach of Wake County is appointed to the State Human Resources Commission for a term expiring on July 31, 2021.

SECTION 2.5. Effective January 1, 2018, Scott Aaron of Durham County is appointed to the State Board of Proprietary Schools for a term expiring on December 31, 2023.

SECTION 2.6. Jodie Ervin, Jr., of Wake County is appointed to the Fayetteville State University Board of Trustees for a term expiring on June 30, 2019, to fill the unexpired term of Bridget Chisholm.

PART III. TECHNICAL CORRECTIONS

SECTION 3.1. Section 1.33 of S.L. 2013-353 reads as rewritten:

"**SECTION 1.33.** Phillip J. Strach of Wake County is appointed to the State ~~Personnel~~ Human Resources Commission for a term expiring on ~~June 30, 2019.~~July 31, 2017."

SECTION 3.2. Section 1.11 of S.L. 2017-75 reads as rewritten:

"**SECTION 1.11.** Effective March 1, 2017, John E. Reid of Mecklenburg County is appointed to the North Carolina Capital Facilities Finance Agency Board of Directors for a term expiring on ~~March 1, 2021.~~February 28, 2021."

SECTION 3.3. Section 1.33 of S.L. 2017-75 reads as rewritten:

"**SECTION 1.33.** Effective January 1, 2018, Anita Bachmann of Guilford County, Brian L. McGinnis of Gaston County, Dr. William G. Way, Jr., of Wake County, and ~~Lisa P.~~Linda P. Shock of Orange County are appointed to the Board of Directors of the North Carolina Institute of Medicine for terms expiring on ~~January 1, 2022.~~December 31, 2021."

SECTION 3.4. Section 1.56 of S.L. 2017-75 reads as rewritten:

"**SECTION 1.56.** Effective July 1, 2017, ~~Thomas K.~~Thomas R. Lawing, Jr., of Mecklenburg County is appointed to the North Carolina Real Estate Commission for a term expiring on June 30, 2020."

SECTION 3.5. Section 1.58 of S.L. 2017-75 reads as rewritten:

"**SECTION 1.58.** ~~If Senate Bill 257 of the 2017 Regular Session becomes law, then effective July 1, 2017,~~Effective October 1, 2017, Earl W. Willis, Jr., of Chowan County is appointed to the Board of Directors of Roanoke Island Historical ~~Commission~~ Association, Incorporated, for a term expiring on ~~June 30, 2019.~~September 30, 2020."

SECTION 3.6. Section 1.61 of S.L. 2017-75 reads as rewritten:

"**SECTION 1.61.** Effective July 1, 2017, Enoch ~~Mueller~~ Moeller of Caldwell County is appointed to the North Carolina Board of Science, Technology, and Innovation for a term expiring on June 30, 2019."

SECTION 3.7. Section 2.20 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.20.** Effective July 1, 2017, Phyllis P. Gibbs of Guilford County, Alan Hawkes of Guilford County, and Sherry T. Reeves of Pamlico County are appointed to the North Carolina Charter Schools Advisory Board for terms expiring on ~~June 30, 2020.~~June 30, 2021."

SECTION 3.8. Section 2.36 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.36.** ~~If Senate Bill 257 of the 2017 Regular Session becomes law, then effective July 1, 2017,~~Effective October 1, 2017, Edward J. Danko of Dare County is appointed

to the Board of Directors of Roanoke Island Historical ~~Commission~~ Association, Incorporated, for a term expiring on ~~June 30, 2020.~~September 30, 2020."

SECTION 3.9. Section 2.37 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.37.(a)** Effective July 1, 2017, Margaret Currin of Wake County, John R. Hemphill of Wake County, and Jeffrey T. Hyde of Guilford County are appointed to the Rules Review Commission for terms expiring on ~~August 31, 2018.~~June 30, 2018.

"**SECTION 2.37.(b)** Effective July 1, 2017, Robert A. Bryan of Wake County and Jeffrey A. Poley of Wake County are appointed to the Rules Review Commission for terms expiring on ~~August 31, 2019.~~June 30, 2019."

SECTION 3.10. Section 2.48(a) of S.L. 2017-75 reads as rewritten:

"**SECTION 2.48.(a)** ~~If Senate Bill 148 of the 2017 Regular Session or substantially similar legislation becomes law, then effective October 1, 2017,~~ Effective July 1, 2017, Peggy Wilks of Wake County and Shreita T. Powers of Forsyth County are appointed to the North Carolina Museum of Art Board of Trustees for terms expiring on ~~September 30, 2021.~~June 30, 2021."

SECTION 3.11. Section 2.53 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.53.** Effective ~~January 1, 2018,~~upon when this act becomes law, Amy T. Ward of Nash County is appointed to the 911 Board for a term expiring on December 31, 2020, to fill the unexpired term of Joshua Brown."

SECTION 3.12. Section 2.61 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.61.** Effective July 1, 2017, ~~Ed Jones of Wake~~ Sarah J. Burnham of Catawba County is appointed to the North Carolina Appraisal Board for a term expiring on June 30, 2020."

SECTION 3.13. Section 3.12 of S.L. 2017-75 reads as rewritten:

"**SECTION 3.12.** Effective July 1, 2017, ~~B.J. "Jack" Lowry~~B.F. "Jack" Lowery of Wilson County, Tennessee, is appointed to the University of North Carolina at Pembroke Board of Trustees for a term expiring on June 30, 2021."

SECTION 3.14. Section 5.3 of S.L. 2017-75 reads as rewritten:

"**SECTION 5.3.** Effective January 1, 2018, Monika Johnson Hostler of Wake County is appointed to the Board of Directors of the North Carolina Partnership for Children, Inc., upon the recommendation of the Minority Leader of the Senate, for a term expiring on ~~December 31, 2019.~~December 31, 2020."

PART IV. EFFECTIVE DATE

SECTION 4. Unless otherwise provided, this act is effective when it becomes law.

House Committee on Rules, Calendar, and Operations of the House
Tuesday, August 30, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 7:00pm on Wednesday, August 30, 2017 in room 1228 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

HB 56 Amend Environmental Laws (Rep. McElraft)
Rep. Lewis recognized Rep. Yarborough to present on the conference committee. Rep. Davis moved that the House do adopt the report of the conferees. The motion caries.

The meeting adjourned.

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 56

Committee Substitute Favorable 4/20/17
Third Edition Engrossed 4/24/17
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/31/17
Senate Finance Committee Substitute Adopted 6/21/17
Sixth Edition Engrossed 6/27/17
Proposed Conference Committee Substitute H56-PCCS10416-RIf-10

Short Title: Amend Environmental Laws. (Public)

Sponsors:

Referred to:

February 8, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS.

The General Assembly of North Carolina enacts:

FINANCIAL ASSURANCE MODIFICATIONS FOR RISK-BASED CLEANUPS

SECTION 1. G.S. 130A-310.72 reads as rewritten:

"**§ 130A-310.72. Financial assurance requirement.**

The person conducting remediation of a contaminated ~~industrial~~ site pursuant to the provisions of this Part shall establish financial assurance that will ensure that sufficient funds are available to implement and maintain the actions or controls specified in the remedial action plan for the site. The person conducting remediation of a site may establish financial assurance through one of the following mechanisms, or any combination of the following mechanisms, in a form specified or approved by the Department: insurance products issued from entities having no corporate or ownership association with the person conducting the remediation; funded trusts; surety bonds; certificates of deposit; letters of credit; corporate financial tests; local government financial tests; corporate guarantees; local government guarantees; capital reserve funds; or any other financial mechanism authorized for the demonstration of financial assurance under (i) 40 Code of Federal Regulations Part 264, Subpart H (July 1, 2010 Edition) and (ii) Section .1600 of Subchapter B of Chapter 13 of Title 15A of the North Carolina Administrative Code. Proof of financial assurance shall be provided in the remedial action plan and annually thereafter on the anniversary date of the approval of the plan. The Department may waive the requirement for a person conducting remediation of a contaminated site pursuant to the provisions of this Part to establish or maintain financial assurance if the Department finds that the only actions or controls to be implemented or maintained as part of the remedial action plan for the site include either or both of the following:

(1) Annual reporting of land-use controls.

(2) The maintenance of durable or low-maintenance covers for contaminated soil."

REPEAL OBSOLETE HAZARDOUS WASTE PROVISIONS

SECTION 2.(a) G.S. 130A-294(k) is repealed.

SECTION 2.(b) G.S. 130A-309.17 is repealed.

LAND-USE RESTRICTIONS FOR PROPERTY CONTAMINATED BY A NON-UST PETROLEUM DISCHARGE OR RELEASE

SECTION 3.(a) G.S. 143B-279.9(b) reads as rewritten:

"(b) The definitions set out in G.S. 143-215.94A apply to this subsection. A remedial action plan for the cleanup of environmental damage resulting from a discharge or release of petroleum from an underground storage tank pursuant to Part 2A of Article 21A of Chapter 143 of the General ~~Statutes~~ Statutes, other petroleum sources, or from an aboveground storage tank pursuant to Part 7 of Article 21A of Chapter 143 of the General Statutes must include an agreement by the owner, operator, or other party responsible for the discharge or release of petroleum to record a notice of any applicable land-use restrictions that meet the requirements of this subsection as provided in G.S. 143B-279.11. All of the provisions of this section shall apply except as specifically modified by this subsection and G.S. 143B-279.11. Any restriction on the current or future use of real property pursuant to this subsection shall be enforceable only with respect to: (i) real property on which the source of contamination is located and (ii) any real property on which contamination is located at the time the remedial action plan is approved and that was owned or controlled by any owner or operator of the underground storage tank or other responsible party at the time the discharge or release of petroleum is discovered or reported or at any time thereafter. No restriction on the current or future use of real property shall apply to any portion of any parcel or tract of land on which contamination is not located. This subsection shall not be construed to require any person to record any notice of restriction on the current or future use of real property other than the real property described in this subsection. For purposes of this subsection and G.S. 143B-279.11, the Secretary may restrict current or future use of real property only as set out in any one or more of the following subdivisions:

(1) Where soil contamination will remain in excess of unrestricted use standards, the property may be used for a primary or secondary residence, school, daycare center, nursing home, playground, park, recreation area, or other similar use only with the approval of the Department.

(2) Where soil contamination will remain in excess of unrestricted use standards and the property is used for a primary or secondary residence that was constructed before the release of petroleum that resulted in the contamination is discovered or reported, the Secretary may approve alternative restrictions that are sufficient to reduce the risk of exposure to contaminated soils to an acceptable level while allowing the real property to continue to be used for a residence.

(3) Where groundwater contamination will remain in excess of unrestricted use standards, installation or operation of any well usable as a source of water shall be prohibited.

(4) Any restriction on the current or future use of the real property that is agreed upon by both the owner of the real property and the Department.

Except with respect to land contaminated from a discharge or release of petroleum from an underground storage tank, the imposition of restrictions on the current or future use of real property on sites contaminated by the discharge or release of petroleum from an aboveground storage tank, or another petroleum source, from which contamination has migrated to off-site properties, as that term is defined under G.S. 130A-310.65(3a), shall only be allowed as provided in G.S. 143-215.104AA or G.S. 130A-310.73A, as applicable."

SECTION 3.(b) G.S. 143B-279.11 reads as rewritten:

"§ 143B-279.11. Recordation of residual petroleum from ~~an~~ underground or aboveground storage ~~tank.~~tanks or other sources.

(a) The definitions set out in G.S. 143-215.94A and G.S. 143B-279.9 apply to this section. This section applies only to a cleanup pursuant to a remedial action plan that addresses environmental damage resulting from a discharge or release of petroleum from an underground storage tank pursuant to Part 2A of Article 21A of Chapter 143 of the General ~~Statutes.~~Statutes or from an aboveground storage tank or other petroleum source pursuant to Part 7 of Article 21A of Chapter 143 of the General Statutes.

(b) The owner, operator, or other person responsible for a discharge or release of petroleum from an underground storage ~~tank~~ tank, aboveground storage tank, or other petroleum source shall prepare and submit to the Department a proposed Notice that meets the requirements of this section. The proposed Notice shall be submitted to the Department (i) before the property is conveyed, or (ii) when the owner, operator, or other person responsible for the discharge or release requests that the Department issue a determination that no further action is required under the remedial action plan, whichever first occurs. The Notice shall be entitled "NOTICE OF RESIDUAL PETROLEUM". The Notice shall include a description that would be sufficient as a description in an instrument of conveyance of the (i) real property on which the source of contamination is located and (ii) any real property on which contamination is located at the time the remedial action plan is approved and that was owned or controlled by any owner or operator of the underground storage ~~tank~~ tank, aboveground storage tank, or other petroleum source, or other responsible party at the time the discharge or release of petroleum is discovered or reported or at any time thereafter. The Notice shall identify the location of any residual petroleum known to exist on the real property at the time the Notice is prepared. The Notice shall also identify the location of any residual petroleum known, at the time the Notice is prepared, to exist on other real property that is a result of the discharge or release. The Notice shall set out any restrictions on the current or future use of the real property that are imposed by the Secretary pursuant to G.S. 143B-279.9(b) to protect public health, the environment, or users of the property.

(c) If the contamination is located on more than one parcel or tract of land, the Department may require that the owner, operator, or other person responsible for the discharge or release prepare a composite map or plat that shows all parcels or tracts. If the contamination is located on one parcel or tract of land, the owner, operator, or other person responsible for the discharge or release may prepare a map or plat that shows the parcel but is not required to do so. A map or plat shall be prepared and certified by a professional land surveyor, shall meet the requirements of G.S. 47-30, and shall be submitted to the Department for approval. When the Department has approved a map or plat, it shall be recorded in the office of the register of deeds and shall be incorporated into the Notice by reference.

(d) The Department shall review the proposed Notice to determine whether the Notice meets the requirements of this section and rules adopted to implement this section and shall provide the owner, operator, or other person responsible for the discharge or release of petroleum from an underground storage ~~tank~~ tank, aboveground storage tank, or other petroleum source with a notarized copy of the approved Notice. After the Department approves the Notice, the owner, operator, or other person responsible for the discharge or release of petroleum from an underground storage ~~tank~~ tank, aboveground storage tank, or other petroleum source shall file a notarized copy of the approved Notice in the register of deeds office in the county or counties in which the real property is located (i) before the property is conveyed or (ii) within 30 days after the owner, operator, or other person responsible for the discharge or release receives notice from the Department that no further action is required under the remedial action plan, whichever first occurs. If the owner, operator, or other person responsible for the discharge or release fails to file the Notice as required by this section, any determination by the Department that no further action is required is void. The owner, operator,

or other person responsible for the discharge or release, may record the Notice required by this section without the agreement of the owner of the real property. The owner, operator, or other person responsible for the discharge or release shall submit a certified copy of the Notice as filed in the register of deeds office to the Department.

(e) Repealed by Session Laws 2012-18, s. 1.23, effective July 1, 2012.

(f) In the event that the owner, operator, or other person responsible for the discharge or release fails to submit and file the Notice required by this section within the time specified, the Secretary may prepare and file the Notice. The costs thereof may be recovered by the Secretary from any responsible party. In the event that an owner of the real property who is not a responsible party submits and files the Notice required by this section, the owner may recover the reasonable costs thereof from any responsible party.

(g) A Notice filed pursuant to this section shall, at the request of the owner of the real property, be cancelled by the Secretary after the residual petroleum has been eliminated or remediated to unrestricted use standards. If requested in writing by the owner of the land, the Secretary shall send to the register of deeds of each county where the Notice is recorded a statement that the residual petroleum has been eliminated, or that the residual petroleum has been remediated to unrestricted use standards, and request that the Notice be cancelled of record. The Secretary's statement shall contain the names of the owners of the land as shown in the Notice and reference the plat book and page where the Notice is recorded.

(h) Except with respect to land contaminated from a discharge or release of petroleum from an underground storage tank, the provisions of this section shall only apply to sites contaminated by the discharge or release of petroleum from an aboveground storage tank, or another petroleum source, from which contamination has migrated to off-site properties, as that term is defined under G.S. 130A-310.65(3a), in compliance with the requirements of G.S. 143-215.104AA or G.S. 130A-310.73A, as applicable."

CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY REPORTS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY

SECTION 4.(a) G.S. 143-355(m) is repealed.

SECTION 4.(b) G.S. 143-355(p) reads as rewritten:

"(p) Report. – The Department of Environmental Quality shall report to the Environmental Review Commission on the implementation of this section, including ~~the development of the State water supply plan and~~ the development of basinwide hydrologic models, no later than November 1 of each year. The Department shall submit the report required by this subsection with the report on basinwide water ~~quality~~ management plans required by G.S. 143-215.8B(d) as a single report."

COASTAL AREA MANAGEMENT ACT MODIFICATIONS

SECTION 5.(a) G.S. 113A-124(c) is amended by adding a new subdivision to read:

"(c) The Commission shall have the following additional powers and duties under this Article:

(1) To recommend to the Secretary the acceptance of donations, gifts, grants, contributions and appropriations from any public or private source to use in carrying out the provisions of this Article.

(2) To recommend to the Secretary of Administration the acquisition by purchase, gift, condemnation, or otherwise, lands or any interest in any lands within the coastal area.

(3) To hold such public hearings as the Commission deems appropriate.

(4) To delegate the power to conduct a hearing, on behalf of the Commission, to any member of the Commission or to any qualified employee of the

Department. Any person to whom a delegation of power is made to conduct a hearing shall report his recommendations with the evidence and the record of the hearing to the Commission for decision or action.

(5) Repealed by Session Laws 1987, c. 827, s. 141.

(6) To delegate the power to determine whether a contested case hearing is appropriate in accordance with G.S. 113A-121.1(b).

(7) To delegate the power to grant or deny requests for declaratory rulings under G.S. 150B-4 in accordance with standards adopted by the Commission.

(8) To adopt rules to implement this Article.

(9) To delegate the power to approve land-use plans in accordance with G.S. 113A-110(f) to any qualified employee of the Department."

SECTION 5.(b) G.S. 113A-119 reads as rewritten:

"**§ 113A-119. Permit applications generally.**

(a) Any person required to obtain a permit under this Part shall file with the Secretary and (in the case of a permit sought from a city or county) with the designated local official an application for a permit in accordance with the form and content designated by the Secretary and approved by the Commission. The applicant must submit with the application a check or money order payable to the Department or the city or county, as the case may be, constituting a fee set by the Commission pursuant to G.S. 113A-119.1.

(b) Upon receipt of any application, a significant modification to an application for a major permit, or an application to modify substantially a previously issued major permit, the Secretary shall issue public notice of the proposed development (i) by mailing a copy of the application or modification, or a brief description thereof together with a statement indicating where a detailed copy of the proposed development may be inspected, to any citizen or group which has filed a request to be notified of the proposed development, and to any interested State agency; (ii) with the exception of minor permit applications, by posting or causing to be posted a notice at the location of the proposed development stating that an application, a modification of an application for a major permit, or an application to modify a previously issued major permit for development has been made, where the application or modification may be inspected, and the time period for comments; and (iii) with the exception of minor permit applications, by publishing notice of the application or modification at least once in one newspaper of general circulation in the county or counties wherein the development would be located at least 20 days before final action on a major permit or before the beginning of the hearing on a permit under G.S. 113A-122. The notice shall set out that any comments on the development should be submitted to the Secretary by a specified date, not less than 15 days from the date of the newspaper publication of the notice or 15 days after mailing of the mailed notice, whichever is later.

(c) Within the meaning of this Part, the "designated local official" is the official who has been designated by the local governing body to receive and consider permit applications under this Part."

ESTABLISH COASTAL STORM DAMAGE MITIGATION FUND

SECTION 6. Article 21 of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 8D. Coastal Storm Damage Mitigation Fund.

"**§ 143-215.73M. Coastal Storm Damage Mitigation Fund.**

(a) Fund Established. – The Coastal Storm Damage Mitigation Fund is established as a special revenue fund. The Fund consists of General Fund appropriations, gifts, grants, devises, monies contributed by a non-State entity for a particular beach nourishment or damage mitigation project or group of projects, and any other revenues specifically allocated to the Fund by an act of the General Assembly.

(b) Uses of the Fund. – Revenue credited to the Fund may only be used for costs associated with beach nourishment, artificial dunes, and other projects to mitigate or remediate coastal storm damage to the ocean beaches and dune systems of the State.

(c) Conditions on Funding. – Any project funded by revenue from the Fund must be cost-shared with non-State dollars on a basis of at least one non-State dollar for every one dollar from the Fund.

(d) Return of Non-State Entity Funds. – Non-State entities that contribute to the Fund for a particular project or group of projects may make a written request to the Secretary that the contribution be returned if the contribution has not been spent or encumbered within two years of receipt of the contribution by the Fund. If the written request is made prior to the funds being spent or encumbered, the Secretary shall return the funds to the entity within 30 days after the later of (i) receiving the request or (ii) the expiration of the two-year period described by this subsection."

CLARIFY SETBACK DETERMINATION FOR PERMITTED DISPOSAL SYSTEMS

SECTION 7. G.S. 143-215.1(i) reads as rewritten:

"(i) Any person subject to the requirements of this section who is required to obtain an individual permit from the Commission for a disposal system under the authority of G.S. 143-215.1 or Chapter 130A of the General Statutes shall have a compliance boundary as may be established by rule or permit for various categories of disposal systems and beyond which groundwater quality standards may not be exceeded. Multiple contiguous properties under common ownership and permitted for use as a disposal system shall be treated as a single property with regard to determination of a compliance ~~boundary.~~boundary and setbacks to property lines."

AMEND THE RULE FOR POOL LIGHTING

SECTION 8.(a) Definitions. – "Pool Lighting and Ventilation Rule" means 15A NCAC 18A .2524 (Lighting and Ventilation) for purposes of this section and its implementation.

SECTION 8.(b) Pool Lighting and Ventilation Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission and local inspectors shall implement the Pool Lighting and Ventilation Rule, as provided in subsection (c) of this section.

SECTION 8.(c) Implementation. – The Commission shall require pool illumination sufficient to illuminate the main drains of a pool. The Commission shall require pool illumination sufficient to illuminate the deck area of a pool so that it is visible at all times the pool is in use but shall not require specific foot candles of illumination for the deck area.

SECTION 8.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the Pool Lighting and Ventilation Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission, pursuant to this section, shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 8.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

AMEND THE PROTECTION OF EXISTING BUFFERS RULES TO EXEMPT CERTAIN APPLICABILITY REQUIREMENTS FOR PUBLIC SAFETY

SECTION 9.(a) Definitions. – "Protection of Existing Buffers Rules" means all of the following rules for purposes of this section and its implementation:

(1) Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0233).

(2) Tar-Pamlico River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0259).

(3) Randleman Lake Water Supply Watershed: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0250).

(4) Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers (15A NCAC 02B .0267).

(5) Goose Creek Watershed Water Quality Management Plan (15A NCAC 02B .0605, 15A NCAC 02B .0606, 15A NCAC 02B .0607, 15A NCAC 02B .0608).

(6) Mitigation Program Requirements for Protection and Maintenance of Riparian Buffers (15A NCAC 02B .0295).

(7) Catawba River Basin: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0243).

SECTION 9.(b) Protection of Existing Buffers Rules. – Until the effective date of the revised permanent rules that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission and the Department of Environmental Quality shall implement the Protection of Existing Buffers Rules, as provided in subsection (c) of this section.

SECTION 9.(c) Implementation. – The Commission shall exempt from the applicability requirements of the Protection of Existing Buffers Rules any publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the buffers pose a risk to public safety.

SECTION 9.(d) Additional Rule-Making Authority. – The Commission shall adopt rules to amend the Protection of Existing Buffers Rules consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission, pursuant to this section, shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 9.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

AMEND THE RULE FOR PROTECTION AND MAINTENANCE OF EXISTING BUFFERS IN THE CATAWBA RIVER BASIN TO EXEMPT CERTAIN APPLICABILITY REQUIREMENTS FOR PUBLIC WALKING TRAILS

SECTION 10.(a) Definitions. – "Protection and Maintenance of Existing Riparian Buffers Rule" means 15A NCAC 02B .0243 (Catawba River Basin: Protection and Maintenance of Existing Riparian Buffers) for purposes of this section and its implementation.

SECTION 10.(b) Protection and Maintenance of Existing Riparian Buffers Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission and the Department of Environmental Quality shall implement the Protection and Maintenance of Existing Riparian Buffers Rule, as provided in subsection (c) of this section.

SECTION 10.(c) Implementation. – The Commission shall exempt from the applicability requirements of the Protection and Maintenance of Existing Riparian Buffers Rule any publicly owned property that will be used for walking trails.

SECTION 10.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the Protection and Maintenance of Existing Riparian Buffers Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission, pursuant to this section, shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 10.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

RIPARIAN BUFFER TAX EXCLUSION STUDY

SECTION 11.(a) The Fiscal Research Division of the North Carolina General Assembly is directed to estimate the value of property that is subject to the following riparian buffer rules and the value of property that is being used as a riparian buffer under these rules for each county within the affected river basins:

(1) Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0233).

(2) Tar-Pamlico River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0259).

(3) Randleman Lake Water Supply Watershed: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0250).

(4) Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers (15A NCAC 02B .0267).

(5) Goose Creek Watershed Water Quality Management Plan (15A NCAC 02B .0605, 15A NCAC 02B .0606, 15A NCAC 02B .0607, 15A NCAC 02B .0608).

(6) Mitigation Program Requirements for Protection and Maintenance of Riparian Buffers (15A NCAC 02B .0295).

(7) Catawba River Basin: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0243).

SECTION 11.(b) No later than May 1, 2018, the Fiscal Research Division shall report its estimates and analysis to the Environmental Review Commission and the Revenue Laws Study Committee.

WATER QUALITY TESTING

SECTION 12. The Division of Water Resources of the Department of Environmental Quality shall conduct a water quality sampling program for nutrients along the mainstem of the Catawba River, which includes sampling for nutrients above, in, and below each major tributary of the Catawba River. No later than October 1, 2018, the Division shall report the results of the study to the Environmental Review Commission.

MINING PERMITTING REVISIONS

SECTION 13.(a) G.S. 74-50(d) reads as rewritten:

"(d) ~~An operating permit shall be granted for a period not exceeding 10 years. If~~Except as provided in subsection (d1) of this section, permits for mining operations shall be issued for

the life-of-site of the operation unless revoked as otherwise provided under this Article. For purposes of this section, "life-of-site" means the period from the initial receipt of a permit from the operation until the mining operation terminates and the reclamation required under the approved reclamation plan is ~~completed prior to the end of the period, the permit shall terminate.~~completed. Termination of a permit shall not have the effect of relieving the operator of any obligations that the operator has incurred under an approved reclamation plan or otherwise. Where the mining operation itself has terminated, no permit shall be required in order to carry out reclamation measures under the reclamation plan.

(d1) Permits for mining operations conducted on real property that is leased from a public entity shall be issued for the life-of-lease. For purposes of this subsection, the following terms apply: (i) "life-of-lease" means the duration of the lease between the owner or operator of the mining operation and a public entity and (ii) "public entity" means the State, any State agency, State college or university, county, municipal corporation, local board of education, community college, special district, or other political subdivision of the State. Termination of a permit shall not have the effect of relieving the operator of any obligations that the operator has incurred under an approved reclamation plan or otherwise. Where the mining operation itself has terminated, no permit shall be required in order to carry out reclamation measures under the reclamation plan."

SECTION 13.(b) G.S. 74-51 reads as rewritten:

"**§ 74-51. Permits – Application, granting, conditions.**

...

(c) If the Department determines, based on public comment relevant to the provisions of this Article, that significant public interest exists, the Department shall conduct a public hearing on any application for a new mining permit or for a modification of a mining permit to add land to the permitted area, as defined in G.S. 74-50(b). The hearing shall be held before the Department reaches a final decision on the application, and in making its determination, the Department shall give full consideration to all comments submitted at the public hearing. The public hearing shall be held within 60 days of the end of the 30-day period within which any requests for the public hearing shall be made. A public hearing shall not be required for a modification of a mining permit to extend the duration of the permit to a life-of-site, or life-of-lease, pursuant to G.S. 74-50(d) or (d1), respectively.

(d) The Department may deny the permit upon finding:

...

(7) That the applicant or any parent, subsidiary, or other affiliate of the applicant or parent has not been in substantial compliance with this Article, rules adopted under this Article, or other laws or rules of this State for the protection of the environment or has not corrected all violations that the applicant or any parent, subsidiary, or other affiliate of the applicant or parent may have committed under this Article or rules adopted under this Article and that resulted in:

a. Revocation of a permit,
b. Forfeiture of part or all of a bond or other security,
c. Conviction of a misdemeanor under G.S. 74-64,
d. Any other court order issued under G.S. 74-64, or
e. Final assessment of a civil penalty under G.S. 74-64.
f. Failure to pay the application processing fee required under G.S. 74-54.1.

...."

SECTION 13.(c) G.S. 74-52 reads as rewritten:

"**§ 74-52. ~~Permits – Modification, renewal.~~Permit modifications.**

(a) Any operator engaged in mining under an operating permit may apply at any time for modification of the permit. ~~A permittee may apply for renewal of the permit at any time during the two years prior to the expiration of the permit.~~ The application shall be in writing upon forms furnished by the Department and shall fully state the information called for. The applicant must provide the Department with any additional information necessary to satisfy application requirements. ~~The applicant is not required to resubmit information that remains unchanged since the time of the prior application.~~ In addition, the applicant may be required to furnish any other information as may be deemed necessary by the Department in order adequately to enforce the Article.

~~(b) The procedure to be followed and standards to be applied in renewing a permit shall be the same as those for issuing a permit; provided, however, that in the absence of any changes in legal requirements for issuance of a permit since the date on which the prior permit was issued, the only basis for denying a renewal permit shall be an uncorrected violation of the type listed in G.S. 74-51(7), or failure to submit an adequate reclamation plan in light of conditions then existing.~~

(c) A modification under this section may affect the land area covered by the permit, the approved reclamation plan coupled with the permit, or other terms and conditions of the permit. A permit may be modified to include land neighboring the affected land, but not other lands. The reclamation plan may be modified in any manner, so long as the Department determines that the modified plan fully meets the standards set forth in G.S. 74-53 and that the modifications would be generally consistent with the bases for issuance of the original permit. Other terms and conditions may be modified only where the Department determines that the permit as modified would meet all requirements of G.S. 74-50 and [G.S.] 74-51. ~~No modification shall extend the expiration date of any permit issued under this Article.~~

(d) No modification ~~or renewal~~ of a permit shall become effective until any required changes have been made in the performance bond or other security posted under the provisions of G.S. 74-54, so as to assure the performance of obligations assumed by the operator under the permit and reclamation plan."

SECTION 13.(d) G.S. 74-54 reads as rewritten:

"**§ 74-54. Bonds.**

(a) Each applicant for an operating permit, or for the ~~renewal of a~~modification of an existing permit shall, following the approval of the application, file and maintain in force a bond in favor of the State of North Carolina, executed by a surety approved by the Commissioner of Insurance, in the amount set forth below. The bond herein provided for must be continuous in nature and shall remain in force until cancelled by the surety. Cancellation by the surety shall be effectuated only upon 60 days written notice thereof to the Department and to the operator.

(b) The applicant shall have the option of filing a separate bond for each operating permit or of filing a blanket bond covering all mining operations within the State for which the applicant holds a permit. The amount of each bond shall be based upon the area of affected land to be reclaimed under the approved reclamation plan or plans to which the bond pertains, less any area where reclamation has been completed and released from coverage by the Department, pursuant to G.S. 74-56, or based on any other criteria established by the ~~Commission.~~ Commission, but shall not exceed one million dollars ($1,000,000). The Department shall set the amount of the required bond in all cases, based upon a schedule established by the Commission.

...."

SECTION 13.(e) G.S. 74-54.1 reads as rewritten:

"**§ 74-54.1. Permit fees.**

(a) The fee schedule for the processing of permit ~~applications and permit renewals~~ applications, transfers, and modifications is as follows:

	0-25 acres	26+ acres
New Permit Applications	$3,750.00	$5,000.00
Permit Modifications	$750.00	$1,000.00
~~Permit Renewals~~	~~$750.00~~	~~$1,000.00~~
Permit Transfers	$100.00	$100.00

(a1) In addition to the fees set forth in subsection (a) of this section, permittees shall pay an annual operating fee of four hundred dollars ($400.00) per permit per year as set forth in G.S. 74-55. The Department may charge a late fee of fifty dollars ($50.00) per month per permit for every month or partial month that payment of the annual operating fee is delinquent.

...."

SECTION 13.(f) G.S. 74-55 reads as rewritten:

"**§ 74-55. Reclamation report.**

(a) ~~Within 30 days after completion or termination of mining on an area under permit or within 30 days after each anniversary of the issuance of the operating permit, whichever is earlier, or at such later date as may be provided by rules of the Department, and each year thereafter until reclamation is completed and approved, the~~By July 1 of each year, the operator shall file a report of activities completed during the preceding year on a form prescribed by the Department, which ~~shall:~~includes all of the following:

(1) Identify the mine, the operator and the permit ~~number;~~number.

(2) State acreage disturbed by mining in the last 12-month ~~period;~~period.

(3) State and describe amount and type of reclamation carried out in the last 12-month ~~period;~~period.

(4) Estimate acreage to be newly disturbed by mining in the next 12-month ~~period;~~period.

(5) Provide such maps as may be specifically requested by the ~~Department.~~Department.

(6) Include the annual operating fee pursuant to G.S. 74-54.1(a1).

(b) When filing the annual report, the permittee shall pay the annual operating fee for the permit to the Department until the permit has been terminated by the Department. The Department may assess and collect a monthly penalty for each annual report or annual operating fee not filed by July 31 of each year until the annual report and annual operating fee are filed with the Department. If the required annual report and operating fee, including any late payment penalties, are not filed by December 31 of each year, the Department shall give written notice to the operator and shall then initiate permit revocation proceedings in accordance with G.S. 74-58."

SECTION 13.(g) G.S. 74-58 reads as rewritten:

"**§ 74-58. Suspension or revocation of permit.**

(a) Whenever the Department shall have reason to believe that a violation of (i) this Article, (ii) any rules adopted under this Article, or (iii) the terms and conditions of a permit, including the approved reclamation plan, has taken place, it shall serve written notice of the apparent violation upon the operator, specifying the facts constituting the apparent violation and informing the operator of the operator's right to an informal conference with the Department. The date for an informal conference shall be not less than 15 nor more than 30 days after the date of the notice, unless the Department and the operator mutually agree on another date. If the operator or the operator's representative does not appear at the informal conference, or if the Department following the informal conference finds that there has been a violation, the Department may suspend the permit until the violation is corrected or may revoke the permit where the violation appears to be ~~willful.~~willful, or where the permittee has failed to pay the fee or late payment penalties required by G.S. 74-55(b).

(b) The effective date of any suspension or revocation shall be 30 days following the date of the decision. The filing of a petition for a contested case under G.S. 74-61 shall stay the

effective date until issuance of a final decision. If the Department finds at the time of its initial decision that any delay in correcting a violation would result in imminent peril to life or danger to property or to the environment, it shall promptly initiate a proceeding for injunctive relief under G.S. 74-64 hereof and Rule 65 of the Rules of Civil Procedure. The pendency of any appeal from a suspension or revocation of a permit shall have no effect upon an action for injunctive relief.

(c) Any operator whose permit has been suspended or revoked shall be denied a new permit or ~~a renewal of an existing~~ reinstatement of the suspended permit to engage in mining until the operator gives evidence satisfactory to the Department of the operator's ability and intent to fully comply with the provisions of this Article and rules adopted under this Article, and the terms and conditions of the permit, including the approved reclamation plan, and that the operator has satisfactorily corrected all previous violations."

SECTION 13.(h) G.S. 74-60 reads as rewritten:

"**§ 74-60. Notice.**

Whenever in this Article written notice is required to be given by the Department, such notice shall be mailed by registered or certified mail to the permanent address of the operator set forth in his most recent application for an operating permit or for a modification ~~or renewal~~ of such permit. No other notice shall be required."

SECTION 13.(i) Notwithstanding G.S. 74-55(b), as enacted by subsection (f) of this section, the initial annual operating fee imposed by G.S. 74-54.1(a1), as enacted by subsection (e) of this section, shall be due December 31, 2017.

SECTION 13.(j) This section is effective when it becomes law and applies to (i) valid permits for existing mining operations issued before the date this act becomes effective and (ii) any permit application for a mining operation pending or submitted on or after that date. No later than December 1, 2017, the Department shall issue life-of-site permits or life-of-lease permits, as applicable, to replace valid permits for existing mining operations issued before the date this act becomes effective in compliance with the provisions of this act. Until such time as life-of-site permits or life-of-lease permits, as applicable, have been issued to replace valid permits for existing mining operations issued before the date this act becomes effective, any valid permit and its terms and conditions shall remain in effect and govern the operations of the facility notwithstanding any termination date that may be included in such permit.

AMEND MITIGATION SERVICES LAW

SECTION 14. G.S. 143-214.12 reads as rewritten:

"**§ 143-214.12. Division of Mitigation Services: Ecosystem Restoration Fund.**

(a) Ecosystem Restoration Fund. – The Ecosystem Restoration Fund is established as a nonreverting fund within the Department. The Fund shall be treated as a special trust fund and shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3. The Ecosystem Restoration Fund shall provide a repository for monetary contributions and donations or dedications of interests in real property to promote projects for the restoration, enhancement, preservation, or creation of wetlands and riparian areas and for payments made in lieu of compensatory mitigation as described in subsection (b) of this section. No funds shall be expended from this Fund for any purpose other than those directly contributing to the acquisition, perpetual maintenance, enhancement, restoration, or creation of ~~wetlands and~~wetlands, streams, and riparian areas in accordance with the basinwide plan as described in G.S. 143-214.10. The cost of acquisition includes a payment in lieu of ad valorem taxes required under G.S. 146-22.3 when the Department is the State agency making the acquisition.

(a1) The Department may distribute funds from the Ecosystem Restoration Fund directly to a federal or State agency, a local government, or a private, nonprofit conservation

organization to acquire, manage, and maintain real property or an interest in real property for the purposes set out in subsection (a) of this section. ~~A recipient of funds under this subsection shall grant a conservation easement in the real property or interest in real property acquired with the funds to the Department in a form that is acceptable to the Department.~~A recipient of funds under this subsection that acquires a conservation easement or interest in real property appurtenant to a restoration project delivered to the Division of Mitigation Services may transfer the conservation easement or interest in real property to a federal or State agency, a local government, or a private, nonprofit conservation organization approved by the Division of Mitigation Services. The Department may convey real property or an interest in real property that has been acquired under the Division of Mitigation Services to a federal or State agency, a local government, or a private, nonprofit conservation organization approved by the Division of Mitigation Services to acquire, manage, and maintain real property or an interest in real property for the purposes set out in subsection (a) of this section. ~~A~~ When a grantee of real property or an interest in real property under this subsection ~~shall grant~~grants a conservation easement in the real property or interest in real property to ~~the Department~~a federal or State agency, a local government, or a private, nonprofit conservation organization approved by the Division of Mitigation Services, the grant shall be made in a form that is acceptable to the Department.

(b) Authorized Methods of Payment. – A person subject to a permit or authorization issued by the United States Army Corps of Engineers under 33 U.S.C. § 1344 may contribute to the Division of Mitigation Services in order to comply with conditions to, or terms of, the permit or authorization if participation in the Division of Mitigation Services will meet the mitigation requirements of the United States Army Corps of Engineers. The Department shall, at the discretion of the applicant, accept payment into the Ecosystem Restoration Fund in lieu of other compensatory mitigation requirements of any authorizations issued by the United States Army Corps of Engineers under 33 U.S.C. § 1344 if the contributions will meet the mitigation requirements of the United States Army Corps of Engineers. Payment may be made in the form of monetary contributions according to a fee schedule established by the Environmental Management Commission or in the form of donations of real property provided that the property is approved by the Department as a suitable site consistent with the basinwide wetlands restoration plan.

(c) Accounting of Payments. – The Department shall provide an itemized statement that accounts for each payment into the Fund. The statement shall include the expenses and activities financed by the payment."

ENERGY POLICY COUNCIL CLARIFICATION

SECTION 15. G.S. 113B-4(a) reads as rewritten:

"(a) The Lieutenant Governor or the Lieutenant Governor's designee shall serve as chair of the Council."

SOLID WASTE MODIFICATIONS

SECTION 16. If Senate Bill 16, 2017 Regular Session, becomes law, then Section 16 of that act is amended by adding the following new subsection:

"**SECTION 16.(d)** G.S. 130A-294(a3), as enacted by subsection (c) of this section, only applies to valid and operative franchise agreements in effect on October 1, 2015."

SECTION 17.(a) G.S. 130A-291 reads as rewritten:

"**§ 130A-291. Division of Waste Management.**

(a) For the purpose of promoting and preserving an environment that is conducive to public health and welfare, and preventing the creation of nuisances and the depletion of our natural resources, the Department shall maintain a Division of Waste Management to promote sanitary processing, treatment, disposal, and statewide management of solid waste and the

greatest possible recycling and recovery of resources, and the Department shall employ and retain qualified personnel as may be necessary to effect such purposes. It is the purpose and intent of the State to be and remain cognizant not only of its responsibility to authorize and establish a statewide solid waste management program, but also of its responsibility to monitor and supervise, through the Department, the activities and operations of units of local government implementing a permitted solid waste management facility serving a specified geographic area in accordance with a solid waste management plan.

(b) In furtherance of this purpose and intent, it is hereby determined and declared that it is necessary for the health and welfare of the inhabitants of the State that solid waste management facilities permitted hereunder and serving a specified geographic area shall be used by public or private owners or occupants of all lands, buildings, and premises within the geographic ~~area, and a unit of local government may, by ordinance, require that all solid waste generated within the geographic area and placed in the waste stream for disposal, shall be delivered to the permitted solid waste management facility or facilities serving the geographic~~ area. Actions taken pursuant to this Article shall be deemed to be acts of the sovereign power of the State of North Carolina, and to the extent reasonably necessary to achieve the purposes of this section, a unit of local government may displace competition with public service for solid waste management and disposal. It is further determined and declared that no person, firm, corporation, association or entity within the geographic area shall engage in any activities which would be competitive with this purpose or with ordinances, rules adopted pursuant to the authority granted herein.

(c) Except as provided in subsections (d) and (e) of this section, a unit of local government may, by ordinance, franchise, business license, contract, or otherwise, require that all solid waste generated within the geographic area and placed in the waste stream for disposal be delivered to the permitted solid waste management facility or facilities serving the geographic area only under one of the following conditions:

(1) If the unit of local government has debt associated with solid waste management facilities and equipment outstanding on September 1, 2017, the unit of local government may adopt and enforce such an ordinance until the date that such debt has matured.

(2) If the unit of local government incurs debt after September 1, 2017, and the issuance of the debt will be conditioned upon the unit of local government requiring that all waste collected within the county be disposed of within the landfill, for expansion of a landfill or construction of a new landfill after all necessary approvals for issuance of the debt have been obtained from the Local Government Commission in compliance with Chapter 159 of the General Statutes, including the demonstration of need and cost required by G.S. 159-211, the unit of local government may adopt and enforce such an ordinance until the date the debt associated with expansion of the landfill, or construction of the new landfill, has matured.

(3) If the unit of local government is a party to an exclusive franchise agreement with a private entity governing the management or disposal of waste within the jurisdiction in effect on September 1, 2017, the unit of local government may adopt and enforce such an ordinance until the date that such franchise has expired.

(d) Notwithstanding any limitations set forth in subsection (c) of this section, and except as provided in subsection (e) of this section, a regional solid waste management authority established under Article 22 of Chapter 153A of the General Statutes, and a unit of local government that is a member of an authority, may, by ordinance, require that all solid waste generated within its jurisdiction and placed in the waste stream for disposal be delivered

to the permitted solid waste management facility or facilities operated by the regional solid waste management authority.

(e) Notwithstanding authority given to local governments to manage solid waste generated or disposed of within their jurisdiction pursuant to subsection (c) or (d) of this section, or otherwise, units of local government shall not, by ordinance or otherwise, prohibit the disposal of construction and demolition debris in any sanitary landfill permitted for the disposal of construction and demolition debris, which landfill has a valid and operative franchise agreement and is otherwise properly permitted pursuant to G.S. 130A-294."

SECTION 17.(b) G.S. 130A-294(a) reads as rewritten:

"**§ 130A-294. Solid waste management program.**

(a) The Department is authorized and directed to engage in research, conduct investigations and surveys, make inspections and establish a statewide solid waste management program. In establishing a program, the Department shall have authority to:

...

(5b) ~~Authorize~~ Subject to the limitations of G.S. 130A-291, authorize units of local government to require by ordinance, that all solid waste generated within the designated geographic area that is placed in the waste stream for disposal be collected, transported, stored and disposed of at a permitted solid waste management facility or facilities serving such area. The provisions of such ordinance shall not be construed to prohibit the source separation of materials from solid waste prior to collection of such solid waste for disposal, or prohibit collectors of solid waste from recycling materials or limit access to such materials as an incident to collection of such solid waste; provided such prohibitions do not authorize the construction and operation of a resource recovery facility unless specifically permitted pursuant to an approved solid waste management plan. If a private solid waste landfill shall be substantially affected by such ordinance then the unit of local government adopting the ordinance shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the proposed ordinance.

...."

SECTION 17.(c) G.S. 153A-292(a) reads as rewritten:

"**§ 153A-292. County collection and disposal facilities.**

(a) The board of county commissioners of any county may establish and operate solid waste collection and disposal facilities in areas outside the corporate limits of a city. The board may by ordinance regulate the use of a disposal facility provided by the ~~county,~~ county subject to the limitations of G.S. 130A-291, the nature of the solid wastes disposed of in a facility, and the method of disposal. The board may contract with any city, individual, or privately owned corporation to collect and dispose of solid waste in the area. Counties and cities may establish and operate joint collection and disposal facilities. A joint agreement shall be in writing and executed by the governing bodies of the participating units of local government."

SECTION 17.(d) Chapter 159 of the General Statutes is amended by adding a new Article to read:

"Article 15.

"Borrowing for expansion of existing landfills and construction of new landfills in certain circumstances.

"**§ 159-211. Borrowing authority for landfills.**

(a) Whenever a unit of local government applies to the Commission for approval to enter debt by any method authorized by this Chapter for the purpose of expansion of an existing landfill within their jurisdiction, or construction of a new landfill within their jurisdiction, and to support the repayment of the new debt by requiring by ordinance, franchise, or otherwise

that all waste collected within the county must be delivered to the county facility exclusively, in addition to any other criteria the Commission is required to consider in approving such debt, the unit of local government shall demonstrate all of the following to the satisfaction of the Commission:

(1) The proposed expansion of the existing landfill, or construction of the new landfill, for which debt is to be incurred is necessary to ensure reliable, convenient, and affordable solid waste disposal service is provided consistently to all citizens under its jurisdiction for the protection of public health, safety, and welfare.

(2) The proposed expansion of the existing landfill, or construction of the new landfill, will result in lower overall costs per ton of waste disposed for the jurisdiction's citizens and businesses within the jurisdiction than would be available through privately funded and operated disposal facilities. The analysis shall take into account all direct, indirect, asset retirement, closure, post-closure, and capital costs divided by tons disposed per year to establish a "tip fee" required to support the operation and repayment of the debt. State or federal subsidies shall be disregarded for purposes of this analysis.

(3) The requirements of subdivisions (1) and (2) of this subsection have been confirmed by way of a bid or request for proposals process in which private businesses have been invited to compete for the right to provide the services subject only to compliance with State and federal law. Private company proposals will be on a "tip fee" basis for comparison to the unit of local government landfill tip fee calculated pursuant to subdivision (2) of this subsection.

(b) In determining whether debt for expansion of an existing landfill, or construction of a new landfill, shall be approved, the Commission shall consider the information submitted pursuant to subsection (a) of this section and shall approve an application only if it finds the information presented supports the need for, and cost-effectiveness of, the proposed project. If the Commission tentatively decides to deny the application because it is of the opinion that these criteria cannot be supported from the information presented to it, it shall so notify the unit filing the application. Prior to final approval of the application, the Commission shall hold a public hearing on the application at which time any interested persons shall be heard, including any private business that has offered an alternative. The Commission may appoint a hearing officer to conduct the hearing and to present a summary of the testimony and associated recommendations for the Commission's consideration.

(c) The requirements of this section shall only apply to a unit of local government, which, at the time it submits an application to the Commission for approval to enter debt for expansion or construction of a landfill, has adopted an ordinance pursuant to G.S. 130A-291(c). Provided, however, where such debt is approved and the requirements of this section have not been satisfied, a unit of local government that later seeks to adopt an ordinance pursuant to G.S. 130A-291(c), must meet the requirements of this section prior to adopting and enforcing such an ordinance."

SECTION 17.(e) Nothing in this section shall be construed to impact the terms of a contract, franchise agreement, or other agreement between a unit of local government and another entity concerning the management of solid waste, or the financing of such services or related facilities or equipment, in effect on the date this section becomes law.

SECTION 17.(f) This section is effective when this act becomes law.

CLARIFY ROLES OF GEOLOGISTS AND SOIL SCIENTISTS IN WASTEWATER SYSTEM SITE EVALUATIONS

SECTION 18.(a) G.S. 130A-335(a1) reads as rewritten:

"(a1) Any proposed site for a residence, place of business, or a place of public assembly located in an area that is not served by an approved wastewater system for which a new wastewater system is proposed or repair is necessary for compliance may be evaluated for soil conditions and site features by a ~~licensed soil scientist or licensed geologist.~~ person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist. For purposes of this subsection, "site features" include topography and landscape position; soil characteristics (morphology); soil wetness; soil depth; restrictive horizons; available space; and other applicable factors that involve accepted public health principles. A person licensed pursuant to Chapter 89E of the General Statutes as a licensed geologist may evaluate the proposed site or repair area, as applicable, for geologic and hydrogeologic conditions."

SECTION 18.(b) G.S. 130A-336.1(e) reads as rewritten:

"(e) Site Design, Construction, and Activities.

(1) The professional engineer designing the proposed wastewater system shall use recognized principles and practices of engineering and applicable rules of the Commission in the calculations and design of the wastewater system. The investigations and findings of the professional engineer shall include, at a minimum, the information required in rules adopted by the Commission pursuant to G.S. 130A-335(e). The professional engineer may, at the engineer's discretion, employ pretreatment technologies not yet approved in this State.

(2) Notwithstanding G.S. 130A-335(a1), the owner of the proposed wastewater system shall employ ~~either a licensed soil scientist or a geologist, licensed pursuant to Chapter 89E of the General Statutes and who has applicable professional experience, to evaluate soil conditions and site features.~~a person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist to conduct soil and site evaluations and, as applicable, a person licensed pursuant to Chapter 89E of the General Statutes as a licensed geologist to evaluate geologic and hydrogeologic conditions.

…."

REPEAL PLASTIC BAG BAN

SECTION 19.(a) Part 2G of Article 9 of Chapter 130A of the General Statutes is repealed.

SECTION 19.(b) G.S. 130A-22(a) reads as rewritten:

"(a) The Secretary of Environmental Quality may impose an administrative penalty on a person who violates Article 9 of this Chapter, rules adopted by the Commission pursuant to Article 9, or any term or condition of a permit or order issued under Article 9. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed fifteen thousand dollars ($15,000) per day in the case of a violation involving nonhazardous waste. The penalty shall not exceed thirty-two thousand five hundred dollars ($32,500) per day in the case of a first violation involving hazardous waste as defined in G.S. 130A-290 or involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical waste entering waters or lands of the State; and shall not exceed fifty thousand dollars ($50,000) per day for a second or further violation involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical waste entering waters or lands of the State. The penalty shall not exceed thirty-two thousand five hundred dollars ($32,500) per day for a violation involving a voluntary remedial action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant to G.S. 130A-310.12(b). ~~The penalty shall not exceed one hundred dollars ($100.00) for a first violation; two hundred dollars ($200.00) for a second violation within any 12-month period; and five hundred dollars ($500.00) for each additional violation within any 12-month period for~~

~~any violation of Part 2G of Article 9 of this Chapter.~~ For violations of Part 7 of Article 9 of this Chapter and G.S. 130A-309.10(m): (i) a warning shall be issued for a first violation; (ii) the penalty shall not exceed two hundred dollars ($200.00) for a second violation; and (iii) the penalty shall not exceed five hundred dollars ($500.00) for subsequent violations. If a person fails to pay a civil penalty within 60 days after the final agency decision or court order has been served on the violator, the Secretary of Environmental Quality shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment. Such civil actions must be filed within three years of the date the final agency decision or court order was served on the violator."

SECTION 19.(c) Section 13.10(c) of S.L. 2010-31 is repealed.

SECTION 19.(d) This section becomes effective September 1, 2017.

GENX RESPONSE MEASURES

SECTION 20.(a) The General Assembly finds that the discharge of the poly-fluoroalkyl chemical known as "GenX" (CAS registry number 62037-80-3 or 13252-13-6) into the Cape Fear River demonstrates the need for supplemental funding for impacted local public utilities for the monitoring and treatment of GenX and to support the identification and characterization by scientists, engineers, and other professionals of GenX in the Cape Fear River.

Therefore, notwithstanding Section 6.1 of S.L. 2017-57, G.S. 143C-4-4, and G.S. 143C-6-4, of the funds appropriated to the Contingency and Emergency Fund, the sum of four hundred thirty-five thousand dollars ($435,000) shall be allocated and used as follows:

(1) One hundred thousand dollars ($100,000) to the Cape Fear Public Utility Authority, who shall, in coordination with Brunswick County Public Utilities, Pender County Utilities, and other entities that withdraw, treat, and subsequently distribute water originating from the Cape Fear River, study the identification and deployment of water treatment technology to remove GenX from the public water supply, and eighty-five thousand dollars ($85,000) to the Cape Fear Public Utility Authority for ongoing monitoring of water supplies withdrawn from the Cape Fear River. The Cape Fear Public Utility Authority shall provide an interim report to the Environmental Review Commission no later than December 1, 2017, regarding the progress in implementing this section, and a final report on or before April 1, 2018, to include any findings and recommendations for legislative action.

(2) Two hundred fifty thousand dollars ($250,000) to the University of North Carolina at Wilmington to identify and quantify GenX and measure the concentration of the chemicals in the sediments of the Cape Fear River, the extent to which the chemical biodegrades over time or bioaccumulates within local ecosystems, and what risk the contaminant poses to human health. The University of North Carolina at Wilmington shall not charge indirect facilities and administrative costs against the funding provided by this subdivision. The University of North Carolina at Wilmington shall provide an interim report to the Environmental Review Commission no later than December 1, 2017, regarding the progress in implementing this section, and a final report on or before April 1, 2018, to include any findings and recommendations for legislative action.

SECTION 20.(b) Funds allocated by this section for the 2017-2018 fiscal year shall not revert but shall remain available for nonrecurring expenses until the end of the 2018-2019 fiscal year. The entities funded by this section may establish time-limited positions for the biennium with the funds allocated by this section.

SECTION 20.1. Section 13.7 of S.L. 2017-57, 2017 Regular Session, reads as rewritten:

"**SECTION 13.7.** The North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill shall develop a ~~proposal~~ proposal (i) to identify and acquire digital data relevant to environmental monitoring and natural resource management, including, but not limited to, the digitization of analog ~~records.~~records and (ii) for the creation of an online database to provide National Pollutant Discharge Elimination System (NPDES) and other water quality permits, permit applications, and relevant supporting documents to the public in a searchable and user friendly format, as well as creation of a system for electronic filing of applications for such permits and relevant supporting documents. In developing the proposal, the Collaboratory shall consult with the Department of Environmental Quality and the Department of Information Technology. The Collaboratory shall assess the feasibility of transferring these data to a central, searchable, and publicly accessible digital database hosted by The University of North Carolina System. The Collaboratory shall provide an interim report to the Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, and the Fiscal Research Division no later than December 1, 2017, regarding the progress in implementing this section, and shall provide its proposal no later than ~~March 1, 2018, to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, and the Fiscal Research Division.~~April 1, 2018, to these entities."

SECTION 20.2. If by September 8, 2017, the Department of Environmental Quality has yet to issue a Notice of Violation to any company or person for the discharge of the chemical known as "GenX" (CAS registry number 62037-80-3 or 13252-13-6) to the Cape Fear River, and for the resulting contamination of the Cape Fear River, and public water supplies withdrawing water therefrom, the Department of Environmental Quality shall provide a detailed report, in writing, to the Environmental Review Commission on that date setting forth the reasons why a Notice of Violation has not been issued to a company or person that has discharged GenX to the Cape Fear River.

SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 21.(a) If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 21.(b) Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
CONFERENCE REPORT
House Bill 56

H56-CRRIf-4 [v.1]

[NO] Title Change [YES] For Committee Substitute

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 56, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/31/17, Senate Finance Committee Substitute Adopted 6/21/17, Sixth Edition Engrossed 6/27/17, submit the following report:

The House and the Senate agree to the following amendment to the Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/31/17, Senate Finance Committee Substitute Adopted 6/21/17, Sixth Edition Engrossed 6/27/17, and the House concurs in the Senate Committee Substitute, as amended:

Delete the entire Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/31/17, Senate Finance Committee Substitute Adopted 6/21/17, Sixth Edition Engrossed 6/27/17, and substitute the attached Proposed Conference Committee Substitute H56-PCCS10416-RIf-10 .

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 30, 2017.

Conferees for the Senate	Conferees for the House of Representatives
Andy Wells, Chair	David R. Lewis, Chair
Bill Cook	Donny Lambeth
Trudy Wade	Chuck McGrady

H56-CRRIF-4-V-1

NORTH CAROLINA GENERAL ASSEMBLY
CONFERENCE REPORT
House Bill 56

H56-CRRIf-4 [v.1]

Harry Brown

Dean Arp

Larry Yarborough

Pat McElraft

House Submitted 8/30/17 REF TO COM. ON RULES AUG 3 0 2017
ADOPTED _____ (/) Message Received _____
ADOPTED _____ (/) Ordered Enrolled _____

KCB
KG

House Committee on Rules, Calendar, and Operations of the House
Wednesday, October 4, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 11:30 on Wednesday, October 4, 2017 in room 1228 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

Resolution 928 Honor Ed Holmes (Rules, Calendar, and Operations of the House)
Rep. Torbett moved that resolution be reported favorable for introduction. The motion carried.

SB 181 Electronic Notice-Guilford County (Senator Lowe)
A proposed house committee substitute presented by Rep. Lewis. Rep. Lewis moved for a favorable report to the proposed committee substitute, unfavorable to the original bill. The motion carried.

The meeting adjourned.

David R. Lewis
Representative David R. Lewis, Chair
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 1

HOUSE RESOLUTION 928

Sponsors:	Committee on Rules, Calendar, and Operations of the House.
	For a complete list of sponsors, refer to the North Carolina General Assembly web site.
Referred to:	Calendar 10/4/2017

October 4, 2017

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD SHELTON "ED" HOLMES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Edward Shelton "Ed" Holmes was born in Rockingham County, North Carolina, on November 20, 1929, to James Eugene Holmes and Bessie Shelton Holmes; and

Whereas, Ed Holmes graduated from Leaksville High School and attended the University of North Carolina at Chapel Hill, earning a bachelor of science degree in chemistry in 1951 and a juris doctorate degree in 1958; and

Whereas, Ed Holmes practiced law in Pittsboro, where he served as an attorney for the Chatham County Board of Education for 40 years and retired from his law practice in 2007; and

Whereas, Ed Holmes served his profession as president of the Chatham County Bar, 15th Judicial District Bar, and North Carolina Legal Aid Association, and as a State Bar Counselor; and

Whereas, Ed Holmes served with honor and distinction as a member of the General Assembly in the House of Representatives for four terms between 1973 and 1980; and

Whereas, during his tenure in the General Assembly, Ed Holmes was an avid supporter of The University of North Carolina and was a member of the General Statutes Commission and chair of the House Appropriations Committee; and

Whereas, Ed Holmes served as chair of the Governor's Committee on Low Income Housing and was a member of the Board of Directors of Central Carolina Bank for almost 30 years; and

Whereas, Ed Holmes was also a member of the Board of Central Carolina Community College (CCCC) Foundation. In 2008, he and his wife established and funded the Edward S. and Mary Hayes B. Holmes Endowment which provides scholarships for students of CCCC; and

Whereas, Ed Holmes served as president of Chapel Hill-Tar Heel Golden K (Kiwanis), was a member of Beta Theta Pi fraternity, and a deacon at Pittsboro Presbyterian Church, of which he was a member for over 50 years; and

Whereas, Ed Holmes proudly served in the United States Army as a Communications Specialist and was stationed in Korea during the Korean Conflict; and

Whereas, Ed Holmes was admired and respected by his family, friends, clients, and colleagues; and

Whereas, Ed Holmes died on September 19, 2017, at the age of 87; and

Whereas, Ed Holmes was extremely devoted to his wife, Mary Hayes, who passed away in 2008; and

Whereas, Ed Holmes is survived by his children, Edward S. Holmes, Jr., Hayes Barber Holmes, and Agnes Holmes Cobbum; grandchildren, Grace Morgan Holmes, Robert Edward Holmes, and Mary Hayes Cobbum; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Edward Shelton "Ed" Holmes and expresses its appreciation for the service he rendered his community, State, and nation.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of Edward Shelton "Ed" Holmes for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Edward Shelton "Ed" Holmes.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 181*

State and Local Government Committee Substitute Adopted 4/25/17
House Committee Substitute Favorable 10/4/17

Short Title: Electronic Notice - Guilford County. (Local)

Sponsors:

Referred to:

March 7, 2017

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM AUTHORIZING CERTAIN LOCAL GOVERNMENTS TO PUBLISH REQUIRED NOTICES ELECTRONICALLY AND TO AUTHORIZE GUILFORD COUNTY TO PUBLISH LEGAL NOTICES VIA THE COUNTY-MAINTAINED WEB SITE FOR A FEE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Part 3 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-52.2. Electronic notice for notices required to be published by the board.**

(a) Except as provided in this section, the governing board may adopt an ordinance providing that any notice it is required by law to publish or advertise, whether under G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general law, or under any local act, may be published electronically as provided by this section in lieu of or in addition to the required publication or advertisement. The ordinance may cover all notices required to be published or advertised or a clearly identified category of notices.

(b) Upon adoption of an ordinance under subsection (a) of this section, the governing board shall publish specific instructions as to how to access all notices published electronically under the ordinance adopted pursuant to this section at least once a month for 12 months in a newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.

(c) Any notice published under an ordinance adopted pursuant to subsection (a) of this section shall comply with all of the following:

(1) The notice is published on the Web site of the governing board no later than the time that publication is required under the applicable statute or local act.

(2) The Web site contains, on its main page, links to all notices or a link to another page with links to all notices.

(3) Notices and links to all notices on the Web site shall be maintained on that Web site for at least one year after publication and shall be searchable.

(4) A copy of the notice shall be filed in a notice book maintained separate and apart from the ordinance book or minutes of the governing board. The notice book shall be appropriately indexed and maintained for public inspection in the office of the clerk or in the office of another individual who is an employee of the governing board, as designated in the ordinance adopted pursuant to this section.

(5) A copy of the notice shall be mailed or e-mailed to any person who has filed a written request for notice with the clerk or secretary of the governing board

or with some other person designated by the governing board. The governing board may require each person submitting such a written request for notice to renew that request annually.

(d) Ordinances adopted pursuant to this section may not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property.

(e) The ordinance adopted by the governing board may control notice given by any board appointed by the governing board, including the planning board, board of social services, and board of health.

(f) For purposes of this section, "governing board" means the body elected or appointed as the board of county commissioners, city council, or county board of elections."

SECTION 1.(b) G.S. 160A-1(7) reads as rewritten:

"(7) "Publish," "publication," and other forms of the verb "to publish" mean ~~insertion~~ any of the following:

a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board."

SECTION 1.(c) G.S. 153A-1(6) reads as rewritten:

"(6) "Publish," "publication," and other forms of the verb "to publish" mean ~~insertion~~ any of the following:

a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board."

SECTION 1.(d) G.S. 159-1(b)(5) reads as rewritten:

"(5) "Publish," "publication," and other forms of the word "publish" mean ~~insertion~~ any of the following:

a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by that governing board."

SECTION 1.(e) G.S. 163-33(8) reads as rewritten:

"§ 163-33. Powers and duties of county boards of elections.

The county boards of elections within their respective jurisdictions shall exercise all powers granted to such boards in this Chapter, and they shall perform all the duties imposed upon them by law, which shall include the following:

...

(8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. If the election is on a State bond issue, an amendment to the Constitution, or approval of an act submitted to the voters of the State, the State Board of Elections shall reimburse the county boards of elections for their reasonable additional costs in placing such notices, advertisements, and publications. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation

in the county and by posting a copy of the notice at the courthouse door. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159. The county board may adopt a policy in accordance with G.S. 153A-52.2 to provide for notices, advertisements, and publications to be given electronically."

SECTION 1.(f) This section applies only to Guilford County and any municipality located wholly or partly in Guilford County.

SECTION 1.(g) This section becomes effective December 1, 2017, and applies to notices published on or after that date.

SECTION 2.(a) Article 50 of Chapter 1 of the General Statutes is amended by adding a new section to read:

"**§ 1-602. Publication via county-maintained Web site.**

(a) In lieu of publishing in a newspaper in accordance with this Article, publication of any notice permitted or required by law to be published in a newspaper may be accomplished by contracting with a county who has adopted an ordinance authorizing the county to publish such notice on the county-maintained Web site pursuant to this section. The board of commissioners may adopt an ordinance establishing the county Web site as a central location for publishing or advertising legal notices in accordance with this section, if the county complies with all of the following:

(1) The county maintains its own Web site, with sufficient staff to maintain that Web site.

(2) The county has sufficient staff to complete affidavits as needed for all legal notices as required by subsection (d) of this section.

(3) The county collects and remits fees as provided in subsections (b) and (c) of this section.

(b) The county may charge fees for the administrative costs to the county as follows for such publication:

(1) For foreclosures, except those initiated by that county, no more than four hundred fifty dollars ($450.00).

(2) For other notices, except those by the State or any other political subdivision thereof, no more than one hundred dollars ($100.00).

(3) For notices by the State or any other political subdivision thereof, other than that county, no more than ten dollars ($10.00).

(4) For notices by that county, no fee shall be charged.

(c) Whenever a county has published a notice or any other paper, document, or legal advertisement within the meaning of G.S. 1-597 and a county employee makes a written statement under oath taken before any notary public or other officer or person authorized by law to administer oaths, stating that the county placed such notice, paper, document, or legal advertisement upon its Web site, such sworn written statement shall be received in all courts in this State as prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Web site for the stated period of time. When filed in the office of the clerk of the superior court of that county, any such sworn statement shall be deemed to be a record of the court and such record or a copy thereof duly certified by the clerk shall be prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Web site for the stated period of time.

(d) Notwithstanding G.S. 1-595, when a statute or written instrument stipulates that an advertisement of a sale shall be made for any certain number of weeks, publication via the county Web site in accordance with this section for the number of weeks so indicated is a sufficient compliance with the requirement.

(e) Nothing in this section requires a county to adopt an ordinance authorizing the county to publish notices on a county-maintained Web site."

SECTION 2.(b) This section applies to Guilford County only.

SECTION 2.(c) This section becomes effective December 1, 2017, and applies to notices published on or after that date.

SECTION 3. This act is effective when it becomes law.

House Committee on Rules, Calendar, and Operations of the House
Thursday October 5, 2017

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 7:00 on Thursday, October 5, 2017 in room 1228 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 694 Further Modifications to Appointments (Senator Rabon)

Rep. Torbett moved that the committee reconsider the vote by which a favorable report was once give. The motion carried.

Rep. Torbett moved to place a new proposed committee substitute for the bill. The motion carried.

Rep. Torbett moved for a favorable report on the proposed committee substitute. The motion carried.

The meeting adjourned.

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

SENATE BILL 694
Rules and Operations of the Senate Committee Substitute Adopted 10/4/17

Short Title: Further Modifications to Appointments. (Public)

Sponsors:

Referred to:

October 4, 2017

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE FURTHER MODIFICATIONS TO APPOINTMENTS MADE IN THE 2017 APPOINTMENTS BILLS.

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Senator Tom McInnis of Richmond County and Senator Jim Davis of Macon County are appointed to Virginia-North Carolina High-Speed Rail Compact Commission to serve at the pleasure of the appointing authority.

SECTION 1.2. David W. Jessen of Wake County is appointed to the Ferry Transportation Authority Board of Trustees for a term expiring on June 30, 2018.

SECTION 1.3. William M. Nichols of Wake County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on June 30, 2020.

PART II. SPEAKER'S RECOMMENDATIONS

SECTION 2.1. Effective July 1, 2017, the Honorable Ralph Walker of Guilford County is appointed to the North Carolina Medical Board for a term expiring on June 30, 2020.

SECTION 2.2. Effective July 1, 2017, Bradford T. Smith of Brunswick County is appointed to the Ferry Transportation Authority Board of Trustees for a term expiring on June 30, 2020.

SECTION 2.3. Sheriff Hans J. Miller of Onslow County is appointed to the Domestic Violence Commission for a term expiring on August 31, 2018, to fill the unexpired term of Charles Campbell.

SECTION 2.4.(a) Michael Stone of Lee County is appointed to the North Carolina Oil and Gas Commission for a term expiring on December 31, 2019, to fill the unexpired term of Raymond P. Covington.

SECTION 2.4.(b) Robert Christian "Chris" Reinhardt of Wake County is appointed to the North Carolina Oil and Gas Commission for a term expiring on December 31, 2018, to fill the unexpired term of Dr. Karen Sullivan Glaser.

SECTION 2.5. The Honorable Sherry E. Butler of Catawba County is appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for a term expiring on June 30, 2019, to fill the unexpired term of Donald Keith Branch.

SECTION 2.6. Michael J. Reitz of Chatham County is appointed to the 911 Board for a term expiring on December 31, 2018, to fill the unexpired term of Deputy Chief Dinah Jeffries.

SECTION 2.7. Effective July 1, 2017, Allen Kelly of Wake County is appointed to the North Carolina Code Officials Qualifications Board for a term expiring on June 30, 2021.

PART III. CORRECTIONS

SECTION 3.1. Section 2.9 of S.L. 2011-406 reads as rewritten:

"**SECTION 2.9.** Allen Kelly of Wake County is appointed to the North Carolina Code Officials Qualifications Board for a term expiring on ~~July 1, 2012,~~July 1, 2013, to fill the unexpired term of Donald J. Curtis."

SECTION 3.2. Section 1.10 of S.L. 2012-141 reads as rewritten:

"**SECTION 1.10.(a)** Harry Schrum of Alexander County ~~and Allen Kelly of Wake County are~~is appointed to the North Carolina Code Officials Qualification Board for ~~terms~~ a term expiring on June 30, 2016.

"**SECTION 1.10.(b)** Allen Kelly of Wake County is appointed to the North Carolina Code Officials Qualification Board for a term expiring on June 30, 2017."

SECTION 3.3. Section 2.10 of S.L. 2016-70 reads as rewritten:

"**SECTION 2.10.** James B. Steele of New Hanover County ~~and Allen Kelly of Wake County are~~is appointed to the North Carolina Code Officials Qualifications Board for ~~terms~~ a term expiring on June 30, 2020."

SECTION 3.4. Section 1.33 of S.L. 2017-75, as amended by Section 3.3 of S.L. 2017-201, reads as rewritten:

"**SECTION 1.33.** Effective January 1, 2018, Anita Bachmann of Guilford County, Brian L. McGinnis of Gaston County, Dr. William G. Way, Jr., of Wake County, and ~~Linda~~ Lisa P. Shock of Orange County are appointed to the Board of Directors of the North Carolina Institute of Medicine for terms expiring on December 31, 2021."

SECTION 3.5. Section 1.56 of S.L. 2017-75, as amended by Section 3.4 of S.L. 2017-201, reads as rewritten:

"**SECTION 1.56.** Effective ~~July 1, 2017,~~August 1, 2017, Thomas R. Lawing, Jr., of Mecklenburg County is appointed to the North Carolina Real Estate Commission for a term expiring on ~~June 30, 2020.~~July 31, 2020."

SECTION 3.6. Section 1.58 of S.L. 2017-75, as amended by Section 3.5 of S.L. 2017-201, reads as rewritten:

"**SECTION 1.58.** Effective October 1, 2017, Earl W. Willis, Jr., of Chowan County is appointed to the Board of Directors of Roanoke Island Historical Association, Incorporated, for a term expiring on ~~September 30, 2020.~~September 30, 2018."

SECTION 3.7. Section 2.8 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.8.** Effective ~~January 1, 2017,~~January 1, 2018, Dr. Penney Burlingame Deal of Onslow County, Leonard A. Ellis of Mitchell County, and Keith S. Holtsclaw of Mitchell County are appointed to the North Carolina Institute of Medicine Board of Directors for terms expiring on December 31, 2021."

SECTION 3.8. Section 2.19 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.19.** Effective July 1, 2017, Walter D. Giese of Onslow County and Patrick Johnson of Wake County are appointed to the North Carolina Board for Licensing of Soil Scientists for terms expiring on ~~June 30, 2021.~~June 30, 2020."

SECTION 3.9. Section 2.24(b) of S.L. 2017-75 reads as rewritten:

"**SECTION 2.24.(b)** Effective July 1, 2017, Nada C. Lawrimore of Wilkes County is appointed to the Private Protective Services Board for a term expiring on ~~June 30, 2021.~~June 30, 2020."

SECTION 3.9A. Section 2.27 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.27.** Effective August 1, 2017, ~~Lucina~~ Lucinda S. Chandler of Mecklenburg County is appointed to the North Carolina Real Estate Commission for a term expiring on July 31, 2020."

SECTION 3.10. Section 2.28(b) of S.L. 2017-75 reads as rewritten:

"**SECTION 2.28.(b)** If House Bill 357 of the 2017 Regular Session or substantially similar legislation does not become law, then effective July 1, 2017, Kimberly ~~Isles~~ Iles of Durham County is appointed to the North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2020."

SECTION 3.11. Section 2.50 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.50.** Effective July 1, 2017, Daniel Locklear of Robeson County is appointed to the North Carolina State Commission of Indian Affairs for a term expiring on ~~September 30, 2019.~~June 30, 2019."

SECTION 3.12. Section 2.51 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.51.** Effective July 1, 2017, James P. Tobin of Dare County is appointed to the North Carolina Marine Industrial Park Authority for a term expiring on ~~June 30, 2020.~~June 30, 2019."

SECTION 3.13. Section 2.66 of S.L. 2017-75 reads as rewritten:

"**SECTION 2.66.** Effective upon when this act becomes law, Benjamin J. Curtis of Rockingham County and Ernie L. Coleman of Beaufort County are appointed to the Governor's Crime Commission for terms expiring on ~~February 28, 2020.~~February 28, 2019."

SECTION 3.14. Section 1.1 of S.L. 2017-201 reads as rewritten:

"**SECTION 1.1.** ~~Effective January 1, 2018,~~ James S. Stewart of Hoke County is appointed to the 911 Board for a term expiring on ~~December 31, 2021.~~December 31, 2018."

SECTION 3.15. Section 2.1 of S.L. 2017-201 reads as rewritten:

"**SECTION 2.1.** ~~Effective October 1, 2017,~~ Russell E. Williams of Rowan County is appointed to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors for a term expiring on ~~September 30, 2020.~~September 30, 2018."

SECTION 3.16. Section 2.3 of S.L. 2017-201 reads as rewritten:

"**SECTION 2.3.** Dr. Jennifer W. ~~Olsen~~ Olson of Wake County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on July 1, 2019."

SECTION 3.17. Consistent with G.S. 143B-293.2(a1)(5), the previous appointment of James Womack of Lee County to the North Carolina Oil and Gas Commission is extended from June 30, 2018 to December 31, 2018.

PART IV. EFFECTIVE DATE

SECTION 4. Unless otherwise provided, this act is effective when it becomes law.

House Committee on Rules, Calendar, and Operations of the House
Tuesday, January 10, 2018

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 12:30 on Wednesday, January 10, 2018 in room 544 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 308 Additional Speaker Appointments (Senator J.David)
Proposed committee substitute was introduced by Rep. Lewis. Rep. Torbett moved for a favorable report to the proposed committee substitute, unfavorable as to the original bill. The motion carried.

The meeting adjourned.

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 308
Judiciary Committee Substitute Adopted 4/4/17
House Committee Substitute Favorable 1/10/18

Short Title: Additional Speaker Appointments. (Public)

Sponsors:

Referred to:

March 20, 2017

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO CORRECT A TERM IN THE 2017 APPOINTMENTS BILL.

The General Assembly of North Carolina enacts:

SECTION 1. Haywood Edwin White III of New Hanover County is appointed to the Board of Trustees of the University of North Carolina at Wilmington for a term expiring on June 30, 2019, to fill the unexpired term of Christopher J. Leonard.

SECTION 2. Harvey "Keith" Purvis of Pitt County is appointed to the North Carolina Agriculture Finance Authority for a term expiring on June 30, 2019, to fill the unexpired term of Anthony L. Gordon.

SECTION 3. Heather S. VunCannon of Randolph County is appointed to the Charter School Advisory for a term expiring on June 30, 2019, to fill the unexpired term of Anthony Helton.

SECTION 4. Frank A. Stewart of Gaston County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2018, to fill the unexpired term of Daniel L. Gurley.

SECTION 5. Susan D. Neeley of Gaston County is appointed to the North Carolina Institute of Medicine for a term expiring January 1, 2020, to fill the unexpired term of Kevin Sowers.

SECTION 6. Section 2.2 of S.L. 2017-213 reads as rewritten:

"**SECTION 2.2.** Effective July 1, 2017, Bradford T. Smith of Brunswick County is appointed to the Ferry Transportation Authority Board of Trustees for a term expiring on ~~June 30, 2020.~~June 30, 2018."

SECTION 7. This act is effective when it becomes law.

House Committee on Rules, Calendar, and Operations of the House
Friday, June 1, 2018

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 10:00 on Friday, June 1, 2018 in room 1228 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 757 Various Court District Changes (Senator Bishop)
A proposed committee substitute was introduced. A motion for a favorable report to the proposed committee substitute was made, unfavorable as to the original bill. The motion carried.

HB 1037 Various Judicial District Changes (Rep. Dixon)
A proposed committee substitute was introduced. A motion for a favorable report to the proposed committee substitute was made, unfavorable as to the original bill. The motion carried.

The meeting adjourned.

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Friday, June 01, 2018 11:33 AM
To: Sen. Jeff Tarte; Sen. Dan Bishop
Cc: Jan Copeland (Sen. Jeff Tarte); John Wynne (Sen. Dan Bishop)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Friday, June 01, 2018 at 3:00 PM
Attachments: Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Friday, June 1, 2018
TIME: **3:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **The Committee will also be hearing HB 1037 Superior Court District 4**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 757	Mecklenburg Court Districts Fairness Act.	Senator Bishop Senator Tarte

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:31 AM on Friday, June 01, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From:	Neal Inman (Rep. David Lewis)
Sent:	Friday, June 01, 2018 03:02 PM
To:	Sen. Jeff Tarte; Sen. Dan Bishop; Rep. George Cleveland; Rep. Jimmy Dixon; Rep. Phil Shepard
Cc:	Jan Copeland (Sen. Jeff Tarte); John Wynne (Sen. Dan Bishop); Pamela Ahlin (Rep. George Cleveland); Michael Wiggins (Rep. Jimmy Dixon); Pamela Pate (Rep. Phil Shepard)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Friday, June 01, 2018 at 3:30 PM - UPDATED #1
Attachments:	Add Meeting to Calendar_LINC_.ics

Updated #1: HB 1037 has been added to the agenda. The meeting has been moved to 3:30.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Friday, June 1, 2018
TIME: **3:30 PM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 757	Mecklenburg Court Districts Fairness Act.	Senator Bishop Senator Tarte
HB 1037	Superior Court District 4.	Representative Dixon Representative Cleveland Representative Shepard

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:01 PM on Friday, June 01, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Ann Luck (House Legislative Assistant Director)

From: Mark Coggins (Rep. David Lewis)
Sent: Tuesday, December 04, 2018 02:12 PM
To: Sen. Harry Brown
Cc: Kolt Ulm (Sen. Harry Brown); Sally-Ann Gupta (Sen. Harry Brown); Lorie Byrd (Sen. Harry Brown)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, December 04, 2018 at 4:00 PM
Attachments: Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, December 4, 2018
TIME: **4:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **There will be a PCS for SB 469 sent to the committee shortly**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 469	Amend Environmental Laws - 4.	Senator Brown

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:11 PM on Tuesday, December 04, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Friday, June 1, 2018, 3:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 757	Various Court Districts Changes.	Senator Bishop Senator Tarte

Presentations

Other Business

Adjournment

House Committee on Rules, Calendar, and Operations of the House
Friday, June 1, 2018, 3:30 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 757	Various Court Districts Changes.	Senator Bishop Senator Tarte
HB 1037	Various Judicial Districts Changes.	Representative Dixon Representative Cleveland Representative Shepard

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **1037** Superior Court District 4.

Draft Number:	H1037-PCS30488-BK-40
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **757 (CS#1)** Mecklenburg Court Districts Fairness Act.

Draft Number:	S757-PCS15300-ST-54
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 2



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-14
SENATE BILL 757

AN ACT TO MAKE VARIOUS CHANGES TO THE SUPERIOR COURT DISTRICTS, DISTRICT COURT DISTRICTS, AND PROSECUTORIAL DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-41 reads as rewritten:

"**§ 7A-41. Superior court divisions and districts; judges.**

(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, ~~part of~~ Pender see subsection (b))	1
Second	5B	(part of New Hanover, ~~part of Pender~~ see subsection (b))	1
Second	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson,	1

		part of Edgecombe, see subsection (b))	
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Person, Vance, Warren	2
Third	10A	(part of Wake, see subsection (b))	1
Third	10B	(part of Wake, see subsection (b))	2
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13A	Bladen, Columbus	1
Fourth	13B	Brunswick	1
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Anson, Richmond, Scotland, Hoke	2
Fourth	16B	Robeson	2
Fifth	17A	Caswell, Rockingham	3
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1

Fifth	19B	Montgomery, Randolph	1
Sixth	19C	Rowan	1
Fourth	19D	Moore	1
Sixth	20A	Stanly	1
Sixth	20B	Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22A	Alexander, Iredell	2
Sixth	22B	Davidson, Davie	2
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	~~2~~1
Seventh	26B	(part of Mecklenburg, see subsection (b))	~~3~~1
Seventh	26C	(part of Mecklenburg, see subsection (b))	~~2~~1
Seventh	26D	(part of Mecklenburg, see subsection (b))	1
Seventh	26E	(part of Mecklenburg, see subsection (b))	1
Seventh	26F	(part of Mecklenburg, see subsection (b))	1
Seventh	26G	(part of Mecklenburg, see subsection (b))	1
Seventh	26H	(part of Mecklenburg, see subsection (b))	1
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29A	McDowell, Rutherford	1
Eighth	29B	Henderson, Polk, Transylvania	1
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1.

(b) For superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

(1) ~~District 5A: New Hanover County: VTD: CF01, VTD: CF02, VTD: H01, VTD: H04, VTD: H06, VTD: H07: Block(s) 1290116072000, 1290116072001, 1290116072002, 1290116072003, 1290116072004, 1290116072005, 1290116072006, 1290116072007, 1290116072008, 1290116072009, 1290116072010, 1290116072011, 1290116072012, 1290116072013, 1290116072014, 1290116072015, 1290116072016, 1290116072017, 1290116072018, 1290116072019, 1290116072020, 1290116072021, 1290116072022, 1290116073000, 1290116073001, 1290116073002, 1290116073003, 1290116073004, 1290116073005, 1290116073006, 1290116073007, 1290116073008, 1290116073009, 1290116073010, 1290116073012, 1290116073013, 1290116073014, 1290116073016, 1290116073017, 1290116073018, 1290116073019, 1290116073020, 1290116073021, 1290116073022, 1290116073023, 1290116073024, 1290116073025, 1290116073026, 1290116073027, 1290116073028, 1290116073029, 1290116073030, 1290116073031, 1290116073032, 1290116073033, 1290116073034, 1290116073035, 1290116073036, 1290116073037, 1290116073038, 1290116073039, 1290116073040, 1290116073041, 1290116073042, 1290116073043, 1290116073044, 1290116073045, 1290116073046, 1290116073047, 1290116073048, 1290116073049, 1290116073050, 1290116081021, 1290116081022, 1290116081023, 1290116081024, 1290116081025, 1290116081026, 1290116081027, 1290116081028, 1290116081029, 1290116081030, 1290116081031, 1290116081032, 1290116081033, 1290116081034, 1290116081035, 1290116081036, 1290116081037, 1290116081038, 1290116081039, 1290116081040, 1290116081041, 1290116081042, 1290116081049; VTD: W03, VTD: W08, VTD: W15, VTD: W25, VTD: W26, VTD: W27, VTD: W29; Pender County: VTD: CL05, VTD: CS04, VTD: CT03, VTD: GR06, VTD: UH08, VTD: UU17. It has one judge.~~

District 5A: New Hanover County: VTD CF01, VTD CF02, VTD CF03, VTD H01, VTD W25, VTD W27; Pender County. It has one judge.

(2) ~~District 5B: New Hanover County: VTD: CF03, VTD: H02, VTD: H03: Block(s) 1290119024001, 1290119024002, 1290119024003, 1290119024005, 1290119024008, 1290119024009, 1290119024010, 1290119035012, 1290119035013, 1290119035016, 1290119042006, 1290119042007, 1290119042008, 1290119042009, 1290119042010, 1290119042011, 1290119042012, 1290119042013, 1290119042014, 1290119042015, 1290119042016, 1290119042017, 1290119042018, 1290119042019, 1290119042020, 1290119042021, 1290119042022, 1290119042023, 1290119042024, 1290119042025, 1290119042027, 1290119042028, 1290119042029, 1290119042030, 1290119042031, 1290119042032, 1290119042033, 1290119042034, 1290119042035, 1290119042036, 1290119042037, 1290119042038, 1290119042039, 1290120013000, 1290120013001, 1290120013002, 1290120013003, 1290120013004, 1290120013005, 1290120013006, 1290120013007, 1290120013008, 1290120013009, 1290120013010, 1290120013011, 1290120013012, 1290120013013, 1290120013014, 1290120013015, 1290120013016; VTD: H05, VTD: H07: Block(s) 1290116071000, 1290116071001, 1290116071002, 1290116071003, 1290116071004, 1290116071005, 1290116071006, 1290116071007, 1290116071009, 1290116071010, 1290116071011, 1290116071012, 1290116071013,~~

~~1290116071014, 1290116071015, 1290116071016, 1290116071017, 1290116071018, 1290116071019, 1290116071020, 1290116071021, 1290116071022, 1290116071023, 1290116071024, 1290116071025, 1290116073015, 1290116081046, 1290116082017, 1290116082018, 1290116082019, 1290116082020, 1290116082021, 1290116082022, 1290116082023, 1290116082024, 1290116082026, 1290116082027, 1290116082028, 1290116082029, 1290116082030, 1290116082031, 1290116082032, 1290116082033, 1290116082058, 1290116082060, 1290116082079, 1290116082081, 1290116082082, 1290116082084, 1290116082085, 1290116082086, 1290116082087, 1290116082088, 1290116082090, 1290116083001, 1290116083002, 1290116083010; VTD: H08, VTD: H09, VTD: W12, VTD: W13, VTD: W24, VTD: W28, VTD: W31: Block(s) 1290104003015, 1290104003018, 1290104003019, 1290104003020, 1290104003021, 1290104003027, 1290104003028, 1290104003029, 1290104003030, 1290104003031, 1290104003032, 1290104003033, 1290104003034, 1290104003035, 1290104003036, 1290104003037, 1290104003038, 1290104003039, 1290104003040, 1290104003041, 1290104003042, 1290104003043, 1290106001000, 1290106001001, 1290106001002, 1290106001003, 1290106001004, 1290106001005, 1290106001006, 1290106001007, 1290106001008, 1290106001009, 1290106001010, 1290106001011, 1290106001012, 1290106001013, 1290106001014, 1290106001015, 1290106001016, 1290106001017, 1290106001018, 1290106001019, 1290106001020, 1290106001021, 1290106001022, 1290106001023, 1290106001024, 1290106001025, 1290106001026, 1290106002000, 1290106002001, 1290106002002, 1290106002003, 1290106002004, 1290106002005, 1290106002006, 1290106002007, 1290106002008, 1290106002009, 1290106002010, 1290106002011, 1290106002012, 1290106002013, 1290106002014, 1290106002015, 1290106002016, 1290106002017, 1290106002018, 1290106002019, 1290106002020, 1290106002021, 1290106002022, 1290106002023, 1290106002024, 1290106002025, 1290106002026, 1290106002027, 1290106002028, 1290106002029, 1290106002030, 1290106002031, 1290106002032, 1290106002033, 1290106002034, 1290106002035, 1290106002036, 1290106002037, 1290106002038, 1290106002039, 1290106002040, 1290106002041, 1290106002042, 1290106002043, 1290106002044, 1290106002045, 1290106002046, 1290106002047, 1290106002048, 1290106002049, 1290106002050, 1290106002051, 1290106002052, 1290106002053, 1290106002054, 1290107001021, 1290107001032, 1290107001036, 1290107001037, 1290107002000, 1290107002017, 1290107002018; VTD: WB; Pender County: VTD: CF11, VTD: LC09, VTD: LT18, VTD: LU16, VTD: MH07, VTD: MT19, VTD: NB01, VTD: PL10, VTD: RP20, VTD: SB02, VTD: SC13, VTD: SH12, VTD: SP15, VTD: UT14. It has one judge.~~
District 5B: New Hanover County: VTD H02, VTD H03, VTD H04, VTD H05, VTD H06, VTD H07, VTD H08, VTD H09, VTD M02, VTD M05, VTD W13, VTD W18, VTD W24, VTD W28, VTD WB. It has one judge.

(3) ~~District 5C: New Hanover County: VTD: FP01, VTD: FP02, VTD: FP03, VTD: FP04, VTD: FP05, VTD: H03: Block(s) 1290118001000, 1290119023000, 1290119023001, 1290119023002, 1290119023003, 1290119023004, 1290119023005, 1290119023006, 1290119023019, 1290119023020, 1290119023023, 1290119023024, 1290119023025,~~

~~1290119023026, 1290119023027, 1290119023028, 1290119023029, 1290119023030, 1290119023031, 1290119023032, 1290119023033, 1290119023034, 1290119023035, 1290119023036, 1290119024000, 1290119024006, 1290119024007, 1290120012000, 1290120012001, 1290120012002, 1290120012003, 1290120012004, 1290120012005, 1290120012006, 1290120012007, 1290120012008, 1290120012009, 1290120012010, 1290120012011, 1290120012012, 1290120012013, 1290120012014, 1290120012015, 1290120012016, 1290120012017, 1290120012018, 1290120012019, 1290120012020, 1290120012021, 1290120012022, 1290120012023, 1290120012034, 1290120012035, 1290120012036, 1290120012037, 1290120013017, 1290120013018, 1290120013019, 1290120013020, 1290120013021, 1290120013022, 1290120013023, 1290120013024, 1290120013025, 1290120013026, 1290120013027, 1290120013028, 1290120013029, 1290120013030, 1290120013031, 1290120013032, 1290120013033, 1290120013034, 1290120013035, 1290120013036, 1290120013037, 1290120013038, 1290120013039, 1290120014000, 1290120014001, 1290120014002, 1290120014003, 1290120014004, 1290120014005, 1290120014013, 1290120014014, 1290120014015, 1290120014016, 1290120014017, 1290120014018, 1290120014019, 1290120014020, 1290120014021, 1290120014022, 1290120014023, 1290120014024; VTD: M02, VTD: M03, VTD: M04, VTD: M05, VTD: W16, VTD: W17, VTD: W18, VTD: W21, VTD: W30, VTD: W31: Block(s) 1290105023010, 1290105023020, 1290105023021, 1290105023022, 1290105023023, 1290105023024, 1290105023025, 1290105023026, 1290105023027, 1290105023028, 1290105023029, 1290105023030, 1290105023031, 1290105023032, 1290105023033, 1290105023034, 1290105023035, 1290105024024, 1290105024025, 1290105024026, 1290105024032, 1290105024033, 1290105024034, 1290105024035, 1290106003000, 1290106003001, 1290106003002, 1290106003003, 1290106003004, 1290106003005, 1290106003006, 1290106003007, 1290106003008, 1290106003009, 1290106003010, 1290106003011, 1290106003012, 1290106003013, 1290106003014, 1290106003015, 1290106003016, 1290106003017, 1290106003018, 1290106003019, 1290106003020, 1290106003021, 1290106003022, 1290106003023, 1290106003024, 1290106003025, 1290106003026, 1290106003027, 1290106003028, 1290106003029, 1290106003030, 1290106003031, 1290106003032, 1290106003033, 1290106003034, 1290106003035, 1290106003036, 1290106003037, 1290106003038, 1290106003039, 1290106003040, 1290106003041, 1290106003042, 1290106003043, 1290106003044, 1290106003045, 1290106003046, 1290106003047, 1290106003048, 1290106003049, 1290106003050, 1290106003051, 1290106003052, 1290106003053, 1290106003054, 1290106003055, 1290106003056. It has one judge.~~
District 5C: New Hanover County: VTD FP01, VTD FP02, VTD FP03, VTD FP04, VTD FP05, VTD M03, VTD M04, VTD W03, VTD W08, VTD W12, VTD W15, VTD W16, VTD W17, VTD W21, VTD W26, VTD W29, VTD W30, VTD W31. It has one judge.

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(26) ~~District 26A: Mecklenburg County: VTD: 011, VTD: 012, VTD: 013, VTD: 014, VTD: 015, VTD: 016, VTD: 022, VTD: 023, VTD: 024, VTD: 025, VTD: 026, VTD: 027, VTD: 031, VTD: 033, VTD: 039: Block(s)~~

~~1190039021000, 1190039021001, 1190039021002, 1190039021003, 1190039021004, 1190039021005, 1190039021006, 1190039021007, 1190039021008, 1190039021009, 1190039021010, 1190039021011, 1190039021012, 1190039021013, 1190039021014, 1190039021015, 1190039021016, 1190039021017, 1190039021018, 1190039021019, 1190039021020, 1190039021021, 1190039022008, 1190039022014, 1190039022015, 1190039022016, 1190039024000, 1190039024001, 1190039024002, 1190039024003, 1190039024004, 1190039024005, 1190039024006, 1190039024007, 1190039024008, 1190039024009, 1190039024013, 1190039024014, 1190039024015, 1190039024016, 1190039024017, 1190039024018, 1190039024019, 1190039031002, 1190039031003, 1190039031004, 1190039031009, 1190039031010, 1190039032000, 1190039032001, 1190039032002, 1190039032003, 1190039032004, 1190039032005, 1190039032006, 1190039032007, 1190039032008, 1190039032009, 1190039032010, 1190039032011, 1190039032012, 1190039032013, 1190039032014, 1190039032015, 1190039032016, 1190039032017, 1190039032018, 1190039032019, 1199801001000, 1199801001001, 1199801001002, 1199801001003, 1199801001004, 1199801001005, 1199801001006, 1199801001007, 1199801001008, 1199801001009, 1199801001010, 1199801001011, 1199801001012, 1199801001013, 1199801001014, 1199801001015, 1199801001016, 1199801001017, 1199801001018, 1199801001019, 1199801001020, 1199801001021, 1199801001035, 1199801001036, 1199801001042, 1199801001043, 1199801001044, 1199801001045, 1199801001046; VTD: 041, VTD: 042, VTD: 046, VTD: 052, VTD: 054, VTD: 055, VTD: 056, VTD: 058, VTD: 060, VTD: 077: Block(s) 1190038072004, 1190038072005, 1190038072007, 1190038072008, 1190038072009, 1190038072010, 1190038072011, 1190038072012, 1190038072013, 1190038072014, 1190038072015, 1190038072016, 1190038072017, 1190038082014, 1190058241000, 1190058241001, 1190058241002, 1190058241003, 1190058241004, 1190058241005, 1190058241006, 1190058241007, 1190058241008, 1190058241009, 1190058241010, 1190058241011, 1190058241012, 1190058241013, 1190058241014, 1190058241015, 1190058241016, 1190058241017, 1190058241018, 1190058241019, 1190058241020, 1190058241021, 1190058241022, 1190058241026, 1190058241046, 1190058241047, 1190058241048, 1190058241049, 1190059162000, 1190059162001, 1190059162002, 1190059162003, 1190059162004, 1190059162005, 1190059162006, 1190059162007, 1190059162008, 1190059162009, 1190059162010, 1190059162011, 1190059162012, 1190059162013, 1190059162014, 1190059162015, 1190059162016, 1190059162017, 1190059162018, 1190059162019, 1190059162020, 1190059162021, 1190059162022, 1190059162023; VTD: 078.1: 1190038022014, 1190038022022, 1190038022023, 1190038022024, 1190038022025, 1190038051005, 1190038051006, 1190038051007, 1190038051012, 1190038051013, 1190038051014, 1190038051018, 1190038051019, 1190038051020, 1190038051027, 1190038051028, 1190038051029, 1190038051030, 1190038051036, 1190038051037, 1190038051038, 1190038064000, 1190038064001, 1190038064002, 1190038064003, 1190038064004, 1190038064005, 1190038064006, 1190038064007, 1190038064008, 1190038064009, 1190038064010, 1190038064011,~~

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District 26A: Mecklenburg County: VTD 001, VTD 008, VTD 018, VTD 019, VTD 032, VTD 035, VTD 036, VTD 047, VTD 048, VTD 057, VTD 067, VTD 069, VTD 071, VTD 074, VTD 091, VTD 096, VTD 103, VTD 106, VTD 113, VTD 119, VTD 136, VTD 215, VTD 216, VTD 217, VTD 218, VTD 219, VTD 220, VTD 221, VTD 233, VTD 234, VTD 236. It has one judge.

(27) ~~District 26B: Mecklenburg County: VTD: 001, VTD: 002, VTD: 003, VTD: 004, VTD: 005, VTD: 006, VTD: 007, VTD: 008, VTD: 009, VTD: 010, VTD: 017, VTD: 018, VTD: 020, VTD: 021, VTD: 028, VTD: 029, VTD: 030, VTD: 032, VTD: 034, VTD: 035, VTD: 036, VTD: 037, VTD: 038, VTD: 043, VTD: 044, VTD: 045, VTD: 047, VTD: 051, VTD: 061, VTD: 062, VTD: 063, VTD: 065, VTD: 066, VTD: 067, VTD: 068, VTD: 069, VTD: 070: Block(s) 1190030072011, 1190030072012, 1190030072020; VTD: 071, VTD: 074, VTD: 083, VTD: 084, VTD: 086, VTD: 087: Block(s) 1190058292006, 1190058292007, 1190058292008; VTD: 093, VTD: 094, VTD: 095, VTD: 100: Block(s) 1190030171000, 1190030171001, 1190030171002, 1190030171003, 1190030181000, 1190030181001, 1190030181002, 1190030181003, 1190030181004, 1190030181005, 1190030181006, 1190030181008, 1190030181009, 1190030181010, 1190030181011, 1190030181013, 1190030181014, 1190030181015, 1190030181018, 1190030181019; VTD: 101, VTD: 103: Block(s) 1190030151005, 1190030151010, 1190030152000, 1190030152001, 1190030152002, 1190030152003, 1190030152004, 1190030152005, 1190030152006, 1190030152007, 1190030152008, 1190030152009, 1190030152010, 1190030152011, 1190030152012, 1190030153000, 1190030153001, 1190030153002, 1190030153004, 1190030153005, 1190030153006, 1190030153007, 1190030153008, 1190030153010, 1190030153011; VTD: 104: 1190015071000, 1190015071005, 1190015072000, 1190015072001, 1190015072002, 1190015072003, 1190015072004, 1190015073000, 1190015073001, 1190015073002, 1190015073003, 1190015073004, 1190015073005, 1190015073013, 1190015073014; VTD: 105, VTD: 106, VTD: 107.1, VTD: 108, VTD: 109: Block(s) 1190011001009, 1190011001010, 1190011001011, 1190011001012, 1190011001013, 1190011001014, 1190011001020, 1190011001021, 1190011001022, 1190011001024, 1190011002000, 1190011002001, 1190011002002, 1190011002003, 1190011002004, 1190011002005, 1190011002006, 1190011002007, 1190011002008, 1190011002009, 1190011002010, 1190011002011, 1190011002012, 1190011002013, 1190011002014, 1190011002017, 1190011002018, 1190011002019, 1190011002020, 1190011002021, 1190011002022, 1190011002023, 1190011002024, 1190011002025, 1190011002028, 1190025001000, 1190025001001, 1190025001002, 1190025001003, 1190025001004, 1190025001005, 1190025001006, 1190025001007, 1190025001008, 1190025001009, 1190025001010, 1190025001011, 1190025001012, 1190025002000, 1190025002001, 1190025002013, 1190025002014, 1190025002015, 1190025002016, 1190025002017, 1190025002018, 1190025002023, 1190025002024, 1190025002025, 1190025002026, 1190025002033, 1190025002034, 1190025002035, 1190025002036, 1190025002037, 1190025002038, 1190025002039, 1190025002040, 1190025002044, 1190025002045; VTD: 115, VTD: 116, VTD: 123, VTD: 124, VTD: 125, VTD: 126: Block(s) 1190055241001, 1190055241002, 1190055241003, 1190055241004, 1190055241005, 1190055241006, 1190055241007, 1190055243001, 1190055243002, 1190055243004, 1190055243006, 1190055243012, 1190055244000, 1190055244001, 1190055244002, 1190055244003, 1190055244004, 1190055244006, 1190055244007, 1190055245000, 1190055245001, 1190055245002, 1190055245003, 1190055245004, 1190055245005,~~

~~1190055245006, 1190055245007, 1190055245008, 1190055245009, 1190055245010, 1190055245011, 1190055245012, 1190055245013, 1190055245014, 1190055245015, 1190055245016, 1190055245017, 1190055245018, 1190055245019, 1190055245020, 1190055245021, 1190055245023, 1190055245024, 1190055245025, 1190055245026, 1190055245027, 1190055245028, 1190055245030, 1190055245031, 1190055245032, 1190055245033, 1190055245034, 1190055245035, 1190055245036; VTD: 128, VTD: 130, VTD: 141, VTD: 145, VTD: 146, VTD: 149, VTD: 151, VTD: 203, VTD: 204.1, VTD: 205, VTD: 212, VTD: 214, VTD: 217: Block(s) 1190030153003, 1190030153009; VTD: 237, VTD: 238.1, VTD: 239. It has three judges.~~

District 26B: Mecklenburg County: VTD 070, VTD 072, VTD 073, VTD 075, VTD 076, VTD 086, VTD 087, VTD 088, VTD 090, VTD 092, VTD 093, VTD 100, VTD 101, VTD 110, VTD 111, VTD 112, VTD 114, VTD 118, VTD 121, VTD 131, VTD 137, VTD 139.1, VTD 140, VTD 144, VTD 226, VTD 227, VTD 232. It has one judge.

(28) ~~District 26C: Mecklenburg County: VTD: 019, VTD: 039: Block(s) 1190039024010, 1190039031000, 1190039031001, 1190039031005, 1190039031006, 1190039031007, 1190039031008, 1190039031011, 1190039031012, 1190039031013, 1190039031014, 1190039031015, 1190039031016, 1190039031017; VTD: 040, VTD: 048, VTD: 049, VTD: 050, VTD: 053, VTD: 057, VTD: 059, VTD: 064, VTD: 070: Block(s) 1190029041000, 1190029041001, 1190029041002, 1190029041003, 1190029041004, 1190029041005, 1190029041006, 1190029041007, 1190029041008, 1190029041009, 1190029041010, 1190029041011, 1190029044002, 1190030072000, 1190030072001, 1190030072002, 1190030072003, 1190030072013, 1190030072014, 1190030072015; VTD: 072, VTD: 073, VTD: 075, VTD: 076, VTD: 077: Block(s) 1190058241024, 1190058241025; VTD: 078.1: 1190038051000, 1190038051001, 1190038051002, 1190038051003, 1190038051004, 1190038051008, 1190038051009, 1190038051010, 1190038051011, 1190038051015, 1190038051016, 1190038051017, 1190038051021, 1190038051022, 1190038051023, 1190038051024, 1190038051025, 1190038051026, 1190039024011, 1190039024012; VTD: 079, VTD: 080, VTD: 081, VTD: 085, VTD: 087: Block(s) 1190058261012, 1190058261014, 1190058261015, 1190058261016, 1190058261017, 1190058261018, 1190058261019, 1190058261020, 1190058262000, 1190058262001, 1190058262002, 1190058262003, 1190058262004, 1190058262005, 1190058262006, 1190058262007, 1190058262008, 1190058262009, 1190058262010, 1190058262011, 1190058262012, 1190058262013, 1190058262014, 1190058262015, 1190058262016, 1190058262017, 1190058262018, 1190058262019, 1190058262020, 1190058262021, 1190058262022, 1190058262024, 1190058262025, 1190058301000, 1190058301001, 1190058301002, 1190058301003, 1190058301004, 1190058301005, 1190058301006, 1190058301007, 1190058301008, 1190058301009, 1190058302014, 1190058302015, 1190058302016, 1190058371021, 1190058371022; VTD: 088, VTD: 089, VTD: 090, VTD: 091, VTD: 092, VTD: 096, VTD: 097: Block(s) 1190058241052, 1190058291008; VTD: 099, VTD: 100: Block(s) 1190030171004, 1190030171005, 1190030171006, 1190030171007, 1190030171008, 1190030171009, 1190030171010, 1190030172000, 1190030172013, 1190030172014, 1190030181007,~~

~~1190030181012, 1190030181016, 1190030181017, 1190030181020, 1190030181021, 1190030181022; VTD: 102, VTD: 103: Block(s) 1190030151000, 1190030151001, 1190030151002, 1190030151003, 1190030151004, 1190030151006, 1190030151007, 1190030151008, 1190030151009, 1190030151011, 1190030151012; VTD: 110, VTD: 111, VTD: 112, VTD: 113, VTD: 114, VTD: 117, VTD: 118, VTD: 119, VTD: 121, VTD: 122, VTD: 127, VTD: 129, VTD: 131, VTD: 133, VTD: 134, VTD: 135, VTD: 136, VTD: 137, VTD: 138, VTD: 139.1, VTD: 140, VTD: 142, VTD: 143, VTD: 144, VTD: 147: Block(s) 1190038051031, 1190038051032, 1190038051033, 1190038051034, 1190038051035, 1190038061001, 1190038061002, 1190038061003, 1190038061004, 1190038061005, 1190038061006; VTD: 148, VTD: 150, VTD: 200: Block(s) 1190059061032, 1190059061033, 1190059061034, 1190059061035, 1190059061036, 1190059061037, 1190059061038, 1190059061039, 1190059061040, 1190059061041, 1190059061042, 1190059061043, 1190059061044, 1190059061045, 1190059061046, 1190059061047, 1190059061048, 1190059061049, 1190059061050, 1190059061051, 1190059061052, 1190059061053, 1190059061054, 1190059061055, 1190059061056, 1190059061057, 1190059061058, 1190059061059, 1190059061060, 1190059061061, 1190059061062, 1190059061063, 1190059061064, 1190059061065, 1190059061066, 1190059061067, 1190059061068, 1190059061069, 1190059061070, 1190059061071, 1190059061072, 1190059061073, 1190059061074, 1190059061075, 1190059061076, 1190059061077, 1190059061078, 1190059061079, 1190059061080, 1190059061081, 1190059061082, 1190059061083, 1190059061084, 1190059061085, 1190059061086, 1190059061087, 1190059061088, 1190059061089, 1190059061090, 1190059062014, 1190059062024, 1190059062025, 1190059062026, 1190059062027, 1190059062028, 1190059062029, 1190059062030, 1190059062037, 1190059062038, 1190059062039, 1190059063000, 1190059063001, 1190059063002, 1190059063003, 1190059063004, 1190059063005, 1190059063006, 1190059063007, 1190059063008, 1190059063009, 1190059063010, 1190059063011, 1190059063012, 1190059063013, 1190059063014, 1190059063015, 1190059063016, 1190059063017, 1190059063018, 1190059063019, 1190059063020, 1190059063021, 1190059063022, 1190059063023, 1190059063024, 1190059063025, 1190059063026, 1190059063027, 1190059063028, 1190059063029, 1190059063030, 1190059063031, 1190059063032, 1190059064000, 1190059064001, 1190059064002, 1190059064003, 1190059064004, 1190059064005, 1190059064006, 1190059064007, 1190059064008, 1190059064009, 1190059064010, 1190059064011, 1190059064012, 1190059064013, 1190059064014, 1190059064015, 1190059064016, 1190059064017, 1190059064018, 1190059064019, 1190059064020, 1190059064021, 1190059064022, 1190059064023, 1190059064024, 1190059064025, 1190059064026, 1190059064027, 1190059064028, 1190059064029, 1190059064030, 1190059064031, 1190059064032, 1190059064033, 1190059064034, 1190059064035, 1190059064036, 1199801001022, 1199801001023, 1199801001025, 1199801001026, 1199801001027, 1199801001028, 1199801001029, 1199801001030, 1199801001031, 1199801001032, 1199801001034, 1199801001037, 1199801001038, 1199801001039, 1199801001040, 1199801001041; VTD:~~

~~201, VTD: 202, VTD: 206, VTD: 207, VTD: 208, VTD: 209, VTD: 211, VTD: 213: Block(s) 1190054011000, 1190054011001, 1190054011002, 1190054011003, 1190054011004, 1190054011005, 1190054011006, 1190054011007, 1190054011008, 1190054011009, 1190054011010, 1190054011011, 1190054011012, 1190054011013, 1190054011014, 1190054011015, 1190054011016, 1190054011017, 1190054011018, 1190054011019, 1190054011020, 1190054011021, 1190054011022, 1190054011023, 1190054011024, 1190054011025, 1190054011026, 1190054011027, 1190054011028, 1190054011029, 1190054011030, 1190054011031, 1190054011035, 1190054011036, 1190054011037, 1190054031001, 1190054031002, 1190054031003, 1190054031004, 1190054031005, 1190054031006, 1190054031008, 1190054031009, 1190054031010, 1190054031011, 1190054031012, 1190054031023, 1190054032000, 1190054032001, 1190054032002, 1190054032003, 1190054032004, 1190054032005, 1190054032007, 1190054032009; VTD: 215, VTD: 216, VTD: 217: Block(s) 1190058121002, 1190058121003, 1190058121005, 1190058121006, 1190058121007, 1190058121008, 1190058121009, 1190058121010, 1190058121011, 1190058121012, 1190058121016, 1190058121017, 1190058121018, 1190058121019, 1190058122008, 1190058122009, 1190058122010, 1190058122011, 1190058122012, 1190058122013, 1190058122014, 1190058122018, 1190058122019, 1190058122020, 1190058122021, 1190058122022, 1190058122023, 1190058122024, 1190058122025, 1190058122026, 1190058122027, 1190058122028, 1190058122029, 1190058122030, 1190058122031, 1190058122032, 1190058122033, 1190058122034, 1190058122035, 1190058122036, 1190058122037, 1190058122038, 1190058122039, 1190058122040, 1190058122041, 1190058122042, 1190058122043, 1190058333000, 1190058333001, 1190058333002; VTD: 218, VTD: 219, VTD: 220, VTD: 221, VTD: 222, VTD: 223.1, VTD: 224, VTD: 225, VTD: 226, VTD: 227, VTD: 228, VTD: 229, VTD: 230, VTD: 231, VTD: 232, VTD: 233, VTD: 234, VTD: 235, VTD: 236, VTD: 240, VTD: 241, VTD: 242, VTD: 243. It has two judges.~~

District 26C: Mecklenburg County: VTD 127, VTD 133, VTD 134, VTD 142, VTD 143, VTD 150, VTD 151, VTD 202, VTD 206, VTD 207, VTD 208, VTD 209, VTD 223.1, VTD 224, VTD 240, VTD 241, VTD 242. It has one judge.

(29) District 26D: Mecklenburg County: VTD 037, VTD 038, VTD 049, VTD 050, VTD 051, VTD 058, VTD 059, VTD 077, VTD 097, VTD 098, VTD 120, VTD 122, VTD 129, VTD 138, VTD 147, VTD 148, VTD 225, VTD 228, VTD 229, VTD 230, VTD 231, VTD 243. It has one judge.

(30) District 26E: Mecklenburg County: VTD 002, VTD 005, VTD 007, VTD 009, VTD 010, VTD 012, VTD 013, VTD 014, VTD 016, VTD 017, VTD 020, VTD 021, VTD 022, VTD 023, VTD 024, VTD 025, VTD 029, VTD 031, VTD 039, VTD 040, VTD 041, VTD 046, VTD 052, VTD 053, VTD 078.1, VTD 079, VTD 080, VTD 081, VTD 109, VTD 200. It has one judge.

(31) District 26F: Mecklenburg County: VTD 011, VTD 015, VTD 026, VTD 027, VTD 028, VTD 030, VTD 042, VTD 044, VTD 054, VTD 055, VTD 056, VTD 082, VTD 089, VTD 128, VTD 135, VTD 210, VTD 211, VTD 213, VTD 214, VTD 222, VTD 238.1. It has one judge.

(32) District 26G: Mecklenburg County: VTD 003, VTD 004, VTD 043, VTD 060, VTD 061, VTD 104, VTD 105, VTD 107.1, VTD 123, VTD 126, VTD 132,

VTD 141, VTD 145, VTD 146, VTD 149, VTD 204.1, VTD 212, VTD 237, VTD 239. It has one judge.

(33) District 26H: Mecklenburg County: VTD 006, VTD 033, VTD 034, VTD 045, VTD 062, VTD 063, VTD 064, VTD 065, VTD 066, VTD 068, VTD 083, VTD 084, VTD 085, VTD 094, VTD 095, VTD 099, VTD 102, VTD 108, VTD 115, VTD 116, VTD 117, VTD 124, VTD 125, VTD 130, VTD 201, VTD 203, VTD 205, VTD 235. It has one judge.

...."

SECTION 1.(b) The judge in District 26A, as established by this act, shall take office on January 1, 2021, with an election in 2020 to be held accordingly.

SECTION 1.(c) In order to implement the superior court districts as enacted by this section, in 2018 and every eight years thereafter, elections shall be conducted for Districts 5A, 5B, 26C, 26E, 26F, and 26H; in 2020 and every eight years thereafter, elections shall be conducted for District 26A; and in 2022 and every eight years thereafter, elections shall be conducted for Districts 26B, 26D, and 26G; and in 2024 and every eight years thereafter, elections shall be conducted for District 5C.

SECTION 2.(a) G.S. 7A-133 reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	6	Craven
		Pamlico
		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	9	New Hanover
		Pender
6	4	Northampton
		Bertie
		Hertford
		Halifax
7	7	Nash
		Edgecombe

		Wilson
8	6	Wayne
		Greene
		Lenoir
9	5	Granville
		(part of Vance
		see subsection (b))
		Franklin
		Person
9B	2	Warren
		(part of Vance
		see subsection (b))
~~10~~	~~19~~	~~Wake~~
10A	3	(part of Wake
		see subsection (b))
10B	3	(part of Wake
		see subsection (b))
10C	3	(part of Wake
		see subsection (b))
10D	6	(part of Wake
		see subsection (b))
10E	3	(part of Wake
		see subsection (b))
10F	3	(part of Wake
		see subsection (b))
11	11	Harnett
		Johnston
		Lee
12	10	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	7	Durham
15A	4	Alamance
15B	5	Orange
		Chatham
16A	6	Scotland
		Hoke
		Anson
		Richmond
16B	5	Robeson
17A	4	Caswell
		Rockingham
17B	4	Stokes
		Surry
18	14	Guilford
19A	5	Cabarrus
19B	7	Montgomery
		Moore
		Randolph
19C	5	Rowan

20A	2	Stanly
20B	1	(part of Union see subsection (b))
20C	2	(part of Union see subsection (b))
20D	1	Union
21	11	Forsyth
22A	5	Alexander Iredell
22B	6	Davidson Davie
23	4	Alleghany Ashe Wilkes Yadkin
24	4	Avery Madison Mitchell Watauga Yancey
25	9	Burke Caldwell Catawba
~~26~~	~~21~~	~~Mecklenburg~~
26A	3	(part of Mecklenburg see subsection (b))
26B	3	(part of Mecklenburg see subsection (b))
26C	2	(part of Mecklenburg see subsection (b))
26D	2	(part of Mecklenburg see subsection (b))
26E	3	(part of Mecklenburg see subsection (b))
26F	3	(part of Mecklenburg see subsection (b))
26G	2	(part of Mecklenburg see subsection (b))
26H	3	(part of Mecklenburg see subsection (b))
27A	7	Gaston
27B	6	Cleveland Lincoln
28	7	Buncombe
29A	3	McDowell Rutherford
29B	4	Henderson Polk Transylvania
30	6	Cherokee Clay

Graham
Haywood
Jackson
Macon
Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

(1) District Court District 9 consists of Person, Franklin and Granville Counties and the remainder of Vance County not in District Court District 9B.

(2) District Court District 9B consists of Warren County and VTD EH1, VTD MIDD, VTD NH1, VTD NH2, VTD TWNS, VTD WMSB of Vance County.

(3) District Court District 20C consists of the remainder of Union County not in District Court District 20B.

(4) District Court District 20B consists of Precinct 01: Tract 204.01: Block Group 2: Block 2040, Block 2057, Block 2058, Block 2060, Block 2061, Block 2062, Block 2064, Block 2065; Tract 204.02: Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034; Block Group 3: Block 3000, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047; Block Group 4: Block 4035, Block 4054, Block 4055; Precinct 02: Tract 205: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1037, Block 1038; Block Group 2: Block 2081, Block 2082, Block 2092, Block 2099, Block 2100, Block 2101, Block 2102; Tract 206: Block Group 3: Block 3036, Block 3038, Block 3039, Block 3040, Block 3048; Block Group 4: Block 4053; Precinct 03, Precinct 04, Precinct 06: Tract 202.02: Block Group 1: Block 1012, Block 1013, Block 1014, Block 1015, Block 1017, Block 1018, Block 1021, Block 1022, Block 1023; Tract 204.01: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2033, Block 2034, Block 2035, Block 2036, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2056, Block 2063, Block 2999; Precinct 08, Precinct 09, Precinct 10, Precinct 13, Precinct 23: Tract 206: Block Group 4: Block 4051; Precinct 25: Tract 206: Block Group 4: Block 4036; Precinct 34, Precinct 36, Precinct 43 of Union County.

(5) District 10A: Wake County: VTD 01-42, VTD 01-47, VTD 02-01, VTD 02-02, VTD 02-03, VTD 02-04, VTD 02-05, VTD 02-06, VTD 07-02, VTD 07-06, VTD 07-07, VTD 08-04, VTD 08-05, VTD 08-07, VTD 09-01, VTD 09-03, VTD 10-01, VTD 13-10, VTD 13-11, VTD 14-01, VTD 14-02, VTD

19-03, VTD 19-04, VTD 19-05, VTD 19-06, VTD 19-07, VTD 19-09, VTD 19-10, VTD 19-11, VTD 19-12.

(6) District 10B: Wake County: VTD 09-02, VTD 10-02, VTD 10-03, VTD 10-04, VTD 13-01, VTD 13-07, VTD 13-08, VTD 13-09, VTD 16-08, VTD 17-02, VTD 17-03, VTD 17-04, VTD 17-06, VTD 17-07, VTD 17-08, VTD 17-09, VTD 17-11, VTD 19-16, VTD 19-17.

(7) District 10C: Wake County: VTD 01-04, VTD 01-09, VTD 01-10, VTD 01-12, VTD 01-13, VTD 01-14, VTD 01-15, VTD 01-17, VTD 01-18, VTD 01-28, VTD 01-30, VTD 01-34, VTD 01-36, VTD 01-37, VTD 01-38, VTD 01-39, VTD 01-43, VTD 01-44, VTD 01-45, VTD 01-46, VTD 01-51, VTD 07-03, VTD 07-04, VTD 07-05, VTD 07-09, VTD 07-11, VTD 07-12, VTD 07-13, VTD 08-02, VTD 08-06, VTD 08-09, VTD 13-02, VTD 13-05, VTD 13-06, VTD 17-01, VTD 17-05, VTD 17-10.

(8) District 10D: Wake County: VTD 01-01, VTD 01-02, VTD 01-03, VTD 01-05, VTD 01-06, VTD 01-07, VTD 01-11, VTD 01-16, VTD 01-29, VTD 01-33, VTD 01-49, VTD 04-01, VTD 04-02, VTD 04-03, VTD 04-04, VTD 04-05, VTD 04-06, VTD 04-07, VTD 04-08, VTD 04-09, VTD 04-10, VTD 04-11, VTD 04-12, VTD 04-14, VTD 04-15, VTD 04-16, VTD 04-17, VTD 04-18, VTD 04-20, VTD 04-21, VTD 05-05, VTD 06-05, VTD 06-07, VTD 07-01, VTD 07-10, VTD 08-03, VTD 08-08, VTD 08-10, VTD 08-11, VTD 11-01, VTD 11-02, VTD 12-01, VTD 12-02, VTD 12-04, VTD 12-05, VTD 12-06, VTD 12-07, VTD 12-09, VTD 15-01, VTD 15-02, VTD 15-03, VTD 15-04, VTD 16-01, VTD 16-05, VTD 16-09, VTD 18-02, VTD 18-03, VTD 18-05, VTD 20-03, VTD 20-05, VTD 20-09.

(9) District 10E: Wake County: VTD 01-19, VTD 01-20, VTD 01-21, VTD 01-22, VTD 01-23, VTD 01-25, VTD 01-26, VTD 01-27, VTD 01-31, VTD 01-32, VTD 01-35, VTD 01-40, VTD 01-41, VTD 01-48, VTD 01-50, VTD 16-02, VTD 16-03, VTD 16-04, VTD 16-06, VTD 16-07, VTD 18-01, VTD 18-04, VTD 18-06, VTD 18-07, VTD 18-08.

(10) District 10F: Wake County: VTD 03-00, VTD 04-13, VTD 04-19, VTD 05-01, VTD 05-03, VTD 05-04, VTD 05-06, VTD 06-01, VTD 06-04, VTD 06-06, VTD 12-08, VTD 20-01, VTD 20-02, VTD 20-04, VTD 20-06, VTD 20-08, VTD 20-10, VTD 20-11, VTD 20-12.

(11) District 26A: Mecklenburg County: VTD 001, VTD 008, VTD 018, VTD 019, VTD 032, VTD 035, VTD 036, VTD 047, VTD 048, VTD 057, VTD 067, VTD 069, VTD 071, VTD 074, VTD 091, VTD 096, VTD 103, VTD 106, VTD 113, VTD 119, VTD 136, VTD 215, VTD 216, VTD 217, VTD 218, VTD 219, VTD 220, VTD 221, VTD 233, VTD 234, VTD 236.

(12) District 26B: Mecklenburg County: VTD 070, VTD 072, VTD 073, VTD 075, VTD 076, VTD 086, VTD 087, VTD 088, VTD 090, VTD 092, VTD 093, VTD 100, VTD 101, VTD 110, VTD 111, VTD 112, VTD 114, VTD 118, VTD 121, VTD 131, VTD 137, VTD 139.1, VTD 140, VTD 144, VTD 226, VTD 227, VTD 232.

(13) District 26C: Mecklenburg County: VTD 127, VTD 133, VTD 134, VTD 142, VTD 143, VTD 150, VTD 151, VTD 202, VTD 206, VTD 207, VTD 208, VTD 209, VTD 223.1, VTD 224, VTD 240, VTD 241, VTD 242.

(14) District 26D: Mecklenburg County: VTD 037, VTD 038, VTD 049, VTD 050, VTD 051, VTD 058, VTD 059, VTD 077, VTD 097, VTD 098, VTD 120, VTD 122, VTD 129, VTD 138, VTD 147, VTD 148, VTD 225, VTD 228, VTD 229, VTD 230, VTD 231, VTD 243.

(15) District 26E: Mecklenburg County: VTD 002, VTD 005, VTD 007, VTD 009, VTD 010, VTD 012, VTD 013, VTD 014, VTD 016, VTD 017, VTD 020, VTD 021, VTD 022, VTD 023, VTD 024, VTD 025, VTD 029, VTD 031, VTD 039, VTD 040, VTD 041, VTD 046, VTD 052, VTD 053, VTD 078.1, VTD 079, VTD 080, VTD 081, VTD 109, VTD 200.

(16) District 26F: Mecklenburg County: VTD 011, VTD 015, VTD 026, VTD 027, VTD 028, VTD 030, VTD 042, VTD 044, VTD 054, VTD 055, VTD 056, VTD 082, VTD 089, VTD 128, VTD 135, VTD 210, VTD 211, VTD 213, VTD 214, VTD 222, VTD 238.1.

(17) District 26G: Mecklenburg County: VTD 003, VTD 004, VTD 043, VTD 060, VTD 061, VTD 104, VTD 105, VTD 107.1, VTD 123, VTD 126, VTD 132, VTD 141, VTD 145, VTD 146, VTD 149, VTD 204.1, VTD 212, VTD 237, VTD 239.

(18) District 26H: Mecklenburg County: VTD 006, VTD 033, VTD 034, VTD 045, VTD 062, VTD 063, VTD 064, VTD 065, VTD 066, VTD 068, VTD 083, VTD 084, VTD 085, VTD 094, VTD 095, VTD 099, VTD 102, VTD 108, VTD 115, VTD 116, VTD 117, VTD 124, VTD 125, VTD 130, VTD 201, VTD 203, VTD 205, VTD 235.

The names and boundaries of voting tabulation districts specified for Mecklenburg County, Wake County, and Vance County in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles. Precinct boundaries for Union County are those shown on the Legislative Services Office's redistricting computer database on January 1, 2005; and for other counties are those reported by the United States Bureau of the Census under Public Law 94-171 for the 1990 Census in the IVTD Version of the TIGER files.

...."

SECTION 2.(b) In order to implement the district court districts as enacted by this section, the following shall apply:

(1) Judges in the following districts, as set out in this section, shall take office on January 1, 2019, with elections in 2018, and every four years thereafter, to be held accordingly:
   a. District 10A – one judge.
   b. District 10B – one judge.
   c. District 10D – three judges.
   d. District 10E – two judges.
   e. District 10F – one judge.
   f. District 26A – three judges.
   g. District 26B – one judge.
   h. District 26E – two judges.
   i. District 26F – two judges.
   j. District 26G – one judge.

(2) Judges in the following districts, as set out in this section, shall take office on January 1, 2021, with elections in 2020, and every four years thereafter, to be held accordingly:
   a. District 10A – two judges.
   b. District 10B – two judges.
   c. District 10C – three judges.
   d. District 10D – three judges.
   e. District 10E – one judge.
   f. District 10F – two judges.
   g. District 26B – two judges.
   h. District 26C – two judges.

i. District 26D – two judges.
j. District 26E – one judge.
k. District 26F – one judge.
l. District 26G – one judge.
m. District 26H – three judges.

SECTION 3. If Senate Bill 99, 2017 Regular Session, becomes law, The Director of the Budget shall increase the budget of the Administrative Office of the Courts from the unreserved fund balance in an amount sufficient to cover the costs of the judgeships created by this bill. These funds are hereby appropriated.

SECTION 4. This act becomes effective January 1, 2019, except as provided in this act, and elections in 2018 and thereafter shall be held accordingly.

In the General Assembly read three times and ratified this the 5th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Nelson Dollar
Presiding Officer of the House of Representatives

VETO Roy Cooper
Governor

Became law notwithstanding the objections of the Governor at 1:40 p.m. this 20th day of June, 2018.

s/ James White
House Principal Clerk

HOUSE BILL 1037
Committee Substitute Favorable 6/1/18
Third Edition Engrossed 6/5/18

Short Title: Various Judicial Districts Changes. (Public)

Sponsors:

Referred to:

May 31, 2018

A BILL TO BE ENTITLED

AN ACT TO REVISE CERTAIN JUDICIAL DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-41 reads as rewritten:

"**§ 7A-41. Superior court divisions and districts; judges.**

(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	~~4A~~4	Duplin, Jones, Onslow, Sampson	~~1~~2
~~Second~~	~~4B~~	~~Onslow~~	~~1~~
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1

First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Person, Vance, Warren	2
Third	10A	(part of Wake, see subsection (b))	1
Third	10B	(part of Wake, see subsection (b))	2
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13A	Bladen, Columbus	1
Fourth	13B	Brunswick	1
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Anson, Richmond, ~~Scotland, Hoke~~Scotland	2
Fourth	16B	Robeson	2
Fifth	17A	Caswell, Rockingham	3
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1

Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	~~Montgomery,~~ Randolph	~~1~~2
Sixth	19C	Rowan	1
Fourth	19D	Hoke, Moore	~~1~~2
Sixth	20A	Montgomery, Stanly	~~1~~2
Sixth	20B	Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22A	Alexander, Iredell	2
Sixth	22B	Davidson, Davie	2
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29A	McDowell, Rutherford	1
Eighth	29B	Henderson, Polk, Transylvania	1
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1.

...

(b1) The qualified voters of District 4 shall elect all judges established for District 4 in subsection (a) of this section, but only persons who reside in Onslow County may be candidates for one of the judgeships and only persons who reside in Duplin, Jones, or Sampson County may be candidates for the remaining judgeship.

...."

SECTION 1.(b) The additional judges in Districts 19B, 19D, and 20A, as established by this section, shall take office on January 1, 2019, with an election in 2018 to be held accordingly.

SECTION 1.(c) Except as provided in this section, this section becomes effective January 1, 2019, and elections in 2018 and thereafter shall be held accordingly.

SECTION 2.(a) G.S. 7A-133 reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	6	Craven
		Pamlico
		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	9	New Hanover
		Pender
6	4	Northampton
		Bertie
		Hertford
		Halifax
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	5	Granville
		(part of Vance
		see subsection (b))
		Franklin
		Person
9B	2	Warren
		(part of Vance

		see subsection (b))
10	19	Wake
11	11	Harnett
		Johnston
		Lee
12	10	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	7	Durham
15A	4	Alamance
15B	5	Orange
		Chatham
16A	~~64~~	Scotland
		~~Hoke~~
		Anson
		Richmond
16B	5	Robeson
17A	4	Caswell
		Rockingham
17B	4	Stokes
		Surry
18	14	Guilford
19A	5	Cabarrus
19B	~~75~~	~~Montgomery~~
		~~Moore~~
		Randolph
19C	5	Rowan
19D	4	Hoke, Moore
20A	~~23~~	~~Stanly~~Montgomery, Stanly
20B	1	(part of Union
		see subsection (b))
20C	2	(part of Union
		see subsection (b))
20D	1	Union
21	11	Forsyth
22A	5	Alexander
		Iredell
22B	6	Davidson
		Davie
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	9	Burke
		Caldwell

		Catawba
26	21	Mecklenburg
27A	7	Gaston
27B	6	Cleveland
		Lincoln
28	7	Buncombe
29A	3	McDowell
		Rutherford
29B	4	Henderson
		Polk
		Transylvania
30	6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

...

(b5) The qualified voters of District 19D shall elect all judges established for District 19D in subsection (a) of this section, but only persons who reside in Hoke County may be candidates for one of the judgeships and only persons who reside in Hoke or Moore County may be candidates for the remaining judgeships.

(b6) The qualified voters of District 20A shall elect all judges established for District 20A in subsection (a) of this section, but only persons who reside in Montgomery County may be candidates for one of the judgeships and only persons who reside in Montgomery or Stanly County may be candidates for the remaining judgeships.

...."

SECTION 2.(b) The additional judge in District 20A, as established by this section, shall take office on January 1, 2019, with an election in 2018 to be held accordingly.

SECTION 2.(c) G.S. 7A-133, as enacted by this section, becomes effective January 1, 2019.

SECTION 3.(a) G.S. 7A-60 reads as rewritten:

"**§ 7A-60. District attorneys and prosecutorial districts.**

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided in subsections (b) and (c) of this section who shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution.

...

(a1) **(Effective January 1, 2019)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11

2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	19
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
10	Franklin, Granville, Person Vance, Warren	13
11	Wake	42
12	Harnett, Lee	11
13	Johnston	10
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
~~19~~	~~Scotland, Hoke~~	~~7~~
20	Robeson	12
21	Anson, ~~Richmond~~Richmond, Scotland	~~6~~7
22	Caswell, Rockingham	10
23	Stokes, Surry	8
24	Guilford	34
25	Cabarrus	9
26	~~Montgomery,~~ Randolph	10
27	Rowan	9
28	Hoke, Moore	~~5~~9
29	Montgomery, Stanly	~~5~~6
30	Union	11
31	Forsyth	27
32	Alexander, Iredell	12
33	Davidson, Davie	12
34	Alleghany, Ashe, Wilkes, Yadkin	9
35	Avery, Madison, Mitchell, Watauga, Yancey	8
36	Burke, Caldwell, Catawba	19
37	Mecklenburg	58
38	Gaston	15
39	Cleveland, Lincoln	12
40	Buncombe	14
41	McDowell, Rutherford	8
42	Henderson, Polk, Transylvania	9
43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.	12

...."

SECTION 3.(b) The office and term of the district attorney for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties is terminated upon the expiration of the current term, December 31, 2020. Effective January 1, 2021, District 19 formerly consisting of

Hoke and Scotland Counties is reassigned as provided in this section. All open investigations and pending cases for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties shall be transferred to either District 21 or District 28, as enacted by this section. Hoke County is added to District 28, as enacted by this section, and the total number of ADAs in that district is nine. Scotland County is added to District 21, and the total number of ADAs in that district is seven.

SECTION 4. If Senate Bill 99, 2017 Regular Session, becomes law, The Director of the Budget shall increase the budget of the Administrative Office of the Courts from the unreserved fund balance in an amount sufficient to cover the costs of the judgeships created by this bill. These funds are hereby appropriated.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law, and elections in 2018 and thereafter shall be held accordingly.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 757
Select Committee on Elections Committee Substitute Adopted 5/29/18
Third Edition Engrossed 5/30/18
PROPOSED HOUSE COMMITTEE SUBSTITUTE S757-PCS15300-ST-54

Short Title: Various Court Districts Changes. (Public)

Sponsors:

Referred to:

May 29, 2018

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE SUPERIOR COURT DISTRICTS, DISTRICT COURT DISTRICTS, AND PROSECUTORIAL DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-41 reads as rewritten:

"**§ 7A-41. Superior court divisions and districts; judges.**

(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1

		5C	(part of New Hanover, see subsection (b))	1
	First	6A	Halifax	1
	First	6B	Bertie, Hertford, Northampton	1
	First	7A	Nash	1
	First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	Second	8A	Lenoir and Greene	1
	Second	8B	Wayne	1
	Third	9	Franklin, Granville, Person, Vance, Warren	2
	Third	10A	(part of Wake, see subsection (b))	1
	Third	10B	(part of Wake, see subsection (b))	2
	Third	10C	(part of Wake, see subsection (b))	1
	Third	10D	(part of Wake, see subsection (b))	1
	Fourth	11A	Harnett, Lee	1
	Fourth	11B	Johnston	1
	Fourth	12A	(part of Cumberland, see subsection (b))	1
	Fourth	12B	(part of Cumberland, see subsection (b))	1
	Fourth	12C	(part of Cumberland, see subsection (b))	2
	Fourth	13A	Bladen, Columbus	1
	Fourth	13B	Brunswick	1
	Third	14A	(part of Durham, see subsection (b))	1
	Third	14B	(part of Durham, see subsection (b))	3
	Third	15A	Alamance	2
	Third	15B	Orange, Chatham	2
	Fourth	16A	Anson, Richmond, Scotland, Hoke	2
	Fourth	16B	Robeson	2
	Fifth	17A	Caswell, Rockingham	3
	Fifth	17B	Stokes, Surry	2
	Fifth	18A	(part of Guilford, see subsection (b))	1
	Fifth	18B	(part of Guilford, see subsection (b))	1

Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Randolph	1
Sixth	19C	Rowan	1
Fourth	19D	Moore	1
Sixth	20A	Stanly	1
Sixth	20B	Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22A	Alexander, Iredell	2
Sixth	22B	Davidson, Davie	2
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	~~2~~1
Seventh	26B	(part of Mecklenburg, see subsection (b))	~~3~~1
Seventh	26C	(part of Mecklenburg, see subsection (b))	~~2~~1
Seventh	26D	(part of Mecklenburg, see subsection (b))	1
Seventh	26E	(part of Mecklenburg, see subsection (b))	1
Seventh	26F	(part of Mecklenburg, see subsection (b))	1
Seventh	26G	(part of Mecklenburg, see subsection (b))	1
Seventh	26H	(part of Mecklenburg, see subsection (b))	1
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29A	McDowell, Rutherford	1
Eighth	29B	Henderson, Polk,	1

Eighth	30A	Transylvania Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1.

(b) For superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

(1) ~~District 5A: New Hanover County: VTD: CF01, VTD: CF02, VTD: H01, VTD: H04, VTD: H06, VTD: H07: Block(s) 1290116072000, 1290116072001, 1290116072002, 1290116072003, 1290116072004, 1290116072005, 1290116072006, 1290116072007, 1290116072008, 1290116072009, 1290116072010, 1290116072011, 1290116072012, 1290116072013, 1290116072014, 1290116072015, 1290116072016, 1290116072017, 1290116072018, 1290116072019, 1290116072020, 1290116072021, 1290116072022, 1290116073000, 1290116073001, 1290116073002, 1290116073003, 1290116073004, 1290116073005, 1290116073006, 1290116073007, 1290116073008, 1290116073009, 1290116073010, 1290116073012, 1290116073013, 1290116073014, 1290116073016, 1290116073017, 1290116073018, 1290116073019, 1290116073020, 1290116073021, 1290116073022, 1290116073023, 1290116073024, 1290116073025, 1290116073026, 1290116073027, 1290116073028, 1290116073029, 1290116073030, 1290116073031, 1290116073032, 1290116073033, 1290116073034, 1290116073035, 1290116073036, 1290116073037, 1290116073038, 1290116073039, 1290116073040, 1290116073041, 1290116073042, 1290116073043, 1290116073044, 1290116073045, 1290116073046, 1290116073047, 1290116073048, 1290116073049, 1290116073050, 1290116081021, 1290116081022, 1290116081023, 1290116081024, 1290116081025, 1290116081026, 1290116081027, 1290116081028, 1290116081029, 1290116081030, 1290116081031, 1290116081032, 1290116081033, 1290116081034, 1290116081035, 1290116081036, 1290116081037, 1290116081038, 1290116081039, 1290116081040, 1290116081041, 1290116081042, 1290116081049; VTD: W03, VTD: W08, VTD: W15, VTD: W25, VTD: W26, VTD: W27, VTD: W29; Pender County: VTD: CL05, VTD: CS04, VTD: CT03, VTD: GR06, VTD: UH08, VTD: UU17. It has one judge.~~

District 5A: New Hanover County: VTD CF01, VTD CF02, VTD CF03, VTD H01, VTD W25, VTD W27; Pender County. It has one judge.

(2) ~~District 5B: New Hanover County: VTD: CF03, VTD: H02, VTD: H03: Block(s) 1290119024001, 1290119024002, 1290119024003, 1290119024005, 1290119024008, 1290119024009, 1290119024010, 1290119035012, 1290119035013, 1290119035016, 1290119042006, 1290119042007, 1290119042008, 1290119042009, 1290119042010, 1290119042011, 1290119042012, 1290119042013, 1290119042014, 1290119042015, 1290119042016, 1290119042017, 1290119042018, 1290119042019, 1290119042020, 1290119042021, 1290119042022, 1290119042023, 1290119042024, 1290119042025, 1290119042027, 1290119042028, 1290119042029, 1290119042030, 1290119042031, 1290119042032, 1290119042033, 1290119042034, 1290119042035, 1290119042036, 1290119042037, 1290119042038, 1290119042039, 1290120013000, 1290120013001, 1290120013002, 1290120013003,~~

~~1290120013004, 1290120013005, 1290120013006, 1290120013007, 1290120013008, 1290120013009, 1290120013010, 1290120013011, 1290120013012, 1290120013013, 1290120013014, 1290120013015, 1290120013016; VTD: H05, VTD: H07: Block(s) 1290116071000, 1290116071001, 1290116071002, 1290116071003, 1290116071004, 1290116071005, 1290116071006, 1290116071007, 1290116071009, 1290116071010, 1290116071011, 1290116071012, 1290116071013, 1290116071014, 1290116071015, 1290116071016, 1290116071017, 1290116071018, 1290116071019, 1290116071020, 1290116071021, 1290116071022, 1290116071023, 1290116071024, 1290116071025, 1290116073015, 1290116081046, 1290116082017, 1290116082018, 1290116082019, 1290116082020, 1290116082021, 1290116082022, 1290116082023, 1290116082024, 1290116082026, 1290116082027, 1290116082028, 1290116082029, 1290116082030, 1290116082031, 1290116082032, 1290116082033, 1290116082058, 1290116082060, 1290116082079, 1290116082081, 1290116082082, 1290116082084, 1290116082085, 1290116082086, 1290116082087, 1290116082088, 1290116082090, 1290116083001, 1290116083002, 1290116083010; VTD: H08, VTD: H09, VTD: W12, VTD: W13, VTD: W24, VTD: W28, VTD: W31: Block(s) 1290104003015, 1290104003018, 1290104003019, 1290104003020, 1290104003021, 1290104003027, 1290104003028, 1290104003029, 1290104003030, 1290104003031, 1290104003032, 1290104003033, 1290104003034, 1290104003035, 1290104003036, 1290104003037, 1290104003038, 1290104003039, 1290104003040, 1290104003041, 1290104003042, 1290104003043, 1290106001000, 1290106001001, 1290106001002, 1290106001003, 1290106001004, 1290106001005, 1290106001006, 1290106001007, 1290106001008, 1290106001009, 1290106001010, 1290106001011, 1290106001012, 1290106001013, 1290106001014, 1290106001015, 1290106001016, 1290106001017, 1290106001018, 1290106001019, 1290106001020, 1290106001021, 1290106001022, 1290106001023, 1290106001024, 1290106001025, 1290106001026, 1290106002000, 1290106002001, 1290106002002, 1290106002003, 1290106002004, 1290106002005, 1290106002006, 1290106002007, 1290106002008, 1290106002009, 1290106002010, 1290106002011, 1290106002012, 1290106002013, 1290106002014, 1290106002015, 1290106002016, 1290106002017, 1290106002018, 1290106002019, 1290106002020, 1290106002021, 1290106002022, 1290106002023, 1290106002024, 1290106002025, 1290106002026, 1290106002027, 1290106002028, 1290106002029, 1290106002030, 1290106002031, 1290106002032, 1290106002033, 1290106002034, 1290106002035, 1290106002036, 1290106002037, 1290106002038, 1290106002039, 1290106002040, 1290106002041, 1290106002042, 1290106002043, 1290106002044, 1290106002045, 1290106002046, 1290106002047, 1290106002048, 1290106002049, 1290106002050, 1290106002051, 1290106002052, 1290106002053, 1290106002054, 1290107001021, 1290107001032, 1290107001036, 1290107001037, 1290107002000, 1290107002017, 1290107002018; VTD: WB; Pender County: VTD: CF11, VTD: LC09, VTD: LT18, VTD: LU16, VTD: MH07, VTD: MT19, VTD: NB01, VTD: PL10, VTD: RP20, VTD: SB02, VTD: SC13, VTD: SH12, VTD: SP15, VTD: UT14. It has one judge.~~

District 5B: New Hanover County: VTD H02, VTD H03, VTD H04, VTD H05, VTD H06, VTD H07, VTD H08, VTD H09, VTD M02, VTD M05, VTD W13, VTD W18, VTD W24, VTD W28, VTD WB. It has one judge.

(3) ~~District 5C: New Hanover County: VTD: FP01, VTD: FP02, VTD: FP03, VTD: FP04, VTD: FP05, VTD: H03: Block(s) 1290118001000, 1290119023000, 1290119023001, 1290119023002, 1290119023003, 1290119023004, 1290119023005, 1290119023006, 1290119023019, 1290119023020, 1290119023023, 1290119023024, 1290119023025, 1290119023026, 1290119023027, 1290119023028, 1290119023029, 1290119023030, 1290119023031, 1290119023032, 1290119023033, 1290119023034, 1290119023035, 1290119023036, 1290119024000, 1290119024006, 1290119024007, 1290120012000, 1290120012001, 1290120012002, 1290120012003, 1290120012004, 1290120012005, 1290120012006, 1290120012007, 1290120012008, 1290120012009, 1290120012010, 1290120012011, 1290120012012, 1290120012013, 1290120012014, 1290120012015, 1290120012016, 1290120012017, 1290120012018, 1290120012019, 1290120012020, 1290120012021, 1290120012022, 1290120012023, 1290120012034, 1290120012035, 1290120012036, 1290120012037, 1290120013017, 1290120013018, 1290120013019, 1290120013020, 1290120013021, 1290120013022, 1290120013023, 1290120013024, 1290120013025, 1290120013026, 1290120013027, 1290120013028, 1290120013029, 1290120013030, 1290120013031, 1290120013032, 1290120013033, 1290120013034, 1290120013035, 1290120013036, 1290120013037, 1290120013038, 1290120013039, 1290120014000, 1290120014001, 1290120014002, 1290120014003, 1290120014004, 1290120014005, 1290120014013, 1290120014014, 1290120014015, 1290120014016, 1290120014017, 1290120014018, 1290120014019, 1290120014020, 1290120014021, 1290120014022, 1290120014023, 1290120014024; VTD: M02, VTD: M03, VTD: M04, VTD: M05, VTD: W16, VTD: W17, VTD: W18, VTD: W21, VTD: W30, VTD: W31: Block(s) 1290105023010, 1290105023020, 1290105023021, 1290105023022, 1290105023023, 1290105023024, 1290105023025, 1290105023026, 1290105023027, 1290105023028, 1290105023029, 1290105023030, 1290105023031, 1290105023032, 1290105023033, 1290105023034, 1290105023035, 1290105024024, 1290105024025, 1290105024026, 1290105024032, 1290105024033, 1290105024034, 1290105024035, 1290106003000, 1290106003001, 1290106003002, 1290106003003, 1290106003004, 1290106003005, 1290106003006, 1290106003007, 1290106003008, 1290106003009, 1290106003010, 1290106003011, 1290106003012, 1290106003013, 1290106003014, 1290106003015, 1290106003016, 1290106003017, 1290106003018, 1290106003019, 1290106003020, 1290106003021, 1290106003022, 1290106003023, 1290106003024, 1290106003025, 1290106003026, 1290106003027, 1290106003028, 1290106003029, 1290106003030, 1290106003031, 1290106003032, 1290106003033, 1290106003034, 1290106003035, 1290106003036, 1290106003037, 1290106003038, 1290106003039, 1290106003040, 1290106003041, 1290106003042, 1290106003043, 1290106003044, 1290106003045, 1290106003046, 1290106003047, 1290106003048, 1290106003049, 1290106003050, 1290106003051, 1290106003052, 1290106003053, 1290106003054, 1290106003055, 1290106003056. It has one judge.~~

District 5C: New Hanover County: VTD FP01, VTD FP02, VTD FP03, VTD FP04, VTD FP05, VTD M03, VTD M04, VTD W03, VTD W08, VTD W12, VTD W15, VTD W16, VTD W17, VTD W21, VTD W26, VTD W29, VTD W30, VTD W31. It has one judge.

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~~(26) District 26A: Mecklenburg County: VTD: 011, VTD: 012, VTD: 013, VTD: 014, VTD: 015, VTD: 016, VTD: 022, VTD: 023, VTD: 024, VTD: 025, VTD: 026, VTD: 027, VTD: 031, VTD: 033, VTD: 039: Block(s) 1190039021000, 1190039021001, 1190039021002, 1190039021003, 1190039021004, 1190039021005, 1190039021006, 1190039021007, 1190039021008, 1190039021009, 1190039021010, 1190039021011, 1190039021012, 1190039021013, 1190039021014, 1190039021015, 1190039021016, 1190039021017, 1190039021018, 1190039021019, 1190039021020, 1190039021021, 1190039022008, 1190039022014, 1190039022015, 1190039022016, 1190039024000, 1190039024001, 1190039024002, 1190039024003, 1190039024004, 1190039024005, 1190039024006, 1190039024007, 1190039024008, 1190039024009, 1190039024013, 1190039024014, 1190039024015, 1190039024016, 1190039024017, 1190039024018, 1190039024019, 1190039031002, 1190039031003, 1190039031004, 1190039031009, 1190039031010, 1190039032000, 1190039032001, 1190039032002, 1190039032003, 1190039032004, 1190039032005, 1190039032006, 1190039032007, 1190039032008, 1190039032009, 1190039032010, 1190039032011, 1190039032012, 1190039032013, 1190039032014, 1190039032015, 1190039032016, 1190039032017, 1190039032018, 1190039032019, 1199801001000, 1199801001001, 1199801001002, 1199801001003, 1199801001004, 1199801001005, 1199801001006, 1199801001007, 1199801001008, 1199801001009, 1199801001010, 1199801001011, 1199801001012, 1199801001013, 1199801001014, 1199801001015, 1199801001016, 1199801001017, 1199801001018, 1199801001019, 1199801001020, 1199801001021, 1199801001035, 1199801001036, 1199801001042, 1199801001043, 1199801001044, 1199801001045, 1199801001046; VTD: 041, VTD: 042, VTD: 046, VTD: 052, VTD: 054, VTD: 055, VTD: 056, VTD: 058, VTD: 060, VTD: 077: Block(s) 1190038072004, 1190038072005, 1190038072007, 1190038072008, 1190038072009, 1190038072010, 1190038072011, 1190038072012, 1190038072013, 1190038072014, 1190038072015, 1190038072016, 1190038072017, 1190038082014, 1190058241000, 1190058241001, 1190058241002, 1190058241003, 1190058241004, 1190058241005, 1190058241006, 1190058241007, 1190058241008, 1190058241009, 1190058241010, 1190058241011, 1190058241012, 1190058241013, 1190058241014, 1190058241015, 1190058241016, 1190058241017, 1190058241018, 1190058241019, 1190058241020, 1190058241021, 1190058241022, 1190058241026, 1190058241046, 1190058241047, 1190058241048, 1190058241049, 1190059162000, 1190059162001, 1190059162002, 1190059162003, 1190059162004, 1190059162005, 1190059162006, 1190059162007, 1190059162008, 1190059162009, 1190059162010, 1190059162011, 1190059162012, 1190059162013, 1190059162014, 1190059162015, 1190059162016, 1190059162017, 1190059162018, 1190059162019, 1190059162020, 1190059162021, 1190059162022, 1190059162023; VTD: 078.1: 1190038022014,~~

~~1190038022022, 1190038022023, 1190038022024, 1190038022025, 1190038051005, 1190038051006, 1190038051007, 1190038051012, 1190038051013, 1190038051014, 1190038051018, 1190038051019, 1190038051020, 1190038051027, 1190038051028, 1190038051029, 1190038051030, 1190038051036, 1190038051037, 1190038051038, 1190038064000, 1190038064001, 1190038064002, 1190038064003, 1190038064004, 1190038064005, 1190038064006, 1190038064007, 1190038064008, 1190038064009, 1190038064010, 1190038064011, 1190038064012, 1190038064013, 1190038064014, 1190038064015, 1190038064016, 1190038064017, 1190038064018, 1190038064019, 1190038064020, 1190038064021, 1190038064022, 1190038064023, 1190038064024, 1190038064025, 1190038064026, 1190038064027, 1190038064028, 1190038064029, 1190038064030, 1190038064031, 1190038064032, 1190038064033, 1190038064034; VTD: 082, VTD: 097: Block(s) 1190058241050, 1190058241051; 1190058271000, 1190058271001, 1190058271002, 1190058271003, 1190058271004, 1190058271005, 1190058271006, 1190058271007, 1190058271008, 1190058271009, 1190058271010; VTD: 098, VTD: 104: Block(s) 1190015101000, 1190015101001, 1190015101002, 1190015101003, 1190015101004, 1190015101005, 1190015101006, 1190015101007, 1190015101008, 1190015101009, 1190015101010, 1190015101011, 1190015101012, 1190015101013, 1190015101014, 1190015101015, 1190015101016, 1190015101018, 1190015101019, 1190015101020, 1190015101021, 1190015101022, 1190015102000, 1190015102001, 1190015102002, 1190015102003, 1190015102004, 1190015102005, 1190015102006, 1190015102007, 1190015102008, 1190015102009, 1190015102010; VTD: 109: 1190025002002; VTD: 120, VTD: 126: Block(s) 1190055245029, 1190055246000, 1190055246001, 1190055246002, 1190055246003, 1190055246020, 1190055246021, 1190055246022, 1190055246023, 1190055246026, 1190055246027; VTD: 132, VTD: 147: Block(s) 1190038061000, 1190038061007, 1190038061008, 1190038061009, 1190038061010, 1190038061011, 1190038061012, 1190038061013, 1190038061014, 1190038061015, 1190038061016, 1190038061017, 1190038061018, 1190038061019, 1190038061020, 1190038061021, 1190038061022, 1190038061023, 1190038062000, 1190038062001, 1190038062002, 1190038062003, 1190038062004, 1190038062005, 1190038062006, 1190038062007, 1190038062008, 1190038062009, 1190038062010, 1190038062011, 1190038062012, 1190038062013, 1190038062014, 1190038062015, 1190038062016, 1190038062017, 1190038062018, 1190038062019, 1190038062020, 1190038062021, 1190038062022, 1190038063000, 1190038063001, 1190038063002, 1190038063003, 1190038063004, 1190038063005, 1190038063006, 1190038063007, 1190038063008, 1190038063009, 1190038063010, 1190038063011; VTD: 200: 1199801001024, 1199801001033; VTD: 210, VTD: 213: Block(s) 1190054031007, 1190054031013, 1190054031014, 1190054031015, 1190054031016, 1190054031017, 1190054031018, 1190054031019, 1190054031020, 1190054031021, 1190054031022, 1190054031024, 1190054031025, 1190054031026, 1190054031027, 1190054031028, 1190054031029, 1190054031030, 1190054031031, 1190054031032, 1190054031033,~~

~~1190054031034, 1190054031035, 1190054031036, 1190054032006, 1190054041018. It has two judges.~~

District 26A: Mecklenburg County: VTD 001, VTD 008, VTD 018, VTD 019, VTD 032, VTD 035, VTD 036, VTD 047, VTD 048, VTD 057, VTD 067, VTD 069, VTD 071, VTD 074, VTD 091, VTD 096, VTD 103, VTD 106, VTD 113, VTD 119, VTD 136, VTD 215, VTD 216, VTD 217, VTD 218, VTD 219, VTD 220, VTD 221, VTD 233, VTD 234, VTD 236. It has one judge.

(27) ~~District 26B: Mecklenburg County: VTD: 001, VTD: 002, VTD: 003, VTD: 004, VTD: 005, VTD: 006, VTD: 007, VTD: 008, VTD: 009, VTD: 010, VTD: 017, VTD: 018, VTD: 020, VTD: 021, VTD: 028, VTD: 029, VTD: 030, VTD: 032, VTD: 034, VTD: 035, VTD: 036, VTD: 037, VTD: 038, VTD: 043, VTD: 044, VTD: 045, VTD: 047, VTD: 051, VTD: 061, VTD: 062, VTD: 063, VTD: 065, VTD: 066, VTD: 067, VTD: 068, VTD: 069, VTD: 070: Block(s) 1190030072011, 1190030072012, 1190030072020; VTD: 071, VTD: 074, VTD: 083, VTD: 084, VTD: 086, VTD: 087: Block(s) 1190058292006, 1190058292007, 1190058292008; VTD: 093, VTD: 094, VTD: 095, VTD: 100: Block(s) 1190030171000, 1190030171001, 1190030171002, 1190030171003, 1190030181000, 1190030181001, 1190030181002, 1190030181003, 1190030181004, 1190030181005, 1190030181006, 1190030181008, 1190030181009, 1190030181010, 1190030181011, 1190030181013, 1190030181014, 1190030181015, 1190030181018, 1190030181019; VTD: 101, VTD: 103: Block(s) 1190030151005, 1190030151010, 1190030152000, 1190030152001, 1190030152002, 1190030152003, 1190030152004, 1190030152005, 1190030152006, 1190030152007, 1190030152008, 1190030152009, 1190030152010, 1190030152011, 1190030152012, 1190030153000, 1190030153001, 1190030153002, 1190030153004, 1190030153005, 1190030153006, 1190030153007, 1190030153008, 1190030153010, 1190030153011; VTD: 104: 1190015071000, 1190015071005, 1190015072000, 1190015072001, 1190015072002, 1190015072003, 1190015072004, 1190015073000, 1190015073001, 1190015073002, 1190015073003, 1190015073004, 1190015073005, 1190015073013, 1190015073014; VTD: 105, VTD: 106, VTD: 107.1, VTD: 108, VTD: 109: Block(s) 1190011001009, 1190011001010, 1190011001011, 1190011001012, 1190011001013, 1190011001014, 1190011001020, 1190011001021, 1190011001022, 1190011001024, 1190011002000, 1190011002001, 1190011002002, 1190011002003, 1190011002004, 1190011002005, 1190011002006, 1190011002007, 1190011002008, 1190011002009, 1190011002010, 1190011002011, 1190011002012, 1190011002013, 1190011002014, 1190011002017, 1190011002018, 1190011002019, 1190011002020, 1190011002021, 1190011002022, 1190011002023, 1190011002024, 1190011002025, 1190011002028, 1190025001000, 1190025001001, 1190025001002, 1190025001003, 1190025001004, 1190025001005, 1190025001006, 1190025001007, 1190025001008, 1190025001009, 1190025001010, 1190025001011, 1190025001012, 1190025002000, 1190025002001, 1190025002013, 1190025002014, 1190025002015, 1190025002016, 1190025002017, 1190025002018, 1190025002023, 1190025002024, 1190025002025, 1190025002026, 1190025002033, 1190025002034, 1190025002035, 1190025002036, 1190025002037, 1190025002038, 1190025002039,~~

~~1190025002040, 1190025002044, 1190025002045; VTD: 115, VTD: 116, VTD: 123, VTD: 124, VTD: 125, VTD: 126: Block(s) 1190055241001, 1190055241002, 1190055241003, 1190055241004, 1190055241005, 1190055241006, 1190055241007, 1190055243001, 1190055243002, 1190055243004, 1190055243006, 1190055243012, 1190055244000, 1190055244001, 1190055244002, 1190055244003, 1190055244004, 1190055244006, 1190055244007, 1190055245000, 1190055245001, 1190055245002, 1190055245003, 1190055245004, 1190055245005, 1190055245006, 1190055245007, 1190055245008, 1190055245009, 1190055245010, 1190055245011, 1190055245012, 1190055245013, 1190055245014, 1190055245015, 1190055245016, 1190055245017, 1190055245018, 1190055245019, 1190055245020, 1190055245021, 1190055245023, 1190055245024, 1190055245025, 1190055245026, 1190055245027, 1190055245028, 1190055245030, 1190055245031, 1190055245032, 1190055245033, 1190055245034, 1190055245035, 1190055245036; VTD: 128, VTD: 130, VTD: 141, VTD: 145, VTD: 146, VTD: 149, VTD: 151, VTD: 203, VTD: 204.1, VTD: 205, VTD: 212, VTD: 214, VTD: 217: Block(s) 1190030153003, 1190030153009; VTD: 237, VTD: 238.1, VTD: 239. It has three judges.~~

District 26B: Mecklenburg County: VTD 070, VTD 072, VTD 073, VTD 075, VTD 076, VTD 086, VTD 087, VTD 088, VTD 090, VTD 092, VTD 093, VTD 100, VTD 101, VTD 110, VTD 111, VTD 112, VTD 114, VTD 118, VTD 121, VTD 131, VTD 137, VTD 139.1, VTD 140, VTD 144, VTD 226, VTD 227, VTD 232. It has one judge.

(28) ~~District 26C: Mecklenburg County: VTD: 019, VTD: 039: Block(s) 1190039024010, 1190039031000, 1190039031001, 1190039031005, 1190039031006, 1190039031007, 1190039031008, 1190039031011, 1190039031012, 1190039031013, 1190039031014, 1190039031015, 1190039031016, 1190039031017; VTD: 040, VTD: 048, VTD: 049, VTD: 050, VTD: 053, VTD: 057, VTD: 059, VTD: 064, VTD: 070: Block(s) 1190029041000, 1190029041001, 1190029041002, 1190029041003, 1190029041004, 1190029041005, 1190029041006, 1190029041007, 1190029041008, 1190029041009, 1190029041010, 1190029041011, 1190029044002, 1190030072000, 1190030072001, 1190030072002, 1190030072003, 1190030072013, 1190030072014, 1190030072015; VTD: 072, VTD: 073, VTD: 075, VTD: 076, VTD: 077: Block(s) 1190058241024, 1190058241025; VTD: 078.1: 1190038051000, 1190038051001, 1190038051002, 1190038051003, 1190038051004, 1190038051008, 1190038051009, 1190038051010, 1190038051011, 1190038051015, 1190038051016, 1190038051017, 1190038051021, 1190038051022, 1190038051023, 1190038051024, 1190038051025, 1190038051026, 1190039024011, 1190039024012; VTD: 079, VTD: 080, VTD: 081, VTD: 085, VTD: 087: Block(s) 1190058261012, 1190058261014, 1190058261015, 1190058261016, 1190058261017, 1190058261018, 1190058261019, 1190058261020, 1190058262000, 1190058262001, 1190058262002, 1190058262003, 1190058262004, 1190058262005, 1190058262006, 1190058262007, 1190058262008, 1190058262009, 1190058262010, 1190058262011, 1190058262012, 1190058262013, 1190058262014, 1190058262015, 1190058262016, 1190058262017, 1190058262018, 1190058262019, 1190058262020, 1190058262021, 1190058262022, 1190058262024, 1190058262025, 1190058301000, 1190058301001,~~

~~1190058301002, 1190058301003, 1190058301004, 1190058301005, 1190058301006, 1190058301007, 1190058301008, 1190058301009, 1190058302014, 1190058302015, 1190058302016, 1190058371021, 1190058371022; VTD: 088, VTD: 089, VTD: 090, VTD: 091, VTD: 092, VTD: 096, VTD: 097: Block(s) 1190058241052, 1190058291008; VTD: 099, VTD: 100: Block(s) 1190030171004, 1190030171005, 1190030171006, 1190030171007, 1190030171008, 1190030171009, 1190030171010, 1190030172000, 1190030172013, 1190030172014, 1190030181007, 1190030181012, 1190030181016, 1190030181017, 1190030181020, 1190030181021, 1190030181022; VTD: 102, VTD: 103: Block(s) 1190030151000, 1190030151001, 1190030151002, 1190030151003, 1190030151004, 1190030151006, 1190030151007, 1190030151008, 1190030151009, 1190030151011, 1190030151012; VTD: 110, VTD: 111, VTD: 112, VTD: 113, VTD: 114, VTD: 117, VTD: 118, VTD: 119, VTD: 121, VTD: 122, VTD: 127, VTD: 129, VTD: 131, VTD: 133, VTD: 134, VTD: 135, VTD: 136, VTD: 137, VTD: 138, VTD: 139.1, VTD: 140, VTD: 142, VTD: 143, VTD: 144, VTD: 147: Block(s) 1190038051031, 1190038051032, 1190038051033, 1190038051034, 1190038051035, 1190038061001, 1190038061002, 1190038061003, 1190038061004, 1190038061005, 1190038061006; VTD: 148, VTD: 150, VTD: 200: Block(s) 1190059061032, 1190059061033, 1190059061034, 1190059061035, 1190059061036, 1190059061037, 1190059061038, 1190059061039, 1190059061040, 1190059061041, 1190059061042, 1190059061043, 1190059061044, 1190059061045, 1190059061046, 1190059061047, 1190059061048, 1190059061049, 1190059061050, 1190059061051, 1190059061052, 1190059061053, 1190059061054, 1190059061055, 1190059061056, 1190059061057, 1190059061058, 1190059061059, 1190059061060, 1190059061061, 1190059061062, 1190059061063, 1190059061064, 1190059061065, 1190059061066, 1190059061067, 1190059061068, 1190059061069, 1190059061070, 1190059061071, 1190059061072, 1190059061073, 1190059061074, 1190059061075, 1190059061076, 1190059061077, 1190059061078, 1190059061079, 1190059061080, 1190059061081, 1190059061082, 1190059061083, 1190059061084, 1190059061085, 1190059061086, 1190059061087, 1190059061088, 1190059061089, 1190059061090, 1190059062014, 1190059062024, 1190059062025, 1190059062026, 1190059062027, 1190059062028, 1190059062029, 1190059062030, 1190059062037, 1190059062038, 1190059062039, 1190059063000, 1190059063001, 1190059063002, 1190059063003, 1190059063004, 1190059063005, 1190059063006, 1190059063007, 1190059063008, 1190059063009, 1190059063010, 1190059063011, 1190059063012, 1190059063013, 1190059063014, 1190059063015, 1190059063016, 1190059063017, 1190059063018, 1190059063019, 1190059063020, 1190059063021, 1190059063022, 1190059063023, 1190059063024, 1190059063025, 1190059063026, 1190059063027, 1190059063028, 1190059063029, 1190059063030, 1190059063031, 1190059063032, 1190059064000, 1190059064001, 1190059064002, 1190059064003, 1190059064004, 1190059064005, 1190059064006, 1190059064007, 1190059064008, 1190059064009, 1190059064010, 1190059064011, 1190059064012, 1190059064013, 1190059064014, 1190059064015, 1190059064016, 1190059064017, 1190059064018, 1190059064019, 1190059064020,~~

~~1190059064021, 1190059064022, 1190059064023, 1190059064024, 1190059064025, 1190059064026, 1190059064027, 1190059064028, 1190059064029, 1190059064030, 1190059064031, 1190059064032, 1190059064033, 1190059064034, 1190059064035, 1190059064036, 1199801001022, 1199801001023, 1199801001025, 1199801001026, 1199801001027, 1199801001028, 1199801001029, 1199801001030, 1199801001031, 1199801001032, 1199801001034, 1199801001037, 1199801001038, 1199801001039, 1199801001040, 1199801001041; VTD: 201, VTD: 202, VTD: 206, VTD: 207, VTD: 208, VTD: 209, VTD: 211, VTD: 213: Block(s) 1190054011000, 1190054011001, 1190054011002, 1190054011003, 1190054011004, 1190054011005, 1190054011006, 1190054011007, 1190054011008, 1190054011009, 1190054011010, 1190054011011, 1190054011012, 1190054011013, 1190054011014, 1190054011015, 1190054011016, 1190054011017, 1190054011018, 1190054011019, 1190054011020, 1190054011021, 1190054011022, 1190054011023, 1190054011024, 1190054011025, 1190054011026, 1190054011027, 1190054011028, 1190054011029, 1190054011030, 1190054011031, 1190054011035, 1190054011036, 1190054011037, 1190054031001, 1190054031002, 1190054031003, 1190054031004, 1190054031005, 1190054031006, 1190054031008, 1190054031009, 1190054031010, 1190054031011, 1190054031012, 1190054031023, 1190054032000, 1190054032001, 1190054032002, 1190054032003, 1190054032004, 1190054032005, 1190054032007, 1190054032009; VTD: 215, VTD: 216, VTD: 217: Block(s) 1190058121002, 1190058121003, 1190058121005, 1190058121006, 1190058121007, 1190058121008, 1190058121009, 1190058121010, 1190058121011, 1190058121012, 1190058121016, 1190058121017, 1190058121018, 1190058121019, 1190058122008, 1190058122009, 1190058122010, 1190058122011, 1190058122012, 1190058122013, 1190058122014, 1190058122018, 1190058122019, 1190058122020, 1190058122021, 1190058122022, 1190058122023, 1190058122024, 1190058122025, 1190058122026, 1190058122027, 1190058122028, 1190058122029, 1190058122030, 1190058122031, 1190058122032, 1190058122033, 1190058122034, 1190058122035, 1190058122036, 1190058122037, 1190058122038, 1190058122039, 1190058122040, 1190058122041, 1190058122042, 1190058122043, 1190058333000, 1190058333001, 1190058333002; VTD: 218, VTD: 219, VTD: 220, VTD: 221, VTD: 222, VTD: 223.1, VTD: 224, VTD: 225, VTD: 226, VTD: 227, VTD: 228, VTD: 229, VTD: 230, VTD: 231, VTD: 232, VTD: 233, VTD: 234, VTD: 235, VTD: 236, VTD: 240, VTD: 241, VTD: 242, VTD: 243. It has two judges.~~

District 26C: Mecklenburg County: VTD 127, VTD 133, VTD 134, VTD 142, VTD 143, VTD 150, VTD 151, VTD 202, VTD 206, VTD 207, VTD 208, VTD 209, VTD 223.1, VTD 224, VTD 240, VTD 241, VTD 242. It has one judge.

(29) District 26D: Mecklenburg County: VTD 037, VTD 038, VTD 049, VTD 050, VTD 051, VTD 058, VTD 059, VTD 077, VTD 097, VTD 098, VTD 120, VTD 122, VTD 129, VTD 138, VTD 147, VTD 148, VTD 225, VTD 228, VTD 229, VTD 230, VTD 231, VTD 243. It has one judge.

(30) District 26E: Mecklenburg County: VTD 002, VTD 005, VTD 007, VTD 009, VTD 010, VTD 012, VTD 013, VTD 014, VTD 016, VTD 017, VTD 020, VTD 021, VTD 022, VTD 023, VTD 024, VTD 025, VTD 029, VTD 031,

VTD 039, VTD 040, VTD 041, VTD 046, VTD 052, VTD 053, VTD 078.1, VTD 079, VTD 080, VTD 081, VTD 109, VTD 200. It has one judge.

(31) District 26F: Mecklenburg County: VTD 011, VTD 015, VTD 026, VTD 027, VTD 028, VTD 030, VTD 042, VTD 044, VTD 054, VTD 055, VTD 056, VTD 082, VTD 089, VTD 128, VTD 135, VTD 210, VTD 211, VTD 213, VTD 214, VTD 222, VTD 238.1. It has one judge.

(32) District 26G: Mecklenburg County: VTD 003, VTD 004, VTD 043, VTD 060, VTD 061, VTD 104, VTD 105, VTD 107.1, VTD 123, VTD 126, VTD 132, VTD 141, VTD 145, VTD 146, VTD 149, VTD 204.1, VTD 212, VTD 237, VTD 239. It has one judge.

(33) District 26H: Mecklenburg County: VTD 006, VTD 033, VTD 034, VTD 045, VTD 062, VTD 063, VTD 064, VTD 065, VTD 066, VTD 068, VTD 083, VTD 084, VTD 085, VTD 094, VTD 095, VTD 099, VTD 102, VTD 108, VTD 115, VTD 116, VTD 117, VTD 124, VTD 125, VTD 130, VTD 201, VTD 203, VTD 205, VTD 235. It has one judge.

...."

SECTION 1.(b) The judge in District 26A, as established by this act, shall take office on January 1, 2021, with an election in 2020 to be held accordingly.

SECTION 1.(c) In order to implement the superior court districts as enacted by this section, in 2018 and every eight years thereafter, elections shall be conducted for Districts 12A, 12C, 26C, 26E, 26F, and 26H; in 2020 and every eight years thereafter, elections shall be conducted for District 12B, 26A; and in 2022 and every eight years thereafter, elections shall be conducted for Districts 26B, 26D, and 26G.

SECTION 2.(a) G.S. 7A-133 reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	6	Craven
		Pamlico
		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	9	New Hanover

		Pender
6	4	Northampton
		Bertie
		Hertford
		Halifax
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	5	Granville
		(part of Vance
		see subsection (b))
		Franklin
		Person
9B	2	Warren
		(part of Vance
		see subsection (b))
~~10~~	~~19~~	~~Wake~~
10A	3	(part of Wake
		see subsection (b))
10B	3	(part of Wake
		see subsection (b))
10C	3	(part of Wake
		see subsection (b))
10D	6	(part of Wake
		see subsection (b))
10E	3	(part of Wake
		see subsection (b))
10F	3	(part of Wake
		see subsection (b))
11	11	Harnett
		Johnston
		Lee
12	10	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	7	Durham
15A	4	Alamance
15B	5	Orange
		Chatham
16A	6	Scotland
		Hoke
		Anson
		Richmond
16B	5	Robeson
17A	4	Caswell
		Rockingham
17B	4	Stokes

		Surry
18	14	Guilford
19A	5	Cabarrus
19B	7	Montgomery
		Moore
		Randolph
19C	5	Rowan
20A	2	Stanly
20B	1	(part of Union see subsection (b))
20C	2	(part of Union see subsection (b))
20D	1	Union
21	11	Forsyth
22A	5	Alexander
		Iredell
22B	6	Davidson
		Davie
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	9	Burke
		Caldwell
		Catawba
~~26~~	~~21~~	~~Mecklenburg~~
26A	3	(part of Mecklenburg see subsection (b))
26B	3	(part of Mecklenburg see subsection (b))
26C	2	(part of Mecklenburg see subsection (b))
26D	2	(part of Mecklenburg see subsection (b))
26E	3	(part of Mecklenburg see subsection (b))
26F	3	(part of Mecklenburg see subsection (b))
26G	2	(part of Mecklenburg see subsection (b))
26H	3	(part of Mecklenburg see subsection (b))
27A	7	Gaston
27B	6	Cleveland
		Lincoln
28	7	Buncombe

29A	3	McDowell
		Rutherford
29B	4	Henderson
		Polk
		Transylvania
30	6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

(1) District Court District 9 consists of Person, Franklin and Granville Counties and the remainder of Vance County not in District Court District 9B.

(2) District Court District 9B consists of Warren County and VTD EH1, VTD MIDD, VTD NH1, VTD NH2, VTD TWNS, VTD WMSB of Vance County.

(3) District Court District 20C consists of the remainder of Union County not in District Court District 20B.

(4) District Court District 20B consists of Precinct 01: Tract 204.01: Block Group 2: Block 2040, Block 2057, Block 2058, Block 2060, Block 2061, Block 2062, Block 2064, Block 2065; Tract 204.02: Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034; Block Group 3: Block 3000, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047; Block Group 4: Block 4035, Block 4054, Block 4055; Precinct 02: Tract 205: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1037, Block 1038; Block Group 2: Block 2081, Block 2082, Block 2092, Block 2099, Block 2100, Block 2101, Block 2102; Tract 206: Block Group 3: Block 3036, Block 3038, Block 3039, Block 3040, Block 3048; Block Group 4: Block 4053; Precinct 03, Precinct 04, Precinct 06: Tract 202.02: Block Group 1: Block 1012, Block 1013, Block 1014, Block 1015, Block 1017, Block 1018, Block 1021, Block 1022, Block 1023; Tract 204.01: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2033, Block 2034, Block 2035, Block 2036, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2056, Block 2063, Block 2999; Precinct 08, Precinct 09, Precinct 10, Precinct 13, Precinct 23: Tract 206: Block Group

4: Block 4051; Precinct 25: Tract 206: Block Group 4: Block 4036; Precinct 34, Precinct 36, Precinct 43 of Union County.

(5) District 10A: Wake County: VTD 01-42, VTD 01-47, VTD 02-01, VTD 02-02, VTD 02-03, VTD 02-04, VTD 02-05, VTD 02-06, VTD 07-02, VTD 07-06, VTD 07-07, VTD 08-04, VTD 08-05, VTD 08-07, VTD 09-01, VTD 09-03, VTD 10-01, VTD 13-10, VTD 13-11, VTD 14-01, VTD 14-02, VTD 19-03, VTD 19-04, VTD 19-05, VTD 19-06, VTD 19-07, VTD 19-09, VTD 19-10, VTD 19-11, VTD 19-12.

(6) District 10B: Wake County: VTD 09-02, VTD 10-02, VTD 10-03, VTD 10-04, VTD 13-01, VTD 13-07, VTD 13-08, VTD 13-09, VTD 16-08, VTD 17-02, VTD 17-03, VTD 17-04, VTD 17-06, VTD 17-07, VTD 17-08, VTD 17-09, VTD 17-11, VTD 19-16, VTD 19-17.

(7) District 10C: Wake County: VTD 01-04, VTD 01-09, VTD 01-10, VTD 01-12, VTD 01-13, VTD 01-14, VTD 01-15, VTD 01-17, VTD 01-18, VTD 01-28, VTD 01-30, VTD 01-34, VTD 01-36, VTD 01-37, VTD 01-38, VTD 01-39, VTD 01-43, VTD 01-44, VTD 01-45, VTD 01-46, VTD 01-51, VTD 07-03, VTD 07-04, VTD 07-05, VTD 07-09, VTD 07-11, VTD 07-12, VTD 07-13, VTD 08-02, VTD 08-06, VTD 08-09, VTD 13-02, VTD 13-05, VTD 13-06, VTD 17-01, VTD 17-05, VTD 17-10.

(8) District 10D: Wake County: VTD 01-01, VTD 01-02, VTD 01-03, VTD 01-05, VTD 01-06, VTD 01-07, VTD 01-11, VTD 01-16, VTD 01-29, VTD 01-33, VTD 01-49, VTD 04-01, VTD 04-02, VTD 04-03, VTD 04-04, VTD 04-05, VTD 04-06, VTD 04-07, VTD 04-08, VTD 04-09, VTD 04-10, VTD 04-11, VTD 04-12, VTD 04-14, VTD 04-15, VTD 04-16, VTD 04-17, VTD 04-18, VTD 04-20, VTD 04-21, VTD 05-05, VTD 06-05, VTD 06-07, VTD 07-01, VTD 07-10, VTD 08-03, VTD 08-08, VTD 08-10, VTD 08-11, VTD 11-01, VTD 11-02, VTD 12-01, VTD 12-02, VTD 12-04, VTD 12-05, VTD 12-06, VTD 12-07, VTD 12-09, VTD 15-01, VTD 15-02, VTD 15-03, VTD 15-04, VTD 16-01, VTD 16-05, VTD 16-09, VTD 18-02, VTD 18-03, VTD 18-05, VTD 20-03, VTD 20-05, VTD 20-09.

(9) District 10E: Wake County: VTD 01-19, VTD 01-20, VTD 01-21, VTD 01-22, VTD 01-23, VTD 01-25, VTD 01-26, VTD 01-27, VTD 01-31, VTD 01-32, VTD 01-35, VTD 01-40, VTD 01-41, VTD 01-48, VTD 01-50, VTD 16-02, VTD 16-03, VTD 16-04, VTD 16-06, VTD 16-07, VTD 18-01, VTD 18-04, VTD 18-06, VTD 18-07, VTD 18-08.

(10) District 10F: Wake County: VTD 03-00, VTD 04-13, VTD 04-19, VTD 05-01, VTD 05-03, VTD 05-04, VTD 05-06, VTD 06-01, VTD 06-04, VTD 06-06, VTD 12-08, VTD 20-01, VTD 20-02, VTD 20-04, VTD 20-06, VTD 20-08, VTD 20-10, VTD 20-11, VTD 20-12.

(11) District 26A: Mecklenburg County: VTD 001, VTD 008, VTD 018, VTD 019, VTD 032, VTD 035, VTD 036, VTD 047, VTD 048, VTD 057, VTD 067, VTD 069, VTD 071, VTD 074, VTD 091, VTD 096, VTD 103, VTD 106, VTD 113, VTD 119, VTD 136, VTD 215, VTD 216, VTD 217, VTD 218, VTD 219, VTD 220, VTD 221, VTD 233, VTD 234, VTD 236.

(12) District 26B: Mecklenburg County: VTD 070, VTD 072, VTD 073, VTD 075, VTD 076, VTD 086, VTD 087, VTD 088, VTD 090, VTD 092, VTD 093, VTD 100, VTD 101, VTD 110, VTD 111, VTD 112, VTD 114, VTD 118, VTD 121, VTD 131, VTD 137, VTD 139.1, VTD 140, VTD 144, VTD 226, VTD 227, VTD 232.

(13) District 26C: Mecklenburg County: VTD 127, VTD 133, VTD 134, VTD 142, VTD 143, VTD 150, VTD 151, VTD 202, VTD 206, VTD 207, VTD 208, VTD 209, VTD 223.1, VTD 224, VTD 240, VTD 241, VTD 242.

(14) District 26D: Mecklenburg County: VTD 037, VTD 038, VTD 049, VTD 050, VTD 051, VTD 058, VTD 059, VTD 077, VTD 097, VTD 098, VTD 120, VTD 122, VTD 129, VTD 138, VTD 147, VTD 148, VTD 225, VTD 228, VTD 229, VTD 230, VTD 231, VTD 243.

(15) District 26E: Mecklenburg County: VTD 002, VTD 005, VTD 007, VTD 009, VTD 010, VTD 012, VTD 013, VTD 014, VTD 016, VTD 017, VTD 020, VTD 021, VTD 022, VTD 023, VTD 024, VTD 025, VTD 029, VTD 031, VTD 039, VTD 040, VTD 041, VTD 046, VTD 052, VTD 053, VTD 078.1, VTD 079, VTD 080, VTD 081, VTD 109, VTD 200.

(16) District 26F: Mecklenburg County: VTD 011, VTD 015, VTD 026, VTD 027, VTD 028, VTD 030, VTD 042, VTD 044, VTD 054, VTD 055, VTD 056, VTD 082, VTD 089, VTD 128, VTD 135, VTD 210, VTD 211, VTD 213, VTD 214, VTD 222, VTD 238.1.

(17) District 26G: Mecklenburg County: VTD 003, VTD 004, VTD 043, VTD 060, VTD 061, VTD 104, VTD 105, VTD 107.1, VTD 123, VTD 126, VTD 132, VTD 141, VTD 145, VTD 146, VTD 149, VTD 204.1, VTD 212, VTD 237, VTD 239.

(18) District 26H: Mecklenburg County: VTD 006, VTD 033, VTD 034, VTD 045, VTD 062, VTD 063, VTD 064, VTD 065, VTD 066, VTD 068, VTD 083, VTD 084, VTD 085, VTD 094, VTD 095, VTD 099, VTD 102, VTD 108, VTD 115, VTD 116, VTD 117, VTD 124, VTD 125, VTD 130, VTD 201, VTD 203, VTD 205, VTD 235.

The names and boundaries of voting tabulation districts specified for Mecklenburg County and Vance County in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles. Precinct boundaries for Union County are those shown on the Legislative Services Office's redistricting computer database on January 1, 2005; and for other counties are those reported by the United States Bureau of the Census under Public Law 94-171 for the 1990 Census in the IVTD Version of the TIGER files.

...."

SECTION 2.(b) In order to implement the district court districts as enacted by this section, the following shall apply:

(1) Judges in the following districts, as set out in this section, shall take office on January 1, 2019, with elections in 2018, and every four years thereafter, to be held accordingly:
   a. District 10A – one judge.
   b. District 10B – two judges.
   c. District 10D – three judges.
   d. District 10E – two judges.
   e. District 10F – two judges.
   f. District 26A – three judges.
   g. District 26B – one judge.
   h. District 26E – two judges.
   i. District 26F – two judges.
   j. District 26G – one judge.

(2) Judges in the following districts, as set out in this section, shall take office on January 1, 2021, with elections in 2020, and every four years thereafter, to be held accordingly:
   a. District 10A – two judges.

b. District 10B – one judge.
c. District 10C – three judges.
d. District 10D – three judges.
e. District 10E – one judge.
f. District 10F – one judge.
g. District 26B – two judges.
h. District 26C – two judges.
i. District 26D – two judges.
j. District 26E – one judge.
k. District 26F – one judge.
l. District 26G – one judge.
m. District 26H – three judges.

SECTION 3. If Senate Bill 99, 2017 Regular Session, becomes law, The Director of the Budget shall increase the budget of the Administrative Office of the Courts from the unserved fund balance in an amount sufficient to cover the costs of the judgeships created by this bill. These funds are hereby appropriated.

SECTION 4. This act becomes effective January 1, 2019, except as provided in this act, and elections in 2018 and thereafter shall be held accordingly.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 1037
PROPOSED COMMITTEE SUBSTITUTE H1037-PCS30488-BK-40

Short Title: Various Judicial Districts Changes. (Public)

Sponsors:

Referred to:

May 31, 2018

A BILL TO BE ENTITLED

AN ACT TO REVISE CERTAIN JUDICIAL DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-41 reads as rewritten:

"**§ 7A-41. Superior court divisions and districts; judges.**

(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	~~4A~~4	Duplin, Jones, Onslow, Sampson	~~1~~2
~~Second~~	~~4B~~	~~Onslow~~	~~1~~
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1

First	6B	Bertie, Hertford, Northampton	1	
First	7A	Nash	1	
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1	
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1	
Second	8A	Lenoir and Greene	1	
Second	8B	Wayne	1	
Third	9	Franklin, Granville, Person, Vance, Warren	2	
Third	10A	(part of Wake, see subsection (b))	1	
Third	10B	(part of Wake, see subsection (b))	2	
Third	10C	(part of Wake, see subsection (b))	1	
Third	10D	(part of Wake, see subsection (b))	1	
Fourth	11A	Harnett, Lee	1	
Fourth	11B	Johnston	1	
Fourth	12A	(part of Cumberland, see subsection (b))	1	
Fourth	12B	(part of Cumberland, see subsection (b))	1	
Fourth	12C	(part of Cumberland, see subsection (b))	2	
Fourth	13A	Bladen, Columbus	1	
Fourth	13B	Brunswick	1	
Third	14A	(part of Durham, see subsection (b))	1	
Third	14B	(part of Durham, see subsection (b))	3	
Third	15A	Alamance	2	
Third	15B	Orange, Chatham	2	
Fourth	16A	Anson, Richmond, ~~Scotland, Hoke~~Scotland	2	
Fourth	16B	Robeson	2	
Fifth	17A	Caswell, Rockingham	3	
Fifth	17B	Stokes, Surry	2	
Fifth	18A	(part of Guilford, see subsection (b))	1	
Fifth	18B	(part of Guilford, see subsection (b))	1	
Fifth	18C	(part of Guilford, see subsection (b))	1	
Fifth	18D	(part of Guilford,	1	

			see subsection (b))	
	Fifth	18E	(part of Guilford, see subsection (b))	1
	Sixth	19A	Cabarrus	1
	Fifth	19B	~~Montgomery,~~ Randolph	~~1~~2
	Sixth	19C	Rowan	1
	Fourth	19D	Hoke, Moore	~~1~~2
	Sixth	20A	Montgomery, Stanly	~~1~~2
	Sixth	20B	Union	2
	Fifth	21A	(part of Forsyth, see subsection (b))	1
	Fifth	21B	(part of Forsyth, see subsection (b))	1
	Fifth	21C	(part of Forsyth, see subsection (b))	1
	Fifth	21D	(part of Forsyth, see subsection (b))	1
	Sixth	22A	Alexander, Iredell	2
	Sixth	22B	Davidson, Davie	2
	Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
	Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2
	Seventh	25A	Burke, Caldwell	2
	Seventh	25B	Catawba	2
	Seventh	26A	(part of Mecklenburg, see subsection (b))	2
	Seventh	26B	(part of Mecklenburg, see subsection (b))	3
	Seventh	26C	(part of Mecklenburg, see subsection (b))	2
	Seventh	27A	Gaston	2
	Seventh	27B	Cleveland, Lincoln	2
	Eighth	28	Buncombe	2
	Eighth	29A	McDowell, Rutherford	1
	Eighth	29B	Henderson, Polk, Transylvania	1
	Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
	Eighth	30B	Haywood, Jackson	1.

…

(b1) The qualified voters of District 4 shall elect all judges established for District 4 in subsection (a) of this section, but only persons who reside in Onslow County may be candidates for one of the judgeships and only persons who reside in Duplin, Jones, or Sampson County may be candidates for the remaining judgeship.

…."

SECTION 1.(b) The additional judges in Districts 19B, 19D, and 20A, as established by this section, shall take office on January 1, 2019, with an election in 2018 to be held accordingly.

SECTION 1.(c) Except as provided in this section, this section becomes effective January 1, 2019, and elections in 2018 and thereafter shall be held accordingly.

SECTION 2.(a) G.S. 7A-133 reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	6	Craven
		Pamlico
		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	9	New Hanover
		Pender
6	4	Northampton
		Bertie
		Hertford
		Halifax
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	5	Granville
		(part of Vance
		see subsection (b))
		Franklin
		Person
9B	2	Warren
		(part of Vance

		see subsection (b))
10	19	Wake
11	11	Harnett
		Johnston
		Lee
12	10	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	7	Durham
15A	4	Alamance
15B	5	Orange
		Chatham
16A	~~64~~	Scotland
		~~Hoke~~
		Anson
		Richmond
16B	5	Robeson
17A	4	Caswell
		Rockingham
17B	4	Stokes
		Surry
18	14	Guilford
19A	5	Cabarrus
19B	~~7~~5	~~Montgomery~~
		~~Moore~~
		Randolph
19C	5	Rowan
19D	4	Hoke, Moore
20A	~~2~~3	~~Stanly~~Montgomery, Stanly
20B	1	(part of Union
		see subsection (b))
20C	2	(part of Union
		see subsection (b))
20D	1	Union
21	11	Forsyth
22A	5	Alexander
		Iredell
22B	6	Davidson
		Davie
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	9	Burke
		Caldwell

		Catawba
26	21	Mecklenburg
27A	7	Gaston
27B	6	Cleveland
		Lincoln
28	7	Buncombe
29A	3	McDowell
		Rutherford
29B	4	Henderson
		Polk
		Transylvania
30	6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

…

(b5) The qualified voters of District 19D shall elect all judges established for District 19D in subsection (a) of this section, but only persons who reside in Hoke County may be candidates for one of the judgeships and only persons who reside in Hoke or Moore County may be candidates for the remaining judgeships.

…."

SECTION 2.(b) The additional judge in District 20A, as established by this section, shall take office on January 1, 2019, with an election in 2018 to be held accordingly.

SECTION 3.(a) G.S. 7A-60 reads as rewritten:

"**§ 7A-60. District attorneys and prosecutorial districts.**

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided in subsections (b) and (c) of this section who shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution.

…

(a1) **(Effective January 1, 2019)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	19

7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
10	Franklin, Granville, Person Vance, Warren	13
11	Wake	42
12	Harnett, Lee	11
13	Johnston	10
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
~~19~~	~~Scotland, Hoke~~	~~7~~
20	Robeson	12
21	Anson, ~~Richmond~~Richmond, Scotland	~~6~~7
22	Caswell, Rockingham	10
23	Stokes, Surry	8
24	Guilford	34
25	Cabarrus	9
26	~~Montgomery,~~ Randolph	10
27	Rowan	9
28	Hoke, Moore	~~5~~9
29	Montgomery, Stanly	~~5~~6
30	Union	11
31	Forsyth	27
32	Alexander, Iredell	12
33	Davidson, Davie	12
34	Alleghany, Ashe, Wilkes, Yadkin	9
35	Avery, Madison, Mitchell, Watauga, Yancey	8
36	Burke, Caldwell, Catawba	19
37	Mecklenburg	58
38	Gaston	15
39	Cleveland, Lincoln	12
40	Buncombe	14
41	McDowell, Rutherford	8
42	Henderson, Polk, Transylvania	9
43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.	12

...."

SECTION 3.(b) The office and term of the district attorney for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties is terminated upon the expiration of the current term, December 31, 2020. Effective January 1, 2021, District 19 formerly consisting of Hoke and Scotland Counties is reassigned as provided in this section. All open investigations and pending cases for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties shall be transferred to either District 21 or District 28, as enacted by this section. Hoke County is added to District 28, as enacted by this section, and the total number of ADAs in that district is nine. Scotland County is added to District 21, and the total number of ADAs in that district is seven.

SECTION 4. If Senate Bill 99, 2017 Regular Session, becomes law, The Director of the Budget shall increase the budget of the Administrative Office of the Courts from the unserved fund balance in an amount sufficient to cover the costs of the judgeships created by this bill. These funds are hereby appropriated.

SECTION 5. This act is effective when it becomes law, and elections in 2018 and thereafter shall be held accordingly.

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar, and Operations of the House 6/1/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Brad Fowler	NCAOC
Marion R Warren	NCAOC
Ryan Boyce	"
Mildred Spearman	NCAOC
Kelli Kukura	Duke Energy
[illegible]	LRAL
[illegible]	[illegible]
Anne Blythe	N&O
Rashaan [illegible]	N&O
Leo John	Secretary of State
Christopher Stock	Conf of Clerks

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar, and Operations of the House 6/1/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Frazier	NAP
Tim Minton	NCHBA
Maria Gad	
NICHOLAS ZANZOT	Sen. Tarte
Chris Broughton	MWC
Bradford Sneeden	NCDOJ
Richard Bostic	NCSBA
Abby Hammond	NCAJ
Christine Wunsche	SOG Daily Bulletin
Penny Hill	SOG

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar, and Operations of the House 6/1/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rick Zechini	Williams Mullen
Francis DeLuca	Retired
Jane Royall	NCFPC

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 7, 2018 at Immediately After Session
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at Immediately After Session on June 7, 2018 in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Blust, Boles, Brawley, Bumgardner, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

HB 1083 Speakers Appointments 2018: Rep. Lewis presented the bill. Rep. Torbett moved for a favorable report. The motion carries on a voice vote.

The meeting adjourned at 6:45.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins

Mark Coggins, Committee Clerk

Mark Coggins (Rep. David Lewis)

From:	Mark Coggins (Rep. David Lewis)
Sent:	Thursday, June 07, 2018 01:25 PM
To:	Rep. David Lewis
Cc:	Grace Rogers (Rep. David Lewis)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 07, 2018 at Immediately After Session - CANCELLED
Attachments:	Add Meeting to Calendar_LINC_.ics

Cancelled Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will **NOT** meet as follows:

DAY & DATE: Thursday, June 7, 2018
TIME: **Immediately After Session**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1083	Speaker's Appointments 2018.	Representative Lewis

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:24 PM on Thursday, June 07, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Wednesday, June 06, 2018 07:42 PM
To: Rep. David Lewis
Cc: Grace Rogers (Rep. David Lewis)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 07, 2018 at Immediately After Session
Attachments: Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 7, 2018
TIME: **Immediately After Session**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1083	Speaker's Appointments 2018.	Representative Lewis

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 7:41 PM on Wednesday, June 06, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 7, 2018, Immediately After Session
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 1083	Appointments Bill 2018.	Representative Lewis

Presentations

Other Business

Favorable for Introduction - Amend membership of Medical Board (Notates that one of the positions shall be a Doctor of Osteopathy)

Adjournment

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 7, 2018, Immediately After Session
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 1083	Speaker's Appointments 2018.	Representative Lewis

Presentations

Other Business

Favorable for Introduction - Amend membership of Medical Board (Notates that one of the positions shall be a Doctor of Osteopathy)

Adjournment

HOUSE BILL 1083

Short Title:	Speaker's Appointments 2018.	(Public)
Sponsors:	Representative Lewis. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

June 5, 2018

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Effective January 1, 2018, Michael Reitz of Chatham County, Cecil V. "Buddy" Martinette, Jr., of New Hanover County, and Sheriff J. D. Hartman of Davie County are appointed to the 911 Board for terms expiring on December 31, 2021.

SECTION 2. Unless otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

BILL DRAFT 2017-SU-8 [v.1]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
06/07/2018 09:51:26 AM

Short Title:	Amend membership of Medical Board.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-2(a) reads as rewritten:

"(a) There is established the North Carolina Medical Board to regulate the practice of medicine and surgery for the benefit and protection of the people of North Carolina. The Board shall consist of 13 members:

(1) ~~Seven~~ Six of the members shall be duly licensed physicians recommended by the Review Panel and appointed by the Governor as set forth in G.S. 90-3.

(2) ~~Four~~ Five members shall all be appointed by the Governor as follows:

a. One shall be a ~~duly licensed physician who is a doctor of osteopathy or a full-time faculty member of one of the medical schools in North Carolina who utilizes integrative medicine in that person's clinical practice or a~~ member of The Old North State Medical Society. This Board position shall not be subject to recommendations of the Review Panel pursuant to G.S. 90-3.

b. One shall be a public member, and this Board position shall not be subject to recommendation of the Review Panel pursuant to G.S. 90-3.

c. One shall be a physician assistant as defined in G.S. 90-18.1 as recommended by the Review Panel pursuant to G.S. 90-3.

d. One shall be a nurse practitioner as defined in G.S. 90-18.2 as recommended by the Review Panel pursuant to G.S. 90-3.

e. One shall be a duly licensed physician who is a doctor of osteopathy or a full-time faculty member of one of the medical schools in North Carolina who utilizes integrative medicine in that person's clinical practice, as recommended by the Review Panel pursuant to G.S. 90-3.

(3) Two public members appointed by the General Assembly in accordance with G.S. 120-121, one upon recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate."

SECTION 2. This act becomes effective October 31, 2019, and applies to vacancies on the North Carolina Medical Board occurring on or after that date.

House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 12, 2018 at 7:00 PM
Room 1228

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 7:00 PM on June 12 in Room 1228. Representatives Bell, Boles, Brawley, Bumgardner, Burr, Davis, Dollar, Fraley, Hardister, Hastings, Jackson, Johnson, Lewis, Martin, McGrady, Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Rep. Lewis presided.

House Bill 1083 was placed before the committee. Representative Bell moved for a favorable report. The motion carried.

Senate Bill 622 was placed before the committee. Senator Barringer presented the bill.

Representative Stevens sent forward an amendment. The amendment was adopted.

Representative Stevens moved that the amendment be rolled into a PCS, and that the PCS be reported favorably, unfavorably as to the original bill. The motion carried.

Senate Bill 451 was placed before the committee. Senator Daniel presented the bill. Linda Johnston from the North Carolina Bar Association spoke to the committee on the bill.

The bill was temporarily displaced by Chairman Lewis.

Senate Bill 124 was placed before the committee. Senator Davis presented the bill. Representative Bell sent forward an amendment. The amendment was adopted. Representative Bell motioned that the amendment be rolled into a PCS for Senate Bill 124 and that this PCS be given a favorable report. The motion carried.

A PCS for Senate Bill 420 was placed before the committee. Senator Curtis presented a proposed committee substitute.

Representative Burr sent forward an amendment. The amendment was adopted.

Rep Hardister moved that the PCS as amended be given a favorable report, unfavorable to the original PCS. The motion carried.

Senate Bill 125 was placed before the committee. Senator Davis presented the bill.

Representative Bell moved to amend the bill. The motion carried.

Representative Torbett moved for a favorable to the PCS as amended, unfavorable to the original report. The motion carried.

House Bill 1031 was placed before the committee. Rep. Horn explained the bill. Rep. McGrady sent forward an amendment. The motion carried. The committee heard from Joanna Reese from the Association of County Commissioners. Leigh Ann Winters from the School Boards Association spoke to the bill as well.

The Bill was temporarily displaced.

Senator Daniel presented Senate Bill 451. Rep. Stevens moved that Senate Bill 451 be reported without prejudice. The motion carried.

A PCS Senate Bill 224 was placed before the committee without prejudice. Rep. Hardister presented the bill. Rep. Hardister sent forward an amendment. The amendment carried.

Representative Reives moved to amend the bill. Lobbyists from the Apartments Association and the North Carolina Advocates for Justice spoke to the amendment and the bill.

The bill was temporarily displaced.

Senate Bill 411 was placed before the committee. Representative Torbett was recognized to send forward an amendment. The North Carolina Automobile Dealers Association lobbyist spoke to the amendment passed. The amendment passed. Rep. Torbett moved that Senate Bill 411 be reported favorably as a new PCS, unfavorable to the original bill.

Senate Bill 412 was placed before the committee. Representative Torbett was recognized to send forward an amendment. The amendment was adopted. Rep. Torbett moved that the bill as amended be rolled into a new PCS and that it be given a favorable report, unfavorable to the original bill.

A PCS for Senate Bill 559 was placed before the committee. Rep. Szoka moved for a favorable report. The motion carried.

The committee stood at ease until 8:36 PM.

Senate Bill 140 was placed before the committee. Representative Burr sent forward an amendment. The amendment carried. Representative Jackson sent forward an amendment.

The bill was temporarily displaced.

Senate Bill 224 was back before the committee. Representative Reives sent forward an amendment. The amendment passed. Rep. Hardister moved that the amended PCS be given a favorable report, unfavorable as to the original PCS.

House Bill 1031 was back before the committee. Representative Fraley sent forward an amendment. The amendment was adopted. The original amendment from Rep. McGrady was

reconsidered on motion from Rep. Torbett. The motion carried. The amendment was returned to the sponsor.

On motion from Rep. Torbett, House Bill 1031 as amended was given a favorable report, unfavorable as to the original report. The motion carried.

House Bill 1035 was placed before the committee. Rep. Boswell presented to the committee. Rep. Torbett moved for a favorable report. The motion carried.

A PCS for Senate Bill 561 was placed before the committee without objection. Rep. Brawley presented to the committee. Rep. Lewis presented an amendment to the committee. The amendment passed.

A PCS for Senate Bill 140. Rep. Jordan explained the bill. Rep. Jackson moved for a favorable.

The meeting adjourned at 9:19 PM.

David R. Lewis

Chairman David R. Lewis
Presiding

Neal Inman, Committee Clerk

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Tuesday, June 12, 2018 07:02 PM
To: Sen. Jeff Jackson; Sen. Michael Lee; Sen. Danny Britt; Rep. David Lewis; Sen. Ralph Hise; Sen. Harry Brown; Sen. Don Davis; Sen. Chad Barefoot; Sen. David Curtis; Sen. Paul Newton; Sen. Warren Daniel; Rep. Marvin Lucas; Rep. Pat Hurley; Rep. Craig Horn; Sen. Tamara Barringer; Sen. Brent Jackson; Rep. Beverly Boswell
Cc: Dylan Arant (Sen. Jeff Jackson); Emily Barnes (Sen. Michael Lee); Cindy Davis (Sen. Danny Britt); Grace Rogers (Rep. David Lewis); Susan Fanning (Sen. Ralph Hise); Kolt Ulm (Sen. Harry Brown); Sally-Ann Gupta (Sen. Harry Brown); Lorie Byrd (Sen. Harry Brown); Blinda Edwards (Sen. Don Davis); Seth Riggins (Sen. Chad Barefoot); Lynn Tennant (Sen. David Curtis); Justus Cochran (Sen. Paul Newton); Andy Perrigo (Sen. Warren Daniel); Lydia Daniel (Sen. Warren Daniel); Thelma Utley (Rep. Marvin Lucas); Deborah Holder (Rep. Pat Hurley); Erin Wilson (Rep. Craig Horn); Devon Karst (Sen. Tamara Barringer); Ross Barnhardt (Sen. Brent Jackson); Alexander Fagg (Sen. Brent Jackson); Beth Strandberg (Rep. Beverly Boswell)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, June 12, 2018 at 7:00 PM - UPDATED #2
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #2: HB 1035 addition

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 12, 2018
TIME: **7:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **The following bills will have a PCS and will be sent to the committee members shortly: SB 140, SB 420, SB 224, SB 559, SB 299, and SB 561. Please note that the wrong PCS for SB 299 was sent to members and the correct version will appear shortly.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 224	Include B/E With Intent to Terrorize in HB/E .	Senator J. Jackson Senator Britt Senator Lee

HB 1083	Speaker's Appointments 2018.	Representative Lewis
SB 140	Revise State Nature and Historic Preserve.	Senator Hise
SB 125	Various Changes to Education.	Senator D. Davis Senator Brown
SB 124	LEO Managed CBD Oil Drop Box.	Senator D. Davis Senator Hise
SB 559	Fingerprinting Upon Arrest.	Senator J. Jackson Senator Britt
SB 420	CC Bd. of Trustees/Governance.	Senator Curtis Senator Barefoot
SB 299	Expand Use of CAM Systems & Create CAM Fund.	Senator J. Jackson Senator Newton Senator Britt
SB 451	Joint Survivorship Clarifications.	Senator Newton Senator Daniel
HB 1031	Local Ed. Funding Dispute Process.	Representative Horn Representative Hurley Representative Lucas
SB 622	Business Corporation Act Revisions.	Senator Barringer Senator Newton
SB 412	Abandoned Vehicles/Charities.	Senator B. Jackson
SB 561	Expunction - Charges Dismissed/Not Guilty.	Senator J. Jackson Senator Britt Senator B. Jackson
SB 411	Various Motor Vehicle Law Revisions.	Senator B. Jackson
HB 1035	College of the Albemarle/Dare County.	Representative Boswell

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 7:01 PM on Tuesday, June 12, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Tuesday, June 12, 2018 05:31 PM
To: Sen. Jeff Jackson; Sen. Michael Lee; Sen. Danny Britt; Rep. David Lewis; Sen. Ralph Hise; Sen. Harry Brown; Sen. Don Davis; Sen. Chad Barefoot; Sen. David Curtis; Sen. Paul Newton; Sen. Warren Daniel; Rep. Marvin Lucas; Rep. Pat Hurley; Rep. Craig Horn; Sen. Tamara Barringer; Sen. Brent Jackson
Cc: Dylan Arant (Sen. Jeff Jackson); Emily Barnes (Sen. Michael Lee); Cindy Davis (Sen. Danny Britt); Grace Rogers (Rep. David Lewis); Susan Fanning (Sen. Ralph Hise); Kolt Ulm (Sen. Harry Brown); Sally-Ann Gupta (Sen. Harry Brown); Lorie Byrd (Sen. Harry Brown); Blinda Edwards (Sen. Don Davis); Seth Riggins (Sen. Chad Barefoot); Lynn Tennant (Sen. David Curtis); Justus Cochran (Sen. Paul Newton); Andy Perrigo (Sen. Warren Daniel); Lydia Daniel (Sen. Warren Daniel); Thelma Utley (Rep. Marvin Lucas); Deborah Holder (Rep. Pat Hurley); Erin Wilson (Rep. Craig Horn); Devon Karst (Sen. Tamara Barringer); Ross Barnhardt (Sen. Brent Jackson); Alexander Fagg (Sen. Brent Jackson)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, June 12, 2018 at 7:00 PM - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: Bill additions (SB 411 & SB 412 & SB 561) and subtraction (SB 563)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 12, 2018
TIME: **7:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **The following bills will have a PCS and will be sent to the committee members shortly: SB 140, SB 420, SB 224, SB 559, SB 299, and SB 561. Please note that the wrong PCS for SB 299 was sent to members and the correct version will appear shortly.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 224	Include B/E With Intent to Terrorize in HB/E .	Senator J. Jackson Senator Britt Senator Lee
HB 1083	Speaker's Appointments 2018.	Representative Lewis

SB 140	Revise State Nature and Historic Preserve.	Senator Hise
SB 125	Various Changes to Education.	Senator D. Davis Senator Brown
SB 124	LEO Managed CBD Oil Drop Box.	Senator D. Davis Senator Hise
SB 559	Fingerprinting Upon Arrest.	Senator J. Jackson Senator Britt
SB 420	CC Bd. of Trustees/Governance.	Senator Curtis Senator Barefoot
SB 299	Expand Use of CAM Systems & Create CAM Fund.	Senator J. Jackson Senator Newton Senator Britt
SB 451	Joint Survivorship Clarifications.	Senator Newton Senator Daniel
HB 1031	Local Ed. Funding Dispute Process.	Representative Horn Representative Hurley Representative Lucas
SB 622	Business Corporation Act Revisions.	Senator Barringer Senator Newton
SB 412	Abandoned Vehicles/Charities.	Senator B. Jackson
SB 561	Expunction - Charges Dismissed/Not Guilty.	Senator J. Jackson Senator Britt Senator B. Jackson
SB 411	Various Motor Vehicle Law Revisions.	Senator B. Jackson

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:30 PM on Tuesday, June 12, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From:	Mark Coggins (Rep. David Lewis)
Sent:	Tuesday, June 12, 2018 03:43 PM
To:	Sen. Jeff Jackson; Sen. Michael Lee; Sen. Danny Britt; Rep. David Lewis; Sen. Ralph Hise; Sen. Harry Brown; Sen. Don Davis; Sen. Chad Barefoot; Sen. David Curtis; Sen. Paul Newton; Sen. Warren Daniel; Rep. Marvin Lucas; Rep. Pat Hurley; Rep. Craig Horn; Sen. Tamara Barringer
Cc:	Dylan Arant (Sen. Jeff Jackson); Emily Barnes (Sen. Michael Lee); Cindy Davis (Sen. Danny Britt); Grace Rogers (Rep. David Lewis); Susan Fanning (Sen. Ralph Hise); Kolt Ulm (Sen. Harry Brown); Sally-Ann Gupta (Sen. Harry Brown); Lorie Byrd (Sen. Harry Brown); Blinda Edwards (Sen. Don Davis); Seth Riggins (Sen. Chad Barefoot); Lynn Tennant (Sen. David Curtis); Justus Cochran (Sen. Paul Newton); Andy Perrigo (Sen. Warren Daniel); Lydia Daniel (Sen. Warren Daniel); Thelma Utley (Rep. Marvin Lucas); Deborah Holder (Rep. Pat Hurley); Erin Wilson (Rep. Craig Horn); Devon Karst (Sen. Tamara Barringer)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, June 12, 2018 at 7:00 PM
Attachments:	Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 12, 2018
TIME: **7:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **The following bills will have a PCS and will be sent to the committee members shortly: SB 420, SB 224, SB 559, SB 299**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 224	Include B/E With Intent to Terrorize in HB/E .	Senator J. Jackson Senator Britt Senator Lee
HB 1083	Speaker's Appointments 2018.	Representative Lewis
SB 140	Revise State Nature and Historic Preserve.	Senator Hise
SB 125	Various Changes to Education.	Senator D. Davis Senator Brown

SB 124	LEO Managed CBD Oil Drop Box.	Senator D. Davis Senator Hise
SB 559	Fingerprinting Upon Arrest.	Senator J. Jackson Senator Britt
SB 420	CC Bd. of Trustees/Governance.	Senator Curtis Senator Barefoot
SB 299	Expand Use of CAM Systems & Create CAM Fund.	Senator J. Jackson Senator Newton Senator Britt
SB 451	Joint Survivorship Clarifications.	Senator Newton Senator Daniel
HB 1031	Local Ed. Funding Dispute Process.	Representative Horn Representative Hurley Representative Lucas
SB 622	Business Corporation Act Revisions.	Senator Barringer Senator Newton
SB 563	Business Court Changes.	Senator Barringer Senator Newton Senator Lee

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:42 PM on Tuesday, June 12, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 12, 2018, 7:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 224	Landlord Recovery of Expenses/Rule 60 Motion.	Senator J. Jackson Senator Britt Senator Lee
HB 1083	Appointments Bill 2018.	Representative Lewis
SB 140	Title Ins. Rev/Bailbondsmen Deposits.	Senator Hise
SB 125	Various Changes to Education.	Senator D. Davis Senator Brown
SB 124	LEO Managed CBD Oil Drop Box.	Senator D. Davis Senator Hise
SB 559	Study on Indian Tribes Eligibility for Grants.	Senator J. Jackson Senator Britt
SB 420	CC Governance/Amend Medical Bd.	Senator Curtis Senator Barefoot
SB 299	Expand Use of CAM Systems & Create CAM Fund.	Senator J. Jackson Senator Newton Senator Britt
SB 451	Joint Survivorship Clarifications.	Senator Newton Senator Daniel
HB 1031	Local Ed. Funding Dispute Process.	Representative Horn Representative Hurley Representative Lucas
SB 622	Business Corporation Act Revisions.	Senator Barringer Senator Newton
SB 412	Abandoned Vehicles/Charities.	Senator B. Jackson
SB 561	Violate Tax Law/Venue/Property Tax.	Senator J. Jackson Senator Britt Senator B. Jackson
SB 411	Various Motor Vehicle Law Revisions.	Senator B. Jackson
HB 1035	College of the Albemarle/Dare County.	Representative Boswell

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **224** Include B/E With Intent to Terrorize in HB/E .

Draft Number:	S224-PCS45574-TU-34
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Hardister

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1

SB **411** **(HCS#1)** Various Motor Vehicle Law Revisions.

Draft Number:	S411-PCS15317-BG-36
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Torbett

SB **412** **(HCS#1)** Abandoned Vehicles/Charities.

Draft Number:	S412-PCS45575-BG-35
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Torbett

TOTAL REPORTED: 3



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **1031** Local Ed. Funding Dispute Process.

Draft Number:	H1031-PCS10504-TC-63
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **140** Revise State Nature and Historic Preserve.

Draft Number:	S140-PCS15312-TG-47
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Jordan

SB **559** Fingerprinting Upon Arrest.

Draft Number:	S559-PCS45573-TU-36
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Brenden Jones

SB **561** Expunction - Charges Dismissed/Not Guilty.

Draft Number:	S561-PCS45572-SUf-47
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **622** **(CS#1)** Business Corporation Act Revisions.

Draft Number:	S622-PCS45569-TG-48
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady

TOTAL REPORTED: 5




CMR768-V-1

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **420** CC Bd. of Trustees/Governance.

Draft Number:	S420-PCS15316-SU-46
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Sauls

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **124** **(CS#1)** LEO Managed CBD Oil Drop Box.

Draft Number:	S124-PCS35371-TG-46
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	J. Bell

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1

SB **125** **(HCS#1)** Various Changes to Education.

Draft Number:	S125-PCS15315-TC-62
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	J. Bell

TOTAL REPORTED: 3



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE

HB **1035** College of the Albemarle/Dare County.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Boswell

HB **1083** Speaker's Appointments 2018.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

REPORTED WITHOUT PREJUDICE

SB **451** **(CS#1)** Joint Survivorship Clarifications.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Stevens

TOTAL REPORTED: 3



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 224
PROPOSED HOUSE COMMITTEE SUBSTITUTE S224-CSTU-34 [v.1]
06/05/2018 08:12:48 PM

Short Title: Landlord Recovery of Expenses/Rule 60 Motion. (Public)

Sponsors:

Referred to:

March 9, 2017

A BILL TO BE ENTITLED

AN ACT TO ALLOW LANDLORDS TO RECOVER OUT-OF-POCKET EXPENSES IN SUMMARY EJECTMENT CASES AND TO FILE A MOTION FOR RELIEF FROM JUDGMENT WHEN A POST-JUDGMENT AGREEMENT HAS BEEN MADE WITH A DEFENDANT; AND TO ALLOW PREVAILING PARTIES TO FILE MOTIONS FOR RELIEF FROM JUDGMENT UNDER RULE 60.

Whereas, the General Assembly desires to reaffirm the ability of a landlord filing summary ejectment proceedings to charge and recover from a tenant actual out-of-pocket expenses incurred by the landlord; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.1.(a) G.S. 42-46(h)(3) reads as rewritten:

"(3) It is contrary to public policy for a landlord to put in a lease or claim any fee for filing a complaint for summary ejectment and/or money owed other than the ones expressly authorized by subsections (e) through (g) and (i) of this section, and a reasonable attorney's fee as allowed by law."

SECTION 1.1.(b) G.S. 42-46 is amended by adding two new subsections to read:

"(i) **Out-of-Pocket Expenses. –** In addition to the late fees referenced in subsections (a) and (b) of this section and the administrative fees of a landlord referenced in subsections (e) through (g) of this section, a landlord is also permitted to charge and recover from a tenant the following actual out-of-pocket expenses:

(1) Filing fees charged by the court.

(2) Costs for service of process. pursuant to Rule 4

(3) Reasonable attorney's fees, pursuant to a written lease, not to exceed fifteen percent (15%) of the amount owed by the tenant, or fifteen percent (15%) of the monthly rent stated in the lease if the eviction is based on a default other than the non-payment of rent.

(j) The out-of-pocket expenses listed in subsection (i) of this section are allowed to be included by the landlord in the amount required to cure a default.

SECTION 1.2. Article 3 of Chapter 42 is amended by adding a new section to read:

"**§ 42-36.1B. Judgments for possession satisfied after entry.**

Any landlord who enters into a post-judgment agreement with a defendant after obtaining a judgment for possession pursuant to this Chapter permitting the defendant to retain or regain possession of the demised premises, shall submit to the clerk of superior court in which the judgment was rendered a motion and proposed order for relief from the judgment in accordance with G.S. 1A-1, Rule 60(d). The motion and order shall be submitted within 60 days after the defendant's satisfaction of any duties arising under the agreement. Upon the defendant's

satisfaction of the terms and conditions of the post-judgment agreement, the landlord may not thereafter cause the issuance of an execution on such judgment."

SECTION 2.1 G.S. 1A-1, Rule 60 is amended by adding a new subsection to read:

"(d) **Motion by prevailing party.** – A party in whose favor a judgment was entered may file a motion for the reasons in subsection (b) of this section for relief from the judgment entered against the opposing party. The motion shall be accompanied with a proposed order that does the following:

(1) Grants the moving party's motion.

(2) Sets aside and vacates the judgment granting the moving party's claims.

(3) Dismisses the case with prejudice.

(e) Upon the moving party's filing of a motion under subsection (d) of this section, the clerk shall, without requiring a hearing or further notice, immediately sign the proposed order granting the motion for relief in favor of the moving party that sets aside and vacates the portion of the judgment in the moving party's favor and dismisses the case with prejudice."

SECTION 3. This act becomes effective October 1, 2018, and applies to actions filed on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 2 DATE 6/12/18

S. B. No. 224 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE S224-CSTU-34

Rep. Reives
Sen.)

moves to amend the bill on page 1, line 22

( ) WHICH CHANGES THE TITLE

by rewriting the line to read:

"(2) Costs for service of process pursuant to G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure.".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 224 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Reives
Sen.)

moves to amend the bill on page 1, line 21

( ) WHICH CHANGES THE TITLE

by deleting that line;

and on page 1, lines 23-26

by rewriting those lines to read:

"(3) Attorney's fees as ~~provided~~ ~~pro~~ provided by law.".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

HOUSE BILL 1083

Short Title:	Speaker's Appointments 2018.	(Public)
Sponsors:	Representative Lewis. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

June 5, 2018

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Effective January 1, 2018, Michael Reitz of Chatham County, Cecil V. "Buddy" Martinette, Jr., of New Hanover County, and Sheriff J. D. Hartman of Davie County are appointed to the 911 Board for terms expiring on December 31, 2021.

SECTION 2. Unless otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 140
Second Edition Engrossed 4/4/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S140-CSTG-43 [v.2]
06/12/2018 02:16:41 PM

Short Title: WC/Independent Truckers/Title Ins. Rev. (Public)

Sponsors:

Referred to:

March 1, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE WORKERS' COMPENSATION ACT CONCERNING THE WORKERS' COMPENSATION LIABILITY OF PERSONS CONTRACTING WITH TRUCKERS WHO ARE INDEPENDENT CONTRACTORS, AND TO MAKE VARIOUS CHANGES RELATED TO REAL ESTATE TITLE INSURANCE COMPANIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 97-19.1 reads as rewritten:

"**§ 97-19.1. Truck, tractor, or truck tractor trailer driver's status as employee or independent contractor.**

(a) An individual in the interstate or intrastate carrier industry who operates a truck, tractor, or truck tractor trailer ~~licensed by a governmental motor vehicle regulatory agency~~ for a motor carrier as defined in G.S. 20-4.01(21b) may be an employee or an independent contractor under this Article dependent upon the application of the common law test for determining employment status.

Any principal contractor, intermediate contractor, or subcontractor, irrespective of whether such contractor regularly employs three or more employees, who contracts with an individual in the interstate or intrastate carrier industry who operates a truck, tractor, or truck tractor trailer ~~licensed by the United States Department of Transportation~~ for a motor carrier as defined by G.S. 20-4.01(21b) and who has not secured the payment of compensation in the manner provided for employers set forth in G.S. 97-93 for himself personally and for his employees and subcontractors, if any, shall be liable as an employer under this Article for the payment of compensation and other benefits on account of the injury or death of the independent contractor and his employees or subcontractors due to an accident arising out of and in the course of the performance of the work covered by such contract.

(b) Notwithstanding subsection (a) of this section, a principal contractor, intermediate contractor, or subcontractor shall not be liable as an employer under this Article for the payment of compensation on account of the injury or death of the independent contractor if the principal contractor, intermediate contractor, or subcontractor (i) contracts with an independent contractor who ~~is an individual licensed by the United States Department of Transportation and~~ owns or leases the vehicle providing service, (ii) the independent contractor personally ~~is operating the vehicle solely pursuant to that license.~~operates or is responsible for hiring or engaging and paying personnel who operate the vehicle, and (iii) the independent contractor is covered under an occupational accident policy either issued to the independent contractor or motor carrier.

(c) ~~The principal contractor, intermediate contractor, or subcontractor may insure any and all of his independent contractors and their employees or subcontractors in a blanket policy,~~

~~and when insured, the independent contractors, subcontractors, and employees will be entitled to compensation benefits under the blanket policy.~~

~~A principal contractor, intermediate contractor, or subcontractor may include in the governing contract with an independent contractor in the interstate or intrastate carrier industry who operates a truck, tractor, or truck tractor trailer licensed by a governmental motor vehicle regulatory agency an agreement for the independent contractor to reimburse the cost of covering that independent contractor under the principal contractor's, intermediate contractor's, or subcontractor's coverage of his business.~~

A motor carrier and an independent contractor meeting the criteria contained in subsection (b) of this section may, if mutually agreed to by the independent contractor and motor carrier in writing, provide that the independent contractor and any of the independent contractor's employees be covered by the motor carriers' workers' compensation insurance policy or self-insurance and that the independent contractor and any of the independent contractor's employees would be deemed employees of the motor carrier for purposes of workers' compensation only. The motor carrier may charge the independent contractor for any agreed upon premiums or, if self-insured, for any equitable assessment for such coverage. The agreement shall not affect the independent contractor status of the independent contractor for any purpose other than for workers' compensation.

(d) For purposes of this section, the term "occupational accident insurance" means the type of insurance policy obtained by independent contractor owners–operators in the trucking industry that includes the following benefit categories: (i) temporary total disability type wage replacement benefit, (ii) permanent disability or impairment benefit, (iii) a medical expense payment benefit, and (iv) a death benefit. The occupational accident insurance policy may be issued directly to the independent contractor owner operator or issued as a master policy for which the motor carrier may charge the independent contractor owner operator an equitable sum for the coverage.

(e) To satisfy the requirements of this section, any occupational accident policy or workers' compensation policy must be purchased from an insurance company having an AM Best "A" rating."

SECTION 2.1 G.S. 58-26-1(b1) reads as rewritten:

"(b1) Domestic and foreign title insurance companies are subject to the same capital, surplus, deposit, and investment requirements that govern the formation and operation of ~~domestic~~ stock casualty companies. ~~Domestic title insurance companies are subject to the same deposit requirements that govern the operation of other domestic casualty companies in this State. Foreign or alien title insurance companies are subject to an initial deposit pursuant to G.S. 58-26-31(b), based on the forecasted statutory premium reserve and the supplemental reserve for the first full year of operation in this State, but not less than two hundred thousand dollars ($200,000).~~"

SECTION 2.2 G.S. 58-26-25 reads as rewritten:

"**§ 58-26-25. Amount of unearned statutory premium reserve.**

~~(a) The statutory premium reserve of every domestic title insurance company shall consist of the aggregate of:~~

~~(1) The amount of the unearned premium reserve held as of December 31, 1998.~~

~~(2) The amount of all additions required to be made to such reserve by this section, less the reduction of the aggregate amount required by this section.~~

(a1) A domestic title insurance company shall establish and maintain a statutory premium reserve in an amount equal to $0.17 per $1,000 of net retained liability for each title insurance policy which is defined as the total liability retained by a title insurer for a single risk after taking into account any ceded liability. The net retained liability of a simultaneous issue of an owner's policy and a loan policy shall be calculated on the greater coverage amount of the two policies. The amount set aside in the statutory premium reserve shall be released over a period of 20 years,

pursuant to the following formula: 30% of the aggregate sum in the year next succeeding the year of addition; 15% of the aggregate sum in the next succeeding year; 10% of the aggregate sum in each of the next succeeding two years; 5% of the aggregate sum in each of the next succeeding two years; 3% of the aggregate sum in each of the next succeeding two years; 2% of the aggregate sum in each of next succeeding seven years; and 1% of the aggregate sum in each of the next succeeding five years. The title insurer shall make authorized releases under this section in equal quarterly amounts on March 31, June 30, September 30 and December 31 annually.

~~(b) A domestic title insurance company on and after January 1, 1999, shall reserve initially as a statutory premium reserve a sum equal to ten percent (10%) of the following items set forth in the title insurer's most recent annual statement on file with the Commissioner:~~

~~(1) Direct premiums written.~~

~~(2) Premiums for reinsurance assumed less premiums for reinsurance ceded during the year.~~

(b1) All amounts held as of December 31, 2018, which are in excess of the requirements of subsection (a1) of this section, shall be released on December 31, 2018, to net profits.

~~(c) The aggregate of the amounts set aside in statutory premium reserves in any calendar year, under subsection (b) of this section, shall be reduced annually at the end of each calendar year following the year in which the policy is issued, over a period of 20 years, pursuant to the following: twenty percent (20%) the first year; ten percent (10%) for years two and three; five percent (5%) for years four through 10; three percent (3%) for years 11 through 15; and two percent (2%) for years 16 through 20.~~

~~(d) The entire amount of the unearned premium reserve held as of December 31, 1998, shall be accorded a fresh start and shall be released from said reserve and restored to net profits in accordance with the percentages set forth in subsection (c) of this section.~~

(e) A supplemental reserve shall be established in accordance with the instructions of the annual statement required by G.S. 58-2-165 and G.S. 58-26-10 consisting of the reserves necessary, when taken in combination with the ~~reserves~~ reserve required by ~~subsections~~ subsection (a1) ~~(a) through (d)~~ of this section to cover the company's liabilities with respect to all losses, claims, and loss adjustment expenses.

(f) Each title insurer subject to the provisions of this Article shall file with its annual statement required by G.S. 58-2-165 and G.S. 58-26-10 a certification of a member in good standing of the American Academy of Actuaries. The actuarial certification required of a title insurer must conform to the annual statement instructions for title insurers of the National Association of Insurance Commissioners."

SECTION 2.3 G.S. 58-26-31 is repealed.

SECTION 2.4 G.S. 58-26-35 is repealed.

SECTION 3. Sections 2.1, 2.2, 2.3, and 2.4 of this act become effective October 1, 2018. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 140

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S140-ATG-79 [v.2]

Amends Title [YES]
S140-CSTG-43

Date _____,2018

Representative Burr

moves to amend the bill on 1, lines 4-5, by rewriting those lines to read:

"TRUCKERS WHO ARE INDEPENDENT CONTRACTORS, TO MAKE VARIOUS CHANGES RELATED TO REAL ESTATE TITLE INSURANCE COMPANIES, AND TO AMEND THE DEPOSIT REQUIRED OF PROFESSIONAL BAILBONDSMEN ACTING AS SURETIES ON BAIL BONDS.";

and on page 3, lines 37-38, by rewriting those lines to read:

"**SECTION 3.** G.S. 58-71-145. reads as rewritten:
"**§ 58-71-145. Financial responsibility of professional bondsmen.**
Each professional bondsman acting as surety on bail bonds in this State shall maintain a deposit of securities with and satisfactory to the Commissioner of a fair market value of at least ~~one-eighth~~one-twelfth the amount of all bonds or undertakings written in this State on which he is absolutely or conditionally liable as of the first day of the current month. The amount of this deposit must be reconciled with the bondsman's liabilities as of the first day of the month on or before the fifteenth day of said month and the value of said deposit shall in no event be less than fifteen thousand dollars ($15,000)."

SECTION 4. Sections 2.1, 2.2, 2.3, and 2.4 of this act become effective October 1, 2018. The remainder of this act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 140

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S140-ATG-80 [v.1]

Amends Title [YES]
Second Edition

Date _____ ,2018

Representative Lewis

moves to amend the bill on page 1, lines 2-5, by rewriting the lines to read:

"AN ACT TO MAKE VARIOUS CHANGES RELATED TO REAL ESTATE TITLE INSURANCE COMPANIES.";

and on page 1, line 7 through page 2, line 29, by deleting those lines in their entirety; and

by rewriting the short title to read:

"Title Ins. Rev.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 140

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S140-ATG-80 [v.2]

Amends Title [YES]
Second Edition

Date _____,2018

Representative ~~Lewis~~ Jackson

moves to amend the bill on page 1, lines 2-5, by rewriting the lines to read:

"AN ACT TO EXPAND THE MASSAGE AND BODYWORK THERAPY BOARD AND TO MAKE VARIOUS CHANGES RELATED TO REAL ESTATE TITLE INSURANCE COMPANIES.";

and on page 1, line 7 through page 2, line 29, by rewriting those lines to read:

SECTION 1.1. G.S. 90-625 reads as rewritten:

"**§ 90-625. North Carolina Board of Massage and Bodywork Therapy.**

(a) The North Carolina Board of Massage and Bodywork Therapy is created. The Board shall consist of ~~seven~~ nine members who are residents of this State and are as follows:

(1) Five members shall be massage and bodywork therapists who have been licensed under this Article and have been in the practice of massage and bodywork therapy for at least five of the last seven years prior to their serving on the Board. Consideration shall be given to geographical distribution, practice setting, clinical specialty, involvement in massage and bodywork therapy education, and other factors that will promote diversity of the profession on the Board. Two of the five members shall be appointed by the General Assembly, upon the recommendation of the Speaker of the House of Representatives, two shall be appointed by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, and one shall be appointed by the Governor.

(1a) Two members shall be persons holding a license to operate a massage and bodywork therapy establishment under this Article. One of the two members shall be appointed by the General Assembly, upon the recommendation of the Speaker of the House of Representatives, and one shall be appointed by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate.

(2) One member shall be a physician licensed pursuant to Article 1 of Chapter 90 of the General Statutes or a person once licensed as a physician whose license lapsed while the person was in good standing with the profession and eligible

for licensure. The appointment shall be made by the Governor and may be made from a list provided by the North Carolina Medical Society.

(3) One member shall be a member of the general public who shall not be licensed under Chapter 90 of the General Statutes or the spouse of a person who is so licensed, or have any financial interest, directly or indirectly, in the profession regulated under this Article. The appointment shall be made by the Governor.

(b) Legislative appointments shall be made in accordance with G.S. 120-121. A vacancy in a legislative appointment shall be filled in accordance with G.S. 120-122.

(c) Each member of the Board shall serve for a term of three years, ending on June 30 of the last year of the term. A member shall not be appointed to serve more than two consecutive terms.

..."

SECTION 1.2. The initial appointments required by G.S. 90-625(1a), as enacted by Section 4.1 of this act, shall be made on or before October 1, 2018, and the initial terms of the appointees shall begin on that date. The initial term of the member appointed by the General Assembly, on the recommendation of the Speaker of the House of Representatives shall end on June 30, 2019 and a replacement appointed in accordance with G.S. 90-625(1a). The initial term of the member appointed by the General Assembly, on the recommendation of the President Pro Tempore shall end on June 30, 2020 and a replacement appointed in accordance with G.S. 90-625(1a).

SECTION 1.3. This Part becomes effective July 1, 2018."; and

on page by rewriting the short title to read:

"Expand Massage Bodywork Board/Title Ins. Rev.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

SENATE BILL 412
House Committee Substitute Favorable 6/5/18

Short Title: Abandoned Vehicles/Charities. (Public)

Sponsors:

Referred to:

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A PROCESS FOR USED MOTOR VEHICLE DEALERS TO DISPOSE OF ABANDONED VEHICLES RECEIVED FROM CHARITABLE ORGANIZATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-109.3. Disposition of vehicles abandoned by charitable organizations.**

(a) If a charitable organization operating under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)) requests a licensed used motor vehicle dealer, whose primary business is the sale of salvage vehicles on behalf of insurers or charitable organizations, to take possession of a donated vehicle that is currently titled in this State, and the vehicle title is not provided to the used motor vehicle dealer at the time of donation or within 10 days of the donation, then the following provisions apply:

(1) The used motor vehicle dealer receiving the vehicle on behalf of the charitable organization shall send notice to the last registered owner and any reasonably ascertainable lienholders of the vehicle informing the owner or lienholder that the vehicle has been donated to the named charitable organization. The notice shall set forth the current location of the vehicle, the name of the charitable organization to which the vehicle was donated, and the name of the vehicle donor. The notice shall inform the owner or lienholder that, if the owner or lienholder objects to the donation of the vehicle, the owner or lienholder has 30 days from the date of the notice to provide proof of ownership and reclaim the vehicle from the used motor vehicle dealer at no charge. Notice under this subdivision must be sent by certified mail or by another commercially available delivery service providing proof of delivery to the address on record with the Division.

(2) If the owner or any lienholder of the vehicle receives notice but fails to object to the donation and pick up the vehicle within 30 days, any claim to the vehicle by the owner or lienholder is considered abandoned, the certificate of title to the vehicle is deemed to be transferred to the charitable organization by the owner, and the lien is deemed to be extinguished. The charitable organization, or the used motor vehicle dealer acting on its behalf through a power of attorney, may then execute an application for duplicate title with transfer upon payment of any applicable fees. The application for duplicate title with transfer shall be accompanied by a copy of the written donation statement, a

copy of the notice required by subdivision (1) of this subsection, and proof of delivery of the notice sent to the owner and any lienholder. If the application is being executed by the used motor vehicle dealer on behalf of the charitable organization, a copy of the power of attorney shall also be submitted with the application.

(3) Upon receipt of an application for duplicate title with transfer, any additional documentation required under subdivision (2) of this subsection, and payment of required fees, the Division shall issue a title to the donated vehicle in the name of the charitable organization and mail the title, free and clear of any liens, to the used motor vehicle dealer possessing the vehicle.

(4) If the notice required under subdivision (1) of this subsection is not received or is returned as undeliverable, the used motor vehicle dealer may file a special proceeding to obtain an order allowing the vehicle to be sold. In such a proceeding, the used motor vehicle dealer may include more than one vehicle.

(5) If the donated vehicle is not currently titled in this State, does not appear in the Division's records, or the owner and any lienholders are not otherwise reasonably ascertainable for any reason, the used motor vehicle dealer may institute a civil action in the county where the vehicle is being held for authorization to sell that vehicle as salvage on behalf of the charitable organization. In such a proceeding, the used motor vehicle dealer may include more than one vehicle. If the court enters an order authorizing the sale of the vehicle, upon proper application and payment of the appropriate taxes and fees, the Division shall issue a salvage branded title to the person who purchases the vehicle at a subsequent sale.

(b) Any person that provides false information to the Division in conjunction with the sale of a charity vehicle or otherwise violates this section with the intent to defraud any person shall be guilty of a Class 2 misdemeanor.

(c) No person shall have a cause of action against the Division arising from the issuance of a title pursuant to this section, and the Division shall not be held liable for any damages arising from the transfer or subsequent operation of any vehicle titled or sold pursuant to this section."

SECTION 2. G.S. 20-75 reads as rewritten:

"**§ 20-75. When transferee is ~~dealer~~ a charitable organization, dealer, or insurance company.**

~~When the~~ A transferee of a vehicle registered under this Article ~~is:~~is not required to register the vehicle or forward the certificate of title to the Division as provided in G.S. 20-73 when the transferee is any of the following:

(1) A dealer who is licensed under Article 12 of this Chapter and who holds the vehicle for ~~resale; or~~resale.

(2) An insurance company taking the vehicle for sale or disposal for salvage purposes where the title is taken or requested as a part of a bona fide claim settlement transaction and only for the purpose of ~~resale,~~resale.

(3) A charitable organization operating under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)) and the vehicle was donated to the charitable organization solely for purposes of resale by the charitable organization.

~~the transferee shall not be required to register the vehicle nor forward the certificate of title to the Division as provided in G.S. 20-73.~~

To assign or transfer title or interest in the vehicle, the ~~dealer~~ charitable organization, dealer, or insurance company shall execute, in the presence of a person authorized to administer oaths, a reassignment and warranty of title on the reverse of the certificate of title in the form approved by the Division, which shall include the name and address of the transferee. The title to the

vehicle shall not pass or vest until the reassignment is executed and the motor vehicle delivered to the transferee.

The dealer transferring title or interest in a motor vehicle shall deliver the certificate of title duly assigned in accordance with the foregoing provision to the transferee at the time of delivering the vehicle, except:

(1) Where a security interest in the motor vehicle is obtained from the transferee in payment of the purchase price or otherwise, the dealer shall deliver the certificate of title to the lienholder and the lienholder shall forward the certificate of title together with the transferee's application for new certificate of title and necessary fees to the Division within 20 days; or

(2) Where the transferee has the option of cancelling the transfer of the vehicle within 10 days of delivery of the vehicle, the dealer shall deliver the certificate of title to the transferee at the end of that period. Delivery need not be made if the contract for sale has been rescinded in writing by all parties to the contract.

Any person who delivers or accepts a certificate of title assigned in blank shall be guilty of a Class 2 misdemeanor.

The title to a salvage vehicle shall be forwarded to the Division as provided in G.S. 20-109.1, except with respect to the title of any salvage vehicle transferred pursuant to G.S. 20-109.1(b)(2) or G.S. 20-109.1(e1)."

SECTION 3. G.S. 20-286(11)b. reads as rewritten:

"b. The term "motor vehicle dealer" or "dealer" does not include any of the following:

1. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.
2. Public officers while performing their official duties.
3. Persons disposing of motor vehicles acquired for their own use or the use of a family member, and actually so used, when the vehicles have been acquired and used in good faith and not for the purpose of avoiding the provisions of this Article.
4. Persons who sell motor vehicles as an incident to their principal business but who are not engaged primarily in the selling of motor vehicles. This category includes financial institutions who sell repossessed motor vehicles and insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance, and auctioneers who sell motor vehicles for the owners or the heirs of the owners of those vehicles as part of an auction of other personal or real property or for the purpose of settling an estate or closing a business or who sell motor vehicles on behalf of a governmental entity, and who do not maintain a used car lot or building with one or more employed motor vehicle sales representatives.
5. Persons manufacturing, distributing or selling trailers and semitrailers weighing not more than 2,500 pounds unloaded weight.
6. A licensed real estate broker or salesman who sells a mobile home for the owner as an incident to the sale of land upon which the mobile home is located.

7. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.
8. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of motor vehicles owned by others.
9. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.
10. Any real property owner who leases any interest in property for use by a dealer.
11. Any person acquiring any interest in a motor vehicle for a family member.
12. Any auctioneer licensed pursuant to Chapter 85B of the General Statutes employed to be an auctioneer of motor vehicles for a licensed motor vehicle dealer, while conducting an auction for that dealer.
13. Any charitable organization operating under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)) where the vehicle was donated to the charitable organization solely for purposes of resale by the charitable organization."

SECTION 4. G.S. 20-294(2) reads as rewritten:

"(2) Willfully and intentionally failing to comply with this Article, Article 15 of this Chapter, or G.S. 20-52.1, 20-75, 20-79.1, 20-79.2, 20-108, 20-109, 20-109.3, or a rule adopted by the Division under this Article."

SECTION 5. G.S. 105-187.6(a) reads as rewritten:

"**§ 105-187.6. Exemptions from highway use tax.**

(a) Full Exemptions. – The tax imposed by this Article does not apply when a certificate of title is issued as the result of a transfer of a motor vehicle:

(1) To (i) the insurer of the motor vehicle under G.S. 20-109.1 because the vehicle is a salvage vehicle or (ii) a used motor vehicle dealer under G.S. 20-109.1 because the vehicle is a salvage vehicle that was abandoned.
(2) To either a manufacturer, as defined in G.S. 20-286, or a motor vehicle retailer for the purpose of resale.
(3) To the same owner to reflect a change or correction in the owner's name.
(3a) To one or more of the same co-owners to reflect the removal of one or more other co-owners, when there is no consideration for the transfer.
(4) By will or intestacy.
(5) By a gift between a husband and wife, a parent and child, or a stepparent and a stepchild.
(6) By a distribution of marital or divisible property incident to a marital separation or divorce.
(7) Repealed by Session Laws 2009-445, s. 16, effective August 7, 2009.
(8) To a local board of education for use in the driver education program of a public school when the motor vehicle is transferred:
    a. By a retailer and is to be transferred back to the retailer within 300 days after the transfer to the local board.
    b. By a local board of education.
(9) To a volunteer fire department or volunteer rescue squad that is not part of a unit of local government, has no more than two paid employees, and is exempt from State income tax under G.S. 105-130.11, when the motor vehicle is one of the following:

a. A fire truck, a pump truck, a tanker truck, or a ladder truck used to suppress fire.
b. A four-wheel drive vehicle intended to be mounted with a water tank and hose and used for forest fire fighting.
c. An emergency services vehicle.

(10) To a State agency from a unit of local government, volunteer fire department, or volunteer rescue squad to enable the State agency to transfer the vehicle to another unit of local government, volunteer fire department, or volunteer rescue squad.

(11) To a revocable trust from an owner who is the sole beneficiary of the trust.

(12) To a charitable organization operating under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)) where the vehicle was donated to the charitable organization solely for purposes of resale by the charitable organization."

SECTION 6. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 412

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S412-ABG-33 [v.2]

Amends Title [NO]
Second Edition

Date _____ ,2018

Representative Torbett

moves to amend the bill on page 2, line 28, by deleting the word "Division" and substituting the phrase "Division or Division contractors".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 561
PROPOSED HOUSE COMMITTEE SUBSTITUTE S561-CSSUf-47 [v.1]
06/12/2018 04:58:45 PM

Short Title: Violate Tax Law/Venue/Property Taxes. (Public)

Sponsors:

Referred to:

April 3, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE SITUS OF TAX LAW VIOLATIONS IS IN THE COUNTY WHERE THE CHARGED OFFENSE OCCURS AND TO CREATE CONFORMITY IN THE TREATMENT OF CERTAIN PROPERTY INTERESTS FOR TAX PURPOSES.

The General Assembly of North Carolina enacts:

PART I. PROSECUTION OF TAX LAWS

SECTION 1.1.(a) G.S. 105-236(b) reads as rewritten:

"(b) Situs. ~~Violation~~ Civilly, a violation of a tax law is considered an act committed in part at the office of the Secretary in Raleigh. Criminally, a violation of a tax law shall not be considered an act committed at the office of the Secretary in Raleigh. The District Attorney of the county where the charged offense occurred shall have sole jurisdiction to prosecute violations of tax law, but the Attorney General shall have concurrent jurisdiction in such prosecutions if the District Attorney requests, in writing, that the Attorney General prosecute the violation. The certificate of the Secretary that a tax has not been paid, a return has not been filed, or information has not been supplied, as required by law, is prima facie evidence that the tax has not been paid, the return has not been filed, or the information has not been supplied."

SECTION 1.1.(b) This section is effective December 1, 2018, and applies to offenses committed on or after that date.

PART II. CONFORM TREATMENT OF LEASEHOLD INTERESTS IN EXEMPT PROPERTY TO THAT OF OTHER TYPES OF INTANGIBLE PERSONAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX.

SECTION 2.1.(a) G.S. 105-275 reads as rewritten:

"**§ 105-275. Property classified and excluded from the tax base.**

The following classes of property are designated special classes under Article V, Sec. 2(2), of the North Carolina Constitution and are excluded from tax:

...

(31) Intangible personal property other than ~~a leasehold interest that is in exempted real property and is not excluded under subdivision (31e) of this section. This subdivision does not affect the taxation of~~ software not otherwise excluded by subdivision (40) of this section.

~~(31e) A leasehold interest in real property that is exempt under G.S. 105-278.1 and is used to provide affordable housing for employees of the unit of government that owns the property.~~

...."

SECTION 2.1.(b) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2018.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 561

S308 45-0

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S561-ASU-45 [v.1]

Amends Title [YES]
S561-CSSUf-47

Date _____ ,2018

Representative _____

moves to amend the bill on page 1, line 5, by rewriting the line to read:
"TAX PURPOSES; AND TO PROVIDE THAT THE STATUTE OF LIMITATIONS FOR MISDEMEANORS IS SATISFIED IF CHARGED WITHIN TWO YEARS OF THE OFFENSE AND TO PROVIDE THAT THE RESULTS OF HGN TESTS SHALL BE ADMISSIBLE WHEN GIVEN BY A PERSON WHO HAS SUCCESSFULLY COMPLETED HGN TRAINING AND THE TEST IS ADMINISTERED IN ACCORDANCE WITH THE PERSON'S TRAINING.";

and on page 2, lines 2-3, by adding the following between the lines:

"**PART III. AMEND VARIOUS DWI STATUTES**

SECTION 3.1.(a) G.S. 15-1 reads as rewritten:

"**§ 15-1. Statute of limitations for misdemeanors.**

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

SECTION 3.1.(b) G.S. 8C-1, Rule 702(a1), reads as rewritten:

"**Rule 702. Testimony by experts.**

...

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

(1) The results of a Horizontal Gaze Nystagmus (HGN) Test when the test is administered in accordance with the person's training by a person who has successfully completed training in HGN.

(2) Whether a person was under the influence of one or more impairing substances, and the category of such impairing substance or ~~substances. A~~

~~witness who has received training and~~ substances by a person who holds a current certification as a Drug Recognition Expert, issued by the State Department of Health and Human ~~Services, shall be qualified to give the testimony under this subdivision.~~Services."

SECTION 3.1(c) Subsection (a) of this section becomes effective December 1, 2018, and applies to offenses committed on or after that date. The remainder of this section is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SENATE BILL 411

Transportation Committee Substitute Adopted 4/24/17
House Committee Substitute Favorable 6/5/18

Short Title: Various Motor Vehicle Law Revisions. (Public)

Sponsors:

Referred to:

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE REQUIRED USE OF THE ELECTRONIC LIEN SYSTEM IMPLEMENTED BY THE DIVISION OF MOTOR VEHICLES, TO REVISE THE LAW GOVERNING WHEN A MOTOR VEHICLE DEALER THAT DOES NOT HAVE A MOTOR VEHICLE'S STATEMENT OF ORIGIN OR CERTIFICATE OF TITLE MAY TRANSFER TITLE TO THE MOTOR VEHICLE, AND TO MAKE OTHER CHANGES TO LAWS AFFECTING MOTOR VEHICLE DEALERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-58.4A(i) reads as rewritten:

"(i) Mandatory Participation. – ~~Beginning July 1, 2016, all~~All individuals and lienholders ~~who are normally engaged in the business or practice of financing motor vehicles, and~~ who conduct at least five transactions ~~annually,~~annually shall utilize the electronic lien system implemented in subsection (a) of this section to record information concerning the perfection and release of a security interest in a vehicle. No lien on a motor vehicle shall be noted on the certificate of title or otherwise perfected by the Division unless the electronic lien system is utilized by the lienholder in accordance with this section."

SECTION 2.(a) G.S. 20-52.1(d) reads as rewritten:

"(d) When a manufacturer's statement of origin or an existing certificate of title on a motor vehicle is unavailable, a motor vehicle dealer licensed under Article 12 of this Chapter may also transfer title to a vehicle currently titled in this State to another by certifying in writing in a sworn statement to the Division ~~that~~signed by the dealer principal, general manager, general sales manager, controller, or owner of the dealership, that, to the best of the signatory's knowledge and information as of the date of sworn certification, all prior perfected liens on the vehicle that are known or reasonably ascertainable by the signatory have been paid and that the motor vehicle dealer, despite having used reasonable diligence, is unable to obtain the vehicle's statement of origin or certificate of title. For purposes of this subsection, a dealer may certify that the dealer is unable to obtain the vehicle's statement of origin or certificate of title because the statement of origin or certificate of title was either (i) not delivered to the dealer or (ii) lost or misplaced. The Division is authorized to require any information it deems necessary for the transfer of the vehicle and shall develop a form for this purpose. The knowing and intentional filing of a false sworn certification with the Division pursuant to this subsection shall constitute a Class H felony. A dealer principal, owner, or manager who is not a signatory of the sworn certification under this subsection may only be charged for a criminal violation for filing a false certification under this subsection by another dealership employee if the dealer principal, owner, or manager had actual knowledge of the falsity of the sworn certification at the time the sworn certification was

submitted to the Division. The dealer shall hold harmless and indemnify the consumer-purchaser from any damages arising from the use of the procedure authorized by this subsection. No person shall have a cause of action against the Division arising from the transfer of a vehicle by a sworn certification pursuant to this section."

SECTION 2.(b) G.S. 20-58(b) reads as rewritten:

"(b) ~~When~~ If a manufacturer's statement of origin or an existing certificate of title on a motor vehicle ~~is unavailable,~~was (i) not delivered to the dealer or (ii) was lost or misplaced on or prior to the date the dealer sells or transfers the motor vehicle, a first lienholder ~~who holds a valid license as a motor vehicle dealer issued by the Commissioner under Article 12 of this Chapter~~ or his designee may file a notarized copy of an instrument creating and evidencing a security interest in the motor vehicle with the Division of Motor Vehicles. A filing pursuant to this subsection shall constitute constructive notice to all persons of the security interest in the motor vehicle described in the filing. The constructive notice shall be effective ~~from the date of the filing~~ on the date of the security agreement if the filing is made within 20 days after the date of the security agreement. The constructive notice shall date from the date of the filing with the Division if it is made more than 20 days after the date of the security agreement. The notation of a security interest created under this subsection shall automatically expire 60 days after the date of the creation of the security interest, or upon perfection of the security interest as provided in subsection (a) of this section, whichever occurs first. A security interest notation made under this subsection and then later perfected under subsection (a) of this section shall be presumed to have been perfected on the date of the earlier filing. The Division may charge a fee not to exceed ten dollars ($10.00) for each notation of security interest filed pursuant to this subsection. The fee shall be credited to the Highway Fund. ~~A false filing with the Division pursuant to this subsection shall constitute a Class H felony.~~ It shall constitute a Class H felony for a person to knowingly and intentionally file a false notice with the Division pursuant to this subsection. A dealer principal, owner, or manager of a motor vehicle dealership who is not a signatory of the notice required under this subsection may only be charged for a criminal violation for filing a false notice with the Division under this subsection by another dealership employee if the dealer principal, owner, or manager had actual knowledge of the falsity of the filing at the time the filing was submitted to the Division."

SECTION 2.(c) G.S. 20-72(b) reads as rewritten:

"(b) In order to assign or transfer title or interest in any motor vehicle registered under the provisions of this Article, the owner shall execute in the presence of a person authorized to administer oaths an assignment and warranty of title on the reverse of the certificate of title in form approved by the Division, including in such assignment the name and address of the transferee; and no title to any motor vehicle shall pass or vest until such assignment is executed and the motor vehicle delivered to the transferee. The provisions of this section shall not apply to any foreclosure or repossession under a chattel mortgage or conditional sales contract or any judicial sale. The provisions of this subsection shall not apply to (i) any transfer to an insurer pursuant to G.S. 20-109.1(b)(2) or (ii) any transfer to a used motor vehicle dealer pursuant to G.S. 20-109.1(e1).

When a manufacturer's statement of origin or an existing certificate of title on a motor vehicle is unavailable, a motor vehicle dealer licensed under Article 12 of this Chapter may also transfer title to a vehicle currently titled in this State to another by certifying in writing in a sworn statement to the Division that is signed by the dealer principal, general manager, general sales manager, controller, or owner of the dealership, that, to the best of the signatory's knowledge and information as of the date of the sworn certification, all prior perfected liens on the vehicle that are known or reasonably ascertainable by the signatory have been paid and that the motor vehicle dealer, despite having used reasonable diligence, ~~is~~ was unable to obtain the vehicle's statement of origin or certificate of title. For purposes of this subsection, a dealer may certify that the dealer is unable to obtain the vehicle's statement of origin or certificate of title if the statement of origin

or certificate of title has either (i) not been delivered to the dealer or (ii) has been lost or misplaced. The Division is authorized to request any information it deems necessary to transfer the vehicle and shall develop a form for this purpose. ~~The filing of a false sworn certification with the Division pursuant to this paragraph~~ The knowing and intentional filing of a false sworn certification with the Division pursuant to this subsection shall constitute a Class H felony. A dealer principal, owner, or manager of a motor vehicle dealership who is not a signatory of the sworn certification required under this subsection may only be charged for a criminal violation for filing a false certification under this subsection by another dealership employee if the dealer principal, owner, or manager had actual knowledge of the falsity of the sworn certification at the time the sworn certification was submitted to the Division.

Any person transferring title or interest in a motor vehicle shall deliver the certificate of title duly assigned in accordance with the foregoing provision to the transferee at the time of delivering the vehicle, except when a certificate of title is unavailable as provided in this subsection or in G.S. 20-72.1, and except that where a security interest is obtained in the motor vehicle from the transferee in payment of the purchase price or otherwise, the transferor shall deliver the certificate of title to the lienholder and the lienholder shall forward the certificate of title together with the transferee's application for new title and necessary fees to the Division within 20 days. If the title to a vehicle is unavailable and the dealer transfers the vehicle on a sworn certification pursuant to this section or G.S. 20-52.1, and the title is subsequently received or found by the dealer, the dealer shall retain a copy for its records and submit the title to the Division. Any person who delivers or accepts a certificate of title assigned in blank shall be guilty of a Class 2 misdemeanor. No person shall have a cause of action against the Division arising from the transfer of a vehicle by a sworn certification pursuant to this section.

The title to a salvage vehicle shall be forwarded to the Division as provided in G.S. 20-109.1, except with respect to the title of any salvage vehicle transferred pursuant to G.S. 20-109.1(b)(2) or G.S. 20-109.1(e1)."

SECTION 2.(d) Part 4 of Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-72.1. Transfer by owner when a certificate of title is unavailable; consumer remedies.**

(a) Notwithstanding any other provision in this Article, when a manufacturer's statement of origin or an existing certificate of title on a motor vehicle is unavailable, a motor vehicle dealer licensed under Article 12 of this Chapter shall deliver the manufacturer's statement of origin or certificate of title to the Division within 20 days of receipt of the title, but no later than 60 days following the later of the date of the sale or transfer of the vehicle or the date of the creation of a security interest in the vehicle pursuant to G.S. 20-58(b). The dealer may offer the vehicle for sale provided that the purchaser is given written notice prior to sale that the dealer is not in possession of the manufacturer's statement of origin or certificate of title and that the purchaser may be entitled to liquidated damages pursuant to subsection (b) of this section if the dealer fails to deliver the manufacturer's statement of origin or certificate of title to the Division in accordance with this subsection. For purposes of this subsection, a vehicle's manufacturer's statement of origin or existing certificate of title shall be considered unavailable under either of the following circumstances:

(1) The manufacturer's statement of origin or certificate of title has not been actually delivered to the dealer on or prior to the date the dealer sold or transferred the vehicle.

(2) The manufacturer's statement of origin or certificate of title was lost or misplaced on or prior to the date the dealer sold or transferred the vehicle. If the motor vehicle being sold or transferred is a used motor vehicle, the dealer is required to make application to the Division for a duplicate title within five working days of the date of the sale or transfer of the vehicle. If the vehicle being sold or transferred is a new motor vehicle, the dealer is required to

request a new or duplicate manufacturer's statement of origin from the applicable manufacturer or distributor within five working days of the date of the sale or transfer of the vehicle.

(b) In any case where a dealer fails to deliver the manufacturer's statement of origin or certificate of title to the Division within the 60-day time period allowed in subsection (a) of this section, the vehicle purchaser may elect to receive liquidated damages from the dealer in the amount of five percent (5%) of the vehicle purchase price, not to exceed one thousand dollars ($1,000), provided that the dealer receives written demand for liquidated damages from the purchaser within 10 days after the expiration of the 60-day period provided in subsection (a) of this section. The liquidated damages provided in this subsection shall be payable by the dealer within 30 days after the receipt of the purchaser's written demand. Nothing in this section shall be construed to limit any other civil remedies or consumer protections available to the vehicle purchaser."

SECTION 2.(e) G.S. 20-79.1(h) reads as rewritten:

"(h) Temporary registration plates or markers shall expire and become void upon the receipt of the limited registration plates or the annual registration plates from the Division, or upon the rescission of a contract to purchase a motor vehicle, or upon the expiration of 30 days from the date of issuance, depending upon whichever event shall first occur. No refund or credit or fees paid by dealers to the Division for temporary registration plates or markers shall be allowed, except in the event that the Division discontinues the issuance of temporary registration plates or markers or unless the dealer discontinues business. In this event the unissued registration plates or markers with the unissued registration certificates shall be returned to the Division and the dealer may petition for a refund. Upon the expiration of the 30 days from the date of issuance, a second 30-day temporary registration plate or marker may be issued by the dealer upon showing the vehicle has been sold, a temporary lien has been filed as provided in G.S. 20-58, and that the dealer, having used reasonable diligence, is unable to obtain the vehicle's statement of origin or certificate of title so that the lien may be perfected. For purposes of this subsection, a dealer shall be considered unable to obtain the vehicle's statement of origin or certificate of title if the statement of origin or certificate of title either (i) has not been delivered to the dealer or (ii) was lost or misplaced."

SECTION 2.(f) The Division of Motor Vehicles, in consultation with the North Carolina Automobile Dealers Association, Inc., shall study the following:

(1) The impacts of this section on Division processes and procedures, along with recommended statutory changes to further improve the lawful transfer of motor vehicles.
(2) Methods to ensure consumer protection in the motor vehicle transfer process.
(3) Potential changes to the Division's electronic lien and title program or other processes that could assist with reducing the delay in the release of a satisfied security interest in a motor vehicle.
(4) Any other issues the Division deems appropriate.

The Division shall report its findings, including any legislative recommendations, to the Joint Legislative Transportation Oversight Committee by December 31, 2020.

SECTION 2.(g) Subsection 2(f) of this section is effective when it becomes law. The remainder of this section becomes effective January 1, 2019.

SECTION 3.(a) G.S. 20-79.02(g) reads as rewritten:

"(g) Applicability. – Prior to January 1, ~~2019,~~2021, a new motor vehicle dealer may, but is not required to, display an LD license plate on a service loaner vehicle. Beginning on or after January 1, ~~2019,~~2021, a new motor vehicle dealer shall display an LD license plate on any new motor vehicle placed into service as a loaner vehicle if either of the following circumstances exists:

(1) The new motor vehicle dealer is receiving incentive or warranty compensation from a manufacturer, factory branch, distributor, or distributor branch for the use of the vehicle as a service loaner.

(2) The new motor vehicle dealer is receiving a fee or other compensation from the dealer's customers for the use of the vehicle as a service loaner."

SECTION 3.(b) Section 1.1(b) of S.L. 2015-232 reads as rewritten:

"**SECTION 1.1.(b)** This section is effective when this act becomes law and expires December 31, ~~2018.~~2020."

SECTION 3.(c) Section 1.4(b) of S.L. 2015-232 reads as rewritten:

"**SECTION 1.4.(b)** This section is effective when this act becomes law and expires December 31, ~~2018.~~2020."

SECTION 4. G.S. 20-79.1(d) reads as rewritten:

"(d) A dealer shall:

(1) Not issue, assign, transfer, or deliver temporary registration plates or markers to anyone other than a bona fide purchaser or owner of a vehicle which he has sold.

(2) Not issue a temporary registration plate or marker without first obtaining from the purchaser or owner a written application for titling and registration of the vehicle and the applicable fees.

(3) Within ~~10 working days,~~20 days of the issuance of a temporary registration plate or marker, mail or deliver the application and fees to the Division or deliver the application and fees to a local license agency for processing. Delivery need not be made if the contract for sale has been rescinded ~~in writing~~ by all parties to the contract.

(4) Not deliver a temporary registration plate to anyone purchasing a vehicle that has an unexpired registration plate that is to be transferred to the purchaser.

(5) Not lend to anyone, or use on any vehicle that he may own, any temporary registration plates or markers.

A dealer may issue temporary markers, without obtaining the written application for titling and registration or collecting the applicable fees, to nonresidents for the purpose of removing the vehicle from the State."

SECTION 5. G.S. 20-183.4C(a)(1) reads as rewritten:

"(1) A new vehicle must be inspected before it is ~~sold~~ delivered to a purchaser at retail in this State. Upon purchase, a receipt approved by the Division must be provided to the new owner certifying compliance."

SECTION 6. G.S. 105-562 reads as rewritten:

"**§ 105-562. Collection and scope.**

(a) Collection. – A tax or a tax increase levied under this Article becomes effective on the date set by the board of trustees in the resolution levying the tax or the tax increase. The effective date must be the first day of a month and may not be earlier than the first day of the sixth calendar month after the board of trustees adopts the resolution. To the extent the tax applies to vehicles whose tax situs is in a county the entire area of which is within the jurisdiction of the Authority, the Division of Motor Vehicles shall collect and administer the tax. To the extent the tax applies to vehicles whose tax situs is in a county that is only partially within the jurisdiction of the county, the Authority shall collect and administer the tax. The Authority may contract with one or more local governments in its jurisdiction to collect the tax on its behalf.

Upon receipt of the resolutions under G.S. 105-561, the Division of Motor Vehicles shall proceed to collect and administer the tax as provided in this Article. The tax is due at the same time and subject to the same restrictions as in G.S. 20-87(1), (2), (4), (5), (6), and (7) and G.S. 20-88. The Division of Motor Vehicles may adopt rules to carry out its responsibilities under this Article.

(b) Scope. – Only vehicles required to pay a tax under G.S. 20-87(1), (2), (4), (5), (6), and (7) and G.S. 20-88 shall be subject to the tax provided by this Article. Taxes shall be prorated in accordance with G.S. 20-95.

(c) Tax Situs. – The tax situs of a motor vehicle for the purpose of this Article is its ad valorem tax situs. If the vehicle is exempt from ad valorem tax, its tax situs for the purpose of this Article is the ad valorem tax situs it would have if it were not exempt from ad valorem tax.

(d) Any tax or tax increase levied under this Article applicable to a motor vehicle sold or leased by a motor vehicle dealer, as defined in G.S. 20-286(11), is only applicable to a motor vehicle sale or lease made on or after the effective date of the tax or tax increase regardless of the date of submission of a title and registration application for the motor vehicle to the Division of Motor Vehicles. No tax or tax increase levied under this Article applies to a motor vehicle sale or lease made prior to the effective date of the tax or tax increase."

SECTION 7. G.S. 105-570 reads as rewritten:

"**§ 105-570. County Vehicle Registration Tax; shared with municipalities.**

(a) A county is considered an authority under Article 51 of this Chapter, and the board of commissioners of that county is considered the board of trustees of the authority under Article 51, except that the maximum tax that may be levied by a county under this Article is seven dollars ($7.00) per year.

(b) A county may not levy a tax under this Article unless the county or at least one unit of local government in the county operates a public transportation system.

(c) Any tax levied under this Article shall, after the receipt of those funds from the Division of Motor Vehicles, be retained or distributed by the county on a per capita basis as it receives those funds as follows:

(1) Pro rata (i) retained by the county based on the population of the county that is not in an incorporated area, and (ii) distributed to the municipalities within the county based on the population of that municipality that is located within that county. To determine the population of each county and municipality, the county shall use the most recent annual estimate of population certified by the State Budget Officer.

(2) Notwithstanding subdivision (1) of this subsection, if a municipality to which funds are to be distributed does not operate a public transportation system, the population of that municipality shall be excluded from the calculations of subdivision (1) of this subsection and no distribution shall be made to that municipality.

(3) Notwithstanding subdivision (1) of this subsection, if a county for which funds are to be retained does not operate a public transportation system, the population of that county not in an incorporated area shall be excluded from the calculations of subdivision (1) of this subsection, and the county shall not retain any funds.

If a county that does not retain funds or a municipality that does not receive an allocation of funds on account of subdivision (2) or (3) of this subsection begins to operate a public transportation system, that county or municipality shall begin retaining or receiving funds beginning the first day of July that is more than 30 days thereafter.

(d) The proceeds of a tax imposed under this Article may be used by that county or municipality only to operate a public transportation system, including financing, constructing, operating, and maintaining that public transportation system. The term "public transportation system" has the same meaning as defined in G.S. 105-506.1.

(e) As used in this section, operation of a public transportation system includes a contract or interlocal agreement for operation of the public transportation system by another county or municipality, or by a transportation authority created under (i) a municipal charter; or (ii) Article 25, 26, or 27 of Chapter 160A of the General Statutes. As used in this section, operation of a

public transportation system also includes a contract with a private entity for operation of the public transportation system.

(f) An interlocal agreement under this section may also deal with allocation of funds between a municipality and county for operation by the county of a human services public transportation system within the municipality when the municipality also operates a public transportation system.

(g) This Article is supplemental to Article 51 of this Chapter.

(h) Any tax or tax increase levied under this Article applicable to a motor vehicle sold or leased by a motor vehicle dealer, as defined in G.S. 20-286(11), is only applicable to a motor vehicle sale or lease made on or after the effective date of the tax or tax increase regardless of the date of submission of a title and registration application for the motor vehicle to the Division of Motor Vehicles. No tax or tax increase levied under this Article applies to a motor vehicle sale or lease made prior to the effective date of the tax or tax increase."

SECTION 8. G.S. 20-4.02 reads as rewritten:

"**§ 20-4.02. Quadrennial adjustment of certain fees and rates.**

(a) Adjustment for Inflation. – Beginning July 1, 2020, and every four years thereafter, the Division shall adjust the fees and rates imposed pursuant to the statutes listed in this subsection for inflation in accordance with the Consumer Price Index computed by the Bureau of Labor Statistics. The adjustment for per transaction rates in subdivision (8a) of this subsection shall be rounded to the nearest cent and all other adjustments under this subsection shall be rounded to the nearest twenty-five cents (25¢):

(1) G.S. 20-7.
(2) G.S. 20-11.
(3) G.S. 20-14.
(4) G.S. 20-16.
(5) G.S. 20-26.
(6) G.S. 20-37.15.
(7) G.S. 20-37.16.
(8) G.S. 20-42(b).
(8a) G.S. 20-63(h), with respect to the per transaction rates set in that subsection.
(9) G.S. 20-85(a)(1) through (10).
(10) G.S. 20-85.1.
(11) G.S. 20-87, except for the additional fee set forth in G.S. 20-87(6) for private motorcycles.
(12) G.S. 20-88.
(13) G.S. 20-289.
(14) G.S. 20-385.
(15) G.S. 44A-4(b)(1).

(b) Computation. – In determining the rate of inflation to use when making an adjustment pursuant to subsection (a) of this section, the Division shall base the rate on the percent change in the annual Consumer Price Index over the preceding four-year period.

(c) Rules. – The provisions of Chapter 150B of the General Statutes shall not apply to the inflation adjustment required by this section.

(d) Consultation and Publication. – At least 90 days prior to making an adjustment pursuant to subsection (a) of this section, and notwithstanding any provision of G.S. 12-3.1 to the contrary, the Division shall (i) consult with the Joint Legislative Commission on Governmental Operations, (ii) provide a report to the chairs of the Senate Appropriations Committee on Department of Transportation and the House of Representatives Appropriations Committee on Transportation, and (iii) publish notice of the fees that will be in effect in the offices of the Division and on the Division's Web site.

(e) Effective Date. – Any adjustment to fees or rates under this section applicable to a motor vehicle sold or leased by a motor vehicle dealer, as defined in G.S. 20-286(11), is only applicable to a motor vehicle sale or lease made on or after the effective date of the fee or rate adjustment regardless of the date of submission of a title and registration application for the motor vehicle to the Division. No adjustment to fees or rates under this section applies to a motor vehicle sale or lease made prior to the effective date of the fee or rate adjustment."

SECTION 9. Sections 6 and 7 of this act are effective when they become law and apply to any tax or tax increase with an effective date on or after that date. Except as otherwise provided, the remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 411

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S411-ASU-43 [v.3]

Amends Title [NO]
Third Edition

Date _____,2018

Representative Torbett

moves to amend the bill on page 1, lines 14-16, by rewriting the lines to read:
"release of a security interest in a vehicle.""; and

on page 2, line 3, by rewriting the line to read:
"shall have a cause of action against the Division or Division contractors arising from the transfer of a vehicle by a sworn"; and

on page 2, lines 5-30, by deleting the lines and substituting the following:

"**SECTION 2.(b)** G.S. 20-58 reads as rewritten:

"**§ 20-58. Perfection by indication of security interest on certificate of title.**

(a) Except as provided in G.S. 20-58.8, a security interest in a vehicle of a type for which a certificate of title is required shall be perfected only as hereinafter provided.

(1) If the vehicle is not registered in this State, the application for notation of a security interest shall be the application for certificate of title provided for in G.S. 20-52.

(2) If the vehicle is registered in this State, the application for notation of a security interest shall be in the form prescribed by the Division, signed by the debtor, and contain the date of application of each security interest, and name and address of the secured party from whom information concerning the security interest may be obtained. The application must be accompanied by the existing certificate of title unless in the possession of a prior secured ~~party.~~party or in the event the manufacturer's statement of origin or existing certificate of title (i) was not delivered to the dealer or (ii) was lost or misplaced on the date the dealer sells or transfers the motor vehicle. If there is an existing certificate of title issued by this or any other jurisdiction in the possession of a prior secured party, the application for notation of the security interest shall in addition contain the name and address of such prior secured party. An application for notation of a security interest may be signed by the secured party instead of the debtor when the application is accompanied by documentary evidence of the applicant's security interest in that motor vehicle signed by the debtor and by affidavit of the applicant stating the reason the debtor did not sign the application. In the event the certificate cannot be

obtained for recordation of the security interest, when title remains in the name of the debtor, the Division shall cancel the certificate and issue a new certificate of title listing all the respective security interests.

(3) If the application for notation of security interest is made in order to continue the perfection of a security interest perfected in another jurisdiction, it may be signed by the secured party instead of the debtor. Such application shall be accompanied by documentary evidence of a perfected security interest. No such application shall be valid unless an application for a certificate of title has been made in North Carolina. The security interest perfected herein shall be subject to the provisions set forth in G.S. 20-58.5.

(b) ~~When~~ If a manufacturer's statement of origin or an existing certificate of title on a motor vehicle ~~is unavailable,~~was (i) not delivered to the dealer or (ii) was lost or misplaced on or prior to the date the dealer sells or transfers the motor vehicle, a first lienholder ~~who holds a valid license as a motor vehicle dealer issued by the Commissioner under Article 12 of this Chapter~~ or his designee may file a notarized copy of an instrument creating and evidencing a security interest in the motor vehicle with the Division of Motor Vehicles. A filing pursuant to this subsection shall constitute constructive notice to all persons of the security interest in the motor vehicle described in the filing. The constructive notice shall be effective ~~from the date of the filing~~ on the date of the security agreement if the filing is made within 20 days after the date of the security agreement. The constructive notice shall date from the date of the filing with the Division if it is made more than 20 days after the date of the security agreement. The notation of a security interest created under this subsection shall automatically expire 60 days after the date of the creation of the security interest, or upon perfection of the security interest as provided in subsection (a) of this section, whichever occurs first. A security interest notation made under this subsection and then later perfected under subsection (a) of this section shall be presumed to have been perfected on the date of the earlier filing. The Division may charge a fee not to exceed ten dollars ($10.00) for each notation of security interest filed pursuant to this subsection. The fee shall be credited to the Highway Fund. ~~A false filing with the Division pursuant to this subsection shall constitute a Class H felony.~~ It shall constitute a Class H felony for a person to knowingly and intentionally file a false notice with the Division pursuant to this subsection. A dealer principal, owner, or manager of a motor vehicle dealership who is not a signatory of the notice required under this subsection may only be charged for a criminal violation for filing a false notice with the Division under this subsection by another dealership employee if the dealer principal, owner, or manager had actual knowledge of the falsity of the filing at the time the filing was submitted to the Division.

..."".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 411

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S411-ASU-43 [v.3]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1035

Short Title:	College of the Albemarle/Dare County.	(Public)
Sponsors:	Representative Boswell. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Education - Community Colleges, if favorable, Appropriations	

May 31, 2018

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FLEXIBILITY TO THE COLLEGE OF THE ALBEMARLE IN USING STATE FUNDS TO ENTER INTO A CONSTRUCTION PROJECT WITH DARE COUNTY FOR EDUCATIONAL FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2017-183 reads as rewritten:

"**SECTION 1.** Notwithstanding any other provision of law to the contrary, the Board of Trustees of the College of the Albemarle may expend State funds appropriated for capital improvements, including Connect NC Bond funds, for the construction and renovation of educational facilities owned by and located on property owned by a county within the service area of the College of the Albemarle (Camden, Chowan, Currituck, Dare, Gates, Pasquotank, and Perquimans Counties), including the following pending ~~project:~~projects:

(1) Construction of a public safety facility located in Currituck County, which would enable the relocation of the community college's emergency services programs.

(2) Construction of two facilities and renovation of a third facility located in Dare County. The facilities would house community college transfer programs and health care, public safety, and other vocational community college programs for adults and for high school students participating in Career and College Promise programs.

Any facility constructed or renovated under this authority shall be leased for a period of at least 30 years to the Board of Trustees of the College of the Albemarle. If the lessor terminates the lease through no fault of the college, a prorated amount of the building cost supported by State funds, amortized over the lease period, shall be returned to the college."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 125

Education/Higher Education Committee Substitute Adopted 3/14/17
House Committee Substitute Favorable 6/21/17

Short Title: Various Changes to Education. (Public)

Sponsors:

Referred to:

February 23, 2017

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT STUDENT ATTENDANCE RECOGNITION PROGRAMS AND TO PROVIDE THAT STUDENTS SERVING AS LEGISLATIVE OR GOVERNOR'S PAGES SHALL BE ELIGIBLE FOR PARTICIPATION IN THESE PROGRAMS AND TO EXPAND ELIGIBILITY OF CHILDREN TO OBTAIN CERTAIN SCHOLARSHIPS UNDER PART 2 OF ARTICLE 14 OF CHAPTER 143B OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

PART I. ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT STUDENT ATTENDANCE RECOGNITION PROGRAMS

SECTION 1.(a) Part 1 of Article 26 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-382.5. Student attendance recognition programs.**

Local boards of education are encouraged to adopt a student attendance recognition program within the local school administrative unit to promote student attendance in school and participation in class as an integral part of academic achievement and the learning process. If the local board of education adopts a student attendance recognition program, a student with an absence resulting from service as a legislative page or a Governor's page shall be eligible for participation in the program and the student's absence shall not be included as part of the student's record of attendance for the purposes of the program."

SECTION 1.(b) This section is effective when it becomes law and applies beginning with the 2017-2018 school year.

PART II. EXPAND ELIGIBILITY OF CHILDREN TO OBTAIN CERTAIN WARTIME VETERANS SCHOLARSHIPS

SECTION 2.(a) G.S. 143B-1226 reads as rewritten:

"**§ 143B-1226. Classes or categories of eligibility under which scholarships may be awarded.**

...

(3) Class II: For the purposes of this subdivision, a child shall include any person meeting either of the requirements set forth in G.S. 143B-1224(3)a. or b. and who is a child, as that term is defined in 37 U.S.C. § 401. Under this class a scholarship may be awarded to not more than 100 children

yearly, each of whose veteran parent, at the time the benefits pursuant to this Part are sought to be availed of:

a. Is or was at the time of the parent's death receiving compensation for a wartime service-connected disability of twenty percent (20%) or more, but less than one hundred percent (100%), as rated by the United States Department of Veterans Affairs, or

b. Was awarded a Purple Heart for wounds received as a result of an act of any opposing armed force, as a result of an international terrorist attack, or as a result of military operations while serving as part of a peacekeeping force.

(4) Class III: For the purposes of this subdivision, a child shall include any person meeting either of the requirements set forth in G.S. 143B-1224(3)a. or b. and who is a child, as that term is defined in 37 U.S.C. § 401. Under this class a scholarship may be awarded to not more than 100 children yearly, each of whose veteran parent, at the time the benefits pursuant to this Part are sought to be availed of:

a. Is or was at the time of his death drawing pension for permanent and total disability, nonservice-connected, as rated by the United States Department of Veterans Affairs.

b. Is deceased and who does not fall within the provisions of any other eligibility class described in G.S. 143B-1226(1), (2), (3), (4)a., nor (5).

c. Served in a combat zone, or waters adjacent to a combat zone, or any other campaign, expedition, or engagement for which the United States Department of Defense authorizes a campaign badge or medal, who does not fall within the provisions of any other class described in G.S. 143B-1226(1), (2), (3), (4)a., or (5).

...."

SECTION 2.(b) The Department of Military and Veterans Affairs shall document the number of applicants who apply for Class II and Class III scholarships, as provided in G.S. 143B-1226, and shall report on this information to the Joint Legislative Oversight Committee on General Government by March 30, 2018. The report shall include the total number of applications received and the total number of those applications made eligible as a result of this act.

PART III. EFFECTIVE DATE

SECTION 3. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 125

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S125-ATC-169 [v.1]

Amends Title [NO]
Third Edition

Date _____ ,2018

Representative _____

moves to amend the bill on page 1, line 23, by rewriting that line to read:

"beginning with the 2018-2019 school year.";

and on page 2, line 32, by deleting the phrase "March 30, 2018." and substituting "March 30, 2019.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 124

Rules and Operations of the Senate Committee Substitute Adopted 3/9/17

Short Title: LEO Managed CBD Oil Drop Box. (Public)

Sponsors:

Referred to:

February 23, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE RESIDUAL OIL FROM HEMP EXTRACT TO BE DISPOSED AT ESTABLISHED SPECIFIC SECURE COLLECTION BOXES MANAGED BY LAW ENFORCEMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-94.1 reads as rewritten:

"**§ 90-94.1. Exemption for use or possession of hemp extract.**

(a) As used in this section, "hemp extract" means an extract from a cannabis plant, or a mixture or preparation containing cannabis plant material, that has all of the following characteristics:

(1) Is composed of less than nine-tenths of one percent (0.9%) tetrahydrocannabinol by weight.

(2) Is composed of at least five percent (5%) cannabidiol by weight.

(3) Contains no other psychoactive substance.

(b) Notwithstanding any other provision of this Chapter, an individual may possess or use hemp extract, and is not subject to the penalties described in this Chapter, if the individual satisfies all of the following criteria:

(1) Possesses or uses the hemp extract only to treat intractable epilepsy, as defined in G.S. 90-113.101.

(2) Possesses, in close proximity to the hemp extract, a certificate of analysis that indicates the hemp extract's ingredients, including its percentages of tetrahydrocannabinol and cannabidiol by weight.

(3) Is a caregiver, as defined in G.S. 90-113.101.

(c) Notwithstanding any other provision of this Chapter, an individual who possesses hemp extract lawfully under this section may administer hemp extract to another person under the individual's care and is not subject to the penalties described in this Chapter for administering the hemp extract to the person if the individual is the person's caregiver, as defined in G.S. 90-113.101.

(d) Any individual who possesses or uses hemp extract, as defined under this section, shall dispose of all residual oil from the extract at a secure collection box managed by a law enforcement agency. No criminal penalty shall attach for any violation of this subsection."

SECTION 2. G.S. 90-113.105 reads as rewritten:

"**§ 90-113.105. Immunity for neurologists; confidentiality.**

(a) On a case-by-case basis, neurologists may approve of dispensation to a registered caregiver, as approved by this Article, hemp extract acquired from another jurisdiction.

(a1) Neurologists who approve of dispensation of hemp extract to a registered caregiver, as approved by this Article, shall inform the registered caregiver of the requirement that disposal must be done at a secure collection box pursuant to G.S. 90-94.1.

(b) A neurologist shall not be subject to arrest or prosecution, penalized or disciplined in any manner, or denied any right or privilege for approving or recommending the use of hemp extract or providing a written statement for the use of hemp extract pursuant to this Article.

(c) Repealed by Session Laws 2015-154, s. 7, effective July 16, 2015.

(d) The identities of the caregivers, patients, and neurologists reported to the Department pursuant to this Article are confidential and are not matters of public record. However, this information may be provided to law enforcement agencies pursuant to G.S. 9-113.102."

SECTION 3. This act becomes effective December 1, 2017.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 124

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S124-ATG-76 [v.1]

Amends Title [NO]
Second Edition

Date _____, 2018

Representative J Bell

moves to amend the bill on page 2, line 11, by rewriting the line to read:

"**SECTION 3.** This act becomes effective December 1, 2018."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 559

Short Title:	Fingerprinting Upon Arrest.	(Public)
Sponsors:	Senators J. Jackson and Britt (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

April 3, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT WHEN A PERSON IS CHARGED WITH AN OFFENSE WHICH REQUIRES MANDATORY FINGERPRINTING, FINGERPRINTING WILL BE ORDERED BY THE COURT IF THE OFFENDER WAS NOT ARRESTED AND FINGERPRINTED AT THE TIME OF THE OFFENSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-502 is amended by adding a new subsection to read:

"**§ 15A-502. Photographs and fingerprints.**

...

(e) Fingerprints or photographs taken pursuant to subsection (a), (a1), or (a2) of this section may be forwarded to the State Bureau of Investigation, the Federal Bureau of Investigation, or other law-enforcement agencies.

(f) If a person is charged with an offense for which fingerprints are required pursuant to this section, but the person is not arrested for that offense, the court before which the charge is pending shall order the defendant to submit to fingerprinting by the Sheriff or other appropriate law enforcement agency at the earliest practical opportunity. If the person fails to appear for fingerprinting as ordered by the court, the sheriff shall so inform the court, and the court may initiate proceedings for criminal contempt against the person pursuant to G.S. 5A-15, including issue of an order for arrest pursuant to G.S. 5A-16, if necessary. The defendant shall continue to be subject to the court's order to provide fingerprints until submitted."

SECTION 2. This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 420
PROPOSED HOUSE COMMITTEE SUBSTITUTE S420-CSSU-46 [v.1]
06/12/2018 03:20:25 PM

Short Title: CC Governance/Amend Medical Bd. (Public)

Sponsors:

Referred to:

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CIRCUMSTANCES IN WHICH THE STATE BOARD OF COMMUNITY COLLEGES MAY APPOINT AN INTERIM BOARD OF TRUSTEES TO ASSUME THE POWERS AND DUTIES OF A BOARD OF TRUSTEES; TO REQUIRE THAT A BOARD OF TRUSTEES MEET AT LEAST ONCE EVERY TWO MONTHS; TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO REQUIRE FINANCIAL AUDITS IN CERTAIN CIRCUMSTANCES; AND TO AMEND THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL BOARD.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 1 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-6.5. Notice of noncompliance; appointment of an interim board of trustees.**

(a) Notice. – The State Board of Community Colleges is responsible for assuring that boards of trustees of the community colleges comply with applicable State laws, rules, and sound fiscal and management practices, as defined in State Board policy. In addition to any actions taken by the State Board under G.S. 115D-6(3), if the State Board finds that a board of trustees of a community college has willfully, or as a result of gross negligence, failed to or refused to comply with applicable State laws, rules, and sound fiscal and management practices, the State Board may issue a written notice to the board of trustees of its findings and direct the board of trustees to take remedial action immediately to address those findings upon receipt of the notice. If the State Board finds the college needs assistance with taking remedial action, the State Board may also appoint an advisory committee to provide support and recommendations to the college. At a minimum, the advisory committee shall consist of representatives of the State Board of Community Colleges, the North Carolina Association of Community College Trustees, the North Carolina Association of Community College Presidents, and the System Office, and each party shall appoint its representative to the advisory committee.

(b) Resolution. – If, after receipt of the notice issued under subsection (a) of this section, a board of trustees willfully, or as a result of gross negligence, persists in refusing or failing to comply with the State laws, rules, or sound fiscal and management practices identified in the notice, the State Board of Community Colleges may adopt a resolution, upon approval of at least two-thirds of the members of the State Board attending the meeting in which the resolution is considered, to vacate the terms of the leadership of the board of trustees to include, but not limited to, chair and vice-chair. The respective appointing authorities shall appoint trustees to fulfill the vacated terms and shall not appoint members whose terms were vacated pursuant to this section. If, after the removal of the leadership of the board of trustees, a board of trustees willfully, or as a result of gross negligence, persists in refusing or failing to comply with the State laws, rules,

or sound fiscal and management practices identified in the notice, the State Board of Community Colleges may adopt a resolution, upon approval of at least two-thirds of the members of the State Board attending the meeting in which the resolution is considered to vacate the terms of the full board of trustees. Prior to adopting either resolution, the State Board shall consult with the appointing authorities of the board of trustees and representatives of the North Carolina Association of Community College Trustees and the North Carolina Association of Community College Presidents regarding the proposed resolution. The State Board shall only exercise this authority as an extraordinary remedy utilized in the most extreme circumstances and after all of the following remediation actions have been taken without correction of the identified problems:

(1) The State Board has clearly delineated the failures to comply with applicable State laws, rules or sound fiscal and management practices.

(2) The advisory committee appointed consistent with subsection (a) of this section has met with the President of the college and the local board of trustees to discuss the problems in question and to assist the community college in question to resolve them.

(3) The State Board has vacated the terms of the leadership of the board of trustees, but the identified problems continue to persist.

(4) The State Board has issued a final warning providing the college with a deadline to resolve the identified problems.

(c) Interim Board Assumption of Powers and Duties. – The adoption of the resolution to remove the full board under this section shall have the effect of vacating the terms of all of the members serving on the board of trustees. Notwithstanding G.S. 115D-12, the State Board of Community Colleges shall appoint an interim five-member board of trustees for a period not to exceed 12 months with input from the advisory committee listed in subsection (a) of this section. To preserve local autonomy, the appointing authorities of the local administrative area of the community college under G.S. 115D-12 shall make recommendations to the State Board on the appointment of the members to the interim board of trustees. All appointees to the interim board of trustees shall be residents of the administrative area of the insititution for which they are selected or of counties contiguous thereto with the exception of members provided for in subsection (a) of G.S. 115D-12, Group Four. At the end of the period of service of the interim board of trustees, a board of trustees for the community college shall be appointed in accordance with G.S. 115D-12. Initial terms of members of the new board of trustees shall be staggered to align with the remainder of the vacated terms of the members of the board of trustees.

(d) Notice to the General Assembly. – Within 60 days of the adoption of the resolution to remove the full board under this section, the State Board shall report to the General Assembly in accordance with G.S. 120-29.5 on the adoption of the resolution, the interim board of trustees appointed by the State Board, and any legislative recommendations necessary in regard to the future governance of the community college.

(e) State Board Policy. – The State Board of Community Colleges shall adopt any policies necessary to implement the provisions of this section."

SECTION 1.(b) G.S. 115D-18 reads as rewritten:

"**§ 115D-18. Organization of boards; meetings.**

At the first meeting after its selection, each board of trustees shall elect from its membership a ~~chairman,~~ chair, who shall preside at all board meetings, and a ~~vice-chairman,~~ vice-chair, who shall preside in the absence of the ~~chairman.~~chair. The trustees shall also elect a secretary, who may be a trustee, to keep the minutes of all board meetings. All three officers of the board shall be elected for a period of one year but shall be eligible for reelection by the board.

Each board of trustees shall meet as often as may be necessary for the conduct of the business of the institution but shall meet at least once every ~~three~~ two months. Meetings may be called by the ~~chairman~~ chair of the board, a majority of the trustees, or the chief administrative officer of the institution."

SECTION 1.(c) G.S. 115D-58.16(a) reads as rewritten:

"(a) Each community college shall be subject to a financial audit a minimum of once every two years. Community colleges may use State funds to contract with the State Auditor or with a certified public accountant to perform the audits. The colleges shall submit the results of the audits to the State Board of Community Colleges. The State Board of Community Colleges may require a community college to be audited annually after the community college has two consecutive financial audits with findings.

The State Board of Community Colleges shall ensure that all colleges are audited in accordance with this section."

SECTION 2.(a) G.S. 90-2(a) reads as rewritten:

"(a) There is established the North Carolina Medical Board to regulate the practice of medicine and surgery for the benefit and protection of the people of North Carolina. The Board shall consist of 13 members:

(1) ~~Seven~~ Six of the members shall be duly licensed physicians recommended by the Review Panel and appointed by the Governor as set forth in G.S. 90-3.

(2) ~~Four~~ Five members shall all be appointed by the Governor as follows:

a. One shall be a ~~duly licensed physician who is a doctor of osteopathy or a full-time faculty member of one of the medical schools in North Carolina who utilizes integrative medicine in that person's clinical practice or a~~ member of The Old North State Medical Society. This Board position shall not be subject to recommendations of the Review Panel pursuant to G.S. 90-3.

b. One shall be a public member, and this Board position shall not be subject to recommendation of the Review Panel pursuant to G.S. 90-3.

c. One shall be a physician assistant as defined in G.S. 90-18.1 as recommended by the Review Panel pursuant to G.S. 90-3.

d. One shall be a nurse practitioner as defined in G.S. 90-18.2 as recommended by the Review Panel pursuant to G.S. 90-3.

e. One shall be a duly licensed physician who is a doctor of osteopathy or a full-time faculty member of one of the medical schools in North Carolina who utilizes integrative medicine in that person's clinical practice, as recommended by the Review Panel pursuant to G.S. 90-3.

(3) Two public members appointed by the General Assembly in accordance with G.S. 120-121, one upon recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate."

SECTION 2.(b) This section becomes effective October 31, 2019, and applies to vacancies on the North Carolina Medical Board occurring on or after that date.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 420

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S420-ATC-168 [v.1]

Amends Title [YES]
S420-CSSU-46

Date _____,2018

Representative _____

moves to amend the bill on page 1, line 4, by rewriting that line to read:

"ASSUME THE POWERS AND DUTIES OF A BOARD OF TRUSTEES; TO CLARIFY THE TIME FOR ELECTION OF OFFICERS FOR BOARDS OF TRUSTEES; TO REQUIRE";

and on page 2, line 43, by rewriting that line to read:

BAD

"At the first meeting ~~after its selection,~~held on or after July 1, each board of trustees shall elect from its membership"

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 420

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S420-ATC-168 [v.2]

Amends Title [YES]
S420-CSSU-46

Date _____,2018

Representative Burr

moves to amend the bill on page 1, lines 4-5, by rewriting those lines to read:

"ASSUME THE POWERS AND DUTIES OF A BOARD OF TRUSTEES; TO CLARIFY THE TIME FOR ELECTION OF OFFICERS FOR BOARDS OF TRUSTEES; TO REQUIRE THAT A BOARD OF TRUSTEES MEET AT LEAST SIX TIMES A YEAR; TO";

and on page 2, line 43-51, by rewriting those lines to read:

"At the first meeting ~~after its selection,~~held on or after July 1, each board of trustees shall elect from its membership a ~~chairman,~~ chair, who shall preside at all board meetings, and a ~~vice-chairman,~~ vice-chair, who shall preside in the absence of the ~~chairman.~~chair. The trustees shall also elect a secretary, who may be a trustee, to keep the minutes of all board meetings. All three officers of the board shall be elected for a period of one year but shall be eligible for reelection by the board.

Each board of trustees shall meet as often as may be necessary for the conduct of the business of the institution but shall meet at least ~~once every three months.~~six times a year. Meetings may be called by the ~~chairman~~ chair of the board, a majority of the trustees, or the chief administrative officer of the institution."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 299

Judiciary Committee Substitute Adopted 4/4/17
House Committee Substitute Favorable 6/27/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S299-CSSAx-47 [v.2]
06/12/2018 05:06:32 PM

Short Title: Expand Use of CAM Systems & Create CAM Fund. (Public)

Sponsors:

Referred to:

March 16, 2017

299A BILL TO BE ENTITLED

AN ACT TO EXPAND THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS IN PUNISHMENTS IMPOSED FOR CERTAIN IMPAIRED DRIVING CONVICTIONS, TO PROVIDE FOR THE PAYMENT OF AN ADMINISTRATIVE FEE AND COSTS ASSOCIATED WITH A CONTINUOUS ALCOHOL MONITORING SYSTEM, AND TO CREATE A CONTINUOUS ALCOHOL MONITORING SYSTEM FUND TO ASSIST INDIGENT DEFENDANTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-179 reads as rewritten:

"**§ 20-179. Sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments.**

...

(g) Level One Punishment. – A defendant subject to Level One punishment may be fined up to four thousand dollars ($4,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 30 days and a maximum term of not more than 24 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least 30 days. A judge may reduce the minimum term of imprisonment required to a term of not less than 10 days if a condition of special probation is imposed to require that a defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 120 days. If a judge orders the term of imprisonment ordered as a condition of special probation to be served as an inpatient pursuant to subsection (k1) of this section, the judge shall impose an additional condition of special probation to require that the defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 60 days. If the defendant is monitored on an approved continuous alcohol monitoring system during the pretrial period, up to ~~60~~ 120 days of pretrial monitoring may be credited against ~~the 120-day~~ any monitoring requirement for probation. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a driver's license and as a condition of probation. The judge may impose any other lawful condition of probation.

(h) Level Two Punishment. – A defendant subject to Level Two punishment may be fined up to two thousand dollars ($2,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than seven days and a maximum term of not more than 12 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least ~~seven~~ 14 days or to abstain from consuming alcohol for at least 90 consecutive days, as verified by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety. If a judge orders the term of imprisonment ordered as a condition of special probation to be served as an inpatient pursuant to subsection (k1) of this section, the judge shall impose an additional condition of special probation to require that the defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 30 days. If the defendant is subject to Level Two punishment based on a finding that the grossly aggravating factor in subdivision (1) or (2) of subsection (c) of this section applies, the conviction for a prior offense involving impaired driving occurred within five years before the date of the offense for which the defendant is being sentenced and the judge suspends all active terms of imprisonment and imposes abstention from alcohol as verified by a continuous alcohol ~~monitory~~ monitoring system, then the judge must also impose as an additional condition of special probation that the defendant must complete 240 hours of community service. If the defendant is monitored on an approved continuous alcohol monitoring system during the pretrial period, up to ~~60~~ 90 days of pretrial monitoring may be credited against ~~the 90-day~~any monitoring requirement for probation. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a driver's license and as a condition of probation. The judge may impose any other lawful condition of probation.

(h1) The judge may impose, as a condition of probation for defendants subject to Level One or Level Two punishments, that the defendant abstain from alcohol consumption for ~~a minimum of 30 days, to a maximum of~~ the term of probation, as verified by a continuous alcohol monitoring system. The defendant's abstinence from alcohol shall be verified by a continuous alcohol monitoring system of a type approved by the Division of Adult Correction of the Department of Public Safety.

...

(k4) Notwithstanding the provisions of subsections (g), (h), (k2), and (k3) of this section, if the court finds, upon good cause shown, that the defendant should not be required to pay the costs of the continuous alcohol monitoring system, the court shall not impose the use of a continuous alcohol monitoring system unless ~~the~~ one of the following conditions is met:

(1) The local governmental entity responsible for the incarceration of the defendant in the local confinement facility agrees to pay the costs of the system.

(2) The court orders the Division of Adult Correction of the Department of Public Safety pay the costs of the system pursuant to G.S. 20-179.5.

...

(r) Supervised Probation Terminated. – Unless a judge in his or her discretion determines that supervised probation is necessary, and includes in the record that he or she has received evidence and finds as a fact that supervised probation is necessary, and states in his or her judgment that supervised probation is necessary, a defendant convicted of an offense of impaired driving shall be placed on unsupervised probation if he or she meets three conditions. These conditions are that he or she has not been convicted of an offense of impaired driving within the seven years preceding the date of this offense for which he or she is sentenced, that the defendant is sentenced under subsections (i), (j), and (k) of this section, and has obtained any necessary substance abuse assessment and completed any recommended treatment or training

~~program.~~program, including any recommendation that the defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system approved by the Division of Adult Correction of the Department of Public Safety.

When a judge determines in accordance with the above procedures that a defendant should be placed on supervised probation, the judge shall authorize the probation officer to modify the defendant's probation by placing the defendant on unsupervised probation upon the completion by the defendant of any of the following conditions of his or her suspended sentence:

(1) Community ~~service; or~~service.

...

(3) Payment of any fines, court costs, and ~~fees; or~~fees.

(4) Any combination of these conditions.

...."

SECTION 2. Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-179.5. Continuous alcohol monitoring; administrative fee and costs for monitoring; Continuous Alcohol Monitoring Fund.**

(a) The costs incurred in order to comply with the continuous alcohol monitoring requirements imposed by the court pursuant to this Article, including costs for monitoring of the continuous alcohol monitoring device, shall be paid by the person ordered to be monitored. The person also shall pay a continuous alcohol monitoring administrative fee in an amount which shall be determined by the Division of Adult Correction of the Department of Public Safety and which shall be not less than twenty dollars ($20.00) nor more than thirty dollars ($30.00). The administrative fee shall be collected at the time the person receives the monitoring equipment from the vendor providing the continuous alcohol monitoring. Costs for continuous alcohol monitoring shall be collected under terms agreed upon by the vendor and the person required to be monitored.

(b) The vendor shall remit fees collected pursuant to subsection (a) of this section to the Division of Adult Correction of the Department of Public Safety on a quarterly basis. Fifty percent (50%) of the fees collected shall be used to pay costs incurred by the Division of Adult Correction of the Department of Public Safety in ensuring compliance with the continuous alcohol monitoring requirements imposed by the court; the remaining fifty percent (50%) of the fees shall be deposited in the Continuous Alcohol Monitoring Fund.

(c) There is created in the Department of Public Safety the Continuous Alcohol Monitoring Fund to be used for the purpose of providing access to continuous alcohol monitoring as a sentencing option to persons deemed by the court to be indigent. If the court determines that continuous alcohol monitoring should be ordered and the convicted person is unable to pay for the continuous alcohol monitoring, the court may order that the Division of Adult Correction of the Department of Public Safety pay the cost of the continuous alcohol monitoring for the period of time required by the court."

SECTION 3. This act becomes effective December 1, 2018, and applies to offenses committed on or after that date.

SENATE BILL 451
Judiciary Committee Substitute Adopted 4/25/17

Short Title: Joint Survivorship Clarifications. (Public)

Sponsors:

Referred to:

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO REPLACE AND CLARIFY THE GENERAL STATUTES PERTAINING TO THE CREATION AND SEVERANCE OF JOINT TENANCY WITH RIGHT OF SURVIVORSHIP PERTAINING TO REAL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 41-2 is repealed.

SECTION 2. Article 1 of Chapter 41 of the General Statutes is amended by adding a new section to read:

"**§ 41-2.3. Joint tenancy.**

(a) The following definitions apply in this section:

(1) Conveyance. – A transfer of title to real or personal property by deed, devise, assignment, or other means of transferring title.

(2) Severance. – A termination of the right of survivorship resulting in the creation of a tenancy in common, as provided in this section. This term is used in the context of an estate with a joint tenancy with right of survivorship.

(b) A conveyance to two or more persons creates a tenancy in common unless a joint tenancy with right of survivorship is created as provided in subsection (c) of this section or a tenancy by the entirety is created as provided by law.

(c) A conveyance to two or more persons creates a joint tenancy with right of survivorship if the instrument expresses an intent to create a joint tenancy with right of survivorship. The following words in the instrument shall be deemed to express an intent to create a joint tenancy with right of survivorship unless the instrument otherwise provides: "joint tenants with right of survivorship," "joint tenants," "joint tenancy," "tenants in common with right of survivorship," "joint with right of survivorship," "with right of survivorship," "to them or to the survivor of them," or words of similar import.

(d) The interests of joint tenants in a joint tenancy with right of survivorship shall be deemed to be equal unless otherwise provided in the instrument of conveyance. This subsection shall apply to any conveyance of an interest in property created at any time that explicitly seeks to create unequal ownership interest in a joint tenancy with right of survivorship. Distributions made prior to October 10, 2009, that were made in equal amounts from a joint tenancy with right of survivorship that sought to create unequal ownership shares shall remain valid and shall not be subject to modification on the basis of this subsection.

(e) A joint tenancy interest conveyed to individuals married to each other and to one or more other joint tenants in the same instrument of conveyance shall be held by the married

individuals in a tenancy by the entirety, and the married individuals shall be treated as a single joint tenant, unless otherwise provided in the instrument.

(f) A severance of joint tenancy with right of survivorship results when any of the following occur:

(1) All joint tenants execute an instrument for the purpose of expressing an intent to sever the joint tenancy as between or among themselves.

(2) A joint tenant executes an instrument where the joint tenant is the grantor and the grantee, if the intention to sever expressly appears in the instrument. A severance under this subdivision shall be effective only upon the recording, prior to the death of the severing joint tenant, of the instrument expressing an intent to sever in the office of the register of deeds in the county where the real property is situated.

(3) A joint tenant executes an instrument with a third party that does not convey all of that joint tenant's interest to the third party, including a lease, executory contract of sale, option to purchase, mortgage or deed of trust, and an intention to sever expressly appears in the instrument.

(4) A deed of trust or mortgage encumbering an interest in a joint tenancy is foreclosed.

(5) A joint tenant files a petition to partition.

(6) A joint tenant conveys all of that joint tenant's interest to a third party.

(g) When a severance occurs, a tenancy in common is created as follows:

(1) If all joint tenants execute an instrument among themselves that results in severance, a tenancy in common is created among the tenants.

(2) If a severance occurs under the circumstances described in subdivision (2), (3), or (4) of subsection (f) of this section, a tenancy in common is created between the severing tenant and the remaining joint tenant, but if there are more than two joint tenants, a tenancy in common is created among the severing joint tenant and the remaining joint tenants who continue as joint tenants with right of survivorship as between themselves.

(3) When one of two joint tenants conveys all of that joint tenant's interest to a third party, a tenancy in common is created between the third party and the remaining joint tenant. If there are more than two joint tenants and one of the joint tenants conveys all of that joint tenant's interest to a third party, a tenancy in common is created among the third party and the remaining joint tenants who continue as joint tenants with right of survivorship as between or among themselves.

(h) The following occurrences do not result in severance of joint tenancy with right of survivorship:

(1) Upon a filing of a judgment against one joint tenant.

(2) Upon a filing of a petition by one joint tenant in bankruptcy.

(3) When married individuals holding an interest as tenants by the entirety in a joint tenancy with one or more other joint tenants divorce, unless the divorced individuals agree otherwise, and in the absence of an agreement, the divorced individuals shall be deemed to hold their existing interest equally as joint tenants.

(i) Nothing in this section shall limit the manner or effect of a severance ordered by a court of competent jurisdiction.

(j) Joint tenancy interests among two or more joint tenants holding property in joint tenancy with right of survivorship are subject to the provisions of G.S. 28A-24-3 upon the death of one or more of the joint tenants.

(k) This section does not apply to any of the following:

(1) Executors or trustees in their representative capacity.
(2) Partnerships governed by Chapter 59 of the General Statutes.
(3) Business entities.
(4) Accounts established under G.S. 41-2.1 or G.S. 41-2.2 to the extent inconsistent with the provisions of this section.
(5) Life estates."

SECTION 3. This act is effective when it becomes law. Nothing in this act shall be deemed to invalidate estates created or severed prior to the effective date of this act.

HOUSE BILL 1031*

Short Title:	Local Ed. Funding Dispute Process.	(Public)
Sponsors:	Representatives Horn, Hurley, and Lucas (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Judiciary I, if favorable, State and Local Government II	

May 31, 2018

A BILL TO BE ENTITLED

AN ACT REPEALING THE STATUTORY AUTHORITY FOR A LOCAL BOARD OF EDUCATION TO FILE A LEGAL ACTION CHALLENGING THE SUFFICIENCY OF THE FUNDS APPROPRIATED BY THE BOARD OF COUNTY COMMISSIONERS, PROVIDING A FORMULA FOR DETERMINING THE AMOUNT OF FUNDS TO BE APPROPRIATED IN THE EVENT A BUDGET DISPUTE CANNOT BE RESOLVED BY MEDIATION, AND ESTABLISHING A WORKING GROUP TO ADDRESS FUND BALANCES MAINTAINED BY LOCAL BOARDS OF EDUCATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-431 reads as rewritten:

"**§ 115C-431. Procedure for resolution of dispute between board of education and board of county commissioners.**

(a) If the board of education determines that the amount of money appropriated to the local current expense fund, or the capital outlay fund, or both, by the board of county commissioners is not sufficient to support a system of free public schools, the chairman of the board of education and the chairman of the board of county commissioners shall arrange a joint meeting of the two boards to be held within seven days after the day of the county commissioners' decision on the school appropriations.

Prior to the joint meeting, the Senior Resident Superior Court Judge shall appoint a mediator unless the boards agree to jointly select a mediator. The mediator shall preside at the joint meeting and shall act as a neutral facilitator of disclosures of factual information, statements of positions and contentions, and efforts to negotiate an agreement settling the boards' differences.

At the joint meeting, the entire school budget shall be considered carefully and judiciously, and the two boards shall make a good-faith attempt to resolve the differences that have arisen between them.

(b) If no agreement is reached at the joint meeting of the two boards, the mediator shall, at the request of either board, commence a mediation immediately or within a reasonable period of time. The mediation shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement conferences but modified as appropriate and suitable to the resolution of the particular issues in disagreement.

Unless otherwise agreed upon by both boards, the following individuals shall constitute the two working groups empowered to represent their respective boards during the mediation:

(1) The chair of each board or the chair's designee;

(2) The superintendent of the local school administrative unit and the county manager or either's designee;
(3) The finance officer of each board; and
(4) The attorney for each board.

Members of both boards, their chairs, and representatives shall cooperate with and respond to all reasonable requests of the mediator to participate in the mediation. Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation proceedings involving the two working groups shall be conducted in private. Evidence of statements made and conduct occurring in a mediation are not subject to discovery and are inadmissible in any court action. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. The mediator shall not be compelled to testify or produce evidence concerning statements made and conduct occurring in a mediation in any civil proceeding for any purpose, except disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for mediators. Reports by members of either working group to their respective boards shall be made in compliance with Article 33C of Chapter 143 of the General Statutes.

Unless both boards agree otherwise, or unless the boards have already resolved their dispute, the mediation shall end no later than August 1. The mediator shall have the authority to determine that an impasse exists and to discontinue the mediation. The mediation may continue beyond August 1 provided both boards agree. If both boards agree to continue the mediation beyond August 1, the board of county commissioners shall appropriate to the local school administrative unit for deposit in the local current expense fund a sum of money sufficient to equal the local contribution to this fund for the previous year.

If the working groups reach a proposed agreement, the terms and conditions must be approved by each board. If no agreement is reached, the mediator shall announce that fact to the chairs of both boards, the Senior Resident Superior Court Judge, and the public. The mediator shall not disclose any other information about the mediation. The mediator shall not make any recommendations or public statement of findings or conclusions.

The local board of education and the board of county commissioners shall share equally the mediator's compensation and expenses. The mediator's compensation shall be determined according to rules adopted under Chapter 7A of the General Statutes.

~~(c) Within five days after an announcement of no agreement by the mediator, the local board of education may file an action in the superior court division of the General Court of Justice. Either board has the right to have the issues of fact tried by a jury. When a jury trial is demanded, the cause shall be set for the first succeeding term of the superior court in the county, and shall take precedence over all other business of the court. However, if the judge presiding certifies to the Chief Justice of the Supreme Court, either before or during the term, that because of the accumulation of other business, the public interest will be best served by not trying the cause at the term next succeeding the filing of the action, the Chief Justice shall immediately call a special term of the superior court for the county, to convene as soon as possible, and assign a judge of the superior court or an emergency judge to hold the court, and the cause shall be tried at this special term. The judge shall find, or if the issue is submitted to the jury, the jury shall find the facts as to the following in order to maintain a system of free public schools as defined by State law and State Board of Education policy: (i) the amount of money legally necessary from all sources and (ii) the amount of money legally necessary from the board of county commissioners. In making the finding, the judge or the jury shall consider the educational goals and policies of the State and the local board of education, the budgetary request of the local board of education, the financial resources of the county and the local board of education, and the fiscal policies of the board of county commissioners and the local board of education.~~

~~All findings of fact in the superior court, whether found by the judge or a jury, shall be conclusive. When the facts have been found, the court shall give judgment ordering the board of county commissioners to appropriate a sum certain to the local school administrative unit, and to~~

~~levy such taxes on property as may be necessary to make up this sum when added to other revenues available for the purpose.~~

~~(d) An appeal may be taken to the appellate division of the General Court of Justice, and notice of appeal shall be given in writing within 10 days after entry of the judgment. All papers and records relating to the case shall be considered a part of the record on appeal. The conclusion of the school or fiscal year shall not be deemed to resolve the question in controversy between the parties while an appeal is still pending. Any final judgment shall be legally binding on the parties at the conclusion of the appellate process. The payment of any final judgment by the county in favor of the local school administrative unit shall not be considered, or used in any manner, to deny or reduce appropriations to the local school administrative unit by the county in fiscal years subsequent to the one at issue to offset such payment of a final judgment.~~

~~(e) If, in an action filed under this section, the final judgment of the General Court of Justice is rendered after the due date prescribed by law for property taxes, the board of county commissioners is authorized to levy such supplementary taxes as may be required by the judgment, notwithstanding any other provisions of law with respect to the time for doing acts necessary to a property tax levy. Upon making a supplementary levy under this subsection, the board of county commissioners shall designate the person who is to compute and prepare the supplementary tax receipts and records for all such taxes. Upon delivering the supplementary tax receipts to the tax collector, the board of county commissioners shall proceed as provided in G.S. 105-321.~~

~~The due date of supplementary taxes levied under this subsection is the date of the levy, and the taxes may be paid at par or face amount at any time before the one hundred and twentieth day after the due date. On or after the one hundred and twentieth day and before the one hundred and fiftieth day from the due date there shall be added to the taxes interest at the rate of two percent (2%). On or after the one hundred and fiftieth day from the due date, there shall be added to the taxes, in addition to the two percent (2%) provided above, interest at the rate of three-fourths of one percent (3/4 of 1%) per 30 days or fraction thereof until the taxes plus interest have been paid. No discounts for prepayment of supplementary taxes levied under this subsection shall be allowed.~~

(f) If agreement is not reached in mediation, and the amount to be appropriated has not been calculated pursuant to this subsection for longer than the prior year, the sum to be appropriated for the budget year in dispute shall be calculated as follows:

(1) The amount expended in the prior fiscal year by the local school administrative unit from moneys appropriated to the local current expense fund and the capital outlay fund by the board of county commissioners in the prior fiscal year shall be divided by the average daily membership of the prior school year.

(2) The sum from subdivision (1) of this subsection, rounded to the nearest penny, shall then be multiplied by the sum of one plus the percent change in the second quarter Employment Cost Index for elementary and secondary school workers as reported by the federal Bureau of Labor Statistics.

(3) The sum from subdivision (2) of this subsection, rounded to the nearest penny, shall then be multiplied by the projected average daily membership for the school year for the budget year in dispute.

The board of county commissioners shall appropriate the sum from subdivision (3) of this subsection, rounded to the nearest penny, to the local board of education for the budget year in dispute.

(g) If agreement is not reached in mediation, and the amount to be appropriated has been calculated pursuant to subsection (f) of this section for the prior two years, the sum to be appropriated for the budget year in dispute shall be calculated as follows:

(1) The amount expended in the prior fiscal year by the local school administrative unit from moneys appropriated to the local current expense fund and the capital outlay fund by the board of county commissioners in the prior fiscal year shall be divided by the average daily membership of the prior school year.

(2) The percent change in the second quarter Employment Cost Index for elementary and secondary school workers as reported by the federal Bureau of Labor Statistics shall be increased by three percent (3%).

(3) The sum from subdivision (1) of this subsection, rounded to the nearest penny, shall then be multiplied by the sum of one plus the sum from subdivision (2) of this subsection, rounded to the nearest penny.

(4) The sum from subdivision (3) of this subsection shall then be multiplied by the projected average daily membership for the school year for the budget year in dispute.

The board of county commissioners shall appropriate the sum from subdivision (4) of this subsection, rounded to the nearest penny, to the local board of education for the budget year in dispute.

(h) Neither the local board of education nor the board of county commissioners shall file any legal action challenging the determination as to the funds to be appropriated by the board of county commissioners to the local current expense fund, the capital outlay fund, or both in accordance with the formulas found in subsections (f) and (g) of this section."

SECTION 2. G.S. 115C-432(a) reads as rewritten:

"(a) After the board of county commissioners has made its appropriations to the local school administrative unit, or after the ~~appeal~~ procedure set out in G.S. 115C-431 has been concluded, the board of education shall adopt a budget resolution making appropriations for the budget year in such sums as the board may deem sufficient and proper. The budget resolution shall conform to the uniform budget format established by the State Board of Education."

SECTION 3.(a) The Local Government Commission and the School of Government at the University of North Carolina at Chapel Hill shall convene a working group to develop and recommend statutory parameters for fund balances maintained by local boards of education. The working group shall include at least one representative from each of the following groups: the North Carolina Association of County Commissioners, the North Carolina School Boards Association, and the North Carolina Association of School Business Officers. The working group shall produce findings and recommendations on the following issues relating to fund balances maintained by local boards of education:

(1) Minimum and maximum fund balances, with a focus on unencumbered funds.
(2) Appropriate uses of fund balances.
(3) Annual reporting requirements for fund balances.
(4) A process for factoring fund balances into annual local education budgets.
(5) The role of boards of county commissioners, if any, in determining the use of fund balances.

SECTION 3.(b) No later than March 30, 2019, the working group shall report its findings and recommendations, including statutory parameters and any proposed legislation, to the Joint Legislative Education Oversight Committee.

SECTION 4. This act is effective when it becomes law. Sections 1 and 2 apply beginning with budget ordinances adopted on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1031*

New

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1031-ATC-170 [v.1]

Amends Title [NO]
First Edition

Date _____,2018

Representative McGrady

moves to amend the bill on page 2, line 31, through page 4, line 44, by rewriting those lines to read:

"(b1) If agreement is not reached in mediation on the amount of money appropriated to the local current expense fund, and the amount to be appropriated has not been calculated pursuant to this subsection for longer than the prior year, the sum to be appropriated for the budget year in dispute shall be calculated as follows:

(1) The amount of moneys appropriated to the local current expense fund by the board of county commissioners in the prior fiscal year that are expended in that year by the local school administrative unit or transferred as required by G.S. 115C-75.10, G.S. 115C-218.105, G.S. 115C-238.70, G.S. 116-239.11 shall be divided by the sum of the following: the average daily membership of the local school administrative unit plus the share of the average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the local school administrative unit for the prior school year.

(2) The amount from subdivision (1) of this subsection, rounded to the nearest penny, shall then be multiplied by the sum of one plus the percent change in the second quarter Employment Cost Index for elementary and secondary school workers as reported by the federal Bureau of Labor Statistics.

(3) The amount from subdivision (2) of this subsection, rounded to the nearest penny, shall then be multiplied by the sum of the following: the allotted average daily membership for the school year plus the share of the average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the local school administrative unit for the budget year in dispute.

The board of county commissioners shall appropriate to the local current expense fund the sum from subdivision (3) of this subsection, rounded to the nearest penny, to the local board of education for the budget year in dispute.

(b2) If agreement is not reached in mediation, and the amount to be appropriated has been calculated pursuant to subsection (b1) of this section to the local current expense fund for the prior two years, the sum to be appropriated for the budget year in dispute shall be calculated as follows:

(1) The amount of moneys appropriated to the local current expense fund by the board of county commissioners in the prior fiscal year that are expended in the prior fiscal year by the local school administrative unit and transferred as required by G.S. 115C-75.10, G.S. 115C-218.105, G.S. 115C-238.70, G.S. 116-239.11 shall be divided by the sum of the following: the average daily membership plus the share of the average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the local school administrative unit for the prior school year.

(2) The percent change in the second quarter Employment Cost Index for elementary and secondary school workers as reported by the federal Bureau of Labor Statistics shall be increased by three percent (3%).

(3) The amount from subdivision (1) of this subsection, rounded to the nearest penny, shall then be multiplied by the sum of one plus the sum from subdivision (2) of this subsection, rounded to the nearest penny.

(4) The amount from subdivision (3) of this subsection shall then be multiplied by the sum of the following: the allotted average daily membership for the school year plus the share of the average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the local school administrative unit for the budget year in dispute.

The board of county commissioners shall appropriate to the local current expense fund the sum from subdivision (4) of this subsection, rounded to the nearest penny, to the local board of education for the budget year in dispute.

(b3) Neither the local board of education nor the board of county commissioners shall file any legal action challenging the determination as to the funds to be appropriated by the board of county commissioners to the local current expense fund in accordance with the formulas found in subsections (b1) and (b2) of this section.

(c) Within five days after an announcement of no agreement by the ~~mediator,~~mediator on the amount of money to be appropriated to the capital outlay fund, the local board of education may file an action in the superior court division of the General Court of Justice. Either board has the right to have the issues of fact tried by a jury. When a jury trial is demanded, the cause shall be set for the first succeeding term of the superior court in the county, and shall take precedence over all other business of the court. However, if the judge presiding certifies to the Chief Justice of the Supreme Court, either before or during the term, that because of the accumulation of other business, the public interest will be best served by not trying the cause at the term next succeeding the filing of the action, the Chief Justice shall immediately call a special term of the superior court for the county, to convene as soon as possible, and assign a judge of the superior court or an emergency judge to hold the court, and the cause shall be tried at this special term. The judge shall find, or if the issue is submitted to the jury, the jury shall find the facts as to the following in order to maintain a system of free public schools as defined by State law and State Board of Education policy: ~~(i) the amount of money legally necessary from all sources and (ii)~~ the amount of money legally necessary from the board of county ~~commissioners.~~commissioners to provide the local school administrative units with buildings suitably equipped, as required by G.S. 115C-

521(b). In making the finding, the judge or the jury shall consider the educational goals and policies of the State and the local board of education, the budgetary request of the local board of education, the financial resources of the county and the local board of education, and the fiscal policies of the board of county commissioners and the local board of education.

All findings of fact in the superior court, whether found by the judge or a jury, shall be conclusive. When the facts have been found, the court shall give judgment ordering the board of county commissioners to appropriate a sum certain to the local school administrative ~~unit,~~unit for the amount of money to be appropriated to the capital outlay fund and to levy such taxes on property as may be necessary to make up this sum when added to other revenues available for the purpose.

(d) An appeal from the judgement entered as provided in subsection (c) of this section may be taken to the appellate division of the General Court of Justice, and notice of appeal shall be given in writing within 10 days after entry of the judgment. All papers and records relating to the case shall be considered a part of the record on appeal. The conclusion of the school or fiscal year shall not be deemed to resolve the question in controversy between the parties while an appeal is still pending. Any final judgment shall be legally binding on the parties at the conclusion of the appellate process. The payment of any final judgment by the county in favor of the local school administrative unit shall not be considered, or used in any manner, to deny or reduce appropriations to the local school administrative unit by the county in fiscal years subsequent to the one at issue to offset such payment of a final judgment.

(e) If, in an action filed under ~~this section,~~subsection (c) of this section, the final judgment of the General Court of Justice is rendered after the due date prescribed by law for property taxes, the board of county commissioners is authorized to levy such supplementary taxes as may be required by the judgment, notwithstanding any other provisions of law with respect to the time for doing acts necessary to a property tax levy. Upon making a supplementary levy under this subsection, the board of county commissioners shall designate the person who is to compute and prepare the supplementary tax receipts and records for all such taxes. Upon delivering the supplementary tax receipts to the tax collector, the board of county commissioners shall proceed as provided in G.S. 105-321.

The due date of supplementary taxes levied under this subsection is the date of the levy, and the taxes may be paid at par or face amount at any time before the one hundred and twentieth day after the due date. On or after the one hundred and twentieth day and before the one hundred and fiftieth day from the due date there shall be added to the taxes interest at the rate of two percent (2%). On or after the one hundred and fiftieth day from the due date, there shall be added to the taxes, in addition to the two percent (2%) provided above, interest at the rate of three-fourths of one percent (3/4 of 1%) per 30 days or fraction thereof until the taxes plus interest have been paid. No discounts for prepayment of supplementary taxes levied under this subsection shall be allowed."

SECTION 2. G.S. 115C-432(a) reads as rewritten:

"(a) After the board of county commissioners has made its appropriations to the local school administrative unit, or after the appeal procedure set out in G.S. 115C-431 for the capital outlay fund has been concluded, the board of education shall adopt a budget resolution making appropriations for the budget year in such sums as the board may deem sufficient and proper.

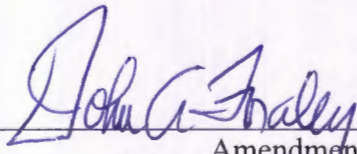
The budget resolution shall conform to the uniform budget format established by the State Board of Education."

SECTION 3.(a) The Local Government Commission and the School of Government at the University of North Carolina at Chapel Hill shall convene a working group to develop and recommend statutory parameters for fund balances maintained by local boards of education and for disputes related to the capital outlay fund. The working group shall include at least one representative from each of the following groups: the North Carolina Association of County Commissioners, the North Carolina School Boards Association, and the North Carolina Association of School Business Officers. The working group shall produce findings and recommendations on the following issues:

(1) Relating to fund balances maintained by local boards of education the following:
   a. Minimum and maximum fund balances, with a focus on unencumbered funds.
   b. Appropriate uses of fund balances.
   c. Annual reporting requirements for fund balances.
   d. A process for factoring fund balances into annual local education budgets.
   e. The role of boards of county commissioners, if any, in determining the use of fund balances.

(2) Relating to capital outlay funds, a mechanism for calculation by formula or other means to resolve disputes related to capital outlay as alternatives to litigation.

SECTION 3.(b) No later than March 30, 2019, the working group shall report its findings and recommendations, including statutory parameters and any proposed legislation, to the Joint Legislative Education Oversight Committee.".

SIGNED  _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1031*

Returned

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1031-ATC-167 [v.1]

Amends Title [NO]
First Edition

Date _____,2018

Representative McGRADY

moves to amend the bill on page 3, line 30, through page 4, line 17, by rewriting those lines to read:

"(f) If agreement is not reached in mediation, and the amount to be appropriated has not been calculated pursuant to this subsection for longer than the prior year, the amount to be appropriated for the budget year in dispute shall be calculated as follows:

(1) The amount of moneys appropriated to the local current expense fund by the board of county commissioners in the prior fiscal year that are expended in that year by the local school administrative unit or transferred as required by G.S. 115C-75.10, G.S. 115C-218.105, G.S. 115C-238.70, G.S. 116-239.11 shall be added to the amount of moneys appropriated to the capital outlay fund by the board of county commissioners in the prior fiscal year. That amount shall be divided by the average daily membership of the local school administrative unit plus the share of the average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the local school administrative unit for the prior school year.

(2) The amount from subdivision (1) of this subsection, rounded to the nearest penny, shall then be multiplied by the sum of one plus the percent change in the second quarter Employment Cost Index for elementary and secondary school workers as reported by the federal Bureau of Labor Statistics.

(3) The amount from subdivision (2) of this subsection, rounded to the nearest penny, shall then be multiplied by the allotted average daily membership for the school year plus the share of the average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the local school administrative unit for the budget year in dispute.

The board of county commissioners shall appropriate the amount from subdivision (3) of this subsection, rounded to the nearest penny, to the local board of education for the budget year in dispute.

(g) If agreement is not reached in mediation, and the amount to be appropriated has been calculated pursuant to subsection (f) of this section for the prior two years, the amount to be appropriated for the budget year in dispute shall be calculated as follows:

(1) The amount of moneys appropriated to the local current expense fund by the board of county commissioners in the prior fiscal year that are expended in the prior fiscal year by the local school administrative unit and transferred as required by G.S. 115C-75.10, G.S. 115C-218.105, G.S. 115C-238.70, G.S. 116-239.11 shall be added to the the amount of moneys appropriated to the capital outlay fund by the board of county commissioners in the prior fiscal year. That amount shall be divided by the average daily membership plus the share of the average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the local school administrative unit for the prior school year.

(2) The percent change in the second quarter Employment Cost Index for elementary and secondary school workers as reported by the federal Bureau of Labor Statistics shall be increased by three percent (3%).

(3) The amount from subdivision (1) of this subsection, rounded to the nearest penny, shall then be multiplied by the sum of one plus the sum from subdivision (2) of this subsection, rounded to the nearest penny.

(4) The amount from subdivision (3) of this subsection shall then be multiplied by the projected average daily membership for the school year plus the share of the average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the local school administrative unit for the budget year in dispute.

The board of county commissioners shall appropriate the amount from subdivision (4) of this subsection, rounded to the nearest penny, to the local board of education for the budget year in dispute.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 622
Judiciary Committee Substitute Adopted 6/14/17

Short Title: Business Corporation Act Revisions. (Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 55-1-22(a) reads as rewritten:

"(a) The Secretary of State shall collect the following fees when the documents described in this subsection are delivered to the Secretary for filing:

Document	Fee
...	
(28) Articles of validation	150.00"

SECTION 2. G.S. 55-2-02(b) reads as rewritten:

"(b) The articles of incorporation may set forth any provision that under this Chapter is required or permitted to be set forth in the bylaws, and may also set ~~forth:~~forth any or all of the following:

(1) The names and addresses of the individuals who are to serve as the initial ~~directors;~~directors.

(2) Provisions not inconsistent with law regarding (i) the purpose or purposes for which the corporation is organized; (ii) managing the business and regulating the affairs of the corporation; (iii) defining, limiting, and regulating the powers of the corporation, its board of directors, and shareholders; (iv) a par value for authorized shares or classes of shares; (v) the imposition of personal liability on shareholders for the debts of the corporation to a specified extent and upon specified conditions; (vi) any limitation on the duration of the ~~corporation; and~~corporation.

...

(4) A provision limiting or eliminating any duty of a director, an officer, or any other person, to offer the corporation the right to have or participate in one or more specific classes or categories of business opportunities, prior to the pursuit or taking of the opportunity by the director, officer, or other person."

SECTION 3. Article 1 of Chapter 55 of the General Statutes is amended by adding a new Part to read:

"Part 6. Ratification of Defective Corporate Actions.

"**§ 55-1-60. Definitions.**

In this Part, the following definitions apply:

(1) Corporate action. – Any action taken by or on behalf of the corporation, including any action taken by the incorporator, the board of directors, a

committee, a subcommittee, an officer or agent of the corporation, or the shareholders.

(2) Date of the defective corporate action. – The date the defective corporate action was purported to have been taken or, if the exact date is unknown, the approximate date thereof.

(3) Defective corporate action. – Any corporate action purportedly taken that is, and at the time the corporate action was purportedly taken would have been, within the power of the corporation, but is void or voidable due to a failure of authorization. This term includes an overissue. This term does not include a business combination subject to G.S. 55-9-02, unless the business combination was approved by shareholders in accordance with G.S. 55-9-02.

(4) Failure of authorization. – The (i) failure to authorize, approve, or otherwise effect a corporate action in compliance with the provisions of this Chapter, the articles of incorporation or bylaws of the corporation, a corporate resolution, or any plan or agreement to which the corporation is a party, if and to the extent the failure would render the corporate action void or voidable, or (ii) failure of the board of directors or any officer of the corporation to authorize or approve any act or transaction taken by or on behalf of the corporation that would have required for its due authorization the approval of the board of directors or the officer.

(5) Overissue. – The purported issuance of either of the following:

a. Shares of a class or series in excess of the number of shares of a class or series the corporation has the power to issue under G.S. 55-6-01 at the time of the issuance.

b. Shares of any class or series that is not then authorized for issuance by the articles of incorporation.

(6) Putative shares. – The shares of any class or series of the corporation, including shares issued upon exercise of rights, options, warrants, or other securities convertible into shares of the corporation, or interests with respect thereto, that were created or issued as a result of a defective corporate action, and that satisfy either of the following conditions:

a. Would constitute valid shares but for any failure of authorization.

b. Cannot be determined by the board of directors to be valid shares.

(7) Validation effective time. – With respect to any defective corporate action ratified under this Part, means the later of (i) the time at which the ratification of the defective corporate action is approved by the shareholders, or if approval of shareholders is not required, the time at which the notice required by G.S. 55-1-64 becomes effective in accordance with G.S. 55-1-41 or (ii) the time at which any articles of validation filed in accordance with G.S. 55-1-66 become effective. The validation effective time shall not be affected by the filing or pendency of a judicial proceeding in accordance with this Chapter or otherwise, unless otherwise ordered by the court.

(8) Valid shares. – The shares of any class or series of the corporation that have been duly authorized and validly issued in accordance with this Chapter, including as a result of ratification or validation under this Part.

"**§ 55-1-61. Defective corporate actions.**

(a) A defective corporate action is not void or voidable if ratified in accordance with G.S. 55-1-62 or validated in accordance with G.S. 55-1-67.

(b) Ratification under G.S. 55-1-62 or validation under G.S. 55-1-67 is not the exclusive means of ratifying or validating any defective corporate action, and the absence or failure of ratification in accordance with this Part does not, of itself, affect the validity or

effectiveness of any corporate action properly ratified under common law or otherwise, nor does it create a presumption that the corporate action is or was a defective corporate action or void or voidable.

(c) In the case of an overissue, putative shares shall be valid shares effective as of the date originally issued or purportedly issued upon either of the following:

(1) The effectiveness under this Part and under Article 10 of this Chapter of an amendment to the articles of incorporation authorizing, designating, or creating the shares.

(2) The effectiveness of any other corporate action under this Part ratifying the authorization, designation, or creation of the shares.

"**§ 55-1-62. Ratification of defective corporate actions.**

(a) Except as otherwise provided in subsection (b) of this section, the board of directors shall ratify a defective corporate action by taking action in accordance with G.S. 55-1-63 that states all of the following:

(1) The defective corporate action to be ratified and, if the defective corporate action involved the issuance of putative shares, the number and type of putative shares purportedly issued.

(2) The date of the defective corporate action.

(3) The nature of the failure of authorization with respect to the defective corporate action to be ratified.

(4) That the board of directors approves the ratification of the defective corporate action.

(b) In the event that a defective corporate action to be ratified relates to the election of the initial board of directors of the corporation under G.S. 55-2-05(a)(2), a majority of the persons who, at the time of the ratification, are exercising the powers of directors may take an action that states all of the following:

(1) The name of the person or persons who first took action in the name of the corporation as the initial board of directors of the corporation.

(2) The earlier of the date on which the person or persons identified under subdivision (1) of this subsection first took the action or were purported to have been elected as the initial board of directors.

(3) That the ratification of the election of the person or persons identified under subdivision (1) of this subsection as the initial board of directors is approved.

(c) If any provision of this Chapter, the articles of incorporation or bylaws, any corporate resolution, or any plan or agreement to which the corporation is a party in effect at the time action under subsection (a) of this section is taken, requires shareholder approval or would have required shareholder approval at the date of the occurrence of the defective corporate action, the ratification of the defective corporate action approved in the action taken by the directors under subsection (a) of this section shall be submitted to the shareholders for approval in accordance with G.S. 55-1-63.

(d) Unless otherwise provided in the action taken by the board of directors under subsection (a) of this section, after the action by the board of directors has been taken and, if required, approved by the shareholders, the board of directors may abandon the ratification at any time prior to the validation effective time without further action of the shareholders.

"**§ 55-1-63. Action on ratification.**

(a) The quorum and voting requirements applicable to a ratifying action by the board of directors under G.S. 55-1-62(a) are the quorum and voting requirements applicable to the corporate action proposed to be ratified at the time the ratifying action is taken.

(b) If the ratification of the defective corporate action requires approval by the shareholders under G.S. 55-1-62(c), and, if the approval is to be given at a meeting, the

corporation shall notify each holder of valid and putative shares, whether or not entitled to vote, as of the record date for notice of the meeting and as of the date of the occurrence of the defective corporate action, provided that notice shall not be required to be given to holders of valid or putative shares whose identities or addresses for notice cannot be determined from the records of the corporation. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider ratification of a defective corporate action and shall be accompanied by (i) a copy of the action taken by the board of directors in accordance with G.S. 55-1-62(a) or (ii) the information required by subdivisions (1) through (4) of subsection (a) of G.S. 55-1-62. The notice shall also include a statement that any claim that the ratification of the defective corporate action and any putative shares issued as a result of the defective corporate action should not be effective, or should be effective only on certain conditions, shall be brought within 120 days from the applicable validation effective time.

(c) Except as provided in subsection (d) of this section with respect to the voting requirements to ratify the election of a director, the quorum and voting requirements applicable to the approval by the shareholders required by G.S. 55-1-62(c) are the quorum and voting requirements applicable to the corporate action proposed to be ratified at the time of the shareholder approval.

(d) The approval by shareholders to ratify the election of a director requires that the votes cast within the voting group favoring the ratification of the election exceed the votes cast opposing the ratification of the election at a meeting at which a quorum is present.

(e) Putative shares on the record date for determining the shareholders entitled to vote on any matter submitted to shareholders under G.S. 55-1-62(c), and without giving effect to any ratification of putative shares that becomes effective as a result of the vote, shall neither be entitled to vote nor counted for quorum purposes in any vote to approve the ratification of any defective corporate action.

(f) If the approval under this section of putative shares would result in an overissue, in addition to the approval required by G.S. 55-1-62, approval of an amendment to the articles of incorporation under Article 10 of this Chapter to increase the number of shares of an authorized class or series, or to authorize the creation of a class or series of shares so there would be no overissue, shall also be required.

"**§ 55-1-64. Notice requirements.**

(a) Unless shareholder approval is required under G.S. 55-1-62(c), prompt notice of an action taken under G.S. 55-1-62 shall be given to each holder of valid and putative shares, whether or not entitled to vote, as of (i) the date of the action by the board of directors and (ii) the date of the defective corporate action ratified, provided that notice shall not be required to be given to holders of valid and putative shares whose identities or addresses for notice cannot be determined from the records of the corporation.

(b) The notice required under subsection (a) of this section shall contain (i) a copy of the action taken by the board of directors in accordance with subsection (a) or (b) of G.S. 55-1-62 or (ii) the information required by subdivisions (1) through (4) of subsection (a) of G.S. 55-1-62 or subdivisions (1) through (3) of subsection (b) of G.S. 55-1-62, as applicable. The notice shall also include a statement that any claim that the ratification of the defective corporate action and any putative shares issued as a result of the defective corporate action should not be effective, or should be effective only on certain conditions, shall be brought within 120 days from the applicable validation effective time.

(c) No notice under this section is required with respect to any action required to be submitted to shareholders for approval under G.S. 55-1-62(c) if notice is given in accordance with G.S. 55-1-63(b).

(d) A notice required by this section may be given in any manner permitted by G.S. 55-1-41 and, for any public corporation, may be given by means of a filing or furnishing of the notice with the Securities and Exchange Commission which becomes publicly accessible

on the Web site of the Securities and Exchange Commission approximately contemporaneously with the filing or furnishing.

"**§ 55-1-65. Effect of ratification.**

Ratification in accordance with this Part shall have the following effects from and after the validation effective time, and without regard to the 120-day period during which a claim may be brought under G.S. 55-1-67:

(1) Each defective corporate action ratified in accordance with G.S. 55-1-62 is not void or voidable as a result of the failure of authorization identified in the action taken under subsection (a) or (b) of G.S. 55-1-62 and is a valid corporate action effective as of the date of the defective corporate action.

(2) The issuance of each putative share or fraction of a putative share purportedly issued pursuant to a defective corporate action identified in the action taken under G.S. 55-1-62 is not void or voidable, and the putative share or fraction of the putative share is an identical share or fraction of a valid share as of the time it was purportedly issued.

(3) Any corporate action taken subsequent to the defective corporate action ratified in accordance with this Part in reliance on the defective corporate action having been validly effected and any subsequent defective corporate action resulting directly or indirectly from the original defective corporate action shall be valid as of the time taken.

"**§ 55-1-66. Filings.**

(a) If the defective corporate action ratified under this Part would have required under any other section of this Chapter a filing in accordance with this Chapter, then, whether or not a filing was previously made in respect of the defective corporate action and in lieu of a filing otherwise required by this Chapter, the corporation shall file articles of validation in accordance with this section, and the articles of validation shall serve to amend or substitute for any other filing with respect to the defective corporate action required by this Chapter.

(b) The articles of validation shall set forth all of the following:

(1) The defective corporate action that is the subject of the articles of validation, including, in the case of any defective corporate action involving the issuance of putative shares, the number and type of putative shares issued and the date or dates upon which the putative shares were purported to have been issued.

(2) The date of the defective corporate action.

(3) The nature of the failure of authorization in respect of the defective corporate action.

(4) A statement that the defective corporate action was ratified in accordance with G.S. 55-1-62, including the date on which the board of directors ratified the defective corporate action and the date, if any, on which the shareholders approved the ratification of the defective corporate action.

(5) The information required by subsection (c) of this section.

(c) The articles of validation shall also contain all of the following information that is applicable:

(1) If a filing was previously made in respect of the defective corporate action and no changes to the filing are required to give effect to the ratification of the defective corporate action in accordance with G.S. 55-1-62, the articles of validation shall set forth (i) the name, title, and filing date of the filing previously made and any articles of correction thereto and (ii) a statement that a copy of the filing previously made, together with any articles of correction thereto, is attached as an exhibit to the articles of validation.

(2) If a filing was previously made in respect of the defective corporate action and the filing requires any change to give effect to the ratification of the defective corporate action in accordance with G.S. 55-1-62, the articles of validation shall set forth (i) the name, title, and filing date of the filing previously made and any articles of correction thereto, (ii) a statement that a filing containing all of the information required to be included under the applicable section or sections of this Chapter to give effect to the defective corporate action is attached as an exhibit to the articles of validation, and (iii) the date and time that the filing is deemed to have become effective.

(3) If a filing was not previously made in respect of the defective corporate action and the defective corporate action ratified under G.S. 55-1-62 would have required a filing under any other section of this Chapter, the articles of validation shall set forth (i) a statement that a filing containing all of the information required to be included under the applicable section or sections of this Chapter to give effect to the defective corporate action is attached as an exhibit to the articles of validation and (ii) the date and time that the filing is deemed to have become effective.

"**§ 55-1-67. Judicial proceedings regarding validity of corporate actions.**

(a) Upon application to the Superior Court Division of the General Court of Justice by the corporation, any successor entity to the corporation, a director of the corporation, any shareholder, beneficial shareholder, or unrestricted voting trust beneficial owner of the corporation, including any shareholder, beneficial shareholder, or unrestricted voting trust beneficial owner as of the date of the defective corporate action ratified under G.S. 55-1-62, or any other person claiming to be substantially and adversely affected by a ratification under G.S. 55-1-62, the appropriate court of the county where the corporation's principal office, or, if none, its registered office, in this State is located, or, if the legal action is designated a mandatory complex business case pursuant to G.S. 7A-45.4, the Business Court, may do all of the following:

(1) Determine the validity and effectiveness of any corporate action or defective corporate action.

(2) Determine the validity and effectiveness of any ratification under G.S. 55-1-62.

(3) Determine the validity of any putative shares.

(b) In connection with an action under this section, the court may make findings or orders and take into account any factors or considerations that it deems proper under the circumstances.

(c) Service of process of the application under subsection (a) of this section on the corporation may be made in any manner provided by State law or by rule of the applicable court for service on the corporation, and no other party need be joined in order for the court to adjudicate the matter. In an action filed by the corporation, the court may require that notice of the action be provided to other persons specified by the court and permit the other persons to intervene in the action.

(d) Notwithstanding any other provision of this section or otherwise under applicable law, any action asserting that the ratification of any defective corporate action and any putative shares issued as a result of the defective corporate action should not be effective, or should be effective only on certain conditions, shall be brought within 120 days of the validation effective time."

SECTION 4. G.S. 55-7-25 is amended by adding a new subsection to read:

"(f) Whenever a provision of this Chapter provides for voting by one or more series as separate voting groups, unless otherwise provided in this Chapter, the requirement provided in G.S. 55-10-04(c) for amendments of articles of incorporation apply to that provision."

SECTION 5. G.S. 55-7-30 reads as rewritten:

"**§ 55-7-30. Voting trusts.**

...

(b) A voting trust becomes effective on the date the first shares subject to the trust are registered in the trustee's name. ~~A voting trust is valid for not more than 10 years after its effective date unless extended under subsection (c).~~

~~(c) All or some of the parties to a voting trust may extend it for additional terms of not more than 10 years each by signing an extension agreement and obtaining the voting trustee's written consent to the extension. An extension is valid for not more than 10 years from the date the first shareholder signs the extension agreement. The voting trustee must deliver copies of the extension agreement and list of beneficial owners to the corporation's principal office. An extension agreement binds only those parties signing it.~~

(d) Any limits on the duration of a voting trust shall be as set forth in the voting trust. A voting trust that became effective prior to October 1, 2017, is valid for not more than 10 years after its effective date unless the voting trust is amended to provide otherwise by agreement of the parties to the voting trust. An amendment to a voting trust under this subsection shall bind only those parties signing it. The voting trustee shall deliver copies of the amendment and a list of beneficial owners signing it to the corporation's principal office."

SECTION 6. G.S. 55-7-31 reads as rewritten:

"**§ 55-7-31. Shareholders' agreements.**

(a) An agreement between two or more shareholders, if in writing and signed by the parties thereto, may provide that in the exercise of any voting rights of shares held by the parties, including any vote with respect to directors, ~~such~~the shares shall be voted as provided by the agreement, or as the parties may agree, or as determined in accordance with any procedure (including arbitration) specified in the agreement. ~~Such agreement shall be valid as between the parties thereto for not more than 10 years from the date of its execution.~~ A voting agreement created under this ~~section may be extended or renewed in like manner as a voting trust may be extended or renewed as provided by G.S. 55-7-30 (c), but~~subsection is not ~~otherwise~~ subject to the provisions of ~~G.S. 55-7-30.~~G.S. 55-7-30 and is specifically enforceable.

(b) ~~Except in the case of a public corporation, no written agreement to which all of the shareholders have actually assented, whether embodied in the articles of incorporation or bylaws or in any side agreement in writing and signed by all the parties thereto, and which relates to any phase of the affairs of the corporation, whether to the management of its business or division of its profits or otherwise, shall be invalid as between the parties thereto, on the ground that it is an attempt by the parties thereto to treat the corporation as if it were a partnership or to arrange their relationships in a manner that would be appropriate between partners. A transferee of shares covered by such agreement who acquires them with knowledge thereof is bound by its provisions.~~Except for public corporations, an agreement among the shareholders of a corporation that complies with this section and does any or all of the following is effective among the shareholders and the corporation even though it is inconsistent with one or more other provisions of this Chapter:

(1) Eliminates the board of directors or restricts the discretion or powers of the board of directors.

(2) Governs the authorization or making of distributions, whether or not in proportion to ownership of shares, subject to the limitations in G.S. 55-6-40.

(3) Establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal.

(4) Governs, in general or in regard to specific matters, the exercise or division of voting power by or between the shareholders and directors or by among any of them, including use of weighted voting rights or director proxies.

(5) Establishes the terms and conditions of any agreement for the transfer or use of property or the provision of services between or among the corporation and any shareholder, director, officer, or employee of the corporation.

(6) Transfers to one or more shareholders or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation, including the resolution of any issue about which there exists a deadlock among directors or shareholders.

(7) Requires dissolution of the corporation at the request of one or more of the shareholders or upon the occurrence of a specified event or contingency.

(8) Otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship between or among the shareholders, the directors, and the corporation and is not contrary to public policy.

~~(c) A written agreement between all or less than all of the shareholders, whether solely between themselves or between one or more of them and a party who is not a shareholder, is not invalid as between the parties thereto on the ground that it so relates to the conduct of the affairs of the corporation as to interfere with the discretion of the board of directors. The effect of any such agreement shall be to relieve the directors and impose upon the shareholders who are parties to the agreement the liability for managerial acts or omissions which is imposed on directors to the extent and so long as the discretion or powers of the board in its management of corporate affairs is controlled by such agreement.~~

(d) Both of the following requirements apply to an agreement authorized by subsection (b) of this section:

(1) The agreement shall be set forth (i) in the articles of incorporation or bylaws and approved by all persons who are shareholders at the time of the agreement or (ii) in a written document that is signed by all persons who are shareholders at the time of the agreement and is made known to the corporation.

(2) The agreement is subject to amendment only by all persons who are shareholders at the time of the amendment unless the agreement provides otherwise.

(e) The existence of an agreement authorized by subsection (b) of this section shall be noted conspicuously on the front or back of each certificate for outstanding shares or on the information statement required by G.S. 55-6-26(b). If, at the time of the agreement, the corporation has shares outstanding represented by certificates, the corporation shall recall the outstanding certificates and issue substitute certificates that comply with this subsection. The failure to note the existence of the agreement on the certificate or information statement shall not affect the validity of the agreement or any action taken pursuant to it. Any purchaser of shares who, at the time of purchase, did not have knowledge of the existence of the agreement is entitled to rescission of the purchase. A purchaser is deemed to have knowledge of the existence of the agreement if its existence is noted on the certificate or information statement for the shares in compliance with this subsection and, if the shares are not represented by a certificate, the information statement is delivered to the purchaser at or prior to the time of purchase of the shares. An action to enforce the right of rescission authorized by this subsection shall be commenced within the earlier of 90 days after discovery of the existence of the agreement or two years after the time of purchase of the shares.

(f) An agreement authorized by subsection (b) of this section shall cease to be effective when the corporation becomes a public corporation. If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment to the articles of

incorporation or bylaws, without shareholder action, to delete the agreement and any references to it.

(g) The existence or performance of an agreement authorized by subsection (b) of this section shall not be a ground for imposing personal liability on any shareholder for the acts or debts of the corporation even if the agreement or its performance treats the corporation as if it were a partnership or results in failure to observe the corporate formalities otherwise applicable to the matters governed by the agreement.

(h) Incorporators or subscribers for shares may act as shareholders with respect to an agreement authorized by subsection (b) of this section if no shares have been issued when the agreement is made.

(i) A written agreement between all or less than all of the shareholders, whether solely between themselves or between one or more of them and a party who is not a shareholder, is not invalid as between the parties thereto on the ground that it relates to the conduct of the affairs of the corporation so as to limit the discretion or powers of the board of directors. The effect of the agreement is to relieve the directors of, and impose upon the person or persons in whom the discretion or powers are vested, liability for managerial acts or omissions that are imposed on directors to the extent and so long as the discretion or powers of the board of directors in its management of corporate affairs is controlled by the agreement.

(j) Any limits on the duration of any agreement authorized by this section shall be set forth in the agreement. A voting agreement authorized by subsection (a) of this section that became effective prior to October 1, 2017, is valid as between the parties thereto for not more than 10 years after its effective date or, if later, the effective date of the most recent extension or renewal of the voting agreement, unless it is amended after October 1, 2017, to provide otherwise by agreement of the parties thereto. An amendment to a voting agreement under this subsection shall bind only those parties signing it."

SECTION 7. G.S. 55-8-11 reads as rewritten:

"**§ 55-8-11. Compensation of directors.**

Unless the articles of incorporation or bylaws provide otherwise, the board of ~~directors~~ directors, without regard to personal interest, may fix the compensation of ~~directors.~~directors for services in any capacity. The compensation established pursuant to this section of directors of a public corporation or of a corporation that so provides in its articles of incorporation is presumed to be fair to the corporation unless proven not to be fair to the corporation by a preponderance of the evidence."

SECTION 8. G.S. 55-8-24(d) reads as rewritten:

"(d) A director who is present at a meeting of the board of directors or a committee or subcommittee of the board of directors when corporate action is taken is deemed to have assented to the action taken ~~unless:~~unless any of the following requirements are met:

(1) ~~He~~The director objects at the beginning of the meeting (or promptly upon ~~his~~the director's arrival) to holding it or transacting business at the ~~meeting;~~meeting.

(2) ~~His~~The director's dissent or abstention from the action taken is entered in the minutes of the ~~meeting; or~~meeting.

(3) ~~He~~The director files written notice of ~~his~~the director's dissent or abstention with the presiding officer of the meeting before its adjournment or with the corporation immediately after adjournment of the meeting. The right of dissent or abstention is not available to a director who votes in favor of the action taken."

SECTION 9. G.S. 55-8-25 reads as rewritten:

"**§ 55-8-25. Committees.**

(a) Unless this Chapter, the articles of incorporation, or the bylaws provide otherwise, a board of directors may create one or more committees and appoint one or more members of the

board of directors to serve on ~~any such~~the committee. Unless otherwise provided in the articles of incorporation, the bylaws, or the resolution of the board of directors designating the committee, a committee, by action of a majority of its members then in office when the action is taken, may create one or more subcommittees consisting of one or more members of the committee and delegate to the one or more subcommittees any or all of the powers and authority of the committee.

(b) Unless this Chapter provides otherwise, the creation of a committee and appointment of members to it ~~must~~shall be approved by the greater ~~of:~~of either of the following:

(1) A majority of all the directors in office when the action is ~~taken; or~~taken.

(2) The number of directors required by the articles of incorporation or bylaws to take action under G.S. 55-8-24.

...

(c) G.S. 55-8-20 through G.S. 55-8-24 apply both to committees and subcommittees of the board of directors and to their members.

...

(f) The creation of, delegation of authority to, or action by a committee or subcommittee does not alone constitute compliance by a director with the standards of conduct described in G.S. 55-8-30.

(g) The board of directors may appoint one or more directors as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee, or a subcommittee of the committee, during the member's absence or disqualification."

SECTION 10. G.S. 55-8-30 reads as rewritten:

"**§ 55-8-30. General standards for directors.**

(a) A director shall discharge ~~his~~the director's duties as a director, including ~~his~~the director's duties as a member of a ~~committee:~~committee or subcommittee, in accordance with all of the following:

(1) In good ~~faith;~~faith.

(2) With the care an ordinarily prudent person in a like position would exercise under similar ~~circumstances; and~~circumstances.

(3) In a manner ~~he~~the director reasonably believes to be in the best interests of the corporation.

(b) In discharging ~~his duties~~the duties of a director's office, a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented ~~by:~~by any of the following:

(1) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters ~~presented;~~presented.

(2) Legal counsel, public accountants, or other persons as to matters the director reasonably believes are within their professional or expert ~~competence; or~~competence.

(3) A committee or subcommittee of the board of directors of which ~~he~~the director is not a member if the director reasonably believes the committee or subcommittee merits confidence.

(c) A director is not entitled to the benefit of subsection (b) of this section if ~~he~~the director has actual knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (b) of this section unwarranted.

(d) A director is not liable for (i) any action taken as a director, or any failure to take any action, if ~~he~~the director performed the duties of ~~his~~the director's office in compliance with this ~~section.~~section or (ii) any failure to offer the corporation the right to have or participate in a

business opportunity prior to the pursuit or taking of the opportunity by the director or other person if the corporation's articles of incorporation include a provision authorized by G.S. 55-2-02(b)(4) and the procedures and approvals required by the provision, if any, were complied with or obtained prior to the pursuit or taking of the opportunity by the director or other person. The duties of a director weighing a change of control situation shall not be any different, nor the standard of care any higher, than otherwise provided in this section."

SECTION 11. G.S. 55-8-31 reads as rewritten:

"**§ 55-8-31. Director conflict of interest.**

(a) A conflict of interest transaction is a transaction with the corporation in which a director of the corporation has a direct or indirect interest. A conflict of interest transaction is not voidable by the corporation solely because of the director's interest in the transaction if any one of the following is true:

(1) The material facts of the transaction and the director's interest were disclosed or known to the board of directors or a committee or subcommittee of the board of directors and the board of ~~directors or committee~~directors, or the committee or subcommittee of the board of directors, authorized, approved, or ratified the ~~transaction;~~transaction.

(2) The material facts of the transaction and the director's interest were disclosed or known to the shareholders entitled to vote and they authorized, approved, or ratified the ~~transaction; or~~transaction.

(3) The transaction was fair to the corporation.

(b) For purposes of this section, a director of the corporation has an indirect interest in a transaction ~~if:~~if either of the following is true:

(1) Another entity in which ~~he~~the director has a material financial interest or in which ~~he~~the director is a general partner is a party to the ~~transaction; or~~transaction.

(2) Another entity of which ~~he~~the director is a director, officer, or trustee is a party to the transaction and the transaction is or should be considered by the board of directors of the corporation.

(c) For purposes of ~~subsection~~subdivision (a)(1) of this section, a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the directors on the board of directors (or on the committee or subcommittee) who have no direct or indirect interest in the transaction. If a majority of the directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under ~~subsection~~subdivision (a)(1) of this section if the transaction is otherwise authorized, approved, or ratified as provided in that ~~subsection.~~subdivision.

…."

SECTION 12. G.S. 55-8-42(d) reads as rewritten:

"(d) An officer is not liable for (i) any action taken as an officer, or any failure to take any action, if ~~he~~the officer performed the duties of ~~his~~the officer's office in compliance with this ~~section.~~section or (ii) any failure to offer the corporation the right to have or participate in a business opportunity prior to the pursuit or taking of the opportunity by the officer or other person if the corporation's articles of incorporation include a provision authorized by G.S. 55-2-02(b)(4) and the procedures and approvals required by the provision, if any, were complied with or obtained prior to the pursuit or taking of the opportunity by the officer or other person."

SECTION 13. G.S. 55-8-58 reads as rewritten:

"**§ 55-8-58. Application of Part.**

(a) ~~If~~Subject to subsection (d) of this section, if the articles of incorporation limit indemnification or advance for expenses, indemnification and advance for expenses are valid only to the extent consistent with the articles.

(b) This Part does not limit a corporation's power to pay or reimburse expenses incurred by a director in connection with ~~his~~the director's appearance as a witness in a proceeding at a time when ~~he~~the director has not been made a named defendant or respondent to the proceeding.

...

(d) A right of indemnification, or to advances for expenses, created by this Part or under G.S. 55-8-57(a) and in effect at the time of an act or omission, shall not be eliminated or impaired with respect to the act or omission by an amendment of the articles of incorporation or bylaws or a resolution of the directors or shareholders, adopted after the occurrence of the act or omission, unless, in the case of a right created under G.S. 55-8-57(a), the provision creating the right and in effect at the time of the act or omission explicitly authorizes the elimination or impairment of the right after the act or omission has occurred."

SECTION 14. G.S. 55-10-03(b) reads as rewritten:

"(b) Except as provided in ~~G.S. 55-10-02,~~ G.S. 55-7-31(f), 55-10-02, 55-10-07, and 55-14A-01, after adopting the proposed amendment the board of directors shall submit the amendment to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the amendment, unless one of the following circumstances exist, in which event the board of directors shall communicate the basis for not recommending approval of the amendment to the shareholders at the time it submits the amendment to the shareholders:

...."

SECTION 15. G.S. 55-10-20(a) reads as rewritten:

"(a) A corporation's board of directors may amend or repeal the corporation's bylaws, except to the extent otherwise provided in the articles of incorporation or a bylaw adopted by the shareholders or this Chapter, and except that a bylaw adopted, amended or repealed by the shareholders may not be readopted, amended or repealed by the board of directors if neither the articles of incorporation nor a bylaw adopted by the shareholders authorizes the board of directors to adopt, amend or repeal that particular bylaw or the bylaws generally. The limitations set forth in this subsection on the ability of a corporation's board of directors to amend or repeal the corporation's bylaws shall not apply to any amendment to the extent that it is effected pursuant to G.S. 55-7-31(f)."

SECTION 16. G.S. 55-11-01(b) reads as rewritten:

"(b) The plan of merger ~~must~~shall set ~~forth:~~forth all of the following:

(1) The name of each corporation planning to merge and the name of the surviving corporation into which each other corporation plans to ~~merge;~~merge.

(2) The terms and conditions of the ~~merger; and~~merger.

(3) The manner and basis of converting the shares of each corporation into shares, obligations, or other securities of the surviving or any other ~~corporation~~corporation, or into cash or other property in whole or ~~part.~~part, or of cancelling the shares."

SECTION 17. G.S. 55-11-03 reads as rewritten:

"**§ 55-11-03. Action on plan.**

(a) After adopting a plan of merger or share exchange, the board of directors of each corporation party to the merger, and the board of directors of the corporation whose shares will be acquired in the share exchange, shall submit the plan of merger (except as provided in ~~subsection (g))~~subsections (g) and (j) of this section and in G.S. 55-11-04) or share exchange for approval by its shareholders.

(b) The following requirements shall be met for a plan of merger or share exchange to be approved:

(1) The board of directors shall recommend ~~to~~ that the shareholders ~~that~~ approve the plan of merger or share exchange ~~be approved,~~ or, in the case of an offer referred to in subdivision (2) of subsection (j) of this section, that the shareholders tender their shares to the offeror in response to the offer, unless one of the following circumstances exist, in which event the board of directors shall communicate to the shareholders the basis for not recommending ~~approval of~~ that the shareholders approve the plan of merger or share exchange ~~to the shareholders~~ or tender their shares to the offeror in response to the offer at the time it submits to the shareholders the plan of merger or share exchange ~~to the shareholders:~~or communicates with the shareholders regarding an offer referred to in subdivision (2) of subsection (j) of this section:

a. The board of directors determines that, because of a conflict of interest or other special circumstances, it should not make a recommendation that the shareholders approve the plan of merger or share ~~exchange.~~exchange or, in the case of an offer referred to in subdivision (2) of subsection (j) of this section, that the shareholders tender their shares to the offeror in response to the offer.

b. G.S. 55-8-26 applies.

...

(j) Unless the articles of incorporation otherwise provide, approval by the corporation's shareholders of a plan of merger or share exchange is not required if all of the following requirements are met:

(1) The plan of merger or share exchange expressly (i) permits or requires the merger or share exchange to be effected under this subsection and (ii) provides that, if the merger or share exchange is to be effected under this subsection, the merger or share exchange shall be effected as soon as practicable following the satisfaction of the requirement set forth in subdivision (6) of this subsection.

(2) Another party to the merger or share exchange, or a parent of another party to the merger or share exchange, makes an offer to purchase, on the terms provided in the plan of merger or share exchange, any and all of the outstanding shares of the corporation that, absent this subsection, would be entitled to vote on the plan of merger or share exchange, except that the offer may exclude shares of the corporation that are owned at the commencement of the offer by the corporation, the offeror, or any parent of the offeror, or by any wholly owned subsidiary of the corporation, the offeror, or any parent of the offeror.

(3) The offer discloses that the plan of merger or share exchange provides that the merger or share exchange shall be effected as soon as practicable following the satisfaction of the requirement set forth in subdivision (6) of this subsection and that the shares of the corporation that are not tendered in response to the offer shall be treated as set forth in subdivision (8) of this subsection.

(4) The offer remains open for at least 10 days.

(5) The offeror purchases all shares properly tendered in response to the offer and not properly withdrawn.

(6) Any or all of the following types of shares are collectively entitled to cast at least the minimum number of votes on the merger or share exchange that,

absent this subsection, would be required by Articles 9 and 11 of this Chapter and by the articles of incorporation of the corporation for the approval of the merger or share exchange by the shareholders and by any other voting group entitled to vote on the merger or share exchange at a meeting at which all shares entitled to vote on the approval were present and voted:

a. Shares purchased by the offeror in accordance with the offer.

b. Shares otherwise owned by the offeror or by any parent or wholly owned subsidiary of the offeror.

c. Shares subject to an agreement to be transferred, contributed, or delivered to the offeror, any parent of the offeror, or any wholly owned subsidiary of the offeror in exchange for stock or other equity interests in the offeror, parent, or subsidiary.

(7) The offeror or a wholly owned subsidiary of the offeror merges with or into, or effects a share exchange in which it acquires shares of, the corporation.

(8) Each outstanding share of each class or series of shares of the corporation that the offeror is offering to purchase in accordance with the offer, and that is not purchased in accordance with the offer, is to be converted in the merger into, or into the right to receive, or is to be exchanged in the share exchange for, or for the right to receive, the same amount and kind of securities, interests, obligations, rights, cash, or other property to be paid or exchanged in accordance with the offer for each share of that class or series of shares that is tendered in response to the offer, except that shares of the corporation that are owned by the corporation or that are described in sub-subdivisions b. and c. of subdivision (6) of this subsection need not be converted into or exchanged for the consideration described in this subdivision.

(k) The following definitions apply in subsection (j) of this section:

(1) Offer. – The offer referred to in subdivision (2) of subsection (j) of this section.

(2) Offeror. – The person making the offer.

(3) Parent. – A person that owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares of or interests in an entity.

(4) Purchased. – Shares tendered in response to an offer are deemed to have been purchased in accordance with the offer at the earliest time as of which (i) the offeror has irrevocably accepted those shares for payment and (ii) either of the following has occurred:

a. In the case of shares represented by certificates, the offeror, or the offeror's designated depository or other agent, has physically received the certificates representing those shares.

b. In the case of shares without certificates, those shares have been transferred into the account of the offeror or its designated depository or other agent, or an agent's message relating to those shares has been received by the offeror or its designated depository or other agent.

(5) Wholly owned subsidiary of a person. – An entity of or in which that person owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares or other interests."

SECTION 18. The title of G.S. 55-11-04 reads as rewritten:

"**§ 55-11-04. Merger between parent corporation and subsidiary or between subsidiaries.**"

SECTION 19. G.S. 55-11-06(a) reads as rewritten:

"(a) When a merger pursuant to G.S. 55-11-01, 55-11-04, 55-11-07, or 55-11-09, or ~~55-11-11~~55-11-20 takes effect:

...."

SECTION 20. G.S. 55-11-10(c) reads as rewritten:

"(c) Each merging domestic corporation and each other merging business entity shall approve a written plan of merger ~~containing:~~containing all of the following:

(1) For each merging business entity, its name, type of business entity, and the state or country whose laws govern its organization and internal ~~affairs;~~affairs.

(2) The name of the merging business entity that shall survive the ~~merger;~~ merger and, if the surviving business entity is not authorized to transact business or conduct affairs in this State, a designation of its mailing address and a commitment to file with the Secretary of State a statement of any subsequent change in its mailing address.

(3) The terms and conditions of the ~~merger;~~merger.

(4) The manner and basis ~~for~~of converting the interests in each merging business entity into interests, obligations, or securities of the surviving business ~~entity~~entity, or into cash or other property in whole or in ~~part; and~~part, or of cancelling the interests.

...."

SECTION 21. Subsections (e) and (e1) of G.S. 55-11-10 are repealed.

SECTION 22. G.S. 55-11-11 is recodified as G.S. 55-11-20.

SECTION 23. Article 11 of Chapter 55 of the General Statutes is amended by adding two new sections to read:

"**§ 55-11-12. Merger between parent unincorporated entity and subsidiary corporation or corporations.**

(a) Subject to the other provisions of this section and Article 9 of this Chapter, a parent unincorporated entity owning shares of a domestic subsidiary corporation that carry at least ninety percent (90%) of the voting power of each class and series of the outstanding shares of the subsidiary corporation and that have the power to vote in the election of directors at the time of a merger under this section may merge the subsidiary corporation or corporations into itself, or merge itself and one or more subsidiary corporations into another subsidiary corporation, without approval of the board of directors or shareholders of the subsidiary corporation or corporations, unless the articles of incorporation for the subsidiary corporation or corporations require approval of the shareholders of the subsidiary corporation or corporations, if both of the following requirements are met:

(1) The merger is permitted by the laws of the state or country governing the organization and internal affairs of each merging business entity.

(2) Each merging business entity complies with the requirements of this section and, to the extent applicable, the laws referred to in subdivision (1) of this subsection.

(b) If any shareholder of the domestic subsidiary corporation, other than the parent unincorporated entity, has or will have personal liability for any existing or future obligation of the surviving business entity solely as a result of holding an interest in the surviving business entity, then the plan of merger under subsection (a) of this section shall require the affirmative approval, by vote or written consent, of that shareholder.

(c) If the parent unincorporated entity does not own all the outstanding stock of the subsidiary corporation, the surviving business entity shall, within 10 days after the effective date of the merger, notify each shareholder of the subsidiary corporation as of the effective date of the merger, that the merger has become effective.

(d) The surviving business entity shall deliver articles of merger to the Secretary of State for filing. The articles of merger shall set forth all of the following:

(1) For each merging business entity, its name, type of business entity, and the state or country whose laws govern its organization and internal affairs.

(2) The terms and conditions of the merger.

(3) The manner and basis of converting the interests in each merging business entity into interests, obligations, or securities of the surviving business entity, or into cash or other property in whole or in part, or of cancelling the interests.

(4) The name of the merging business entity that shall survive the merger and, if the surviving business entity is not authorized to transact business or conduct affairs in this State, a designation of its mailing address and a commitment to file with the Secretary of State a statement of any subsequent change in its mailing address.

(5) If the surviving business entity is a domestic corporation, any amendment to its articles of incorporation as provided in a plan of merger or board resolution.

(e) The provisions of the articles of merger may be made dependent on facts objectively ascertainable outside the articles of merger if the articles of merger set forth the manner in which the facts will operate upon the affected provisions. The facts may include any of the following:

(1) Statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data.

(2) A determination or action by the corporation or by any other person, group, or body.

(3) The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

(f) A merger takes effect when the articles of merger become effective.

"**§ 55-11-13. Effect of merger with unincorporated entity.**

(a) Upon taking effect, a merger pursuant to G.S. 55-11-10 or 55-11-12 shall have all of the following effects:

(1) Each other merging business entity merges into the surviving business entity, and the separate existence of each merging business entity, except the surviving business entity, ceases.

(2) The title to all real estate and other property owned by each merging business entity is vested in the surviving business entity without reversion or impairment.

(3) The surviving business entity has all liabilities of each merging business entity.

(4) A proceeding pending by or against any merging business entity may be continued as if the merger did not occur, or the surviving business entity may be substituted in the proceeding for a merging business entity whose separate existence ceases in the merger.

(5) If a domestic corporation is the surviving business entity, its articles of incorporation shall be amended to the extent provided in the articles of merger.

(6) The interests in each merging business entity that are to be converted into interests, obligations, or securities of the surviving business entity, or into the right to receive cash or other property, are thereupon so converted, and the former holders of the interests are entitled only to the rights provided to

them in the plan of merger, resolution, or, in the case of former holders of shares in a domestic corporation, any rights they may have under Article 13 of this Chapter.

(7) If the surviving business entity is not a domestic corporation, the surviving business entity is deemed to agree that it will promptly pay to the shareholders of any merging domestic corporation exercising appraisal rights the amount, if any, to which they are entitled under Article 13 of this Chapter and otherwise to comply with the requirements of Article 13 of this Chapter as if it were a surviving domestic corporation in the merger.

(b) The merger shall not affect the liability or absence of liability of any holder of an interest in a merging business entity for any acts, omissions, or obligations of any merging business entity made or incurred prior to the effectiveness of the merger. The cessation of separate existence of a merging business entity in the merger shall not constitute a dissolution or termination of the merging business entity.

(c) If the surviving business entity is not a domestic limited liability company, a domestic corporation, a domestic nonprofit corporation, or a domestic limited partnership, when the merger takes effect the surviving business entity is deemed to have done both of the following:

(1) Agreed that it may be served with process in this State in any proceeding for enforcement of (i) any obligation of any merging domestic limited liability company, domestic corporation, domestic nonprofit corporation, domestic limited partnership, or other partnership as defined in G.S. 59-36 that is formed under the laws of this State, (ii) the appraisal rights of shareholders of any merging domestic corporation under Article 13 of this Chapter, and (iii) any obligation of the surviving business entity arising from the merger.

(2) Appointed the Secretary of State as its agent for service of process in the proceeding. Service on the Secretary of State of process shall be made by delivering to and leaving with the Secretary of State, or with any clerk authorized by the Secretary of State to accept service of process, duplicate copies of the process and the fee required by G.S. 55-1-22(b). Upon receipt of service of process on behalf of a surviving business entity in the manner provided for in this section, the Secretary of State shall immediately mail a copy of the process by registered or certified mail, return receipt requested, to the surviving business entity. If the surviving business entity is authorized to transact business or conduct affairs in this State, the address for mailing shall be its principal office designated in the latest document filed with the Secretary of State that is authorized by law to designate the principal office or, if there is no principal office on file, its registered office. If the surviving business entity is not authorized to transact business or conduct affairs in this State, the address for mailing shall be the mailing address designated pursuant to G.S. 55-11-10(c)(2) or G.S. 55-11-12(d)(4)."

SECTION 24. 55-13-01(7) reads as rewritten:

"(7) Interested transaction. – A corporate action described in G.S. 55-13-02(a), other than a merger pursuant to ~~G.S. 55-11-04,~~ G.S. 55-11-04 or G.S. 55-11-12, involving an interested person and in which any of the shares or assets of the corporation are being acquired or converted. As used in this definition, the following definitions apply:

...."

SECTION 25. G.S. 55-13-02 reads as rewritten:

"**§ 55-13-02. Right to appraisal.**

(a) In addition to any rights granted under ~~Article 9,~~ Article 9 of this Chapter, a shareholder is entitled to appraisal rights and to obtain payment of the fair value of that shareholder's shares, in the event of any of the following corporate actions:

(1) Consummation of a merger to which the corporation is a party if either (i) shareholder approval is required for the merger by G.S. 55-11-03 ~~and the shareholder is entitled to vote on the merger,~~ or would be required but for the provisions of G.S. 55-11-03(j), except that appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series that remain outstanding after consummation of the merger or (ii) the corporation is a subsidiary and the merger is governed by ~~G.S. 55-11-04.~~ G.S. 55-11-04 or G.S. 55-11-12.

(2) Consummation of a share exchange to which the corporation is a party as the corporation whose shares will be ~~acquired if the shareholder is entitled to vote on the exchange,~~acquired, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not exchanged.

(3) Consummation of a disposition of assets pursuant to ~~G.S. 55-12-02 if the shareholder is entitled to vote on the disposition.~~G.S. 55-12-02.

...

(b) Notwithstanding subsection (a) of this section, the availability of appraisal rights under subdivisions (1), (2), (3), (4), (6), and (8) of subsection (a) of this section shall be limited in accordance with the following provisions:

...

(2) The applicability of subdivision (1) of this subsection shall be determined as of (i) the record date fixed to determine the shareholders entitled to receive notice of, and to vote at, the meeting of shareholders to act upon the corporate action requiring appraisal rights or, in the case of an offer made pursuant to G.S. 55-11-03(j), the date of the offer, or (ii) the day before the effective date of ~~such~~the corporate action if there is no meeting of ~~shareholders.~~shareholders and no offer made pursuant to G.S. 55-11-03(j).

...

(c) Notwithstanding any other provision of this section, the articles of incorporation as originally filed or any amendment to the articles may limit or eliminate appraisal rights for any class or series of preferred ~~shares. Any~~ shares with respect to any corporate action, except that (i) no limitation or elimination shall be effective if the class or series does not have the right to vote separately as a voting group, alone or as part of a group, on the corporate action or if the corporate action is an amendment to the articles of incorporation that changes the corporation into a nonprofit corporation or a cooperative organization, and (ii) any limitation or elimination contained in an amendment to the articles of incorporation that limits or eliminates appraisal rights for any shares that are outstanding immediately prior to the effective date of the ~~amendment~~amendment, or that the corporation is or may be required to issue or sell thereafter pursuant to any conversion, exchange, or other right existing immediately before the effective date of the amendment, ~~however,~~ shall not apply to any corporate action that becomes effective within one year of that date if the corporate action would otherwise afford appraisal rights.

~~(d) A shareholder holding shares of a class or series that were issued and outstanding as of the effective date of this act but that did not as of that date entitle the shareholder to vote on a corporate action described in subdivision (a)(1), (2), or (3) of this section shall be entitled to appraisal rights, and to obtain payment of the fair value of the shareholder's shares of such class or series, to the same extent as if such shares did entitle the shareholder to vote on such corporate action.~~"

SECTION 26. G.S. 55-13-20 reads as rewritten:

"**§ 55-13-20. Notice of appraisal rights.**

(a) If any corporate action specified in G.S. 55-13-02(a) is to be submitted to a vote at a shareholders' ~~meeting,~~meeting, or where no approval of the action is required pursuant to G.S. 55-11-03(j), the meeting notice or, if applicable, the offer made pursuant to G.S. 55-11-03(j), ~~must~~shall state that the corporation has concluded that shareholders are, are not, or may be entitled to assert appraisal rights under this Article. If the corporation concludes that appraisal rights are or may be available, a copy of this Article ~~must~~shall accompany the meeting notice or offer sent to those record shareholders entitled to exercise appraisal rights.

(b) In a merger pursuant to ~~G.S. 55-11-04,~~ G.S. 55-11-04 or G.S. 55-11-12, the parent corporation ~~must~~shall notify in writing all record shareholders of the subsidiary who are entitled to assert appraisal rights that the corporate action became effective. ~~In the case of any other corporate action specified in G.S. 55-13-02(a) with respect to which shareholders of a class or series do not have the right to vote, but with respect to which those shareholders are entitled to assert appraisal rights, the corporation must notify in writing all record shareholders of such class or series that the corporate action became effective.~~ Notice required under this subsection ~~must~~shall be sent within 10 days after the corporate action became effective and include the materials described in G.S. 55-13-22.

...

(d) If any corporate action described in G.S. 55-13-02(a) is proposed, or a merger pursuant to G.S. 55-11-04 or G.S. 55-11-12 is effected, then the notice or offer referred to in subsection (a) or (c) of this section, if the corporation concludes that appraisal rights are or may be available, and the notice referred to in subsection (b) of this ~~section~~section, shall be accompanied by both of the following:

...

(e) The right to receive the information described in ~~this~~ subsection (d) of this section may be waived in writing by a shareholder before or after the corporate action."

SECTION 27. G.S. 55-13-21 reads as rewritten:

"**§ 55-13-21. Notice of intent to demand payment and consequences of voting or consenting.**

(a) If a corporate action specified in G.S. 55-13-02(a) is submitted to a vote at a shareholders' meeting, a shareholder ~~who is entitled to vote on the corporate action and~~ who wishes to assert appraisal rights with respect to any class or series of shares must do the following:

...

(b) If a corporate action specified in G.S. 55-13-02(a) is to be approved by less than unanimous written consent, a shareholder ~~who is entitled to vote on the corporate action and~~ who wishes to assert appraisal rights with respect to any class or series of ~~shares~~ shares must satisfy both of the following requirements:

(1) The shareholder must deliver to the corporation, before the proposed action becomes effective, written notice of the shareholder's intent to demand payment if the proposed action is effectuated, except that the written notice is not required if the notice required by G.S. 55-13-20(c) is given less than 25 days prior to the date the proposed action is effectuated.

(2) ~~must~~ The shareholder must not execute a consent in favor of the proposed action with respect to that class or series of shares.

(b1) If a corporate action specified in G.S. 55-13-02(a) does not require shareholder approval pursuant to G.S. 55-11-03(j), a shareholder who wishes to assert appraisal rights with respect to any class or series of shares must satisfy both of the following requirements:

(1) The shareholder must deliver to the corporation, before the shares are purchased pursuant to the offer made consistent with subdivision (2) of

subsection (j) of G.S. 55-11-03, written notice of the shareholder's intent to demand payment if the proposed action is effectuated.

(2) The shareholder must not tender, or cause or permit to be tendered, any shares of the class or series in response to the offer.

(c) A shareholder who fails to satisfy the requirements of subsection ~~(a) or (b)~~(a), (b), or (b1) of this section is not entitled to payment under this Article."

SECTION 28. G.S. 55-13-22(a) reads as rewritten:

"(a) If a corporate action requiring appraisal rights under G.S. 55-13-02(a) becomes effective, the corporation must deliver a written appraisal notice and form required by subdivision (b)(1) of this section to all shareholders who satisfied the requirements of G.S. 55-13-21. In the case of a merger under ~~G.S. 55-11-04,~~ G.S. 55-11-04 or G.S. 55-11-12, the parent corporation must deliver a written appraisal notice and form to all record shareholders of the subsidiary who may be entitled to assert appraisal rights. ~~In the case of any other corporate action specified in G.S. 55-13-02(a) that becomes effective and with respect to which shareholders of a class or series do not have the right to vote but with respect to which such shareholders are entitled to assert appraisal rights, the corporation must deliver a written appraisal notice and form to all record shareholders of such class or series who may be entitled to assert appraisal rights.~~"

SECTION 29. G.S. 55A-11-09(c) reads as rewritten:

"(c) Each merging domestic nonprofit corporation and each other merging business entity shall approve a written plan of merger ~~containing:~~containing all of the following:

(1) For each merging business entity, its name, type of business entity, and the state or country whose laws govern its organization and internal ~~affairs;~~affairs.

(2) The name of the merging business entity that shall survive the ~~merger;~~merger.

(3) The terms and conditions of the ~~merger;~~merger.

(4) The manner and basis ~~for~~ of converting the interests in each merging business entity into interests, obligations, or securities of the surviving business ~~entity~~entity, or into cash or other property in whole or in ~~part; and~~part, or of cancelling the interests.

…."

SECTION 30. G.S. 57D-9-41(a) reads as rewritten:

"(a) Each merging entity must approve a written plan of merger containing ~~the~~ all of the following:

…

(4) The manner and basis ~~for~~ of converting the interests in each merging entity into interests, obligations, or securities of the surviving ~~entity~~entity, or into cash or other property or any combination ~~thereof.~~thereof, or of cancelling the interests.

…."

SECTION 31. G.S. 59-73.31(a) reads as rewritten:

"(a) Each merging domestic partnership and each other merging business entity shall approve a written plan of merger ~~containing:~~containing all of the following:

(1) For each merging business entity, its name, type of business entity, and the state or country whose laws govern its organization and internal ~~affairs;~~affairs.

(2) The name of the merging business entity that shall survive the ~~merger;~~merger.

(3) The terms and conditions of the ~~merger; and~~merger.

(4) The manner and basis ~~for~~ of converting the interests in each merging business entity into interests, obligations, or securities of the surviving business ~~entity~~entity, or into cash or other property in whole or in ~~part.~~part, or of cancelling the interests."

SECTION 32. G.S. 59-1071(a) reads as rewritten:

"(a) Each merging domestic limited partnership and each other merging business entity shall approve a written plan of merger ~~containing:~~containing all of the following:

(1) For each merging business entity, its name, type of business entity, and the state or country whose laws govern its organization and internal ~~affairs;~~affairs.

(2) The name of the merging business entity that shall survive the ~~merger;~~merger.

(3) The terms and conditions of the ~~merger;~~merger.

(4) The manner and basis ~~for~~ of converting the interests in each merging business entity into interests, obligations, or securities of the surviving business ~~entity~~entity, or into cash or other property in whole or in ~~part;~~ ~~and~~part, or of cancelling the interests.

(5) If the surviving business entity is a domestic limited partnership, any amendments to its certificate of limited partnership that are to be made in connection with the merger."

SECTION 33. The Revisor of Statutes may cause to be printed all relevant portions of the Official Comments to the Model Business Corporation Act and all explanatory comments of the drafters of this act as the Revisor deems appropriate.

SECTION 33.1. G.S. 55-1-40(13a) reads as rewritten:

"(13a) ~~An item is "mailed" when it is deposited~~ "Mail," when used as a verb, means to deposit in the United States mail with postage thereon prepaid and correctly addressed. When a corporation mails an item to a shareholder, "correctly addressed" means addressed to the shareholder's address as shown in the corporation's current record of shareholders."

SECTION 34. This act becomes effective October 1, 2017.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 622

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S622-ATG-78 [v.3]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Stevens

moves to amend the bill on page 7, line 14, by deleting "2017," and replacing it with "2018,"; and

on page 9, lines 21 and 23, by deleting "2017," and replacing it with "2018,";

on page 21, line 30, by rewriting the line to read:
"**SECTION 34.** This act becomes effective October 1, 2018.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Committee Sergeants at Arms

NAME OF COMMITTEE HC on Rules,Calendar, and Operations of the House

DATE: 6/12/2018 Room: 1228/1327

House Sgt-At Arms:

1. Name: Russell Salisbury
2. Name: Bill Bass
3. Name: Jim Moran
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

HC on Rules, Calendar, and Operations of the House 6/12/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Wall	PG
Bill Colton	Law Office of Nutz
Kathleen Joyce	NCASA
Peyton	
Laura Puryear	MWC
Lori Ann Harris	
Cady Thomas	Focus Carolina
Paul Sherman	NCFB
Jake Parker	NCFB
Dana Sipe	SA
Greear Webb	NCMS

VISITOR REGISTRATION SHEET

HC on Rules, Calendar, and Operations of the House — 6/12/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ken Melton	K.M.A.
Cary Harris	NCPCM
Fil Bone	Bone: Assoc
Jason Deans	JD+A
Amanda [illegible]	[illegible]
Stephen Brown	Investors Title
Crystal T	SA
Mary Shipping	NCCCS
Linda Johnson	Chair, EPFL Section, NCBA
Penny [illegible]	SOG
Erin Wynia	NCLM

VISITOR REGISTRATION SHEET

HC on Rules, Calendar, and Operations of the House — 6/12/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Brian Menard	NCSBI
Leanne Winner	NCSBA
Wendy Kelly	Focus on Clients
Seth Palmer	NCR
Julie Woodson	NCACCT
Chris Broughton	MWC
Bo Heath	MWC
Drew Martz	UNC System
Rick Zechini	Williams Mullen
Tom West	NCICU
Chris Agan	DOA

VISITOR REGISTRATION SHEET

HC on Rules, Calendar, and Operations of the House — 6/12/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kathy Hawley	Duke Energy
Gary Salamido	NC Chamber
John Rustin	NC Family
DAVID CLEMENT	SMITH ANDERSON
Jennifer Haygood	NC Community College System
[illegible]	NCAA
Johanna Reese	NCACC
Adam Pridemore	NCAEC
Mac Miller	NMGA
Colleen Kochanek	AANC
Bruce Mildwurf	NCSRA

VISITOR REGISTRATION SHEET

HC on Rules,Calendar,and Operations of the House 6/12/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
TJ Bugbee	NP
Courtney Crandell	Crandell Consulting
Stames	OST
Skye David	nb
Jason Joyner	nb
Robert Glasser	NCAA
David Fleck	NP

VISITOR REGISTRATION SHEET

HC on Rules, Calendar, and Operations of the House 6/12/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Shanna Bridges	ACLU-NC
Al Ripley	NLJC
Kelly Tornow	CRL
Sarah Hardin	NCEL
[illegible]	NCAHA
Will Morgan	MFS
Lisa Martin	Cap-Ad
[illegible]	CAA
Amy Auth	UNC-Chapel Hill
Rose Williams	NCLM
George Robinson	NC DOI

VISITOR REGISTRATION SHEET

HC on Rules, Calendar, and Operations of the House — 6/12/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lee Lilley	Governor
Marge Townsend	NCAE
David J Collins	Williewest
Suzanne Beasley	SEANC
R J Kingsley	NC Auto Dealers Ass'n
Tim Le	C L
Scott Laster	KGANC
Ken Smith	NCRLA
Susana Davis	NC DP's
Abby Hammond	NCAJ
Ed Turlington	BF

VISITOR REGISTRATION SHEET

HC on Rules, Calendar, and Operations of the House — 6/12/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jane Royall	NCFPC
Stephen Korba	KMA
[illegible]	CSX
Bradford Speeden	VCDOJ
Jay Hilton	NCDOT
Henry Jones	Jordan Price
Katy Kirby	[illegible]
[illegible]	MWC

AL Rippley NC Sust.

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 14, 2018 at During Second Recess
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at During Second Recess on June 14, 2018 in Room 643 of the Legislative Office Building. Representatives J. Bell, Boles, Brawley, Bumgardner, Burr, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Lewis, S. Martin, McGrady, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Representative David R. Lewis, Chair, presided. Meeting convened at 10:51 AM

The following bills were considered:

SB 325 Billion Dollar Middle Class Tax Cut: PCS before the committee without objection. Rep. Lewis presented the bill. Public Comment was taken from Greg Flynn, Elisa Guttierez, and Brent Laurenz. Rep. Hardister moves for a favorable report to the PCS, unfavorable to the original. The motion carries on a voice vote.

SB 561 Violate Tax Law/Venue/Property Tax/DWI: Rep. Lewis presented the bill. Rep. Lewis offers an amendment and it passes on a voice vote. Rep. Brawley offers an amendment and it passes on a voice vote. Rep. Lewis moves that the bill and the amendment be rolled into a new PCS, and that the new PCS be given a favorable report, unfavorable to the original. The motion carries on a voice vote.

HB 1089 Change Burden of Proof/Candidacy Challenge: Rep. Clampitt explains the bill. Rep. Jackson offers an amendment. The amendment is adopted on a voice vote. Rep. Floyd offers an amendment. The amendment is adopted on a voice vote. Rep. Torbett moves that the new bill with the amendment be rolled into a new PCS and that it be given a favorable report, unfavorable to the original. The motion carries on a voice vote.

Motion to recess committee at 11:59 AM from the chair.

Committee reconvenes at 6:33 PM.

HB 1025 GSC Technical Corrections 2018: Rep. Davis explains the PCS. Rep. Davis makes a motion for a favorable report to the PCS, unfavorable to the original. The motion carries on a voice vote.

SB 563 Business Court Changes: Rep. Martin explains the PCS. Rep. Martin makes a motion for a favorable report to the PCS, unfavorable to the original. The motion carries on a voice vote.

SB 162 LEO Assistance and Protection Act of 2017: Rep. Brawley explains the PCS. Rep. Brawley makes a motion for a favorable report to the PCS, unfavorable to the original. The motion carries on a voice vote.

SB 374 State Auditor/Verifications & Access: Rep. Szoka and Rep. Hardister explain the bill. Public comment is taken on the bill (Bill Scoggins, Al Ripley, Theresa Kostrzewa) Rep. Dulin makes a motion for a favorable report to the PCS, unfavorable to the original. The motion carries on a voice vote.

SB 750 Health-Local Confinement/Vet. Controlled Sub: Rep. Wray moves to amend the bill. The motion carries on a voice vote. Rep. Dollar moves to amend the bill. The motion carries on a voice vote. Rep. Dollar moves to amend the bill. The motion carries on a voice vote. Rep. Stevens moves to amend the bill. The motion carries on a voice vote. Rep. Stevens moves that the new bill with the amendment be rolled into a new PCS and that it be given a favorable report, unfavorable to the original. The motion carries on a voice vote.

SB 735 Various OLB and Administrative Law Changes: Rep. Lewis moves that the PCS be before the committee without objection. Rep. Martin moves that her amendment be adopted. The motion carries on a voice vote. Rep. Stevens moves that the PCS, as amended, be rolled into a new PCS, and that PCS be given a favorable report, unfavorable to the original PCS. The motion carries on a voice vote.

SB 15 ISD and Local Board Contracting Changes: Rep. Reives offers an amendment. The amendment fails on a voice vote. Rep. Reives offers a second amendment. That amendment also fails on a voice vote. Rep. Stevens offers an amendment. That amendment passes on a voice vote. Rep. Stevens moves that the new bill with the amendment be rolled into a new PCS and that it be given a favorable report, unfavorable to the original. The motion carries on a voice vote.

The meeting adjourned at 7:20 PM.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins

Mark Coggins, Committee Clerk

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Thursday, June 14, 2018 06:14 PM
To: Sen. Ralph Hise; Rep. Mike Clampitt; Sen. Louis Pate; Sen. Joyce Krawiec; Sen. Tamara Barringer; Sen. Michael Lee; Sen. Paul Newton; Sen. Jerry W. Tillman; Sen. Jim Davis; Rep. Ted Davis; Sen. Warren Daniel; Sen. Shirley B. Randleman
Cc: Susan Fanning (Sen. Ralph Hise); Edward Stiles (Rep. Mike Clampitt); Leigh Ann Biddix (Sen. Louis Pate); Brian Mooney (Sen. Joyce Krawiec); Devon Karst (Sen. Tamara Barringer); Emily Barnes (Sen. Michael Lee); Justus Cochran (Sen. Paul Newton); Suzanne Castleberry (Sen. Jerry Tillman); Michael Hannah (Sen. Jerry Tillman); Johnny Bravo (Sen. Jim Davis); Andrew Bowers (Rep. Ted Davis); Andy Perrigo (Sen. Warren Daniel); Lydia Daniel (Sen. Warren Daniel); Jeb Kelly (Sen. Shirley B. Randleman)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 14, 2018 at During Second Recess - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: S 162 added to meeting calendar

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 14, 2018
TIME: **During Second Recess**
LOCATION: **643 LOB**
COMMENTS: **All pieces of legislation will have proposed committee substitutes. .**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 374	State Auditor/Verifications & Access.	Senator Hise
HB 1089	Change Burden of Proof/Candidacy Challenge.	Representative Clampitt
SB 750	Health-Local Confinement/Vet. Controlled Sub.	Senator Krawiec Senator Pate
SB 563	Business Court Changes.	Senator Barringer Senator Newton Senator Lee

SB 15	ISD and Local Board Contracting Changes.	Senator J. Davis Senator Tillman
HB 1025	GSC Technical Corrections 2018.	Representative Davis
SB 162	LEO Assistance and Protection Act of 2017.	Senator Daniel Senator Brock Senator Randleman

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 6:13 PM on Thursday, June 14, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Thursday, June 14, 2018 03:12 PM
To: Sen. Ralph Hise; Rep. Mike Clampitt; Sen. Louis Pate; Sen. Joyce Krawiec; Sen. Tamara Barringer; Sen. Michael Lee; Sen. Paul Newton; Sen. Jerry W. Tillman; Sen. Jim Davis; Rep. Ted Davis
Cc: Susan Fanning (Sen. Ralph Hise); Edward Stiles (Rep. Mike Clampitt); Leigh Ann Biddix (Sen. Louis Pate); Brian Mooney (Sen. Joyce Krawiec); Devon Karst (Sen. Tamara Barringer); Emily Barnes (Sen. Michael Lee); Justus Cochran (Sen. Paul Newton); Suzanne Castleberry (Sen. Jerry Tillman); Michael Hannah (Sen. Jerry Tillman); Johnny Bravo (Sen. Jim Davis); Andrew Bowers (Rep. Ted Davis)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 14, 2018 at During Second Recess - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: New time

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 14, 2018
TIME: **During Second Recess**
LOCATION: **643 LOB**
COMMENTS: **All pieces of legislation will have proposed committee substitutes. .**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 374	State Auditor/Verifications & Access.	Senator Hise
HB 1089	Change Burden of Proof/Candidacy Challenge.	Representative Clampitt
SB 750	Health-Local Confinement/Vet. Controlled Sub.	Senator Krawiec Senator Pate
SB 563	Business Court Changes.	Senator Barringer Senator Newton Senator Lee

SB 15	ISD and Local Board Contracting Changes.	Senator J. Davis Senator Tillman
HB 1025	GSC Technical Corrections 2018.	Representative Davis

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:11 PM on Thursday, June 14, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Thursday, June 14, 2018 02:38 PM
To: Sen. Ralph Hise; Rep. Mike Clampitt; Sen. Louis Pate; Sen. Joyce Krawiec; Sen. Tamara Barringer; Sen. Michael Lee; Sen. Paul Newton; Sen. Jerry W. Tillman; Sen. Jim Davis; Rep. Ted Davis
Cc: Susan Fanning (Sen. Ralph Hise); Edward Stiles (Rep. Mike Clampitt); Leigh Ann Biddix (Sen. Louis Pate); Brian Mooney (Sen. Joyce Krawiec); Devon Karst (Sen. Tamara Barringer); Emily Barnes (Sen. Michael Lee); Justus Cochran (Sen. Paul Newton); Suzanne Castleberry (Sen. Jerry Tillman); Michael Hannah (Sen. Jerry Tillman); Johnny Bravo (Sen. Jim Davis); Andrew Bowers (Rep. Ted Davis)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 14, 2018 at 15 Minutes After Session - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: Corrected date.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 14, 2018
TIME: **15 Minutes After Session**
LOCATION: **643 LOB**
COMMENTS: **All pieces of legislation will have proposed committee substitutes. .**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 374	State Auditor/Verifications & Access.	Senator Hise
HB 1089	Change Burden of Proof/Candidacy Challenge.	Representative Clampitt
SB 750	Health-Local Confinement/Vet. Controlled Sub.	Senator Krawiec Senator Pate
SB 563	Business Court Changes.	Senator Barringer Senator Newton Senator Lee

SB 15	ISD and Local Board Contracting Changes.	Senator J. Davis Senator Tillman
HB 1025	GSC Technical Corrections 2018.	Representative Davis

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:37 PM on Thursday, June 14, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Thursday, June 14, 2018 02:32 PM
To: Sen. Ralph Hise; Rep. Mike Clampitt; Sen. Louis Pate; Sen. Joyce Krawiec; Sen. Tamara Barringer; Sen. Michael Lee; Sen. Paul Newton; Sen. Jerry W. Tillman; Sen. Jim Davis
Cc: Susan Fanning (Sen. Ralph Hise); Edward Stiles (Rep. Mike Clampitt); Leigh Ann Biddix (Sen. Louis Pate); Brian Mooney (Sen. Joyce Krawiec); Devon Karst (Sen. Tamara Barringer); Emily Barnes (Sen. Michael Lee); Justus Cochran (Sen. Paul Newton); Suzanne Castleberry (Sen. Jerry Tillman); Michael Hannah (Sen. Jerry Tillman); Johnny Bravo (Sen. Jim Davis)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 14, 2018 at 15 Minutes After Session - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: Corrected date.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 14, 2018
TIME: **15 Minutes After Session**
LOCATION: **643 LOB**
COMMENTS: **All pieces of legislation will have proposed committee substitutes. .**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 374	State Auditor/Verifications & Access.	Senator Hise
HB 1089	Change Burden of Proof/Candidacy Challenge.	Representative Clampitt
SB 750	Health-Local Confinement/Vet. Controlled Sub.	Senator Krawiec Senator Pate
SB 563	Business Court Changes.	Senator Barringer Senator Newton Senator Lee
SB 15	ISD and Local Board Contracting Changes.	Senator J. Davis Senator Tillman

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:31 PM on Thursday, June 14, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Thursday, June 14, 2018 02:20 PM
To: Sen. Jerry W. Tillman; Sen. Tommy Tucker; Sen. Ralph Hise; Rep. Mike Clampitt; Sen. Brent Jackson; Sen. Jeff Jackson; Sen. Danny Britt; Sen. Louis Pate; Sen. Joyce Krawiec; Sen. Tamara Barringer; Sen. Michael Lee; Sen. Paul Newton; Sen. Jim Davis
Cc: Suzanne Castleberry (Sen. Jerry Tillman); Michael Hannah (Sen. Jerry Tillman); Joseph Stansbury (Sen. Tommy Tucker); Brent Woodcox (Sen. Tommy Tucker); Susan Fanning (Sen. Ralph Hise); Edward Stiles (Rep. Mike Clampitt); Ross Barnhardt (Sen. Brent Jackson); Alexander Fagg (Sen. Brent Jackson); Dylan Arant (Sen. Jeff Jackson); Cindy Davis (Sen. Danny Britt); Leigh Ann Biddix (Sen. Louis Pate); Brian Mooney (Sen. Joyce Krawiec); Devon Karst (Sen. Tamara Barringer); Emily Barnes (Sen. Michael Lee); Justus Cochran (Sen. Paul Newton); Johnny Bravo (Sen. Jim Davis)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 14, 2018 at 15 Minutes After Session - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: Corrected date.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 14, 2018
TIME: **15 Minutes After Session**
LOCATION: **643 LOB**
COMMENTS: **All pieces of legislation will have proposed committee substitutes. .**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 325	The Uniform & Expanded Early Voting Act.	Senator Tillman Senator Brock Senator Tucker
SB 374	State Auditor/Verifications & Access.	Senator Hise
HB 1089	Change Burden of Proof/Candidacy Challenge.	Representative Clampitt
SB 561	Violate Tax Law/Venue/Property Tax.	Senator J. Jackson Senator Britt

		Senator B. Jackson
SB 750	Health-Local Confinement/Vet. Controlled Sub.	Senator Krawiec Senator Pate
SB 563	Business Court Changes.	Senator Barringer Senator Newton Senator Lee
SB 15	ISD and Local Board Contracting Changes.	Senator J. Davis Senator Tillman

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:20 PM on Thursday, June 14, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Thursday, June 14, 2018 10:11 AM
To: Sen. Jerry W. Tillman; Sen. Tommy Tucker; Sen. Ralph Hise; Rep. Mike Clampitt; Sen. Brent Jackson; Sen. Jeff Jackson; Sen. Danny Britt
Cc: Suzanne Castleberry (Sen. Jerry Tillman); Michael Hannah (Sen. Jerry Tillman); Joseph Stansbury (Sen. Tommy Tucker); Brent Woodcox (Sen. Tommy Tucker); Susan Fanning (Sen. Ralph Hise); Edward Stiles (Rep. Mike Clampitt); Ross Barnhardt (Sen. Brent Jackson); Alexander Fagg (Sen. Brent Jackson); Dylan Arant (Sen. Jeff Jackson); Cindy Davis (Sen. Danny Britt)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 14, 2018 at 10:30 AM - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: Corrected date.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 14, 2018
TIME: **10:30 AM**
LOCATION: **643 LOB**
COMMENTS: **All 4 pieces of legislation will have proposed committee substitutes. The documents will be distributed to the committee prior to the meeting.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 325	Billion Dollar Middle Class Tax Cut.	Senator Tillman Senator Brock Senator Tucker
SB 374	State Auditor/Verifications & Access.	Senator Hise
HB 1089	Change Burden of Proof/Candidacy Challenge.	Representative Clampitt
SB 561	Violate Tax Law/Venue/Property Tax/DWI.	Senator J. Jackson Senator Britt Senator B. Jackson

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:09 AM on Thursday, June 14, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Thursday, June 14, 2018 09:34 AM
To: Sen. Jerry W. Tillman; Sen. Tommy Tucker; Sen. Ralph Hise; Rep. Mike Clampitt; Sen. Brent Jackson; Sen. Jeff Jackson; Sen. Danny Britt
Cc: Suzanne Castleberry (Sen. Jerry Tillman); Michael Hannah (Sen. Jerry Tillman); Joseph Stansbury (Sen. Tommy Tucker); Brent Woodcox (Sen. Tommy Tucker); Susan Fanning (Sen. Ralph Hise); Edward Stiles (Rep. Mike Clampitt); Ross Barnhardt (Sen. Brent Jackson); Alexander Fagg (Sen. Brent Jackson); Dylan Arant (Sen. Jeff Jackson); Cindy Davis (Sen. Danny Britt)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 14, 2018 at 10:30 AM - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: Corrected date.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 14, 2018
TIME: **10:30 AM**
LOCATION: **544 LOB**
COMMENTS: **All 4 pieces of legislation will have proposed committee substitutes. The documents will be distributed to the committee prior to the meeting.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 325	Billion Dollar Middle Class Tax Cut.	Senator Tillman Senator Brock Senator Tucker
SB 374 HB 1089	State Auditor/Verifications & Access. Change Burden of Proof/Candidacy Challenge.	Senator Hise Representative Clampitt
SB 561	Violate Tax Law/Venue/Property Tax/DWI.	Senator J. Jackson Senator Britt Senator B. Jackson

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:33 AM on Thursday, June 14, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Thursday, June 14, 2018 12:52 AM
To: Sen. Jerry W. Tillman; Sen. Tommy Tucker; Sen. Ralph Hise; Rep. Mike Clampitt; Sen. Brent Jackson; Sen. Jeff Jackson; Sen. Danny Britt
Cc: Suzanne Castleberry (Sen. Jerry Tillman); Michael Hannah (Sen. Jerry Tillman); Joseph Stansbury (Sen. Tommy Tucker); Brent Woodcox (Sen. Tommy Tucker); Susan Fanning (Sen. Ralph Hise); Edward Stiles (Rep. Mike Clampitt); Ross Barnhardt (Sen. Brent Jackson); Alexander Fagg (Sen. Brent Jackson); Dylan Arant (Sen. Jeff Jackson); Cindy Davis (Sen. Danny Britt)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 14, 2018 at 10:00 AM - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: Corrected date.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 14, 2018
TIME: **10:00 AM**
LOCATION: **544 LOB**
COMMENTS: **All 4 pieces of legislation will have proposed committee substitutes. The documents will be distributed to the committee prior to the meeting.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 325	Billion Dollar Middle Class Tax Cut.	Senator Tillman Senator Brock Senator Tucker
SB 374	State Auditor/Verifications & Access.	Senator Hise
HB 1089	Change Burden of Proof/Candidacy Challenge.	Representative Clampitt
SB 561	Violate Tax Law/Venue/Property Tax/DWI.	Senator J. Jackson Senator Britt Senator B. Jackson

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:50 AM on Thursday, June 14, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 14, 2018, During Second Recess
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 374	NC Lease-Purchase Act/Charter Sch. Priority.	Senator Hise
HB 1089	Candidacy Challenge/Expunged Felony/Sheriff.	Representative Clampitt
SB 750	Health-Local Confinement/Vet. Controlled Sub.	Senator Krawiec Senator Pate
SB 563	Commerce to Assign County Distress Factors.	Senator Barringer Senator Newton Senator Lee
SB 15	ISD Changes and Capital Grant Clarification.	Senator J. Davis Senator Tillman
HB 1025	GSC Technical Corrections 2018.	Representative Davis
SB 162	Human Trafficking Restorative Justice.	Senator Daniel Senator Brock Senator Randleman

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **563** **(CS#1)** Business Court Changes.

Draft Number:	S563-PCS15322-TU-37
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	S. Martin

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **735** **(CS#1)** Various OLB and Administrative Law Changes.

Draft Number:	S735-PCS45578-ROf-9
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Stevens

SB **750** **(CS#1)** Health-Local Confinement/Vet. Controlled Sub.

Draft Number:	S750-PCS45580-BP-12
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Dollar

TOTAL REPORTED: 2



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **374** State Auditor/Verifications & Access.

Draft Number:	S374-PCS15320-SU-50
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Szoka

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **162** **(CS#1)** LEO Assistance and Protection Act of 2017.

Draft Number:	S162-PCS45579-ML-20
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Brawley

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1

SB **15** **(HCS#1)** ISD and Local Board Contracting Changes.

Draft Number:	S15-PCS15321-BN-8
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Elmore

TOTAL REPORTED: 3

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **1025** GSC Technical Corrections 2018.

Draft Number:	H1025-PCS50119-MU-10
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Davis

HB **1089** Change Burden of Proof/Candidacy Challenge.

Draft Number:	H1089-PCS40772-ST-61
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Clampitt

TOTAL REPORTED: 2



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **325** Billion Dollar Middle Class Tax Cut.

Draft Number:	S325-PCS35375-TC-64
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1

SB **561 (HCS#1)** Violate Tax Law/Venue/Property Tax/DWI.

Draft Number:	S561-PCS45577-SU-51
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 2



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 374
PROPOSED HOUSE COMMITTEE SUBSTITUTE S374-CSSU-50 [v.1]
06/14/2018 07:20:02 AM

Short Title: NC Lease-Purchase Act/Charter Sch. Priority. (Public)

Sponsors:

Referred to:

March 27, 2017

A BILL TO BE ENTITLED

AN ACT TO ENACT THE LEASE-PURCHASE AGREEMENT ACT AND TO AMEND THE LAW ON ENROLLMENT PRIORITY FOR CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The General Statutes are amended by adding a new Chapter to read:

"**Chapter 25D.**

"**North Carolina Lease-Purchase Agreement Act.**

"**§ 25D-1. Title.**

This Chapter shall be known and may be cited as the "North Carolina Lease-Purchase Agreement Act".

"**§ 25D-2. Definitions.**

As used in this Chapter, the following definitions apply:

(1) Advertisement. – A commercial message in any medium that directly aids, promotes, or assists a lease-purchase agreement.

(2) Cash price. – The price at which the property is offered for sale by the lessor to a consumer for cash in the ordinary course of business, measured on the date of the lease-purchase agreement.

(3) Consumer. – An individual who rents personal property under a lease-purchase agreement to be used primarily for personal, family, or household purposes.

(4) Consummation. – The point in time when a consumer becomes contractually obligated via a lease-purchase agreement.

(5) Lessor. – A person who regularly provides the use of property through lease-purchase agreements and to whom lease payments are initially payable on the face of the lease-purchase agreement.

(6) Lease-purchase agreement. – An agreement for the use of personal property by a consumer for an initial period of four months or less that contains all of the following characteristics:

a. Automatic periodic renewal with each payment after the initial period.

b. Contains no provision obligating the consumer to continue use of the property beyond the initial period.

c. A provision permitting the consumer to become the owner of the property.

"**§ 25D-3. Applicability of Chapter.**

(a) The provisions of this Chapter do not apply to the following:

(1) A lease-purchase agreement entered into primarily for business, commercial, or agricultural purposes, or those entered into with governmental entities.
(2) A lease of a safe deposit box.
(3) A lease or bailment of personal property which is incidental to the lease of property, and which does not provide the consumer an option to purchase the leased property.
(4) A lease of an automobile.

(b) A lease-purchase agreement meeting the requirements of this Chapter shall not be governed by the statutes relating to any of the following:
(1) A home solicitation sale, as defined in G.S. 25A-38.
(2) A closed-end installment loan.
(3) A security interest, as defined in G.S. 25-1-201(35).

"**§ 25D-4. Disclosures.**

(a) The lessor shall disclose to the consumer in the lease-purchase agreement all of the following, if applicable:
(1) The total number, full amount, and timing of all payments necessary to acquire ownership of the property.
(2) A statement that the consumer will not own the property until the consumer has satisfied all payment requirements necessary to acquire ownership.
(3) A statement that the consumer is responsible for the fair market value of property lost, stolen, damaged, or destroyed, measured at the time the property is lost, stolen, damaged, or destroyed.
(4) A brief description of the property, sufficient to identify the property to the consumer and the lessor, and a statement indicating whether the property is new or used. A statement that indicates that the property is used, if subsequently found to be false, shall not constitute a violation of this Chapter.
(5) A statement of the cash price of the property. For agreements covering a lease of five or more items as a set, a statement of the aggregate cash price of all items.
(6) The total amount of payments to be paid prior to consummation of the agreement or delivery of the property, whichever is later.
(7) A statement that the total amount of payments does not include other charges, including late payment, default, pickup, and reinstatement fees.
(8) A statement clearly summarizing the terms of the consumer's option to purchase, including a statement that the consumer has the right to exercise an early purchase option. The terms shall list the formula or method used to determine the price of the purchase of the property.
(9) A statement (i) identifying the party responsible for maintaining or servicing the property during the term of the lease; (ii) providing a description of the maintenance or service responsibility; and (iii) notifying the consumer that any applicable express warranties covering the lease property at the time the consumer acquires ownership of the property shall be transferred to the consumer, if the terms of the warranty allow.
(10) The date of the transaction and the identities of the lessor and consumer.
(11) A statement that the consumer may terminate the agreement without penalty by voluntarily surrendering or returning the property in good repair upon expiration of any lease term along with any past due rental payments and fees owed.
(12) Notice of the right to reinstate an agreement.

(b) For transactions involving more than one lessor, the disclosures required pursuant to this section may be made by a single lessor; however, all lessors shall be bound by those disclosures.

(c) All disclosures shall be made (i) at or before consummation of the agreement, (ii) clearly and conspicuously, (iii) in writing, (iv) on the face of the agreement, and (v) above the consumer's signature line. A copy of the lease-purchase agreement shall be provided to the consumer.

(d) If a disclosure subsequently becomes inaccurate as the result of any act, occurrence, or agreement by the consumer, the inaccuracy shall not constitute a violation of this Chapter.

(e) Compliance with the disclosure requirements of the federal Consumer Credit Protection Act 15 U.S.C. § 1667, et seq., as amended, shall be deemed to meet the disclosure requirements of this section.

"**§ 25D-5. Prohibited practices.**

(a) A lease purchase agreement may not contain any of the following:

(1) A confession of judgment.

(2) A negotiable instrument.

(3) A security interest or any other claim of a property interest in any goods except those goods delivered by the lessor to the consumer pursuant to the terms of the lease-purchase agreement.

(4) A wage assignment.

(5) A waiver of claims or defenses by the consumer.

(6) An authorization for the lessor or the lessor's agent to enter upon the consumer's premises, or to commit any breach of the peace, in the repossession of goods.

(b) No fees, charges, or penalties shall be chargeable to the consumer in conjunction with a lease-purchase agreement unless those fees, costs, or penalties are disclosed in the agreement.

"**§ 25D-6. Reinstatement.**

(a) A consumer who fails to make a timely rental payment shall be entitled to reinstate the agreement without losing any rights or options that exist under the terms of the agreement, provided that the consumer pays all past due payments, fees, charges, and penalties within five days of the renewal date, if the consumer pays monthly, or within two days of the renewal date, if the consumer pays more frequently than monthly.

(b) If a consumer has (i) returned or voluntarily surrendered the property, other than through judicial process, during the reinstatement period and (ii) paid less than two-thirds of the total payments necessary to acquire ownership pursuant to the lease-purchase agreement, then the consumer shall be entitled to reinstate the agreement for a period of at least 21 days after the date the property was returned or voluntarily surrendered.

(c) If a consumer has (i) returned or voluntarily surrendered the property, other than through judicial process, during the reinstatement period and (ii) paid two-thirds or more of the total payments necessary to acquire ownership pursuant to the lease-purchase agreement, then the consumer shall be entitled to reinstate the agreement for a period of at least 45 days after the date the property was returned or voluntarily surrendered.

(d) Nothing in this section shall prohibit a lessor from repossessing the property pursuant to the lease-purchase agreement. However, upon reinstatement by the consumer, the lessor shall provide the consumer with the same property or substitute property of comparable quality and condition.

"**§ 25D-7. Receipts and accounts.**

A lessor shall provide the consumer with a written receipt for each payment made by cash or money order.

"**§ 25D-8. Renegotiations and extensions.**

(a) A lessor and consumer may renegotiate an existing lease-purchase agreement. A renegotiated agreement shall satisfy and replace the prior agreement and shall be considered a new lease-purchase agreement, subject to all of the terms of this Chapter.

(b) The following are not considered a renegotiation:

(1) The addition or return of property in an agreement covering multiple items of property or the substitution of the property; provided, however, that the average payment allocable to a payment period is not changed by more than twenty-five percent (25%).

(2) A deferral or extension of one or more periodic payments or a portion of a periodic payment.

(3) A reduction of charges in the agreement.

(4) A lease or agreement involved in a court proceeding.

(c) Disclosures shall not be required for an extension of a lease-purchase agreement.

"**§ 25D-9. Advertising.**

(a) If an advertisement for a lease-purchase agreement refers to or states the dollar amount of any payment and the right to acquire ownership of any one specific item, the advertisement shall clearly and conspicuously state all of the following, as applicable:

(1) The advertised transaction is a lease-purchase agreement.

(2) The total amount of payments necessary to acquire ownership.

(3) A consumer acquires no ownership rights if the total amount necessary to acquire ownership is not paid.

(b) Nothing in this section shall be construed to impose liability on any entity, or its employees, that serves as a medium in which an advertisement appears or is disseminated.

(c) A listing in a telephone or other similar business directory is not considered an advertisement for the purposes of this section.

"**§ 25D-10. Conflict with Consumer Credit Protection Act.**

In all cases of irreconcilable conflict between the provisions of this Chapter and the provisions of the Consumer Credit Protection Act, 15 U.S.C. § 1601, et seq., as amended., the provisions of the Consumer Credit Protection Act shall control.

SECTION 1.(b) This section becomes effective January 1, 2019, and applies to lease-purchase agreements advertised or entered into on or after that date.

SECTION 2. G.S. 115C-218.45(f) reads as rewritten:

"(f) The charter school may give enrollment priority to any of the following:

(1) Siblings of currently enrolled students who were admitted to the charter ~~school in a previous year.~~school. For the purposes of this section, the term "siblings" includes any of the following who reside in the same household: half siblings, stepsiblings, and children residing in a family foster home.

..."

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

SENATE BILL 374
Education/Higher Education Committee Substitute Adopted 4/17/13

Short Title: NC Public Schools Budget Flexibility Act. (Public)

Sponsors:

Referred to:

March 20, 2013

A BILL TO BE ENTITLED

AN ACT TO ENACT THE NORTH CAROLINA PUBLIC SCHOOLS BUDGET FLEXIBILITY ACT.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1.1. This act shall be known as the "North Carolina Public Schools Budget Flexibility Act of 2013."

PART II. BUDGET FLEXIBILITY

ADDITIONAL AUTHORITY TO TRANSFER FUNDS

SECTION 2.1. G.S. 115C-105.25 reads as rewritten:

"**§ 115C-105.25. Budget flexibility.**

(a) Consistent with improving student performance, a local board shall provide maximum flexibility to schools in the use of funds to enable the schools to accomplish their goals.

(b) Subject to the following limitations, local boards of education may transfer and may approve transfers of funds between funding allotment categories:

~~(1) In accordance with a school improvement plan accepted under G.S. 115C-105.27, State funds allocated for teacher assistants may be transferred only for personnel (i) to serve students only in kindergarten through third grade, or (ii) to serve students primarily in kindergarten through third grade when the personnel are assigned to an elementary school to serve the whole school. Funds allocated for teacher assistants may be transferred to reduce class size or to reduce the student-teacher ratio in kindergarten through third grade so long as the affected teacher assistant positions are not filled when the plan is amended or approved by the building-level staff entitled to vote on the plan or the affected teacher assistant positions are not expected to be filled on the date the plan is to be implemented. Any State funds appropriated for teacher assistants that were converted to certificated teachers before July 1, 1995, in accordance with Section 1 of Chapter 986 of the 1991 Session Laws, as rewritten by Chapter 103 of the 1993 Session Laws, may continue to be used for certificated teachers.~~

(1a) Funds for children with disabilities, career and technical education, and other purposes may be transferred only as permitted by federal law and the conditions of federal grants or as provided through any rules that the State Board of Education adopts to ensure compliance with federal regulations.

~~(2) In accordance with a school improvement plan accepted under G.S. 115C-105.27, (i) State funds allocated for classroom materials/instructional supplies/equipment may be transferred only for the purchase of textbooks; (ii) State funds allocated for textbooks may be transferred only for the purchase of instructional supplies, instructional equipment, or other classroom materials; and (iii) State funds allocated for noninstructional support personnel may be transferred only for teacher positions.~~

~~(2a) Up to three percent (3%) of State funds allocated for noninstructional support personnel may be transferred for staff development.~~

(3) No funds shall be transferred into the central office administration allotment category.

~~(4) Funds allocated for children with disabilities, for students with limited English proficiency, and for driver's education shall not be transferred.~~

~~(5) Funds allocated for classroom teachers may be transferred only for teachers of exceptional children, for teachers of at-risk students, and for authorized purposes under the textbooks allotment category and the classroom materials/instructional supplies/equipment allotment category.~~

(5a) Positions allocated for classroom teachers may be converted to dollar equivalents to contract for visiting international exchange teachers. These positions shall be converted at the statewide average salary for classroom teachers, including benefits. The converted funds shall be used only to cover the costs associated with bringing visiting international exchange teachers to the local school administrative unit through a State-approved visiting international exchange teacher program and supporting the visiting exchange teachers.

~~(6) Funds allocated for vocational education may be transferred only in accordance with any rules that the State Board of Education considers appropriate to ensure compliance with federal regulations.~~

~~(7) Funds allocated for career development shall be used in accordance with Section 17.3 of Chapter 324 of the 1995 Session Laws.~~

~~(8) Funds allocated for academically or intellectually gifted students may be used only (i) for academically or intellectually gifted students; (ii) to implement the plan developed under G.S. 115C-150.7; or (iii) in accordance with an accepted school improvement plan, for any purpose so long as that school demonstrates it is providing appropriate services to academically or intellectually gifted students assigned to that school in accordance with the local plan developed under G.S. 115C-150.7.~~

~~(9) Funds allocated in the Alternative Schools/At-Risk Student allotment shall be spent only for alternative learning programs, at-risk students, and school safety programs.~~

(10) Funds to carry out the elements of the Excellent Public Schools Act, which are contained in Sections 7A.1 and 7A.6 of S.L. 2012-142, shall not be transferred."

LOCAL FLEXIBILITY REGARDING CLASS SIZE

SECTION 2.2.(a) G.S. 115C-301 reads as rewritten:

"**§ 115C-301. Allocation of teachers; class size.**

(a) Request for Funds. – The State Board of Education, based upon the reports of local boards of education and such other information as the State Board may require from local boards, shall determine for each local school administrative unit the number of teachers and other instructional personnel to be included in the State budget request.

(b) Allocation of Positions. – The State Board of Education is authorized to adopt rules to allot instructional personnel and teachers, within funds appropriated.

(c) ~~Maximum~~ Class Size. – Local school administrative units shall have the maximum flexibility to use allotted teacher positions to maximize student achievement.~~The average class size for each grade span in a local school administrative unit shall at no time exceed the funded allotment ratio of teachers to students. At the end of the second school month and for the remainder of the school year, the size of an individual class shall not exceed the allotment ratio by more than three students. At no time may the General Assembly appropriate funds for higher unit-wide class averages than those for which State funds were provided during the 1984-85 school year.~~

~~(d) Maximum Teaching Load. – Students shall be assigned to classes so that from the 15th day of the school year through the end of the school year the number of students for whom teachers in grades 7 through 12 are assigned teaching responsibilities during the course of the day is no more than 150 students, except as provided in subsection (g) of this section.~~

~~(e) Alternative Maximum Class Sizes. – The State Board of Education, in its discretion, may set higher maximum class sizes and daily teaching loads for classes in music, physical education, and other similar subjects, so long as the effectiveness of the instructional programs in those areas is not thereby impaired.~~

(f) Second Month Reports. – At the end of the second month of each school year, each local board of education, through the superintendent, shall file a report for each school within the school unit with the State Board of Education. The report shall be filed in a format prescribed by the State Board of Education and shall include the organization for each school, the duties of each teacher, the size of each class, the teaching load of each teacher, and such other information as the State Board may require. ~~As of February 1 each year, local boards of education, through the superintendent, shall report all exceptions to individual class size and daily teaching load maximums that occur at that time.~~

(g) ~~Waivers and~~ Allotment Adjustments. – Local boards of education ~~shall report exceptions to the State Board of Education as provided in G.S. 115C-47(10), and shall request~~ may request allotment adjustments and ~~or waivers from the standards set out above. Within 45 days of receipt of reports,~~ the State Board of Education, within funds available, may allot additional positions.~~positions or grant waivers for the excess class size or daily load.~~

~~(1) If the exception resulted from (i) exceptional circumstances, emergencies, or acts of God, (ii) large changes in student population, (iii) organizational problems caused by remote geographic location, or (iv) classes organized for a solitary curricular area, and~~

~~(2) If the local board cannot organizationally correct the exception.~~

(h) State Board Rules. – The State Board of Education shall adopt rules necessary for the implementation of ~~class size and teaching load provisions.~~this section.

~~(i) Penalty for Noncompliance. – If the State Board of Education determines that a local superintendent has willfully failed to comply with the requirements of this section, no State funds shall be allocated to pay the superintendent's salary for the period of time the superintendent is in noncompliance.~~"

SECTION 2.2.(b) G.S. 115C-47(10) reads as rewritten:

"**§ 115C-47. Powers and duties generally.**

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...

(10) To Assure Appropriate Class Size. – It shall be the responsibility of local boards of education to assure that the teacher positions allotted by the State are used to maximize student achievement.~~class size and teaching load requirements set forth in G.S. 115C-301 are met. Any teacher who believes that the requirements of G.S. 115C-301 have not been met shall make a report to the principal and superintendent, and the superintendent shall immediately determine whether the requirements have in fact not been met. If the superintendent determines the requirements have not been met, he shall make a report to the next local board of education meeting. The local board of education shall take action to meet the requirements of the statute. If the local board cannot organizationally correct the exception and if any of the conditions set out in G.S. 115C-301(g)(1) exist, it shall immediately apply to the State Board of Education for additional personnel or a waiver of the class size requirements, as provided in G.S. 115C-301(g).~~

~~Upon notification from the State Board of Education that the reported exception does not qualify for an allotment adjustment or a waiver under provisions of G.S. 115C-301, the local board, within 30 days, shall take action necessary to correct the exception.~~

~~At the end of the second month of each school year, the local board of education, through the superintendent, shall file a report with the State Board of Education, in a format prescribed by the State Board of Education, describing the organization of each school, the duties of each teacher, the size of each class, and the teaching load of each teacher. As of February 1 each year, local boards of education, through the superintendent, shall report all exceptions to individual class size and daily teaching load maximums that exist at that time.~~

In ~~addition to assuring that the requirements of G.S. 115C-301 are met,~~addition, each local board of education shall also have the duty to provide an adequate number of ~~classrooms to meet the requirements of that statute.~~classrooms."

SECTION 2.2.(c) G.S. 115C-276(k) reads as rewritten:

"(k) To Submit Organization Reports and Other Information to the State Board. – Each year the superintendent of each local school administrative unit shall submit to the State Board of Education statistical reports, certified by the chairman of the board of education, showing the organization of the schools in his unit and any additional information the State Board may require. At the end of the second month of school each year, local boards of education, through the superintendent, shall report school organization, employees' duties, class sizes, and teaching loads to the State Board of ~~Education as provided in G.S. 115C-47(10).~~ Education.~~As of February 1 each year, local boards of education, through the superintendent, shall report all exceptions to individual class size and daily teaching load maximums that occur at that time.~~"

PART III. TRANSPARENCY OF REPORTING ON EXPENDITURES

SECTION 3.1. G.S. 115C-105.25 is amended by adding a new subsection to read:

"(c) To ensure that parents, educators, and the general public are informed on how State funds have been used to address local educational priorities, each local school administrative unit shall publish the following information on its Web site by October 15 of each year:

(1) A description of each program report code, written in plain English, and a summary of the prior fiscal year's expenditure of State funds within each program report code.

(2) A description of each object code within a program report code, written in plain English, and a summary of the prior fiscal year's expenditure of State funds for each object code.

(3) A description of each allotment transfer that increased or decreased the initial allotment amount by more than five percent (5%) and the educational priorities that necessitated the transfer."

PART IV. EFFECTIVE DATE

SECTION 4.1. This act becomes effective July 1, 2013.

HOUSE BILL 1089:
Candidacy Challenge/Expunged Felony/Sheriff.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 14, 2018
Introduced by:	Rep. Clampitt	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to First Edition H1089-CSST-61		

OVERVIEW: The proposed committee substitute for House Bill 1089 would do all of the following:

- ***Change the burden of proof in certain candidate challenges from the candidate to the challenger.***
- ***Clarify that conviction of a felony includes any expunctions for individuals holding or seeking the office of Sheriff, in accordance with Article VII, Sec. 2 of the North Carolina Constitution.***
- ***Clarify intent to defraud is needed when a felon attempts to vote without their rights of citizenship being restored.***

CURRENT LAW & BILL ANALYSIS:

Section 1. Candidate Challenges. Under Part 3 of Article 19 of Chapter 163A of the General Statutes, any qualified voter of the district may bring a challenge to a candidate's qualifications for office. Grounds for filing a challenge are that the candidate does not meet the constitutional or statutory qualifications for the office, including residency. The burden of proof is upon the candidate, who must show by a preponderance of the evidence of the record as a whole that he or she is qualified to be a candidate for the office. If the challenge is on a question of residency, the candidate must show all of the following:

(1) An actual abandonment of the first domicile, coupled with an intent not to return to the first domicile.
(2) The acquisition of a new domicile by actual residence at another place.
(3) The intent of making the newer domicile a permanent domicile.

The PCS would change the burden of proof to the challenger, the qualified voter of the district filing the candidate challenge, for all grounds except residency. Effective when it becomes law, and applies to candidate challenges

Section 2. Sheriff's Qualifications for Office. The North Carolina Constitution sets for the qualifications for elective office in this State. For the office of Sheriff, the qualifications are:

- Qualified voter of the county. Article VI, Sec. 6 and Sec. 8

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Be 21 years of age. Article VI, Sec. 6
- Not have been convicted of a felony against this State, the United States, or another state, whether or not that person has been restored to the rights of citizenship. Article VII, Sec. 2

With respect to felony convictions, convicted of a felony includes the entry of a plea of guilty; a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or a plea of no contest, nolo contendere, or the equivalent.

Under G.S. 163A-972, all candidates for office must disclose if that individual has ever been convicted of a felony. If the answer is yes, the candidate must also disclose the details of the offense, and the date the candidate's rights of citizenship were restored. This disclosure is a sworn statement, and is a public record. It is a Class I felony to complete the form knowing that information as to felony conviction or restoration of citizenship is untrue.

Under G.S. 15A-153(b), no person who has been granted an expunction can be held guilty of perjury or otherwise giving a false statement by reason of that person's failure to recite or acknowledge any expunged arrest, apprehension, charge, indictment, information, trial, or conviction in response to any inquiry made of him or her, unless he or she is seeking certification, or holding a certification, as a law enforcement officer.

Effective when the act becomes law, and applying to appointments or elections on or after that date, the PCS would update the statutory provision stating the disqualifications for the office of Sheriff to mirror the constitutional provisions, and specifically state the expunctions for felonies must be disclosed as well as other felony convictions.

The PCS would require candidates for the office of Sheriff to disclose, at the time of the notice of candidacy any felony expunctions, notwithstanding the general law. The PCS would also allow a county board of elections and the State Board of Elections and Ethics Enforcement to receive the confidential expunction file from the Administrative Office of the Courts, and disclose that information about a candidate as needed.

Section 3. Voting with a Felony Conviction. It is a Class I felony for anyone convicted of a crime which excludes the person from the right of suffrage, to vote at any primary or election without having been restored to the right of citizenship.

The PCS would clarify that this crime require intent to commit a fraud, effective December 1, 2018 and applies to offenses on or after that date.

EFFECTIVE DATE: Except as otherwise provided, effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 1089
PROPOSED COMMITTEE SUBSTITUTE H1089-CSST-61 [v.4]

06/13/2018 11:40:22 PM

Short Title: Candidacy Challenge/Expunged Felony/Sheriff. (Public)

Sponsors:

Referred to:

June 11, 2018

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE BURDEN OF PROOF IN CERTAIN CHALLENGES TO CANDIDACY BE PLACED ON THE CHALLENGER UNDER THE LAWS GOVERNING ELECTIONS; TO REQUIRE A CANDIDATE FOR SHERIFF TO DISCLOSE ALL EXPUNGED FELONIES; AND TO CLARIFY FELONS VOTING WITHOUT RIGHTS OF CITIZENSHIP RESTORED.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163A-1029(a) reads as rewritten:

"(a) ~~The~~ Except for a challenge based on residency as provided in subsection (b) of this section, the burden of proof shall be upon the ~~candidate,~~challenger, who must show by a preponderance of the evidence of the record as a whole that ~~he or she is~~the candidate is not qualified to be a candidate for the office."

SECTION 1.(b) This act is effective when it becomes law and applies to challenges to candidacy on or after that date.

SECTION 2.(a) G.S. 162-2 reads as rewritten:

"**§ 162-2. Disqualifications for the office.**

(a) No person shall be eligible for the office of sheriff who

(1) ~~is~~Is not of the age of 21 ~~years,~~years.

(2) Has been convicted of a felony against this State, the United States, or another state, including an expunction of any felony.

(3) ~~or has~~Has not resided in the county in which ~~he~~ that person is chosen for one year immediately preceding ~~his~~ the election.

(b) Notwithstanding Article 5 of Chapter 15A of the General Statutes, any individual seeking election, or appointment for a vacancy, to the office of sheriff, shall disclose all felony convictions in accordance with G.S. 163A-972, regardless of whether or not a conviction was expunged. This section shall not apply to pardons of innocence or judicial determinations of actual innocence.

(c) No person shall engage in the practice of law or serve as a member of the General Assembly while serving as sheriff."

SECTION 2.(b) G.S. 163A-972 is amended by adding a new subsection to read:

"(f) Sheriff Candidates – Expunction Disclosure. – In addition to all disclosures under subsection (e) of this section, a candidate for the office of sheriff shall disclose all expunctions under G.S. 15A-145.1, 15A-145.4, 15A-145.5, and 15A-145.6, except for a felony expungement that is the result of a pardon of innocence or a judicial determination of actual innocence."

SECTION 2.(c) G.S. 15A-151 reads as rewritten:

"**§ 15A-151. Confidential agency files; exceptions to expunction.**

(a) The Administrative Office of the Courts shall maintain a confidential file for expungements containing the petitions granted under this Article and the names of those people for whom it received a notice under G.S. 15A-150. The information contained in the file may be disclosed only as follows:

(1) Upon request of a judge of the General Court of Justice of North Carolina for the purpose of ascertaining whether a person charged with an offense has been previously granted a discharge or an expunction.

(2) Upon request of a person requesting confirmation of the person's own discharge or expunction.

(3) To the General Court of Justice of North Carolina in response to a subpoena or other court order issued pursuant to a civil action under G.S. 15A-152.

(4) Upon request of State or local law enforcement, if the criminal record was expunged pursuant to G.S. 15A-145.4, 15A-145.5, or 15A-145.6 for employment purposes only.

(5) Upon the request of the North Carolina Criminal Justice Education and Training Standards Commission, if the criminal record was expunged pursuant to G.S. 15A-145.4, 15A-145.5, or 15A-145.6 for certification purposes only.

(6) Upon request of the North Carolina Sheriff's Standards Commission, if the criminal record was expunged pursuant to G.S. 15A-145.4, 15A-145.5, or 15A-145.6 for certification purposes only.

(7) To the district attorney in accordance with G.S. 15A-151.5.

(8) To a county board of elections or the State Board of Elections and Ethics Enforcement, if a candidate challenge is filed under Part 3 of Article 19 of Chapter 163A of the General Statutes.

(b) All agencies required under G.S. 15A-150 to expunge from records all entries made as a result of a charge or conviction ordered expunged who maintain a licensing agreement to provide record information to a private entity shall maintain a confidential file containing information verifying the expunction and subsequent notification to private entities as required by G.S. 15A-150(d). The information contained in the file shall be disclosed only to a person requesting confirmation of expunction of the record of the person's own discharge or expunction, as provided in G.S. 15A-152.

(c) The Division of Motor Vehicles shall not be required to expunge a record if the expunction of the record is expressly prohibited by the federal Commercial Motor Vehicle Safety Act of 1986, the federal Motor Carrier Safety Improvement Act of 1999, or regulations adopted pursuant to either act.

(d) The information contained in the confidential file disclosed under subdivision (a)(8) of this section may be disclosed to the public at the discretion of the county board of elections or State Board of Elections and Ethics Enforcement."

SECTION 2.(d) G.S. 15A-153(e) reads as rewritten:

"(e) [Exceptions. –] The provisions of subsection (d) of this section do not apply to any individual seeking or holding the office of sheriff, or to any applicant or licensee seeking or holding any certification issued by the North Carolina Criminal Justice Education and Training Standards Commission pursuant to Chapter 17C of the General Statutes or the North Carolina Sheriffs Education and Training Standards Commission pursuant to Chapter 17E of the General Statutes:

(1) Convictions expunged pursuant to G.S. 15A-145.4. – Persons pursuing certification under the provisions of Chapter 17C or 17E of the General Statutes shall disclose any and all felony convictions to the certifying Commission regardless of whether or not the felony convictions were expunged pursuant to the provisions of G.S. 15A-145.4.

(2) Convictions expunged pursuant to G.S. 15A-145.5. – Persons pursuing certification under the provisions of Chapter 17C or 17E of the General Statutes shall disclose any and all convictions to the certifying Commission regardless of whether or not the convictions were expunged pursuant to the provisions of G.S. 15A-145.5."

SECTION 2.(e) This section becomes effective when it becomes law, and applies to elections held on or after that date and to the filling of vacancies occurring on or after that date.

SECTION 3.(a) G.S. 163A-1389 reads as rewritten:

"**§ 163A-1389. Certain acts declared felonies.**

Any person who shall, in connection with any primary, general or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

...

(5) For any person convicted of a crime which excludes the person from the right of suffrage, to vote with intent to commit a fraud at any primary or election without having been restored to the right of citizenship in due course and by the method provided by law.

..."

SECTION 3.(b) This act becomes effective December 1, 2018, and applies to offenses committed on or after that date.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 1089

Short Title:	Change Burden of Proof/Candidacy Challenge.	(Public)
Sponsors:	Representative Clampitt. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Elections and Ethics Law	

June 11, 2018

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE BURDEN OF PROOF IN CERTAIN CHALLENGES TO CANDIDACY BE PLACED ON THE CHALLENGER UNDER THE LAWS GOVERNING ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1029(a) reads as rewritten:

"(a) ~~The~~ Except for a challenge based on residency as provided in subsection (b) of this section, the burden of proof shall be upon the ~~candidate~~challenger, who must show by a preponderance of the evidence of the record as a whole that ~~he or she is~~the candidate is not qualified to be a candidate for the office."

SECTION 2. This act is effective when it becomes law and applies to challenges to candidacy on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1089

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1089-ABK-104 [v.1]

Amends Title [YES]
H1089-CSST-61 v.4

Date _____ ,2018

Representative Jackson

moves to amend the bill on page 1, line 5, by deleting "AND";

and on page 1, line 6, by rewriting the line to read:

"WITHOUT RIGHTS OF CITIZENSHIP RESTORED; AND TO REQUEST THE GENERAL ASSEMBLY STUDY THE REGULATION OF DIGITAL COMMUNICATION IN ELECTIONEERING COMMUNICATIONS AND ADVERTISING DISCLOSURES."

page 3, lines 20-21, by inserting the following between the lines:

"**SECTION 3.5.** The Joint Legislative Elections Oversight Committee is requested to study the regulation of digital communication in electioneering communications and advertising disclosures. The Joint Legislative Elections Oversight Committee is requested to present its final report to the 2019 General Assembly, including any recommended legislation, on or before January 1, 2019.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1089

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

H1089-AST-145 [v.1]

Amends Title [NO]
H1089-CSST-61 v4

Date _____ ,2018

Representative Floyd

moves to amend the bill on page 2, lines 38-39,

by deleting "at the discretion of the county board of elections or State Board of Elections and Ethics Enforcement.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

permissive on disclosure, but strikes discretionary language

H1089-AST-145-V-1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 750*
Health Care Committee Substitute Adopted 6/12/18
Third Edition Engrossed 6/13/18

Short Title: Health-Local Confinement/Vet. Controlled Sub. (Public)

Sponsors:

Referred to:

May 29, 2018

A BILL TO BE ENTITLED

AN ACT TO ADDRESS HEALTH ISSUES IN LOCAL CONFINEMENT FACILITIES AND TO ENSURE THAT STATE PRISONS ARE FULL PARTICIPANTS IN THE NC HEALTH INFORMATION EXCHANGE KNOWN AS NC HEALTHCONNEX, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES; TO AMEND THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES REPORTING SYSTEM PERTAINING TO THE PRACTICE OF VETERINARY MEDICINE; TO REQUIRE CONTINUING EDUCATION FOR VETERINARIANS ON ABUSE OF CONTROLLED SUBSTANCES; AND TO INCLUDE THE NORTH CAROLINA VETERINARY MEDICAL BOARD ON THE PRESCRIPTION DRUG ABUSE ADVISORY COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-225 reads as rewritten:

"**§ 153A-225. Medical care of prisoners.**

(a) Each unit that operates a local confinement facility shall develop a plan for providing medical care for prisoners in the facility. The plan:

(1) Shall be designed to protect the health and welfare of the prisoners and to avoid the spread of contagious disease;

(2) Shall provide for medical supervision of prisoners and emergency medical care for prisoners to the extent necessary for their health and welfare;

(3) Shall provide for the detection, examination and treatment of prisoners who are infected with tuberculosis or venereal diseases; and

(4) May utilize Medicaid coverage for inpatient hospitalization or for any other Medicaid services allowable for eligible prisoners, provided that the plan includes a reimbursement process which pays to the State the State portion of the costs, including the costs of the services provided and any administrative costs directly related to the services to be reimbursed, to the State's Medicaid program.

The unit shall develop the plan in consultation with appropriate local officials and organizations, including the sheriff, the county physician, the local or district health director, and the local medical society. The plan must be approved by the local or district health director after consultation with the area mental health, developmental disabilities, and substance abuse authority, if it is adequate to protect the health and welfare of the prisoners. Upon a determination

that the plan is adequate to protect the health and welfare of the prisoners, the plan must be adopted by the governing body.

As a part of its plan, each unit may establish fees of not more than twenty dollars ($20.00) per incident for the provision of nonemergency medical care to prisoners and a fee of not more than ten dollars ($10.00) for a 30-day supply or less of a prescription drug. In establishing fees pursuant to this section, each unit shall establish a procedure for waiving fees for indigent prisoners.

(b) If a prisoner in the custody of a local confinement facility dies, the medical examiner and the coroner shall be notified ~~immediately.~~ immediately, regardless of the physical location of the prisoner at the time of death. Within five days after the day of the death, the administrator of the facility shall make a written report to the local or district health director and to the Secretary of Health and Human Services. The report shall be made on forms developed and distributed by the Department of Health and Human Services.

(b1) Whenever a local confinement facility transfers a prisoner from that facility to another local confinement facility, the transferring facility shall provide the receiving facility with any health information or medical records the transferring facility has in its possession pertaining to the transferred prisoner.

(c) If a person violates any provision of this section (including the requirements regarding G.S. 130-97 and 130-121), he is guilty of a Class 1 misdemeanor."

SECTION 2. Consistent with the requirements of G.S. 153A-216(3) and G.S. 153A-221, the Department of Health and Human Services shall study how to improve prisoner health screening with a goal of improving the determination that a prisoner in a local confinement facility has been prescribed life-saving prescription medications and a process to ensure the timely administration of those prescription medications by appropriate personnel. On or before November 1, 2018, the Department shall provide a report on this study to the Joint Legislative Oversight Committee on Health and Human Services.

SECTION 3.(a) The Department of Health and Human Services and the Government Data Analytics Center within the Department of Information Technology shall jointly collaborate with organizations representing local government and local law enforcement to explore participation by local confinement facilities in the North Carolina Health Information Exchange Network (HIE Network), known as NC HealthConnex, in order to facilitate the secure electronic transmission of individually identifiable health information pertaining to prisoners in the custody of local confinement facilities.

SECTION 3.(b) The Department of Public Safety, the Department of Health and Human Services, and the Government Data Analytics Center within the Department of Information Technology shall work collaboratively to ensure North Carolina prison facilities are full participants in the HIE Network, known as NC HealthConnex, in order to facilitate the secure electronic transmission of individually identifiable health information pertaining to inmates in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

SECTION 3.(c) On or before October 1, 2018, the Department of Health and Human Services and the Government Data Analytics Center within the Department of Information Technology shall provide an interim report to the Joint Legislative Oversight Committee on Health and Human Services on the actions required by this section. On or before October 1, 2019, the Department of Health and Human Services and the Government Data Analytics Center within the Department of Information Technology shall provide a final report to the Joint Legislative Oversight Committee on Health and Human Services on the actions required by this section.

SECTION 4. G.S. 90-113.74C reads as rewritten:

"**§ 90-113.74C. Practitioner use of controlled substances reporting system; mandatory reporting of violations.**

(a) Prior to initially prescribing a targeted controlled substance to a patient, a practitioner shall review the information in the controlled substances reporting system pertaining to the patient for the 12-month period preceding the initial prescription. For every subsequent three-month period that the targeted controlled substance remains a part of the patient's medical care, the practitioner shall review the information in the controlled substances reporting system pertaining to the patient for the 12-month period preceding the determination that the targeted controlled substance should remain a part of the patient's medical care. Each instance in which the practitioner reviews the information in the controlled substances reporting system pertaining to the patient shall be documented in the patient's medical record. In the event the practitioner is unable to review the information in the controlled substances reporting system pertaining to the patient because the system is not operational or there is some other temporary electrical or technological failure, this inability shall be documented in the patient's medical record. Once the electrical or technological failure has been resolved, the practitioner shall review the information in the controlled substances reporting system pertaining to the patient and the review shall be documented in the patient's medical record.

(b) A practitioner may, but is not required to, review the information in the controlled substances reporting system pertaining to a patient prior to prescribing a targeted controlled substance to the patient in any of the following circumstances:

(1) The controlled substance is to be administered to a patient in a health care setting, hospital, nursing home, outpatient dialysis facility, or residential care facility, as defined in G.S. 14-32.2.

(2) The controlled substance is prescribed for the treatment of cancer or another condition associated with cancer.

(3) The controlled substance is prescribed to a patient in hospice care or palliative care.

(c) The Department shall conduct periodic audits of the review of the controlled substances reporting system by prescribers. The Department shall determine a system for selecting a subset of prescriptions to examine during each auditing period. The Department shall report to the appropriate licensing board any prescriber found to be in violation of this section. A violation of this section may constitute cause for the licensing board to suspend or revoke a prescriber's license.

(d) For purposes of this section, a "practitioner" does not include a person licensed to practice veterinary medicine pursuant to Article 11 of Chapter 90 of the General Statutes."

SECTION 5. G.S. 90-106(a1) reads as rewritten:

"(a1) Electronic Prescription Required; Exceptions. – Unless otherwise exempted by this subsection, a practitioner shall electronically prescribe all targeted controlled substances. This subsection does not apply to prescriptions for targeted controlled substances issued by any of the following:

(1) A practitioner, other than a pharmacist, who dispenses directly to an ultimate user.

(2) A practitioner who orders a controlled substance to be administered in a hospital, nursing home, hospice facility, outpatient dialysis facility, or residential care facility, as defined in G.S. 14-32.2.

(3) A practitioner who experiences temporary technological or electrical failure or other extenuating circumstance that prevents the prescription from being transmitted electronically; provided, however, that the practitioner documents the reason for this exception in the patient's medical record.

(4) A practitioner who writes a prescription to be dispensed by a pharmacy located on federal property; provided, however, that the practitioner documents the reason for this exception in the patient's medical record.

(5) A person licensed to practice veterinary medicine pursuant to Article 11 of Chapter 90 of the General Statutes. A person licensed to practice veterinary medicine pursuant to Article 11 of Chapter 90 of the General Statutes may continue to prescribe targeted controlled substances from valid written, oral, or facsimile prescriptions that are otherwise consistent with applicable laws."

SECTION 6. G.S. 90-113.73 reads as rewritten:

"**§ 90-113.73. Requirements for controlled substances reporting system; civil penalties for failure to properly report.**

(a) The Department shall establish and maintain a reporting system of prescriptions for all Schedule II through V controlled substances. Each dispenser shall submit the information in accordance with transmission methods and frequency established by rule by the Commission. The Department may issue a waiver to a dispenser who is unable to submit prescription information by electronic means. The waiver may permit the dispenser to submit prescription information by paper form or other means, provided all information required of electronically submitted data is submitted. The dispenser shall report the information required under this section no later than the close of the next business day after the prescription is delivered; however, dispensers are encouraged to report the information no later than 24 hours after the prescription was delivered. The information shall be submitted in a format as determined annually by the Department based on the format used in the majority of the states operating a controlled substances reporting system. In the event the dispenser is unable to report the information within the time frame required by this section because the system is not operational or there is some other temporary electrical or technological failure, this inability shall be documented in the dispenser's records. Once the electrical or technological failure has been resolved, the dispenser shall promptly report the information.

(b) The Commission shall adopt rules requiring dispensers to report the following information. The Commission may modify these requirements as necessary to carry out the purposes of this Article. The dispenser shall report:

(1) The dispenser's DEA number.

(2) The name of the patient for whom the controlled substance is being dispensed, and the patient's:

a. Full address, including city, state, and zip code,

b. Telephone number, and

c. Date of birth.

(3) The date the prescription was written.

(4) The date the prescription was filled.

(5) The prescription number.

(6) Whether the prescription is new or a refill.

(7) Metric quantity of the dispensed drug.

(8) Estimated days of supply of dispensed drug, if provided to the dispenser.

(9) National Drug Code of dispensed drug.

(10) Prescriber's DEA number.

(11) Method of payment for the prescription.

(c) A dispenser shall not be required to report instances in which a controlled substance is provided directly to the ultimate user and the quantity provided does not exceed a 48-hour supply.

(d) A dispenser shall not be required to report instances in which a Schedule V non-narcotic, non-anorectic Schedule V controlled substance is provided directly to the ultimate user for the purpose of assessing a therapeutic response when prescribed according to indications approved by the United States Food and Drug Administration.

(e) The Department shall assess, against any pharmacy that employs dispensers found to have failed to report information in the manner required by this section within a reasonable period

of time after being informed by the Department that the required information is missing or incomplete, a civil penalty of not more than one hundred dollars ($100.00) for a first violation, two hundred fifty dollars ($250.00) for a second violation, and five hundred dollars ($500.00) for each subsequent violation if the pharmacy fails to report as required under this section, up to a maximum of five thousand dollars ($5,000) per pharmacy per calendar year. Each day of a continuing violation shall constitute a separate violation. A pharmacy acting in good faith that attempts to report the information required by this section shall not be assessed any civil penalty. The clear proceeds of penalties assessed under this section shall be deposited to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the General Statutes. The Commission shall adopt rules to implement this subsection that include factors to be considered in determining the amount of the penalty to be assessed.

(f) For purposes of this section, a "dispenser" includes a person licensed to practice veterinary medicine pursuant to Article 11 of Chapter 90 of the General Statutes when that person dispenses any Schedule II through V controlled substances. Notwithstanding subsection (b) of this section, the Commission shall adopt rules requiring the information to be reported by a person licensed to practice veterinary medicine pursuant to Article 11 of Chapter 90 of the General Statutes.

(g) A person licensed to practice veterinary medicine pursuant to Article 11 of Chapter 90 of the General Statutes may submit prescription information by paper form or other means, provided all information required of electronically submitted data is submitted."

SECTION 7. G.S. 90-106 reads as rewritten:

"**§ 90-106. Prescriptions and labeling.**

...

(a3) Limitation on Prescriptions Upon Initial Consultation for Acute Pain. – A practitioner may not prescribe more than a five-day supply of any targeted controlled substance upon the initial consultation and treatment of a patient for acute pain, unless the prescription is for post-operative acute pain relief for use immediately following a surgical procedure. A practitioner shall not prescribe more than a seven-day supply of any targeted controlled substance for post-operative acute pain relief immediately following a surgical procedure. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new prescription for a targeted controlled substance. This subsection does not apply to prescriptions for controlled substances issued by a practitioner who orders a controlled substance to be wholly administered in a hospital, nursing home licensed under Chapter 131E of the General Statutes, hospice facility, or residential care facility, as defined in G.S. 14-32.2(c1). This subsection does not apply to prescriptions for controlled substances issued by a practitioner who orders a controlled substance to be wholly administered in an emergency facility, veterinary hospital, or animal hospital, as defined in G.S. 90-181.1. A practitioner who acts in accordance with the limitation on prescriptions as set forth in this subsection shall be immune from any civil liability or disciplinary action from the practitioner's occupational licensing agency for acting in accordance with this subsection.

(a4) Definitions. – As used in this subsection, the following terms have the following meanings:

(1) Acute pain. – Pain, whether resulting from disease, accident, intentional trauma, or other cause, that the practitioner reasonably expects to last for three months or less. The term does not include chronic pain or pain being treated as part of cancer care, hospice care, palliative care, or medication-assisted treatment for substance use disorder. The term does not include pain being treated as part of cancer care, hospice care, or palliative care provided by a person licensed to practice veterinary medicine pursuant to Article 11 of Chapter 90 of the General Statutes.

(2) Chronic pain. – Pain that typically lasts for longer than three months or that lasts beyond the time of normal tissue healing.

(3) Surgical procedure. – A procedure that is performed for the purpose of structurally altering the human body by incision or destruction of tissues as part of the practice of ~~medicine.~~medicine or a procedure that is performed for the purpose of structurally altering the animal body by incision or destruction of tissues as part of the practice of veterinary medicine. This term includes the diagnostic or therapeutic treatment of conditions or disease processes by use of instruments such as lasers, ultrasound, ionizing, radiation, scalpels, probes, or needles that cause localized alteration or transportation of live human ~~tissue~~ tissue, or live animal tissue in the practice of veterinary medicine, by cutting, burning, vaporizing, freezing, suturing, probing, or manipulating by closed reduction for major dislocations and fractures, or otherwise altering by any mechanical, thermal, light-based, electromagnetic, or chemical means.

...."

SECTION 8. Section 12F.16(b) of S.L. 2015-241 reads as rewritten:

"**SECTION 12F.16.(b)** The following health care provider occupational licensing boards shall require continuing education on the abuse of controlled substances as a condition of license renewal for health care providers who prescribe controlled substances:

(1) North Carolina Board of Dental Examiners.
(2) North Carolina Board of Nursing.
(3) North Carolina Board of Podiatry Examiners.
(4) North Carolina Medical Board.
(5) North Carolina Veterinary Medical Board."

SECTION 9. Section 12F.16(m) of S.L. 2015-241, as amended by Section 4.5 of S.L. 2015-268, reads as rewritten:

"**SECTION 12F.16.(m)** There is hereby created the Prescription Drug Abuse Advisory Committee, to be housed in and staffed by the Department of Health and Human Services (DHHS). The Committee shall develop and, through its members, implement a statewide strategic plan to combat the problem of prescription drug abuse. The Committee shall include representatives from the following, as well as any other persons designated by the Secretary of Health and Human Services:

(1) The Division of Medical Assistance, DHHS.
(2) The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, DHHS.
(3) The Division of Public Health, DHHS.
(4) The Office of Rural Health, DHHS.
(5) The State Bureau of Investigation.
(6) The Attorney General's Office.
(7) The following health care regulatory boards with oversight of prescribers and dispensers of prescription drugs:
    a. North Carolina Board of Dental Examiners.
    b. North Carolina Board of Nursing.
    c. North Carolina Board of Podiatry Examiners.
    d. North Carolina Medical Board.
    e. North Carolina Board of Pharmacy.
    f. North Carolina Veterinary Medical Board.
(8) The UNC Injury Prevention Research Center.
(9) The substance abuse treatment community.
(10) Governor's Institute on Substance Abuse, Inc.
(11) The Department of Insurance's drug take-back program.

After developing the strategic plan, the Committee shall be the State's steering committee to monitor achievement of strategic objectives and receive regular reports on progress made toward reducing prescription drug abuse in North Carolina."

SECTION 10. Section 5 of this act becomes effective January 1, 2020. Section 6 of this act becomes effective January 1, 2019. G.S. 90-113.73(g), as enacted by Section 6 of this act, expires effective October 1, 2019. Section 8 of this act is effective when it becomes law and applies to renewal applications received in 2020. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-ASU-50 [v.1]

Amends Title [YES]
Third Edition

Date _____ ,2018

Representative Wray

moves to amend the bill on page 1, line 10, by deleting "AND";

and on page 1, line 12, by rewriting the line to read:

"ABUSE ADVISORY COMMITTEE; AND TO AMEND THE SPECIFIED PORTION OF HIGHWAY DESIGNATED AS THE SENATOR WENDELL HOLMES MURPHY, SR. FREEWAY.";

and on page 7, lines 3-4, by inserting the following between the lines:

"**SECTION 9.5.** Section 35.28(a) of S.L. 2016-94 reads as rewritten:

"**SECTION 35.28.(a)** Notwithstanding G.S. 136-18(8) and any other State law to the contrary, the Department of Transportation shall designate the portion of Interstate 40 in North Carolina from mile marker ~~385~~380 to mile marker ~~390~~385 the "Senator Wendell Holmes Murphy, Sr. Freeway."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

S750-ASU-50-V-1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-AMCf-53 [v.1]

Amends Title [NO]
Third Edition

Date _____ ,2018

Representative Dollar

moves to amend the bill on page 7 lines 3-4, by inserting between the lines the following language to read:

"**SECTION 9.5.** Section 38.9(b) of S.L. 2018-5 reads as rewritten:

"**SECTION 38.9.(b)** This section is effective for taxes imposed for taxable years beginning on or after July 1, ~~2018.~~2017."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-ATU-44 [v.1]

Amends Title [YES]
Third Edition

Date _____,2018

Representative Dollar

moves to amend the bill on page 2, lines 47-48, by inserting the following between the lines:

"**SECTION 3.1.(a)** Section 35.21 of S.L. 2018-5, as amended by Section 8.2.(a) of Senate Bill 335, 2017 Regular Session, if it becomes law, reads as rewritten:

"**SECTION 35.21.(a)** Effective July 1, 2018, the annual salaries of all State employees employed in positions based in State adult correctional facilities in effect on June 30, 2018, shall be legislatively increased by four percent (4%).~~Correctional Officers and other staff certified by the Criminal Justice Education and Training Standards Commissionin the Department of Public Safety, Division of Adult Correction (Division), in effect on June 30, 2018, shall be legislatively increased by four percent (4%). Employees in the following positions are eligible to receive the increases provided by this section:~~

~~(1) Correctional officers.~~
~~(2) Custody supervisors.~~
~~(3) Prison facility administrators.~~
~~(4) Food service officers and managers.~~
~~(5) Case managers.~~
~~(6) Correctional Programs personnel.~~

~~**SECTION 35.21.(a1)** Effective July 1, 2018, the annual salaries of facility maintenance and technician personnel in the Division budgeted in Fund Code 14550-1310, in effect on June 30, 2018, shall be legislatively increased by four percent (4%).~~

SECTION 35.21.(a2) The budgeted salaries of vacant positions in the categories listed above are eligible to receive the four percent (4%) increase and the budgeted salaries shall be adjusted accordingly. There is appropriated from the General Fund to the Department of Public Safety, Division of Adult Correction, the sum of ~~one million two hundred forty-seven thousand four hundred eighty-eight dollars ($1,247,488)~~ four million eight hundred thirteen thousand one hundred eighty-four dollars ($4,813,184) for the 2018-2019 fiscal year to support these increases.

SECTION 35.21.(b) The Division shall establish the following minimum salaries for Correctional Officer position classifications, effective July 1, 2018:

(1) Correctional Officer I – $33,130.
(2) Correctional Officer II – $34,220.
(3) Correctional Officer III – $36,598."".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-ATU-44 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-ABP-4 [v.3]

Amends Title [YES]
Third Edition

Date _____,2018

Representative Stevens

moves to amend the bill on page 1, line 6, by rewriting the line to read:

"HEALTH AND HUMAN SERVICES; TO AMEND THE DUTIES OF LAW ENFORCEMENT OFFICERS PERTAINING TO INVOLUNTARY COMMITMENT; TO AMEND THE NORTH CAROLINA";

and to amend the bill on page 2, lines 47-48, by inserting the following between the lines:

"**SECTION 3.2.(a)** If Senate Bill 630, 2018 Regular Session, becomes law, then G.S. 122C-263(a), as enacted by Section 24 of that bill, read as rewritten:

"(a) Without unnecessary delay after assuming custody, the law enforcement officer or the individual designated ~~by the clerk or magistrate under G.S. 122C-251(g)~~ required to provide transportation pursuant to G.S. 122C-251(g) shall take the respondent to ~~an area~~ a facility ~~for examination by a physician or eligible psychologist. if a physician or eligible psychologist.~~ or other location identified by the LME/MCO in the community crisis services plan adopted pursuant to G.S. 122C-202.2 that has an available commitment examiner and is capable of performing a first examination in conjunction with a health screening at the same location, unless circumstances indicate the respondent appears to be suffering a medical emergency in which case the law enforcement officer will seek immediate medical assistance for the respondent. If a commitment examiner is not ~~available in the area facility,~~available, whether on-site, on-call, or via telemedicine, at any facility or location, or if a plan has not been adopted, the person designated to provide transportation shall take the respondent to an alternative non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location. If no non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location for health screening and first examination exists, the person designated to provide transportation shall take the respondent to ~~any physician or eligible psychologist locally available.~~a private hospital or clinic, a general hospital, an acute care hospital, or a State facility for the mentally ill. If a ~~physician or eligible psychologist~~ commitment examiner is not immediately ~~available~~ available, the respondent may be temporarily detained in an area facility, if one is available; if an area facility is not available, the respondent may be detained under appropriate supervision in the respondent's home, in a private hospital or a clinic, in a general hospital, or in a State facility for the mentally

ill, but not in a jail or other penal facility. For the purposes of this section, "non-hospital provider" means an outpatient provider that provides either behavioral health or medical services.";

"SECTION 3.2.(b) If Senate Bill 630, 2018 Regular Session, becomes law, then G.S. 122C-283(a), as enacted by Section 34 of that bill, read as rewritten:

"(a) Without unnecessary delay after assuming custody, the ~~law enforcement~~ law enforcement officer or the individual designated ~~by the clerk or magistrate~~ or required to provide transportation under G.S. 122C-251(g) ~~to provide transportation~~ shall take the respondent to ~~an area~~ a facility ~~for examination by a physician or eligible psychologist if a physician or eligible psychologist is not available in the area facility, he shall take the respondent to any physician or eligible psychologist locally available.~~ or other location identified by the LME/MCO in the community crisis services plan adopted pursuant to G.S. 122C-202.2 that has an available commitment examiner and is capable of performing a first examination in conjunction with a health screening in the same location, unless circumstances indicate the respondent appears to be suffering a medical emergency in which case the law enforcement officer will seek immediate medical assistance for the respondent. If a commitment examiner is not available, whether on-site, on-call, or via telemedicine, at any facility or location, or if a plan has not been adopted, the person designated to provide transportation shall take the respondent to an alternative non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location. If no non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location, the person designated to provide transportations shall take the respondent to a private hospital or clinic, a general hospital, an acute care hospital, or a State facility for the mentally ill. If a ~~physician or eligible psychologist~~ commitment examiner is not immediately available, the respondent may be temporarily detained in an area facility if one is available; if an area facility is not available, he may be detained under appropriate supervision, in his home, in a private hospital or a clinic, or in a general hospital, but not in a jail or other penal facility. For the purposes of this section, "non-hospital provider" means an outpatient provider that provides either behavioral health or medical services.";

"SECTION 3.2.(c) This section becomes effective October 1, 2019, and applies to proceedings initiated on or after that date."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-AMCf-53 [v.1]

Amends Title [NO]
Third Edition

Date _____,2018

Representative Dollar

moves to amend the bill on page 7 lines 3-4, by inserting between the lines the following language to read:

"**SECTION 9.5.** Section 38.9(b) of S.L. 2018-5 reads as rewritten:

"**SECTION 38.9.(b)** This section is effective for taxes imposed for taxable years beginning on or after July 1, ~~2018.~~2017."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-ATU-44 [v.1]

Amends Title [YES]
Third Edition

Date _____,2018

Representative Dollar

moves to amend the bill on page 2, lines 47-48, by inserting the following between the lines:

"**SECTION 3.1.(a)** Section 35.21 of S.L. 2018-5, as amended by Section 8.2.(a) of Senate Bill 335, 2017 Regular Session, if it becomes law, reads as rewritten:

"**SECTION 35.21.(a)** Effective July 1, 2018, the annual salaries of all State employees employed in positions based in State adult correctional facilities in effect on June 30, 2018, shall be legislatively increased by four percent (4%).~~Correctional Officers and other staff certified by the Criminal Justice Education and Training Standards Commissionin the Department of Public Safety, Division of Adult Correction (Division), in effect on June 30, 2018, shall be legislatively increased by four percent (4%). Employees in the following positions are eligible to receive the increases provided by this section:~~

~~(1) Correctional officers.~~
~~(2) Custody supervisors.~~
~~(3) Prison facility administrators.~~
~~(4) Food service officers and managers.~~
~~(5) Case managers.~~
~~(6) Correctional Programs personnel.~~

~~**SECTION 35.21.(a1)** Effective July 1, 2018, the annual salaries of facility maintenance and technician personnel in the Division budgeted in Fund Code 14550-1310, in effect on June 30, 2018, shall be legislatively increased by four percent (4%).~~

SECTION 35.21.(a2) The budgeted salaries of vacant positions in the categories listed above are eligible to receive the four percent (4%) increase and the budgeted salaries shall be adjusted accordingly. There is appropriated from the General Fund to the Department of Public Safety, Division of Adult Correction, the sum of ~~one million two hundred forty-seven thousand four hundred eighty-eight dollars ($1,247,488)~~ four million eight hundred thirteen thousand one hundred eighty-four dollars ($4,813,184) for the 2018-2019 fiscal year to support these increases.

SECTION 35.21.(b) The Division shall establish the following minimum salaries for Correctional Officer position classifications, effective July 1, 2018:

(1) Correctional Officer I – $33,130.
(2) Correctional Officer II – $34,220.
(3) Correctional Officer III – $36,598."".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-ATU-44 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-AMCf-53 [v.1]

Amends Title [NO]
Third Edition

Date _____,2018

Representative Dollar

moves to amend the bill on page 7 lines 3-4, by inserting between the lines the following language to read:

"**SECTION 9.5.** Section 38.9(b) of S.L. 2018-5 reads as rewritten:

"**SECTION 38.9.(b)** This section is effective for taxes imposed for taxable years beginning on or after July 1, ~~2018.~~2017."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-AMCf-53 [v.1]

Amends Title [NO]
Third Edition

Date _____,2018

Representative Dollar

moves to amend the bill on page 7 lines 3-4, by inserting between the lines the following language to read:

"**SECTION 9.5.** Section 38.9(b) of S.L. 2018-5 reads as rewritten:

"**SECTION 38.9.(b)** This section is effective for taxes imposed for taxable years beginning on or after July 1, ~~2018.~~2017."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 750*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S750-ASU-50 [v.1]

Amends Title [YES]
Third Edition

Date _____,2018

Representative _____

moves to amend the bill on page 1, line 10, by deleting "AND";

and on page 1, line 12, by rewriting the line to read:

"ABUSE ADVISORY COMMITTEE; AND TO AMEND THE SPECIFIED PORTION OF HIGHWAY DESIGNATED AS THE SENATOR WENDELL HOLMES MURPHY, SR. FREEWAY.";

and on page 7, lines 3-4, by inserting the following between the lines:

"**SECTION 9.5.** Section 35.28(a) of S.L. 2016-94 reads as rewritten:

"**SECTION 35.28.(a)** Notwithstanding G.S. 136-18(8) and any other State law to the contrary, the Department of Transportation shall designate the portion of Interstate 40 in North Carolina from mile marker ~~385~~380 to mile marker ~~390~~385 the "Senator Wendell Holmes Murphy, Sr. Freeway."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 563

Judiciary Committee Substitute Adopted 4/25/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S563-CSTU-37 [v.2]
06/14/2018 02:54:13 PM

Short Title: Commerce to Assign County Distress Factors. (Public)

Sponsors:

Referred to:

April 3, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COMMERCE TO ASSIGN DISTRESS FACTORS TO COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 10 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-437.08A. County Government Distress Tax Capacity Ranking.**

(a) Government Distress Factor. – Each year, on or before November 30, the Secretary of Commerce shall assign to each county in the State a government distress factor that is the sum of the subdivisions listed in this subsection. The Secretary shall weight the factor in subdivision (1) of this subsection seventy percent (70%) and weight the factor in subdivision (2) of this subsection thirty percent (30%):

(1) The county's rank in a ranking of counties by adjusted assessed property value per capita as published by the Department of Public Instruction, from highest to lowest, for the most recent taxable year.

(2) The county's rank in a ranking of counties by sales tax distributions under Article 39 of Chapter 105 of the General Statutes, where the rank is directly correlated to the sales tax distribution on a per capita basis for the most recent fiscal year for which data are available.

(c) Annual Ranking. – After computing the government distress factor as provided in this section, the Secretary of Commerce shall rank all the counties within the State according to their government distress factor from highest to lowest.

(d) Data. – The Secretary shall use the latest available data published by a State or federal agency generally recognized as having expertise concerning the data. For the purposes of this section, population statistics do not include people incarcerated in federal or State prisons.

(e) Report. – By November 30 of each year, the Secretary of Commerce shall submit a written report to the Joint Legislative Economic Development and Global Engagement Oversight Committee, the Senate Appropriations/Base Budget Committee, the Senate Appropriations Committee on Natural and Economic Resources, the House Appropriations Committee, the House of Representatives Appropriations Subcommittee on Natural and Economic Resources, and the Fiscal Research Division on the ranking required by subsection (c) of this section, including a map of the State whereupon the ranking of each county is designated."

SECTION 1.(b) Article 10 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-437.08B. County Resident Distress Ranking.**

(a) Resident Distress Factor. – Each year, on or before November 30, the Secretary of Commerce shall assign to each county in the State a resident distress factor that is the sum of the following:

(1) The county's rank in a ranking of counties by average annual earnings from highest to lowest, for the most recent 12 months for which data are available.

(2) The county's rank in a ranking of counties by median household income from highest to lowest, for the most recent 12 months for which data are available.

(3) The county's rank in a ranking of counties by percentage growth in number of jobs from highest to lowest, for the most recent 36 months for which data are available.

(4) The county's rank in a ranking of counties by percentage of population aged 25 or older with some college-level educational attainment or higher from highest to lowest, for the most recent 60 months for which data are available.

(c) Annual Ranking. – After computing the resident distress factor as provided in this section, the Secretary of Commerce shall rank all the counties within the State from highest to lowest.

(d) Data. – The Secretary shall use the latest available data published by a State or federal agency generally recognized as having expertise concerning the data. For the purposes of this section, population statistics do not include people incarcerated in federal or State prisons.

(e) Report. – By November 30 of each year, the Secretary of Commerce shall submit a written report to the Joint Legislative Economic Development and Global Engagement Oversight Committee, the Senate Appropriations/Base Budget Committee, the Senate Appropriations Committee on Natural and Economic Resources, the House Appropriations Committee, the House of Representatives Appropriations Subcommittee on Natural and Economic Resources, and the Fiscal Research Division on the ranking required by subsection (c) of this section, including a map of the State whereupon the ranking of each county is designated."

SECTION 1.(c) The General Assembly finds the following:

(1) The General Assembly should also require the Department of Commerce to publish county government and resident distress systems that measure a local government's potential ability to generate revenue by measuring its tax capacity and residential economic hardship. Such systems are useful for economic development and non-economic development programs and entities when determining resource allocation and required local contributions where ability to pay is a factor.

(2) A number of non-economic development programs use the annual rankings by the Department of Commerce for purposes of programmatic criteria, which makes it difficult to tailor the development of factors solely for economic development purposes without having unintended consequences on unrelated programs.

SECTION 1.(d) In order to facilitate modifications to the development factors to ensure that unrelated programs have program-specific criteria relevant to the goals of those programs, all entities, including the entities listed in this section, shall, no later than January 1, 2019, examine the continued use of the development factors set forth in G.S. 143B-437.08, in contrast to the adoption of the county government distress factors set forth in G.S. 143B-437.08A, as enacted by this act, and the county resident distress factors set forth in G.S. 143B-437.08B, as enacted by this act. In examining this use and considering other available data, each entity shall also (i) identify alternative, program-specific criteria and (ii) report any findings and draft legislation necessary to make appropriate modifications to the applicable statutes pertaining to the program. In the event the entity desires to continue to use the development factors provided in G.S. 143B-437.08, the entity shall provide the analysis that supports the continued use of the development factors, including an analysis of how targeted

programs match the use of the development factors. The scope of this section is to apply to the use of the development tier designations determined pursuant to G.S. 143B-437.08 for all purposes and programs, including taxes, the North Carolina Development Farmland Preservation Trust Fund, the Spay and Neuter Program, the Abandoned Manufactured Home Cleanup Grants Program, the State Wastewater Reserve, the State Drinking Water Reserve, the Public Safety Assistance Points Grant Program, Oral Health Preventive Services, Medication Assistance, Qualified Allocation Plan for Low-Income Housing Tax Credits, and the Strategic Prioritization Funding Plan for Regional Impact Transportation Investment Projects. In addition to any other entities, this section applies to the following:

(1) The Department of Agriculture and Consumer Services.
(2) The Department of Environmental Quality.
(3) The Department of Information Technology.
(4) The Department of Health and Human Services.
(5) The North Carolina Housing Finance Agency.
(6) The Department of Transportation.
(7) The Department of Revenue.

SECTION 1.(e) Each entity required to report under subsection (d) of this section shall submit the report no later than January 15, 2019, to the Fiscal Research Division, the Joint Legislative Economic Development and Global Engagement Oversight Committee, and to their respective joint oversight committees, including, but not limited to, the following:

(1) The Departments of Agriculture and Consumer Services and Environmental Quality to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources.
(2) The Department of Information Technology to the Joint Legislative Oversight Committee on Information Technology.
(3) The Department of Health and Human Services to the Joint Legislative Oversight Committee on Health and Human Services.
(4) The North Carolina Housing Finance Agency to the Joint Legislative Oversight Committee on General Government.
(5) The Department of Transportation to the Joint Legislative Transportation Oversight Committee.
(6) The Department of Revenue to the Revenue Laws Study Committee.

SECTION 1.(f) This section is effective when it becomes law.

SENATE BILL 15:
ISD Changes and Capital Grant Clarification.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 14, 2018
Introduced by:	Sens. J. Davis, Tillman	**Prepared by:**	Samantha Yarborough Staff Attorney
Analysis of:	PCS to Third Edition S15-CSBN-8		

OVERVIEW: The 3rd Edition of Senate Bill 15 would do the following:

- ***Allow schools that have adopted a reform model to be considered qualifying schools for the Innovative School District (ISD).***
- ***Allow the ISD Superintendent to select up to two additional qualifying schools per year beginning with the 2021-2022 school year.***
- ***Require the State Board of Education to select prospective innovative schools by November 15.***
- ***Require local boards of education to submit a closure plan to the State Board of Education and adopt a resolution to transfer or close the school by December 15.***
- ***Grant the innovative school operator (IS operator) first priority in the use of capital expenditures at the school.***
- ***Change the timeline for memoranda of understanding between the IS operator and the local board to 45 days.***
- ***Require the ISD Superintendent's approval of the innovative school principal.***
- ***Allow teachers to retain career status if the school at which they teach becomes an innovative school.***
- ***Allow, rather than require, low-performing schools in an innovation zone to become an innovative school.***
- ***In Part II, allow local boards of education in certain counties and cities to contract with the spouse of the superintendent.***

The PCS would replace Part II of the 3rd edition of Senate Bill 15 with a clarification of the definition of tier one areas for the purposes of the Needs-Based Public School Capital grants.

PART I

CURRENT LAW and BILL ANALYSIS:

The ISD was created in 2016 to supervise, manage, and operate schools as innovative schools. The State Board of Education is authorized to select, upon the recommendation of the ISD Superintendent, no more than five qualifying elementary schools to transfer to the ISD as innovative schools. The selection of

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

qualifying schools is based on an analysis of performance over the most recent three-year period. Schools are transferred to the ISD for at least five consecutive years.

Section 1.(a)

Currently, if a low-performing school has adopted a reform model established in G.S. 115C-105.37B, it is not eligible to be considered as a qualifying school for recommendation to become an innovative school.

Senate Bill 15 would remove this restriction.

Section 1.(b)

Currently, the State Board of Education may select no more than five qualifying elementary schools to transfer to the ISD as innovative schools.

Senate Bill 15 would allow the ISD superintendent to recommend up to two additional qualifying schools per school year for State Board approval beginning with the 2021-2022 school year, provided that the schools that have been in the ISD for three or more years have earned a grade of C or higher on the school report cards.

Section 1.(c)

Currently, the ISD Superintendent evaluates and identifies the qualifying schools to recommend for selection as prospective innovative schools no later than October 15 and the State Board of Education has until December 15 to select the prospective innovative schools.

Senate Bill 15 would adjust the timeline to require selection by the State Board by November 15.

Section 1.(d)

Currently, upon notification by the ISD Superintendent of selection by the State Board of Education of the qualifying school as a prospective innovative school, the local board of education must determine whether to close the selected qualifying school or transfer the school to the ISD. The local board is not required to study the impacts of closure. The local board must adopt a resolution to close or transfer the school by February 1.

Senate Bill 15 would require the local board to submit a plan to the State Board of Education that outlines the impact of closure, including information addressing the reassignment of students and staff, school bus travel time, and alternative enrollment options for students. The local board would be required to adopt a resolution to close or transfer the school by December 15.

Section 1.(e)

Currently, the IS operator has first priority in the use of the school facility that is transferred to the ISD.

Senate Bill 15 would explicitly include capital expenditures, including existing IT networks, hardware, computers, instructional technology, phones, and related cabling, as part of the facility transfer.

Section 1.(f)

Currently, if the IS operator choses to use a memorandum of understanding (MOU) with the local board of education to provide alternate arrangements for facility and capital expenditures, transportation services, and services for Children with Disabilities, the parties have 30 days to finalize the MOU. If there are issues in dispute after 30 days, the State Board of Education resolves these issues.

Senate Bill 15 would allow the parties 45 days to finalize the MOU before the State Board of Education resolves any issues in dispute.

Section 1.(g)

Currently, the IS operator selects and hires the school principal for the innovative school. Senate Bill 15 would require the input and approval of the ISD Superintendent before a principal can be hired.

Currently, teachers employed with career status at a school transferred to the ISD who are hired by the ISD would not retain their career status if they later return to employment with the local school administrative unit. Senate Bill 15 would allow those teachers to return to the local school administrative unit with career status upon the end of employment at the innovative school.

Section 1.(h)

Currently, low-performing schools in an innovation zone are required to become innovative schools if the low-performing school does not exceed expected growth in the last two years of the five consecutive years in the innovation zone.

Senate Bill 15 would allow, rather than require, those schools to become innovative schools.

PART II

CURRENT LAW: S.L. 2017-57, Section 5.3.(e), as amended, defines the matching requirement from counties for needs-based public school capital grant funds awarded for the construction of new school buildings.

The matching requirements for recipient counties are as follows:

- Development tier one area: $3 of grant funds for every $1 of county funds, up to $15,000,000 in grant funds
- Development tier two area: $1 of grant funds for every $1 of county funds, up to $10,000,000 in grant funds

BILL ANALYSIS: The PCS would clarify that for the 2018-2019 fiscal year, a county is a development tier one area for the purpose of the matching requirement if that county (i) was designated a development tier one area by the Department of Commerce in either 2017 or 2018 and (ii) filed an application for a needs-based public school capital fund grant.

EFFECTIVE DATE: Part I of the PCS would become effective when it becomes law. Part II would become effective July 1, 2018.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 15

Education/Higher Education Committee Substitute Adopted 4/24/17
House Committee Substitute Favorable 6/5/18
PROPOSED HOUSE COMMITTEE SUBSTITUTE S15-CSBN-8 [v.2]
06/14/2018 02:33:16 PM

Short Title: ISD Changes and Capital Grant Clarification. (Public)

Sponsors:

Referred to:

January 30, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE INNOVATIVE SCHOOL DISTRICT STATUTES AND TO CLARIFY ELIGIBILITY FOR NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND GRANTS.

The General Assembly of North Carolina enacts:

PART I. CHANGES TO THE INNOVATIVE SCHOOL DISTRICT STATUTES

SECTION 1.(a) G.S. 115C-75.5(5) reads as rewritten:

"(5) Qualifying school. – A low-performing school, as defined in G.S. 115C-105.37, that meets one of the following criteria:

a. The school earned an overall school performance score in the lowest five percent (5%) of all schools in the prior school year that meet all of the following requirements:

1. The school includes all or part of grades kindergarten through fifth.
2. The school did not exceed growth in at least one of the prior three school years and did not meet growth in at least one of the prior three school years.
3. ~~One of the models established in G.S. 115C-105.37B for continually low-performing schools had not been adopted for that school for the immediately prior school year.~~

b. The school received a school performance score in the lowest ten percent (10%) of all schools that include all or part of grades kindergarten through fifth in the prior school year and has been designated by the local board of education for consideration by the State Board of Education as an innovative school."

SECTION 1.(b) G.S. 115C-75.7(a) reads as rewritten:

"(a) State Board Selection. – The State Board of Education is authorized to select, upon the recommendation of the ISD Superintendent, no more than five qualifying elementary schools to transfer to the ISD as innovative ~~schools.~~ schools through the 2019-2020 school year. The ~~five~~ qualifying schools selected for inclusion in the ISD should represent geographic diversity, including urban and rural schools. The State Board of Education shall select no more than one qualifying school per local school administrative unit, unless the local board of education consents. Beginning with the 2021-2022 school year, provided that schools that have been in the

ISD for three or more school years have earned a grade of C or higher under G.S. 115C-12(9)c1., the ISD Superintendent may recommend up to two additional qualifying schools per school year for State Board approval."

SECTION 1.(c) G.S. 115C-75.7(b) reads as rewritten:

"(b) Selection Process. – The selection of qualifying schools shall be based on an analysis of performance over the most recent three-year period. Prior to recommendation of selection of a qualifying school, the ISD Superintendent shall conduct an evaluation of the school to determine the factors contributing to the school's performance and shall confer with the school principal, local board of education members, the local school superintendent, and the local board of county commissioners to share the findings of the evaluation. The school selection process shall also include a public hearing to allow for parent and community input. The ISD Superintendent shall evaluate and identify the qualifying schools to recommend for selection as prospective innovative schools no later than October 15 prior to the initial school year in which the school may operate as an innovative school and shall notify the local boards of education where prospective innovative schools are located by that date. The State Board of Education shall select the prospective innovative schools no later than ~~December 15.~~November 15."

SECTION 1.(d) G.S. 115C-75.7(c) reads as rewritten:

"(c) Local Board Response. – Upon notification by the ISD Superintendent of selection by the State Board of Education of the qualifying school as a prospective innovative school, the local board of education shall determine whether to (i) close the selected qualifying school or (ii) transfer the school into the ISD. The local board shall not be required to undertake the study required by G.S. 115C-72 before closing the ~~school.~~ school but shall submit a plan to the State Board of Education that outlines the impact of closure, including information addressing at least the following: reassignment of students and staff, school bus travel time, and alternative enrollment options for students. Before the adoption of a resolution, the local board of education shall provide for a public hearing in regard to the proposed transfer or closure, at which hearing the public shall be afforded an opportunity to express their views. No later than ~~February 1,~~December 15, the local board of education shall adopt a resolution either (i) consenting to transfer of the selected qualifying school to the ISD as an innovative school or (ii) closing that school at the conclusion of that school year. The State Board of Education may delay the transfer of a selected school to the ISD for one year only upon the recommendation of the ISD Superintendent."

SECTION 1.(e) G.S. 115C-75.9(d) reads as rewritten:

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

(1) In addition to the transfer of funds as provided in G.S. 115C-75.10, the local board of education shall be responsible for facility and capital expenditures at the qualifying school.

(2) All IS operators and local boards of education shall enter into an occupancy agreement establishing the terms of occupancy for the IS operator not otherwise addressed in statute. If the parties are unable to reach agreement, either party may petition the State Board of Education to resolve any issues in dispute.

(3) The IS operator shall have first priority in use of the facility and capital expenditures at the school for any purpose related to the operation of the innovative school. The local board of education may allow use of the facility by governmental, charitable, civic, or other organizations for activities within the community and may retain any funds received for such use for any time the IS operator has not provided written notice to the local board of its use of the facility during that time for a purpose related to the operation of the innovative school.

For the purposes of this subsection, facility and capital expenditures include routine maintenance and repair, and capital expenditures include building repair and maintenance, furniture, furnishings, ~~and equipment.~~equipment, and any existing IT network, hardware, computers, instructional technology, phones, and related cabling."

SECTION 1.(f) G.S. 115C-75.9(f) reads as rewritten:

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

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

If the IS operator elects to use a memorandum of understanding for alternate arrangements, the IS operator and local board of education shall finalize the memorandum of understanding within ~~30~~45 days of the initial request by the IS operator. If the parties have not completed the memorandum of understanding within ~~30~~45 days, the State Board of Education shall resolve any issues in dispute."

SECTION 1.(g) G.S. 115C-75.9(h) reads as rewritten:

"(h) Innovative School Employees. – The IS operator shall select and hire the school principal for an innovative ~~school.~~school with input and approval from the ISD Superintendent. Within the limits of the school budget, the IS operator or its designee shall select staff members in accordance with guidance from the ISD Superintendent. Before finalizing staffing recommendations, the IS operator and the ISD Superintendent or the Superintendent's designee shall interview all existing staff members at the qualifying school and review student growth and performance data for those staff members for whom it is available. Notwithstanding Article 21A of this Chapter, the IS operator and the ISD Superintendent shall be permitted to examine personnel files of existing staff members for the qualifying school. The IS operator shall have the authority to decide whether any administrator, teacher, or staff member previously assigned to a qualifying school selected to become an innovative school shall continue as an employee of the innovative school. Any such employees retained shall become employees of the ISD. An employee hired to work in an innovative school shall be an employee of the ISD, and the employees shall be under the exclusive control of the ISD. All employees of the ISD shall be eligible for enrollment in the Teachers' and State Employees' Retirement System of North Carolina, the State Health Plan, and other benefits available to State employees. The IS operator shall provide funds to the ISD in an amount sufficient to provide salary and benefits for employees of the ISD working in the innovative school based on the terms of employment established by the IS operator. A teacher employed with career status under G.S. 115C-325 and assigned to a school transferred to the ISD who accepts employment at that ISD school may return to the local school administrative unit with career status upon the end of employment at the ISD school."

SECTION 1.(h) G.S. 115C-75.13(d) reads as rewritten:

"(d) A low-performing school in an innovation zone, created as provided in clause (ii) of subsection (a) of this section, ~~shall~~may become an innovative school if that low-performing school does not exceed expected growth in the last two years of the five consecutive years in the innovation zone."

PART II. CLARIFY ELIGIBILITY FOR NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND GRANTS

SECTION 2.(a) Section 5.3.(e) of S.L. 2017-57, as amended by Section 1.1.(a) of S.L. 2017-187, Section 1.1 of S.L. 2017-212, and Section 5.3.(a) of S.L. 2018-5, reads as rewritten:

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

(1) For a county designated as a development tier one area, the grant shall not exceed three dollars ($3.00) in grant funds for every one dollar ($1.00) provided by the county. Grant funds awarded to a county designated as a development tier one area shall not exceed fifteen million dollars ($15,000,000).

(2) For a county designated as a development tier two area, the grant shall not exceed one dollar ($1.00) for every one dollar ($1.00) in grant funds provided by the county. Grant funds awarded to a county designated as a tier two area shall not exceed ten million dollars ($10,000,000).

Grant funds shall be used for the construction of new school buildings only. Grant funds shall not be used for real property acquisition. Grant funds shall be disbursed in a series of payments based on the progress of the project. To obtain a payment, the grantee shall submit a request for payment along with documentation of the expenditures for which the payment is requested and evidence that the matching requirement contained in subsection (b) of this section has been met. Grant funds shall not be awarded to any county that has received an aggregate amount exceeding eight million seven hundred fifty thousand dollars ($8,750,000) in funds from the Public School Building Capital Fund from the 2012-2013 fiscal year to the 2016-2017 fiscal year. No county may receive grant funds under this section more than once every five years. No portion of grant funds may be used to acquire a Leadership in Energy and Environmental Design (LEED) certification. For fiscal year 2018-2019, for the purposes of this section, a county shall be considered to be designated as a development tier one area if (i) it was so designated by the Department of Commerce in 2017 or 2018 and (ii) the county filed a grant application under this section in 2017."

SECTION 2.(b) This section becomes effective July 1, 2018.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 15*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S15-ABN-22 [v.1]

Amends Title [NO]
S15-CSBN-8 v2

Date 6/14 ,2018

Representative Reives

moves to amend the bill on page 1, line 27, through page 2, line 3, by deleting the lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 15*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S15-ATU-45 [v.1]

Amends Title [NO]
S15-CSBN-8[v.2]

Date _____ ,2018

Representative Stevens

moves to amend the bill on page 4, lines 26-27, by inserting the following between the lines:

"**SECTION 2.5.(a)** Of the funds appropriated to the Department of Public Instruction for the 2018-2019 fiscal year by S.L 2018-5, the sum of seven hundred thousand forty dollars ($740,000) in nonrecurring funds for the 2018-2019 fiscal year shall be provided to the nonprofit organization known as Triangle Literacy Council to be used to support juvenile literacy centers that serve court-involved or otherwise at-risk youth.

SECTION 2.5.(b) The Triangle Literacy Council, in consultation with the Department of Public Instruction, shall submit a report by September 1 of each year following the fiscal year in which the Triangle Literacy Council spends State funds made available pursuant to this section. The report shall be submitted to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the activities described by this section and the use of State funds.

SECTION 2.5.(c) This section becomes effective July 1, 2018.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 15*

21
V

S15-ABN-22 [v.1]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Amends Title [NO]
S15-CSBN-8 v2

Date _____,2018

Representative Reives

moves to amend the bill on page 1, line 27, through page 2, line 3, by deleting the lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 15*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S15-ABN-21 [v.1]

Amends Title [NO]
S15-CSBN-8 v2

Date 6/14 ,2018

Representative Reives

moves to amend the bill on page 1, lines 8 through 26, by deleting the lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 15*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S15-ATU-45 [v.1]

Amends Title [NO]
S15-CSBN-8[v.2]

Date _____,2018

Representative Stevens

moves to amend the bill on page 4, lines 26-27, by inserting the following between the lines:

"**SECTION 2.5.(a)** Of the funds appropriated to the Department of Public Instruction for the 2018-2019 fiscal year by S.L. 2018-5, the sum of seven hundred thousand forty dollars ($740,000) in nonrecurring funds for the 2018-2019 fiscal year shall be provided to the nonprofit organization known as Triangle Literacy Council to be used to support juvenile literacy centers that serve court-involved or otherwise at-risk youth.

SECTION 2.5.(b) The Triangle Literacy Council, in consultation with the Department of Public Instruction, shall submit a report by September 1 of each year following the fiscal year in which the Triangle Literacy Council spends State funds made available pursuant to this section. The report shall be submitted to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the activities described by this section and the use of State funds.

SECTION 2.5.(c) This section becomes effective July 1, 2018.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

General Statutes Commission
300 N. Salisbury Street, Suite 401
Raleigh, NC 27603-5925
Tel. 919-733-6660 Fax 919-715-5459

Floyd M. Lewis
Revisor of Statutes

P. Bly Hall
Assistant Revisor of Statutes

MEMORANDUM

To: House Rules, Calendar, and Operations of the House
From: General Statutes Commission
Re: HB 1025 (GSC Technical Corrections 2018)
Date: June 14, 2018

General Comments

Part I of this proposed committee substitute (PCS) contains corrections of a technical nature to the General Statutes and session laws, and Part II of this PCS contains corrections of a technical nature to the North Carolina Uniform Power of Attorney Act (Chapter 32C of the General Statutes), enacted by S.L. 2017-153, and conforming changes. Both parts are recommended by the General Statutes Commission.

These amendments (i) correct typographical, redlining, citation, spelling, and other obvious drafting errors, (ii) make conforming changes, (iii) make stylistic and formatting updates, (iv) replace legalese with plain English, (v) make language gender neutral, (vi) add language to introduce lists, (vii) update references to the "Research Division" and "Bill Drafting Division" with the current names of the Legislative Analysis and Legislative Drafting Divisions, (viii) delete an extraneous definition, (ix) alphabetize a definitions list, (x) modernize the numbering of a definition, (xi) repeal an obsolete article, and (xii) resolve an internal conflict in a statute.

Specific Comments

Part I consists of Sections 1 through 26.

Section 1 amends G.S. 14-50.41 to conform to a change in the title of Article 13B of Chapter 14 of the General Statutes by S.L. 2017-194, s. 14.

Section 2(a) amends G.S. 14-151 as follows:

- It adds language that is missing from subsection (e). This language is missing because S.L. 2013-88, s. 1, which was in the coded bill drafting format, set out this language as new but did not underline it.
- It replaces legalese with plain English, makes language gender neutral, and updates the use of commas.

Section 2(b) provides that this section applies prospectively.

Section 3(a) amends G.S. 20-9 by replacing legalese with plain English, making language gender neutral, updating the use of commas, updating the format of an internal citation, adding language to introduce a list, and making conforming changes, including changes to conform to the amendments to G.S. 20-37.7 by **Section 3(b)**. Those amendments are as follows:

- They remove "garbage language" from subdivision (d)(3) that was caused when S.L. 2013-381, s. 3.1, which was in the coded bill drafting format, omitted this language instead of striking through it.
- They replace legalese with plain English, make language gender neutral, and add language to introduce a list.

Section 4 updates G.S. 20-79.3A(c) and (d), 90-414.5(b), 120-30.49(a), 120-32.01, 120-36.6, Article 7B of Chapter 120 of the General Statutes, and G.S. 120-233(a) to reflect the current names of the Legislative Analysis and Legislative Drafting Divisions. It also adds the word "than" which is missing from G.S. 20-79.3A(d), replaces legalese with plain English in G.S. 90-414.5(b), 120-32.01 and 120-36.6, modernizes the format of a list in G.S. 120-30.49(a), makes "data base" one word in G.S. 120-32.01, and updates the use of commas in G.S. 120-36.6.

Section 5(a) repeals Section 4 of Chapter 168 of the 1989 Session Laws, which stated that it was amending G.S. 20-111(c)(10) but instead quoted from G.S. 20-118(c)(10), amending a reference to "G.S. 130A-290(4)" in that subdivision. Because of this conflict, the amendment was not codified. **Section 5(b)** resolves this issue by amending G.S. 20-118(c)(10) to replace "G.S. 130A-290(4)" with the correct reference "G.S. 130A-290(a)(8)." It also alphabetizes a definitions list, replaces legalese with plain English, makes language gender neutral, updates the format of internal citations, and updates the use of commas in G.S. 20-118.

Section 6(a) amends G.S. 24-10(c) as follows:

- It replaces a reference to "G.S. 24-1.1(1)" with "G.S. 24-1.1(a)(1)" to conform to the current numbering structure of G.S. 24-1.1. Section 2 of Chapter 506 of the 1991 Session Laws added a subsection (a) designation to G.S. 24-1.1.
- It replaces legalese with plain English.

Section 6(b) amends G.S. 24-10(g) primarily to delete a reference to G.S. 24-1.2, which was repealed by S.L. 1998-119, s. 2, with no successor provision. It also replaces legalese with plain English and adds a missing comma. **Section 6(c)** amends G.S. 53-141 to delete another reference to G.S. 24-1.2.

Section 7(a) amends G.S. 39-23.1 primarily to delete the extraneous definition "voidable transaction" for Article 3A of Chapter 39 of the General Statutes, entitled the "Uniform Voidable Transactions Act." The term "voidable transaction" only appears in the title of the article. This subsection also updates the format of three lists.

Section 7(b) amends G.S. 39-23.8(b), (d), and (e) to add the word "from" that was mistakenly deleted from subsection (e) by S.L. 2017-204, s. 3.3(b). It also updates the format of three lists.

Section 8(a) amends G.S. 44A-11.2 primarily to replace the incorrect word "affect" with "effect" in subsection (v). It also replaces legalese with plain English and replaces the incorrect word "will" with "shall" in two places. **Section 8(b)** provides that the amendments to G.S. 44A-11.2(v) become effective October 1, 2018, the postponed effective date of G.S. 44A-11.2(v). It also provides that the remainder of this section is effective when it becomes law.

Section 9 amends G.S. 48-3-303(g) to correct a typographical error by changing "replacement assessment" to "preplacement assessment."

Section 10(a) amends G.S. 53-208.45 primarily to conform to Article 14A of Chapter 66 of the General Statutes, entitled the "Assumed Business Name Act," which was enacted by S.L. 2016-100 and S.L. 2017-23. It also adds the word "the" which is missing from subdivision (a)(4), modernizes the format of two lists, fixes the format of an internal citation, and replaces legalese with plain English.

Section 10(b) amends G.S. 53-208.56 to fix the format of a citation by replacing "§ 53-208.55" with "G.S. 53-208.55." It also modernizes the format of two lists.

Section 10(c) amends G.S. 53-208.62 to fix a typographical error in the phrase "or other person" in subsection (b) and to replace legalese with plain English.

Section 11 amends G.S. 59-32 primarily to modernize the numbering of the first definition in a list and to modernize the format of the entire list of definitions. This section also deletes unnecessary legalese in the introductory language, deletes an extraneous Roman numeral and comma in subdivision (4g), and changes "both of the following" to "all of the following" in the introductory language in subdivisions (9) and (11).

Section 12 amends G.S. 89F-20(a), 89G-5, and 106-1041 to correct the misspelling "General Statues."

Section 13(a) amends G.S. 96-35, 143B-431.01(d)(1), 143B-431.01(f), 143B-434.2(d), 143B-435.1(d), 143B-437.02(k), 143B-437.012(m), 143B-438.10(a)(7a), 143B-438.10(a)(8), 143B-438.14(d), 143B-472.35(*l*), and 143B-1285(3) to delete an extraneous "the" that was added by Section 14.1(q), Section 14.1(r), and Section 14.1(s) of S.L. 2017-57.

Section 13(b) amends G.S. 115D-11.6 to substitute a list of legislative committees for the term "legislature." S.L. 2017-57, s. 14.1(o), made this substitution in G.S. 94-2, but G.S. 94-2 was repealed and replaced with G.S. 115D-11.6 by S.L. 2017-57, s. 15.13(b) and (c).

Section 13(c) amends G.S. 143B-434.01 as follows:

- It deletes duplicative references to legislative committees in subsection (*l*), which was caused by Section 14.1(q) and Section 14.1(y) of S.L. 2017-57 adding the same legislative committees to a list.
- It modernizes the format of two lists, shifts the subsection (d) catchline to appear before the first subdivision of that subsection, adds the word "following" in subdivision (e)(2) to improve intelligibility, and adds language to introduce a list.

Section 14 amends G.S. 106-702(b) to reflect that the plaintiff of a private nuisance action can be an entity and amends G.S. 106-702(c) to replace legalese with plain English.

Section 15 amends G.S. 113A-134.12 primarily to remove "garbage language" from subsection (b) that was caused by conflicting amendment to this statute by S.L. 2015-241, s. 14.30(u), and S.L. 2017-10, s. 4.9. It also replaces "handicapped access" with "access for individuals with a disability" in subdivision (a)(10).

Section 16 amends G.S. 115C-296.2(b) to delete a duplicative reference to "the Division of Adult Correction and Juvenile Justice of the Department of Public Safety." This duplication was caused by S.L. 2017-186, which consolidated the former divisions of Adult Correction and Juvenile Justice into a single division. Section 2(ddddd) of the session law changed the name of

one division, and Section 3(a) of the session law changed the name of the other division, resulting in duplicative references to the new division.

Section 17 recodifies G.S. 130A-26A as G.S. 130A-26.4, because G.S. 130A-26A is an invalid G.S. number. It also modernizes punctuation in two lists and updates the use of commas.

Section 18 repeals Article 18A of Chapter 136 of the General Statutes as obsolete. This Article consists of a compact that establishes the South Carolina and North Carolina Interstate Freight Rail Compact Commission. According to the Rail Division of the North Carolina Department of Transportation, (i) the purpose of this Commission was to evaluate how to bring the Carolina Southern shortline railroad back into service after its bankruptcy, (ii) a private company purchased the railroad and significantly improved its infrastructure, (iii) the South Carolina Department of Transportation reported that South Carolina did not take steps to set up the Commission because of the private company's recovery efforts, (iv) there is no longer a need for this Commission, and (v) this article thus is obsolete.

Section 19 amends G.S. 143-157.1(a) to delete the extraneous word "or" that was left in by S.L. 2007-167 and to replace legalese with plain English. It also amends G.S. 143-157.1(b) to fix the format of an internal citation.

Section 20 amends G.S. 143-723 primarily to correct a citation to the article on open meetings law. It also replaces legalese with plain English.

Section 21 amends G.S. 150B-1(d)(6) to remove "garbage language" that was caused by two conflicting amendments to this subdivision by S.L. 2015-198, s. 3, and S.L. 2017-186, s. 2(ddddddddd).

Section 22 amends G.S. 150B-21.11 to remove "garbage language" that was caused by two conflicting amendments to this statute by S.L. 2011-291, s. 2.59, and S.L. 2011-398, s. 7.

Section 23 makes two conforming changes that were missed last year when the substance of the Second Edition of House Bill 280 was transferred to S.L. 2017-57 (2017 budget bill) as Section 16D.4. **Section 23(a)** amends Section 16D.4(dd) by replacing a reference to "subsections (a) and (b) of this section" with the correct reference to "subsections (bb) and (cc) of this section." **Section 23(b)** amends Section 16D.4(tt), which was based on the effective date section for the Second Edition of House Bill 280, by replacing two references to "this act" with correct references to "this section" and replacing a reference to "any particular section of this section" with the correct reference to "any particular subsection of this section." These changes reflect that the substance of the Second Edition of House Bill 280 was transferred into a single section.

Section 24(a) makes a date change in Section 36.7(b) of S.L. 2017-57 (2017 budget bill), which is applicable to the current fiscal biennium. S.L. 2017-206, s. 7(b), made the same date change in a parallel provision in S.L. 2015-241 (2015 budget bill), but that provision applied only during the 2015-2017 fiscal biennium. **Section 24(b)** repeals S.L. 2017-206, s. 7(b).

Section 25 amends Section 2(b) and Section 2(c) of S.L. 2017-137 to fix citations to other parts of the session law. It specifically replaces references to "Section 1(a) of this act" and "Section 1(b) of this act" with "Section 2(a) of this act" and "Section 2(b) of this act," respectively. There is no Section 1(a) or Section 1(b) of that act, and in context, it is clear that Section 2(a) and Section 2(b) are the correct references.

Section 26(a) amends Section 2 of S.L. 2017-174 to fix a citation error by replacing "Chapter 113E of the General Statutes" with "Chapter 131E of the General Statutes." There is no Chapter 113E of the General Statutes, and in context, it is clear that Chapter 131E is the correct reference. **Section 26(b)** provides that this section is effective July 21, 2017, which matches the effective date of S.L. 2017-174.

Part II consists of Sections 27 through 36, which contain technical corrections to the North Carolina Uniform Power of Attorney Act (Chapter 32C of the General Statutes) and conforming changes.

Section 27(a) amends G.S. 32C-1-108(b) to remove a reference to the clerks of court "limit[ing]" a power of attorney, because G.S. 32C-1-116(b) expressly states that the clerks do not have jurisdiction to modify or amend a power of attorney. It also adds language to reference a guardian of the principal's estate and general guardian's power to terminate a power of attorney under G.S. 32C-1-110(a)(7) and power to terminate an agent's authority under G.S. 32C-1-110(b)(5). The addition of this language conforms to G.S. 32C-1-110.

Section 27(b) amends G.S. 32C-116 as follows:

- In subsection (a), this section removes a reference to the clerks of court "limit[ing]" a power of attorney, because G.S. 32C-1-116(b) expressly states that the clerks do not have jurisdiction to modify or amend a power of attorney.
- In subsection (c), this section clarifies that once proceedings relating to a power of attorney are commenced before the clerk of court using the procedures for estate proceedings under G.S. 28A-2-6, the proceeding continues to be conducted under the procedures for estate proceedings.
- In subsection (e), this section makes a technical correction to a verb.

Section 28(a) and **(b)** amends G.S. 32C-1-109(c) and G.S. 32C-1-116(f) to correct a citation error that appears in both statutes. In an earlier draft of the bill that was enacted as S.L. 2017-153, the definition of "incapacity" was located at subdivision (5) of G.S. 32C-1-102, but in the final version, that definition had been moved to subdivision (6). The reference to that definition in G.S. 32C-1-109(c) and G.S. 32C-1-116(f) were not corrected at that time.

Section 29 amends G.S. 32C-1-112 to conform a request for reimbursement by an agent under a power of attorney to the requirements of G.S. 32-59, which governs such requests by a fiduciary other than a trustee.

Section 30(a) amends G.S. 32C-1-114 to resolve an internal conflict in that statute. G.S. 32C-1-114(b) contains of list of default duties imposed on an agent in the exercise of a power granted to the agent in a power of attorney; these duties do not need to be included in a power of attorney but will apply unless the power of attorney expressly waives them. Subsection (b) was amended during the act's process through the General Assembly to add subdivision (7), a duty to account to the principal or a person designated by the principal in the power of attorney. However, the addition of subdivision (7) to the list of default duties conflicts with the provisions of subsection (h) of G.S. 32C-1-114, which provides in essence that the agent has no duty to account unless the power of attorney includes this duty or unless the agent is ordered to do so by a court or requested by a guardian of the estate of the principal or an executor or administrator of the estate of a deceased principal. This section resolves this conflict by deleting subdivision (b)(7) but including

the principal or a person designated by the principal in subsection (h)'s list of persons who can obtain an accounting on request.

Section 30(b) amends G.S. 32C-3-301, which contains the statutory short form power of attorney, to conform to the amendment to G.S. 32C-1-114 in Section 30(a).

Section 31(a), **(b)**, and **(c)** amend G.S. 32C-2-201, 32C-2-202, and 32C-2-203 to delete references to G.S. 32C-2-220, a statute that had been included in an earlier draft of the bill that was enacted as S.L. 2017-153, but was not included in the final version.

Section 32 amends G.S. 32C-3-303 to add a line that is missing from the statutory short form limited power of attorney for real property, specifically the line to indicate when the notary's commission expires.

Section 33 amends G.S. 32C-4-403(a)(4) to make it clear that when G.S. 32C-4-403(a)(1) states that Chapter 32C of the General Statutes applies to already-existing powers of attorney, that includes G.S. 32C-1-104, which reverses the prior law and provides that a power of attorney is durable unless it does not so state. The amendment also clarifies that G.S. 32C-1-104 is a rule of construction or presumption.

This section amends G.S. 32C-4-403(c) to correct an obvious drafting error. "References to prior statutes *and* powers of attorney" should have been "References to prior statutes *in* powers of attorney," and this section corrects that error.

Section 34 amends G.S. 47-43 to replaces references to "attorney in fact" with "agent" to conform to new Chapter 32C of the General Statutes. It also replaces legalese with plain English and makes language gender-neutral.

Section 35(a) and **(b)** correct essentially the same error in G.S. 90-21.13(c) and G.S. 90-322(b), respectively, by removing a reference to new Chapter 32C of the General Statutes.

G.S. 90-21.13(c) contains a list of persons who are statutorily authorized to consent to medical care on behalf of a person who is comatose or lacks capacity to make his or her own decisions. G.S. 90-322(b) similarly contains a list of persons who may agree to the discontinuance of life-prolonging measures in the absence of a declaration of a desire for a natural death. Before the enactment of S.L. 2017-153 (which enacted Chapter 32C), each list included an entry for an attorney in fact under former Articles 1 or 2 of Chapter 32A of the General Statutes if the attorney in fact had the power to make health care decisions for the patient. S.L. 2017-153, ss. 2.6 and 2.7, made conforming amendments to those provisions by substituting the new term "agent" for "attorney in fact" and updating the statutory references. However, new Chapter 32C prohibits a power of attorney governed by that Chapter from including the power to make health care decisions, so the conforming amendments were incorrect. Because some powers of attorney under the former statutes did have this power and remain valid, the proposed amendment simply removes the statutory reference.

Section 36 authorizes the Revisor of Statutes to include drafters' comments to the amendments in this Part.

The **final section** provides that except as otherwise provided, the act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 1025
PROPOSED COMMITTEE SUBSTITUTE H1025-PCS30504-MN-4

Short Title: GSC Technical Corrections 2018. (Public)

Sponsors:

Referred to:

May 30, 2018

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:

PART I. GENERAL TECHNICAL CORRECTIONS

SECTION 1. G.S. 14-50.41 reads as rewritten:

"**§ 14-50.41. Short title.**

This Article shall be known and may be cited as the ~~"North Carolina Street Gang Nuisance Abatement Act [North Carolina Criminal Gang Nuisance Abatement Act]."~~"North Carolina Criminal Gang Nuisance Abatement Act.""

SECTION 2.(a) G.S. 14-151 reads as rewritten:

"**§ 14-151. Interfering with gas, ~~electric~~ electric, and steam appliances or meters; penalties.**

(a) It ~~shall be~~ is unlawful for any person to willfully, with intent to injure or defraud, commit any of the following acts:

(1) Connect a tube, pipe, ~~wire~~ wire, or other instrument or contrivance with a pipe or wire used for conducting or supplying illuminating gas, fuel, natural ~~gas~~ gas, or electricity in such a manner as to supply ~~such~~ the gas or electricity to any burner, orifice, ~~lamp~~ lamp, or motor where the ~~same~~ gas or electricity is or can be burned or used without passing through the meter or other instrument provided for registering the quantity consumed.

(2) Obstruct, alter, bypass, tamper with, ~~injure~~ injure, or prevent the action of a meter or other instrument used to measure or register the quantity of illuminating fuel, natural gas, water, or electricity passing through ~~such~~ the meter by a person other than an employee of the company owning or supplying any gas, water, or electric meter, who willfully ~~shall detach or disconnect~~ detaches or disconnects ~~such~~ the meter, or ~~make or report~~ makes or reports any test of, or ~~examine~~ examines for the purpose of testing any meter so detached or disconnected.

(3) In any manner whatever change, ~~extend~~ extend, or alter any service or other pipe, ~~wire~~ wire, or attachment of any kind, connecting with or through which natural or artificial gas or electricity is furnished from the gas mains or pipes of any person, without first procuring from ~~said~~ the person written permission to make ~~such~~ the change, ~~extension~~ extension, or alterations.

(4) Make any connection or reconnection with the gas mains, water pipes, service ~~pipes~~ pipes, or wires of any person, furnishing to consumers natural or

artificial gas, water, or electricity, or turn on or off or in any manner interfere with any valve or stopcock or other appliance belonging to ~~such~~ that person, and connected with ~~his~~ the person's service or other pipes or wires, or enlarge the orifices of mixers, or use natural gas for heating purposes except through mixers, or electricity for any purpose without first procuring from ~~such~~ the person a written permit to turn on or off ~~such~~ the stopcock or valve, or to make ~~such~~ the connection or reconnections, or to enlarge the orifice of mixers, or to use for heating purposes without mixers, or to interfere with the valves, stopcocks, ~~wires~~ wires, or other appliances of ~~such,~~ them, as the case may be.

(5) Retain possession of or refuse to deliver any mixer, meter, ~~lamp~~ lamp, or other appliance which may be leased or rented by any person, for the purpose of furnishing gas, water, ~~electricity~~ electricity, or power through the ~~same,~~ appliance, or sell, ~~lend~~ lend, or in any other manner dispose of the ~~same~~ appliance to any person other than ~~such~~ the person entitled to the possession of the ~~same.~~appliance.

(6) Set on fire any gas escaping from wells, broken or leaking mains, pipes, ~~valves~~ valves, or other appliances used by any person in conveying gas to consumers, or interfere in any manner with the wells, pipes, mains, gateboxes, valves, stopcocks, wires, cables, ~~conduits~~ conduits, or any other appliances, ~~machinery~~ machinery, or property of any person engaged in furnishing gas to consumers unless employed by or acting under the authority and direction of ~~such~~ that person.

(7) Open or cause to be opened, or reconnect or cause to be reconnected any valve lawfully closed or disconnected by a district steam corporation.

(8) Turn on steam or cause it to be turned on or to reenter any premises when the ~~same~~ steam has been lawfully stopped from entering ~~such~~ the premises.

(9) Reconnect electricity, gas, or water connections or otherwise turn back on one or more of those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(10) Alter, bypass, interfere with, or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load ~~periods, provided, however, if~~ periods. However, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there ~~shall be~~ is no violation of this section.

(b) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause ~~such~~ the meter to inaccurately measure and register the electricity, gas, or water consumed or which would cause the electricity, gas, or water to be diverted from the recording apparatus of the meter ~~shall be~~ is prima facie evidence of intent to violate and of the violation of this section by the person in whose name ~~such~~ the meter is installed or the person or persons so using or receiving the benefits of ~~such~~ the unmetered, unregistered, or diverted electricity, gas, or water.

(c) For the purposes of this section, the term "gas" ~~shall mean~~ means all types and forms of gas, including, but not limited to, natural gas.

(d) Criminal violations of this section ~~shall be~~ are punishable as follows:

(1) A violation of this section is a Class 1 misdemeanor.

(2) A second or subsequent violation of this section is a Class H felony.

(3) A violation of this section that results in significant property damage or public endangerment is a Class F felony.

(4) Unless the conduct is covered under some other provision of law providing greater punishment, a violation that results in the death of another is a Class D felony.

(e) ~~[Whoever is found in a civil action to have violated any provision]~~ Whoever is found in a civil action to have violated any provision of this section ~~[shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five]~~ is liable to the electric, gas, or water supplier in triple the amount of losses and damages sustained or five thousand ~~[dollars]~~ dollars ($5,000), ~~[whichever is greater].~~whichever is greater.

(f) Nothing in this section ~~shall be construed to apply~~ applies to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards."

SECTION 2.(b) This section applies to violations committed on or after the effective date of this act.

SECTION 3.(a) G.S. 20-9 reads as rewritten:

"**§ 20-9. What persons shall not be licensed.**

(a) To obtain a regular drivers license, a person must have reached the minimum age set in the following table for the class of license sought:

Class of Regular License	Minimum Age
Class A	18
Class B	18
Class C	16

G.S. 20-37.13 sets the age qualifications for a commercial drivers license.

(b) The Division shall not issue a ~~driver's~~ drivers license to any person whose license has been suspended or revoked during the period for which the license was suspended or revoked.

(b1) The Division shall not issue a drivers license to any person whose permit or license has been suspended or revoked under G.S. 20-13.2(c1) during the suspension or revocation period, unless the Division has restored the person's permit or license under G.S. 20-13.2(c1).

(c) The Division shall not issue a ~~driver's~~ drivers license to any person who is an habitual drunkard or is an habitual user of narcotic drugs or barbiturates, whether or not ~~such~~ the use ~~be~~ is in accordance with the prescription of a physician.

(d) Repealed by Session Laws 2012-194, s. 8, effective July 17, 2012.

(e) The Division shall not issue a ~~driver's~~ drivers license to any person when in the opinion of the Division the person is unable to exercise reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs.

(f) The Division shall not issue a ~~driver's~~ drivers license to any person whose license or driving privilege is in a state of cancellation, ~~suspension~~ suspension, or revocation in any jurisdiction, if the acts or things upon which the cancellation, ~~suspension~~ suspension, or revocation in ~~such~~ the other jurisdiction was based would constitute lawful grounds for cancellation, ~~suspension~~ suspension, or revocation in this State had those acts or things been done or committed in this ~~State; provided, however,~~ State. However, any such cancellation shall not prohibit issuance for a period in excess of 18 months.

(g) The Division may issue a restricted or unrestricted ~~driver's~~ drivers license under the following conditions to an otherwise eligible applicant suffering from a physical or mental disability or disease that affects his or her ability to exercise reasonable and ordinary control of a motor vehicle:

(1) The applicant submits to the Division a certificate in the form prescribed in subdivision ~~(2).~~ (2) of this subsection. The Division may request the certificate at the applicant's initial application, at any time following the issuance of the license, or at the initial application and any time following the issuance of the license. Until a license issued under this subdivision expires, is cancelled, or

is revoked, the license continues in force as long as the licensee presents to the Division a certificate in the form prescribed in subdivision (2) of this subsection at the intervals determined by the Division to be in the best interests of public safety.

...

(3) The Commissioner is not bound by the recommendation of the examining health care provider but shall give fair consideration to ~~such~~ the recommendation in exercising his or her discretion in making licensing decisions, the criterion being whether or not, upon all the evidence, it appears that it is safe to permit the applicant or licensee to operate a motor vehicle. The burden of proof of ~~such~~ this fact is upon the applicant or licensee. In deciding whether to issue, restrict, cancel, or deny a license, the Commissioner may be guided by the opinion of experts in the field of diagnosing and treating the specific physical or mental disability or disease suffered by an applicant or licensee and the experts may be compensated for their services on an equitable basis. The Commissioner may also take into consideration any other factors which bear on the issue of public safety.

(4) Whenever a license is restricted, cancelled, or denied by the Commissioner on the basis of a physical or mental disability or disease, the action may be reviewed by a reviewing board upon written request of the applicant or licensee filed with the Division within 10 days after receipt of notice given in accordance with G.S. 20-48 of the action taken. The reviewing board shall consist of the Commissioner or ~~his~~ the Commissioner's authorized representative and at least two medical professionals selected by the Commissioner and duly licensed to practice medicine by the appropriate licensing authority in the State. The medical professionals selected by the Commissioner may be compensated for their services on an equitable basis, including reimbursement for ordinary and necessary travel expenses. The Commissioner or ~~his~~ the Commissioner's authorized representative, plus any two medical professionals selected by the Commissioner, shall constitute a quorum. The procedure for hearings authorized by this section shall be as follows:

a. Applicants shall be afforded an opportunity for hearing, after reasonable notice of not less than 10 days, before the review board established by this subdivision. The notice shall be in writing and shall be delivered to the applicant in person or sent by certified mail, with return receipt requested. The notice shall state the time, place, and subject of the hearing. If a hearing is requested under this subdivision to contest a restriction placed on a license under subdivision (3) of this subsection, the restriction shall be stayed unless the Division determines there is an imminent threat to public safety if continued unrestricted driving is permitted. No stay shall be granted if a hearing is requested under this subdivision to contest a denial or cancellation of a license under subdivision (3) of this subsection. Nothing in this sub-subdivision ~~shall be construed as authorizing~~ authorizes the stay of a restriction placed on a license pursuant to another provision of law.

b. The review board may compel the attendance of witnesses and the production of such books, ~~records~~ records, and papers as it desires at a hearing authorized by ~~the~~ this section. Upon request of an applicant or licensee, a subpoena to compel the attendance of any witness or a

subpoena duces tecum to compel the production of any books, records, or papers shall be issued by the board. Subpoenas shall be directed to the sheriff of the county where the witness resides or is found and shall be served and returned in the same manner as a subpoena in a criminal case. Fees of the sheriff and witnesses shall be the same as that allowed in the district court in cases before that court and shall be paid in the same manner as other expenses of the Division of Motor Vehicles are paid. In any case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matters regarding which ~~he~~ the witness may be lawfully interrogated, the district court or superior court where ~~such~~ the disobedience, ~~neglect~~ neglect, or refusal occurs, or any judge thereof, on application by the board, shall compel obedience or punish as for contempt.

c. A hearing may be continued upon motion of the applicant or licensee for good cause shown with approval of the board or upon order of the board.

d. The board shall pass upon the admissibility of evidence at a hearing but the applicant or licensee affected may at the time object to the board's ruling, and, if evidence offered by an applicant or licensee is ~~rejected~~ rejected, the party may proffer the evidence, and ~~such~~ the proffer shall be made a part of the record. The board shall not be bound by common law or statutory rules of evidence which prevail in courts of law or equity and may admit and give probative value to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. ~~They~~ It may exclude incompetent, immaterial, ~~irrelevant~~ irrelevant, and unduly repetitious evidence. Uncontested facts may be stipulated by agreement between an applicant or licensee and the ~~board~~ board, and evidence relating ~~thereto~~ to stipulated facts may be excluded. All evidence, including records and documents in the possession of the Division of Motor Vehicles or the board, of which the board desires to avail itself shall be made a part of the record. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The board shall prepare an official record, which shall include testimony and exhibits. A record of the testimony and other evidence submitted shall be taken, but it shall not be necessary to transcribe shorthand notes or electronic recordings unless requested for purposes of court review.

...

h. All records and evidence collected and compiled by the Division and the reviewing board shall not be considered public records within the meaning of Chapter 132 of the General Statutes ~~of North Carolina~~ and may be made available to the public only upon an order of a court of competent jurisdiction. An applicant or licensee may obtain, without a court order, a copy of records and evidence collected and compiled under this subdivision about the applicant or licensee by submitting a written request to the Division, signing any release forms required by the Division, and remitting the required fee set by the Division. All information furnished by, about, or on behalf of an applicant or licensee under this section shall be without prejudice and shall be for the use of the Division, the reviewing ~~board~~ board, or the court in

administering this section and shall not be used in any manner as evidence, or for any other purposes in any trial, civil or criminal. The prohibition on release and use under this sub-subdivision applies without regard to who authored or produced the information collected, compiled, and used by the Division under this subdivision.

(h) The Division shall not issue a drivers license to an applicant who currently holds a license to drive issued by another state unless the applicant surrenders the license.

(i) The Division shall not issue a drivers license to an applicant who has resided in this State for less than 12 months until the Division has searched the National Sex Offender Public Registry to determine if the person is currently registered as a sex offender in another state. The following applies in this subsection:

...

(4) Any person denied a license or whose license has been revoked by the Division pursuant to this subsection ~~shall have~~ has a right to file a petition within 30 days thereafter for a hearing in the matter in the superior court of the county ~~wherein such person shall reside,~~ where the person resides, or to petition the resident judge of the district or judge holding the court of that district, or special or emergency judge holding a court in ~~such~~ the district, and ~~such~~ the court or judge is hereby vested with ~~jurisdiction, and it shall be its or his duty to~~ jurisdiction. The court or judge shall set the matter for hearing upon 30 days' written notice to the ~~Division, and thereupon to~~ Division. At the hearing, the court or judge shall take testimony and examine ~~into~~ the facts of the case and ~~to~~ shall determine whether the petitioner is entitled to a license under ~~the provisions of~~ this subsection and whether the petitioner is in violation of G.S. 20-30."

SECTION 3.(b) G.S. 20-37.7 reads as rewritten:

"**§ 20-37.7. Special identification card.**

...

(b1) Search National Sex Offender Public Registry. – The Division shall not issue a special identification card to an applicant who has resided in this State for less than 12 months until the Division has searched the National Sex Offender Public Registry to determine if the person is currently registered as a sex offender in another state. The following applies in this subsection:

...

(4) Any person denied a special identification card by the Division pursuant to this subsection ~~shall have~~ has a right to file a petition within 30 days thereafter for a hearing in the matter in the superior court of the county ~~wherein such person shall reside,~~ where the person resides, or to petition the resident judge of the district or judge holding the court of that district, or special or emergency judge holding a court in ~~such~~ the district, and ~~such~~ the court or judge is hereby vested with ~~jurisdiction, and it shall be its or his duty to~~ jurisdiction. The court or judge shall set the matter for hearing upon 30 days' written notice to the ~~Division, and thereupon to~~ Division. At the hearing, the court or judge shall take testimony and examine ~~into~~ the facts of the case and ~~to~~ shall determine whether the petitioner is entitled to a special identification card under ~~the provisions of~~ this subsection and whether the petitioner is in violation of G.S. 20-37.8.

(c) Format. – A special identification card shall include a color photograph of the special identification card holder and shall be similar in size, shape, and design to a drivers license, but shall clearly state that it does not entitle the person to whom it is issued to operate a motor vehicle. A special identification card issued to an applicant must have the same background color that a drivers license issued to the applicant would have.

(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State as follows:

...

(3) The applicant ~~or who~~ has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease.

...."

SECTION 4.(a) G.S. 20-79.3A(c) and (d) read as rewritten:

"(c) Report to General Assembly. – On or before March 15 of each year, the Division shall submit to the Chairs of the House and Senate Transportation Committees, the Chairs of the House and Senate Finance Committees, and the ~~Research~~ Legislative Analysis Division of the General Assembly a report that identifies each applicant that has applied for a special registration plate to be authorized in the legislative session being held that year and indicates whether the applicant met the requirements of this section. If an applicant meets the requirements of this section, then a bill may be considered during the legislative session being held that year to authorize a special registration plate for the applicant that submitted the application.

(d) Legislative Approval. – If a special registration plate requested under this section is approved by law, the applicant must submit all of the following items to the Division no later than 60 days after the act approving the plate becomes law. If the applicant fails to timely submit the items required under this subsection, the authorization for the special registration plate shall expire in accordance with G.S. 20-79.8(a1). The items to be submitted are:

...."

SECTION 4.(b) G.S. 90-414.5(b) reads as rewritten:

"(b) At the written request of the Director of the Fiscal Research, ~~Bill~~ Legislative Drafting, ~~Research,~~ Legislative Analysis, or Program Evaluation Division of the General Assembly for an aggregate analysis of the data and information disclosed through the HIE Network, the Authority shall provide the professional staff of these Divisions with ~~such~~ the aggregated analysis responsive to the Director's request. Prior to providing the Director or General Assembly's staff with any aggregate data or information submitted through the HIE Network or with any analysis of this aggregate data or information, the Authority shall redact any personal identifying information in a manner consistent with the standards specified for de-identification of health information under the HIPAA Privacy Rule, 45 C.F.R. § 164.514, as amended."

SECTION 4.(c) G.S. 120-30.49(a) reads as rewritten:

"(a) The Fiscal Research Division shall, in consultation with the appropriate staff of the ~~Research~~ Legislative Analysis and ~~Bill~~ Legislative Drafting Divisions, make an annual report to the General Assembly pertaining to the fiscal effect of federal mandates on, or federal law on which is conditioned the receipt of federal funds by the State and units of local government. The annual report on federal mandates shall include all of the following:

(1) A listing of federal laws that require the State and any unit of local government, including a county, city, school administrative unit, or other local entity funded by or through a unit of local government to carry out additional or modified ~~responsibilities;~~responsibilities.

(2) An estimate of the amount of any increase or decrease in the costs to the State and units of local government in providing or delivering public services required by federal law that are funded in whole or in part by the State or units of local ~~government; and~~government.

(3) A listing of any other federal actions directly affecting the expenditures or revenues of the State and units of local government."

SECTION 4.(d) G.S. 120-32.01 reads as rewritten:

"**§ 120-32.01. Information to be supplied.**

(a) Every State department, State agency, or State institution shall furnish the Legislative Services Office and the ~~Research,~~ Legislative Analysis, Fiscal Research, Program Evaluation, and ~~Bill~~ Legislative Drafting Divisions any information or records requested by them and access to any facilities and personnel requested by them. Except when accessibility is prohibited by a federal statute, federal regulation, or State statute, every State department, State agency, or State institution shall give the Legislative Services Office and these divisions access to any ~~data base~~ database or stored information maintained by computer, telecommunications, or other electronic data processing equipment, whether stored on tape, disk, or otherwise, and regardless of the medium for storage or transmission.

(b) Notwithstanding subsection (a) of this section, access to the BEACON/HR payroll system by the ~~Research~~ Legislative Analysis and ~~Bill~~ Legislative Drafting Divisions shall only be through the Fiscal Research Division and access to the system by the Program Evaluation Division shall only be through the Division Director and two employees of the Division designated by the Division Director.

(c) Consistent with subsection (a) of this section and notwithstanding any other law relating to privacy of personnel records, the Retirement Systems Division of the Department of State Treasurer shall furnish the Fiscal Research Division direct online read-only access to active and retired member information or records maintained by the Retirement Systems Division in online information systems. Direct online read-only access shall not include access to medical records of individual members or to tax records and other tax-related documents of members and beneficiaries. Nothing in this subsection ~~shall limit~~ limits the provisions of subsection (a) of this section.

(d) For the purpose of ensuring financial transparency, accountability, and efficient operation of the Medicaid program finances by the Department of Health and Human Services, employees of the Fiscal Research Division designated by the Director of Fiscal Research shall have access to all records related to the Medicaid program. The Department of Health and Human Services shall cooperate fully with the designated employees of the Fiscal Research Division to facilitate (i) the evaluation of all financial and policy components of the Medicaid program, including financial projections, (ii) the evaluation of the budgetary construction and management of the Medicaid program, and (iii) the identification of unusual financial events. The Department shall also provide the Fiscal Research Division with electronic access to any departmental data for assessing or predicting Medicaid financial outcomes, and to any modeling software used for assessing or predicting Medicaid program financial outcomes. Employees of the Department shall not impede, delay, or restrict the provision of information or limit access to any departmental personnel necessary for the Fiscal Research Division to perform its monitoring and analysis of the Medicaid program.

Nothing in this subsection ~~shall be construed to grant~~ grants Fiscal Research Division employees access to medical records of individuals or other information protected under the Health Information Portability and Accountability Act (HIPAA).

Nothing in this subsection ~~shall limit~~ limits the provisions of subsection (a) of this section.

(e) The Department of Health and Human Services shall provide its annual financial projection of Medicaid program expenditures and requirements for any future fiscal years to the Chairs of the House Appropriations Committee and to the Chairs of the Senate Appropriations/Base Budget Committee no later than the date the Governor presents budget recommendations in accordance with G.S. 143C-3-5. Prior to providing this projection, the Secretary shall cooperatively engage designated employees of the Fiscal Research Division in ongoing bilateral analytical discussions about historical, current, and unanticipated factors that

may impact projected Medicaid program financial outcomes that may affect the formulation of an official departmental annual financial projection.

Nothing in this subsection ~~shall limit~~ limits the provisions of subsection (a) of this section."

SECTION 4.(e) G.S. 120-36.6 reads as rewritten:

"**§ 120-36.6. Legislative Fiscal Research staff participation.**

The Legislative Services Officer shall designate a member of the Fiscal Research ~~staff,~~ staff and a member of the ~~General Research or Bill~~ Legislative Analysis or Legislative Drafting staff who may attend all meetings of the Council of State, unless the Council has voted to exclude them from the specific meeting, provided that no final action may be taken while they are so excluded. The Legislative Services Officer and the Director of Fiscal Research shall be notified of all ~~such~~ meetings, ~~hearings~~ hearings, and trips in the same manner and at the same time as notice is given to members of the Council. The Legislative Services Officer and the Director of Fiscal Research shall be provided with a copy of all reports, memoranda, and other informational material which are distributed to the members of the Council; these reports, ~~memoranda~~ memoranda, and materials shall be delivered to the Legislative Services Officer and the Director of Fiscal Research at the same time that they are distributed to the members of the Council."

SECTION 4.(f) Article 7B of Chapter 120 of the General Statutes reads as rewritten:

"Article 7B.

"~~Research~~ Legislative Analysis Division.

"**§ 120-36.8. Certification of legislation required by federal law.**

(a) Every bill and resolution introduced in the General Assembly proposing any change in the law which purports to implement federal law or to be required or necessary for compliance with federal law, or on which is conditioned the receipt of federal funds shall have attached to it at the time of its consideration by the General Assembly a certification prepared by the ~~Research~~Legislative Analysis Division, in consultation with the ~~Bill~~ Legislative Drafting and Fiscal Research Divisions, identifying the federal law requiring passage of the bill or resolution. The certification shall contain a statement setting forth the reasons why the bill or resolution is required by federal law. If the bill or resolution is not required by federal law or exceeds the requirements of federal law, then the certification shall state the reasons for that opinion. No comment or opinion shall be included in the certification with regard to the merits of the measure for which the certification is prepared. However, technical and mechanical defects may be noted.

(b) The sponsor of each bill or resolution to which this section applies shall present a copy of the bill or resolution with the request for certification to the ~~Research~~ Legislative Analysis Division. Upon receipt of the request and the copy of the bill or resolution, the ~~Research~~ Legislative Analysis Division shall consult with the ~~Bill~~ Legislative Drafting and Fiscal Research Divisions, and may consult with the Office of State Budget and Management or any State agency on preparation of the certification as promptly as possible. The ~~Research~~ Legislative Analysis Division shall prepare the certification and transmit it to the sponsor within two weeks after the request is made, unless the sponsor agrees to an extension of time.

(c) This certification shall be attached to the original of each proposed bill or resolution that is reported favorably by any committee of the General Assembly, but shall be separate from the bill or resolution and shall be clearly designated as a certification. A certification attached to a bill or resolution pursuant to this section is not a part of the bill or resolution and is not an expression of legislative intent proposed by the bill or resolution.

(d) If a committee of the General Assembly reports favorably a proposed bill or resolution with an amendment proposing any change in the law which purports to implement federal law or to be required or necessary for compliance with federal law, the chair of the committee shall obtain from the ~~Research~~ Legislative Analysis Division and attach to the amended bill or resolution a certification as provided in this section."

SECTION 4.(g) G.S. 120-233(a) reads as rewritten:

"(a) The Committee may contract for consulting services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Committee. The professional staff shall include the appropriate staff from the Fiscal Research, ~~Research,~~ Legislative Analysis, Legislative Drafting, and Information Systems Divisions of the Legislative Services Office of the General Assembly. Clerical staff shall be furnished to the Committee through the offices of the Senate and the House of Representatives Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Committee. The Committee may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission."

SECTION 5.(a) Section 4 of Chapter 168 of the 1989 Session Laws is repealed.

SECTION 5.(b) G.S. 20-118 reads as rewritten:

"**§ 20-118. Weight of vehicles and load.**

(a) For the purposes of this section, the following definitions ~~shall~~ apply:

~~(1) Single-axle weight. – The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.~~

~~(2) Tandem-axle weight. – The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.~~

(3) Axle group. – Any two or more consecutive axles on a vehicle or combination of vehicles.

(4) Gross weight. – The weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load thereon.

(5) Light-traffic roads. – Any highway on the State Highway System, excepting routes designated I, U.S. or N.C., posted by the Department of Transportation to limit the axle weight below the statutory limits.

(6) Single axle weight. – The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

(7) Tandem axle weight. – The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.

(b) The following weight limitations ~~shall~~ apply to vehicles operating on the highways of the State:

(1) The single-axle weight of a vehicle or combination of vehicles shall not exceed 20,000 pounds.

(2) The tandem-axle weight of a vehicle or combination of vehicles shall not exceed 38,000 pounds.

(3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance Between Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
...						
57			80000			

* Distance in Feet Between the Extremes of any Group of Two or More Consecutive Axles.
** See exception in ~~G.S. 20-118(c)(1).~~subdivision (c)(1) of this section.

(4) The Department of Transportation may establish light-traffic roads and further restrict the axle weight limit on such light-traffic roads lower than the statutory limits. The Department of Transportation ~~shall have~~ has the authority to designate any highway on the State Highway System, excluding routes designated by I, U.S. and N.C., as a light-traffic road when in the opinion of the Department of Transportation, ~~such~~ the road is inadequate to carry and will be injuriously affected by vehicles using the ~~said~~ road carrying the maximum axle weight. All such roads so designated shall be conspicuously posted as light-traffic roads and the maximum axle weight authorized shall be displayed on proper signs erected thereon.

(c) Exceptions. – The following exceptions apply to ~~G.S. 20-118(b) and 20-118(e).~~subsections (b) and (e) of this section:

...

(2) When a vehicle is operated in violation of ~~G.S. 20-118(b)(1), 20-118(b)(2), or 20-118(b)(3),~~ subdivision (b)(1), (b)(2), or (b)(3) of this section, but the gross weight of the vehicle or combination of vehicles does not exceed that permitted by ~~G.S. 20-118(b)(3),~~ subdivision (b)(3) of this section, the owner of the vehicle shall be permitted to shift the load within the vehicle, without penalty, from one axle to another to comply with the weight limits in the following cases:

a. Where the single-axle load exceeds the statutory limits, but does not exceed 21,000 pounds.
b. Where the vehicle or combination of vehicles has tandem axles, but the tandem-axle weight does not exceed 40,000 pounds.

(3) When a vehicle is operated in violation of ~~G.S. 20-118(b)(4)~~ subdivision (b)(4) of this section, the owner of the vehicle shall be permitted, without penalty, to shift the load within the vehicle from one axle to another to comply with the weight limits where the single-axle weight does not exceed the posted limit by 2,500 pounds.

(4) A truck or other motor vehicle shall be exempt from ~~such~~ the light-traffic road limitations provided for pursuant to ~~G.S. 20-118(b)(4),~~ subdivision (b)(4) of this section, when transporting supplies, ~~material~~ material, or equipment necessary to carry out a farming operation engaged in the production of meats and agricultural crops and livestock or poultry by-products or a business engaged in the harvest or processing of seafood when the destination of ~~such~~ the vehicle and load is located solely upon ~~said~~ a light-traffic road.

...

(6) A truck or other motor vehicle shall be exempt from ~~such~~ the light-traffic road limitations provided by ~~G.S. 20-118(b)(4)~~ subdivision (b)(4) of this section when ~~such~~ the motor vehicles are owned, operated by or under contract to a public utility, electric or telephone membership corporation or municipality and ~~such motor vehicles~~ are used in connection with installation, ~~restoration~~ restoration, or emergency maintenance of utility services.

(7) A wrecker may tow any disabled truck or other motor vehicle or combination of vehicles to a place for repairs, parking, or storage within 50 miles from the point that the vehicle was disabled and may tow a truck, tractor, or other replacement vehicle to the site of the disabled vehicle without being in violation of ~~G.S. 20-118~~ this section provided that the wrecker and towed

vehicle or combination of vehicles otherwise meet all requirements of this section.

(8) A firefighting vehicle operated by any member of a municipal or rural fire department in the performance of ~~his~~ the member's duties, regardless of whether members of that fire department are paid or ~~voluntary~~ voluntary, and any vehicle of a voluntary lifesaving organization, when operated by a member of that organization while answering an official ~~call~~ call, shall be exempt from ~~such~~ the light-traffic road limitations provided by ~~G.S. 20-118(b)(4).~~ subdivision (b)(4) of this section.

(9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.

(10) Fully enclosed motor vehicles designed specifically for collecting, ~~compacting~~ compacting, and hauling garbage from ~~residences,~~ residences or from garbage dumpsters shall, when operating for those purposes, be allowed a single axle weight not to exceed 23,500 pounds on the steering axle on vehicles equipped with a boom, or on the rear axle on vehicles loaded from the rear. This exemption ~~shall~~ does not apply to vehicles operating on interstate highways, vehicles transporting hazardous waste as defined in ~~G.S. 130A-290(4),~~ G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5(9a), or radioactive material as defined in G.S. 104E-5(14).

...

(16) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:

...

For purposes of this subdivision, no additional weight allowances ~~as found~~ in this section ~~shall~~ apply for the gross weight, single-axle weight, and tandem-axle weight, and the tolerance allowed by subsection (h) of this section ~~shall~~ does not apply.

...

(19) Any additional weight allowance authorized by 23 U.S.C. § 127, and applicable to all interstate highways, ~~shall also apply~~ also applies to all State roads, unless the road is a posted road or posted bridge, or unless specifically prohibited by State law or a Department ordinance applicable to a specific road.

(d) The Department of Transportation is authorized to abrogate certain exceptions. The exceptions provided for in ~~G.S. 20-118(c)(4) and 20-118(c)(5)~~ subdivisions (c)(4) and (c)(5) of this section as applied to any light-traffic road may be abrogated by the Department of Transportation upon a determination of the Department of Transportation that undue damage to ~~such~~ the light-traffic road is resulting from ~~such~~ vehicles exempted by ~~G.S. 20-118(c)(4) and 20-118(c)(5).~~ subdivisions (c)(4) and (c)(5) of this section. In those cases where the exemption to the light-traffic roads are abrogated by the Department of Transportation, the Department shall post the road to indicate no exemptions.

(e) Penalties. –

...

(3) If an axle-group weight of a vehicle exceeds the weight limit set in subdivision (b)(3) of this section plus any tolerance allowed in subsection (h) of this section or axle-group weights or gross weights authorized by special permit under G.S. 20-119(a), the Department of Public Safety shall assess a civil penalty against the owner or registrant of the motor vehicle. The penalty shall be assessed on the number of pounds by which the axle-group weight exceeds

the limit set in subdivision (b)(3) of this section, or by a special permit issued pursuant to G.S. 20-119, as follows: for the first 2,000 pounds or any part thereof, two cents (2¢) per pound; for the next 3,000 pounds or any part thereof, four cents (4¢) per pound; for each pound in excess of 5,000 pounds, ten cents (10¢) per pound. Tolerance pounds in excess of the limit set in subdivision (b)(3) of this section are subject to the penalty if the vehicle exceeds the tolerance allowed in subsection (h) of this section. These penalties apply separately to each axle-group weight limit violated. Notwithstanding any provision to the contrary, a vehicle with a special permit that is subject to additional penalties under this subsection based on a violation of any of the permit restrictions set out in G.S. 20-119(d1) shall be assessed a civil penalty, not to exceed ten thousand dollars ($10,000), based on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3) of this section.

…

(g) ~~General Statutes 20-118 shall not be construed to~~ This section does not permit the gross weight of any vehicle or combination in excess of the safe load carrying capacity established by the Department of Transportation on any bridge pursuant to G.S. 136-72.

…

(k) A vehicle which is equipped with a self-loading bed and which is designed and used exclusively to transport compressed seed cotton from the farm to a cotton gin, or sage to market, may operate on the highways of the State, except interstate highways, with a tandem-axle weight not exceeding 50,000 pounds. Such vehicles ~~shall be~~ are exempt from light-traffic road limitations only from point of origin on the light-traffic road to the nearest State-maintained road which is not posted to prohibit the transportation of statutory load limits. This exemption does not apply to restricted, posted bridge structures."

SECTION 6.(a) G.S. 24-10(c) reads as rewritten:

"(c) "Construction loan" means a loan which is obtained for the purpose of financing fully, or in part, the cost of constructing buildings or other improvements upon real property and the proceeds of which, under the terms of a written contract between a lender and a borrower, are to be disbursed periodically as ~~such~~ the construction work ~~progresses; and such~~ progresses. A construction loan shall be payable in full not later than 18 months in case of a loan made under the provisions of ~~G.S. 24-1.1(1)~~ G.S. 24-1.1(a)(1) or 36 months in case of any other construction loan made after the execution of the note by the borrower. A construction loan may include advances for the purchase price of the property upon which ~~such~~ the improvements are to be constructed."

SECTION 6.(b) G.S. 24-10(g) reads as rewritten:

"(g) Notwithstanding the limitations contained in subsection (a) of this section, a lender described in G.S. 24-1.1A(a)(2) may charge or receive from any ~~borrower~~ borrower, or any agent for a borrower, fees or discounts which in the aggregate do not exceed two percent (2%) on loans made under G.S. 24-1.1 ~~or G.S. 24-1.2(2)~~ when ~~such~~ the loans are secured by a second or junior lien on real property. The fees or discounts are fully earned when the loan is made and are not a prepayment penalty under this Chapter or any other law of this State."

SECTION 6.(c) G.S. 53-141 reads as rewritten:

"**§ 53-141. Powers.**

Industrial banks shall have perpetual duration and succession in their corporate name unless a limited period of duration is stated in their certificate of incorporation. They shall have the powers conferred by subdivisions (1), (2), and (3) of subsection (a) of G.S. 55-3-02, and subdivision (3) of G.S. 53-43, such additional powers as may be necessary or incidental for the carrying out of their corporate purposes, and in addition thereto the following powers:

…

(2) To make loans and charge and receive interest at rates not exceeding the rates of interest provided in ~~G.S. 24-1.1 and G.S. 24-1.2.~~ G.S. 24-1.1.

...."

SECTION 7.(a) G.S. 39-23.1 reads as rewritten:

"**§ 39-23.1. Definitions.**

In this Article, the following definitions apply:

...

(7) Insider. – Includes any of the following:

a. If the debtor is an ~~individual:~~individual, any of the following:

1. A relative of the debtor or of a general partner of the ~~debtor;~~debtor.
2. A partnership in which the debtor is a general ~~partner;~~partner.
3. A general partner in a partnership in which the debtor is a general ~~partner; or~~partner.
4. A corporation of which the debtor is a director, officer, or person in control.

b. If the debtor is a ~~corporation:~~corporation, any of the following:

1. A director of the ~~debtor;~~debtor.
2. An officer of the ~~debtor;~~debtor.
3. A person in control of the ~~debtor;~~debtor.
4. A partnership in which the debtor is a general ~~partner;~~partner.
5. A general partner in a partnership in which the debtor is a general ~~partner; or~~partner.
6. A relative of a general partner, director, officer, or person in control of the debtor.

c. If the debtor is a ~~partnership:~~partnership, any of the following:

1. A general partner in the ~~debtor;~~debtor.
2. A relative of a general partner in, a general partner of, or a person in control of the ~~debtor;~~debtor.
3. Another partnership in which the debtor is a general ~~partner;~~partner.
4. A general partner in a partnership in which the debtor is a general ~~partner; or~~partner.
5. A person in control of the debtor.

d. An affiliate, or an insider of an affiliate as if the affiliate were the debtor.

e. A managing agent of the debtor.

...

~~(14) Voidable transaction. The term does not include payment to the State or a political subdivision of the State of taxes, debts, fines, penalties, or other obligations or amounts.~~"

SECTION 7.(b) G.S. 39-23.8(b), (d), and (e) read as rewritten:

"(b) To the extent a transfer is avoidable in an action by a creditor under G.S. 39-23.7(a)(1), the following rules apply:

(1) Except as otherwise provided in this section, the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (c) of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered ~~against:~~against any of the following:

a. The first transferee of the asset or the person for whose benefit the transfer was ~~made; or~~made.

b. An immediate or mediate transferee of the first transferee, other ~~than:~~than any of the following:

1. A good-faith transferee that took for ~~value; or~~value.
2. An immediate or mediate good-faith transferee of a person described in sub-sub-subdivision 1. of this sub-subdivision.

(2) Recovery pursuant to G.S. 39-23.7(a)(1) or G.S. 39-23.7(b) of or from the asset transferred or its proceeds, by levy or otherwise, is available only against a person described in sub-subdivision a. or b. of subdivision (1) of this subsection.

...

(d) Notwithstanding voidability of a transfer or an obligation under this Article, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, ~~to:~~to any of the following:

(1) A lien on or a right to retain an interest in the asset ~~transferred;~~transferred.

(2) Enforcement of an obligation ~~incurred; or~~incurred.

(3) A reduction in the amount of the liability on the judgment.

(e) A transfer is not voidable under G.S. 39-23.4(a)(2) or G.S. 39-23.5 if the transfer results from one or more of the following:

(1) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law.

(2) Enforcement of a security interest in compliance with Article 9 of Chapter 25 of the General Statutes, the Uniform Commercial Code, other than acceptance of collateral in full or partial satisfaction of the obligation it secures.

(3) The payment of taxes, debts, fines, penalties, or other obligations or amounts to the State or to any political subdivision of the State."

SECTION 8.(a) G.S. 44A-11.2 reads as rewritten:

"**§ 44A-11.2. Identification of lien agent; notice to lien agent; effect of notice.**

(a) As used in this section, the term "contact information" ~~shall mean~~ means the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1.

...

(b1) A potential lien claimant making a request pursuant to subsection (b) of this section who did not receive the lien agent contact information pursuant to subsection (c) of this section, and who has not furnished labor, materials, rental equipment, or professional design or surveying services at the site of the improvements, or who last furnished labor, materials, rental equipment, or professional design or surveying services at the site of the improvements prior to the posting of the contact information for the lien agent pursuant to subsection (d) or (e) of this section, ~~shall have~~ has no obligation to give notice to the lien agent under this section until the potential lien claimant has received the contact information from the owner.

(c) A contractor or subcontractor for improvements to real property subject to G.S. 44A-11.1 shall, within three business days of contracting with a lower-tier subcontractor who is not required to furnish labor, materials, rental equipment, or professional design or surveying services at the site of the improvements, provide the lower-tier subcontractor with a written notice containing the contact information for the lien agent designated by the owner. This notice shall be given pursuant to subsection (f) of this section or may be given by including the lien agent contact information in a written subcontract entered into by, or a written purchase order issued to, the lower-tier subcontractor entitled to the notice required by this subsection. Any contractor or subcontractor who has previously received notice of the lien agent contact information, whether from the building permit, the inspections office, a notice from the owner, contractor, or subcontractor, or by any other means, and who fails to provide the lien agent contact information to the lower-tier subcontractor in the time required under this subsection,

~~shall be~~ is liable to the lower-tier subcontractor for any actual damages incurred by the lower-tier subcontractor as a result of the failure to give notice.

...

(f) In complying with any requirement for written notice pursuant to this section, the notice shall be addressed to the person required to be provided with the notice and shall be delivered by any of the following methods:

...

(3) Physical delivery and obtaining a delivery receipt from the lien agent.

...

(6) Electronic mail, with delivery receipt.

(7) Utilizing an Internet Web site approved for such use by the designated lien agent to transmit to the designated lien agent, with delivery receipt, all information required to notify the lien agent of its designation pursuant to G.S. 44A-11.1 or to provide a notice to the designated lien agent pursuant to this section.

As used in this subsection, "delivery receipt" includes an electronic or facsimile confirmation. A return receipt or other receipt showing delivery of the notice to the addressee or written evidence that ~~such~~ the notice was delivered by the postal service or other carrier to but not accepted by the addressee ~~shall be~~ is prima facie evidence of receipt.

(g) For purposes of this subsection, "custom contractor" means a contractor duly licensed as a general contractor pursuant to Article 1 of Chapter 87 of the General Statutes who has contracted with an owner who is not an affiliate, relative, or insider of the contractor to build a single-family residence on the owner's property to be occupied by the owner as a residence. A custom contractor ~~will~~ shall be deemed to have met the requirement of notice under subsections (*l*) and (m) of this section on the date of the lien agent's receipt of notice of its designation as lien agent delivered to it by the custom contractor in accordance with this section if, at the time of the lien agent's receipt of the notice, all of the following conditions are met:

...

After receiving a notice of its designation from a custom contractor pursuant to this subsection, the designated lien agent shall include the custom contractor's name and contact information in responding to any request for information pursuant to G.S. 58-26-45(b)(7).

(h) When a lien agent is not identified in a contract for improvements to real property subject to G.S. 44A-11.1 entered into between an owner and a design professional, the design professional ~~will~~ shall be deemed to have met the requirement of notice under subsections (*l*) and (m) of this section on the date of the lien agent's receipt of the owner's designation of the lien agent. The owner shall provide written notice to the lien agent containing the information pertaining to the design professional required in a notice to lien agent pursuant to subdivisions (1) through (3) of subsection (i) of this section, by any method of delivery authorized in subsection (f) of this section. The lien agent shall include the design professional's name and address in its response to any persons requesting information relating to persons who have given notice to the lien agent pursuant to this section. For purposes of this subsection, the term "design professional" ~~shall mean~~ means any architects, engineers, land surveyors, and landscape architects registered under Chapter 83A, 89A, or 89C of the General Statutes.

...

(k) The notice to lien agent shall not be filed with the clerk of superior court. An inaccuracy in the description of the improved real property provided in the notice ~~shall~~ does not bar a person from claiming a lien under this Article or otherwise perfecting or enforcing a claim of lien as provided in this Article, if the improved real property can otherwise reasonably be identified from the information contained in the notice.

(*l*) Except as otherwise provided in this section, for any improvement to real property subject to G.S. 44A-11.1, a potential lien claimant may perfect a claim of lien on real property only if at least one of the following conditions is met:

...

(2) Any of the following conditions is met:

a. The lien agent identified in accordance with this section has received a Notice to Lien Agent from the potential lien claimant prior to the date of recordation of a conveyance of the property interest in the real property to a bona fide purchaser for value protected under G.S. 47-18 who is not an affiliate, relative, or insider of the owner.

b. The potential lien claimant has perfected its claim of lien on real property pursuant to G.S. 44A-11 prior to the recordation of a conveyance of the property interest in the real property to a bona fide purchaser for value protected under G.S. 47-18 who is not an affiliate, relative, or insider of the owner.

As used in this subdivision, the terms "affiliate," "relative," and "insider" ~~shall~~ have the meanings as set forth in G.S. 39-23.1.

(m) Except as otherwise provided in this section, for any improvement to real property subject to G.S. 44A-11.1, the claim of lien on real property of a potential lien claimant that is not perfected pursuant to G.S. 44A-11 prior to the recordation of any mortgage or deed of trust for the benefit of one who is not an affiliate, relative, or insider of the owner ~~shall be~~ is subordinate to the previously recorded mortgage or deed of trust unless at least one of the following conditions is met:

...

(n) For any improvement to real property subject to G.S. 44A-11.1, a potential lien claimant ~~shall not be~~ is not required to comply with this section if the lien agent contact information is neither contained in the building permit or attachment thereto or sign posted on the improved property pursuant to subsection (d) or (e) of this section at the time when the potential lien claimant was furnishing labor, materials, rental equipment, or professional design or surveying services at the site of the improvements, nor timely provided by the owner in response to a written request by the potential lien claimant made pursuant to subsection (b) of this section. The lien rights of a potential lien claimant who is given erroneous information by the owner regarding the identity of the lien agent ~~will not be~~ are not extinguished under subsection (*l*) of this section nor subordinated under subsection (m) of this section.

(o) Except as provided in subsections (*l*) and (m) of this section, nothing contained in this section ~~shall affect~~ affects a claim of lien upon funds pursuant to G.S. 44A-18.

...

(v) **(Effective October 1, 2018)** Cancellation or expiration of a Notice to Lien Agent pursuant to this section has no ~~affect [effect]~~ effect upon the validity of a previously filed claim of lien or upon the priority of lien rights."

SECTION 8.(b) The amendments to G.S. 44A-11.2(v) in subsection (a) of this section become effective October 1, 2018. The remainder of this section is effective when it becomes law.

SECTION 9. G.S. 48-3-303(g) reads as rewritten:

"(g) If the agency determines that the individual is not suitable to be an adoptive parent, the ~~replacement~~ preplacement assessment shall state the specific concerns which support that determination. A specific concern is one that reasonably indicates that placement of any minor, or a particular minor, in the home of the individual would pose a significant risk of harm to the well-being of the minor."

SECTION 10.(a) G.S. 53-208.45 reads as rewritten:

"**§ 53-208.45. License application.**

(a) Applications under this Article shall be filed through the NMLS in a form acceptable to the Commissioner. To be considered complete, all applications shall be verified by oath or affirmation of the applicant or a designee thereof and shall ~~contain:~~contain all of the following:

(1) The legal name, along with any ~~assumed names or trade names,~~ assumed business names, principal address, contact information, and social security number or taxpayer identification number of the applicant.

...

(4) A certificate of authority from the North Carolina Secretary of State to conduct business in this State, if required by the North Carolina Business Corporations Act, Chapter 55 of the General Statutes, or other evidence of the applicant's registration or qualification to do business in this State.

...

(13) If the applicant seeks to engage in money transmission in this State through authorized ~~delegates:~~delegates, all of the following:

a. A list identifying the proposed authorized delegates, including the name, mailing address, and other contact information of a representative of the authorized delegate and associated branch ~~locations;~~locations.

b. A sample authorized delegate contract.

...

(15) A copy of the applicant's most recent audited financial statement, including the balance sheet, statement of income or loss, statement of changes in shareholder equity, if applicable, and statement of changes in financial position and the applicant's audited financial statements for the immediately preceding two-year period. However, if the applicant is a wholly owned subsidiary of another corporation, the applicant may submit either the parent corporation's consolidated audited financial statements for the current year and for the immediately preceding two-year period or the parent corporation's Form 10K reports filed with the United States Securities and Exchange Commission for the prior three years in lieu of the applicant's financial statements. If the applicant is a wholly owned subsidiary of a corporation having its principal place of business outside the United States, similar documentation filed with the parent corporation's non-United States regulator may be submitted to satisfy this ~~provision.~~subdivision.

...

(b) Upon request by the Commissioner or the Commissioner's designee, the applicant shall furnish any additional information necessary to enable the Commissioner to evaluate the application as required by G.S. 53-208.50.

(c) The Commissioner ~~is authorized,~~ may, for good cause shown, ~~to~~ waive any requirements of this section with respect to any application or ~~to~~ permit any applicant to submit equivalent information in lieu of the information required by this section."

SECTION 10.(b) G.S. 53-208.56 reads as rewritten:

"**§ 53-208.56. Licensure authority.**

The Commissioner may by order, deny, suspend, revoke, or refuse to issue a license under this Article, or may restrict or limit the manner in which a licensee or applicant engages in the business of money transmission, if the Commissioner finds both of the following:

(1) That the order is in the public ~~interest; and~~interest.

(2) Any of the following circumstances apply:

a. Any fact or condition exists that, if it had existed at the time of application, would have been grounds for ~~denial;~~denial.

b. The licensee or applicant has filed any application, report, or other document with the Commissioner containing statements that, in light of the circumstances in which they were made, were false or misleading with respect to a material ~~fact;~~fact.

c. The licensee or applicant fails at any time to meet the requirements of G.S. 53-208.46, 53-208.47, or ~~53-208.48;~~53-208.48.

d. A controlling person or key management personnel of the licensee or applicant has been convicted ~~of:~~of any of the following:

1. A misdemeanor in the last 10 years involving fraud, money laundering, theft or wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or conspiracy to commit any of these offenses or involving any financial service or financial service-related ~~business; or~~business.
2. Any felony in the last seven years.

e. The licensee or applicant has violated or failed to comply with any provision of this Article, rule issued pursuant to this Article, or order of the ~~Commissioner;~~Commissioner.

f. The licensee has conducted its business in an unsafe or unsound ~~manner;~~manner.

g. The licensee or applicant is insolvent, has suspended payment of its obligations, has made an assignment for the benefit of its creditors, or has admitted in writing its inability to pay its debts as they become ~~due;~~due.

h. The licensee fails to respond to and cooperate fully with notices from the Commissioner or the Commissioner's designee related to the scheduling and conducting of an examination or investigation pursuant to ~~§ 53-208.55;~~G.S. 53-208.55.

i. The licensee or applicant fails to respond to inquiries from the Commissioner or the Commissioner's designee regarding any complaints filed, which allege or involve violation of this ~~Article;~~Article.

j. The licensee fails to make any report required by this ~~Article;~~Article.

k. The licensee or applicant is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the money transmission ~~business; or~~business.

l. The licensee or applicant is the subject of an order entered within the past five years by the authority of any state or federal agency with jurisdiction over the business of money transmission."

SECTION 10.(c) G.S. 53-208.62 reads as rewritten:

"**§ 53-208.62. Commissioner's participation in nationwide registry.**

(a) The Commissioner may require all persons subject to this Article to be licensed through the NMLS, and upon issuing ~~such~~ this requirement, the Commissioner shall establish a reasonable transition period. In order to carry out these requirements, the Commissioner ~~is authorized to~~ may participate in the NMLS.

(b) The Commissioner ~~is authorized to~~ may establish relationships or contracts with the NMLS or other entities designated by the NMLS to collect and maintain records and process transaction fees or other fees related to licensees or other ~~person~~ persons subject to this Article.

(c) For the purpose of participating in the NMLS, the Commissioner ~~is authorized to~~ may waive or modify, in whole or in part, any or all of the requirements as reasonably necessary to participate in the NMLS."

SECTION 11. G.S. 59-32 reads as rewritten:

"**§ 59-32. Definition of terms.**

As used in this Chapter, except as otherwise defined in Article 5 of this Chapter for purposes of that Article, ~~unless the context otherwise requires:~~the following definitions apply:

~~(01)~~(1) ~~"Act" means the~~ Act. – The North Carolina Uniform Partnership Act and refers to all provisions therein.

~~(1)~~(1a) ~~"Bankrupt" means bankrupt~~ Bankrupt. – Bankrupt under the Federal Bankruptcy Act or insolvent under any State insolvent act.

(2) ~~"Business" means every~~ Business. – Every trade, occupation, or profession.

(3) ~~"Conveyance" means every~~ Conveyance. – Every assignment, lease, mortgage, or encumbrance.

(4) ~~"Court" means every~~ Court. – Every court and judge having jurisdiction in the case.

(4a) ~~"Domestic corporation" has~~ Domestic corporation. – Has the same meaning as in G.S. 55-1-40.

(4b) ~~"Domestic limited liability company" has~~ Domestic limited liability company. – Has the same meaning as the term "LLC" in G.S. 57D-1-03.

(4c) ~~"Domestic limited partnership" has~~ Domestic limited partnership. – Has the same meaning as in G.S. 59-102.

(4d) ~~"Domestic nonprofit corporation" means a~~ Domestic nonprofit corporation. – A corporation as defined in G.S. 55A-1-40.

(4e) ~~"Foreign corporation" has~~ Foreign corporation. – Has the same meaning as in G.S. 55-1-40.

(4f) ~~"Foreign limited liability company" has~~ Foreign limited liability company. – Has the same meaning as the term "foreign LLC" in G.S. 57D-1-03.

(4g) ~~"Foreign limited liability partnership" means a~~ Foreign limited liability partnership. – A partnership that ~~(i)~~ is formed under laws other than the laws of this ~~State,~~ State and has the status of a limited liability partnership or registered limited liability partnership under those laws.

(4h) ~~"Foreign limited partnership" has~~ Foreign limited partnership. – Has the same meaning as in G.S. 59-102.

(4i) ~~"Foreign nonprofit corporation" means a~~ Foreign nonprofit corporation. – A foreign corporation as defined in G.S. 55A-1-40.

(5) ~~"Person" means individuals,~~ Person. – Individuals, partnerships, corporations, limited liability companies, and other associations.

(5a) ~~"Principal office" means the~~ Principal office. – The office (in or out of this State) where the principal executive offices of a registered limited liability partnership or a foreign limited liability partnership are located, as designated in its most recent annual report filed with the Secretary of State or, if no annual report has yet been filed, in its application for registration as a registered limited liability partnership or foreign limited liability partnership.

(6) ~~"Real property" means land~~ Real property. – Land and any interest or estate in land.

(7) ~~"Registered limited liability partnership" means a~~ Registered limited liability partnership. – A partnership that is registered under G.S. 59-84.2 and complies with G.S. 59-84.3.

(8) ~~"Service-disabled veteran" means a~~ Service-disabled veteran. – A veteran with a disability that was incurred or aggravated during the veteran's service in the Armed Forces of the United States.

(9) ~~"Service-disabled veteran-owned small business" means a~~ Service-disabled veteran-owned small business. – A business that satisfies ~~both of~~ all of the following requirements:
a. The business's net annual receipts do not exceed one million dollars ($1,000,000).
b. One or more service-disabled veterans own more than fifty percent (50%) of the business.

(10) ~~"Veteran" means an~~ Veteran. – An individual entitled to any benefits or rights under the laws of the United States by reason of service in the Armed Forces of the United States.

(11) ~~"Veteran-owned small business" means a~~ Veteran-owned small business. – A business that satisfies ~~both of~~ all of the following requirements:
a. The business's net annual receipts do not exceed one million dollars ($1,000,000).
b. One or more veterans own more than fifty percent (50%) of the business."

SECTION 12.(a) G.S. 89F-20(a) reads as rewritten:

"(a) The Board may, consistent with the provisions of Chapter 150B of the General ~~Statues,~~ Statutes, refuse to grant or to renew, suspend, or revoke the license of any person licensed under this Chapter who:

…."

SECTION 12.(b) G.S. 89G-5 reads as rewritten:

"**§ 89G-5. Powers and duties.**

The Board shall have the following powers and duties:

…

(8) To conduct administrative hearings in accordance with Chapter 150B of the General ~~Statues.~~Statutes.

…."

SECTION 12.(c) G.S. 106-1041 reads as rewritten:

"**§ 106-1041. Statement of purpose and authorization.**

The North Carolina Department of Agriculture and Consumer Services is authorized to aid and assist agricultural operations and landowners in the preparedness for, response to, and recovery from agricultural emergencies. This authorization is given separate and apart from the authorities authorized by Chapter 166A of the General Statutes and shall not require declaration of a state of emergency pursuant to G.S. 166A-19.20 for its implementation. In the event of a state of emergency declaration and where this Article is inconsistent with the provisions of Chapter 166A of the General Statutes, the provisions of Chapter 166A of the General ~~Statues~~ Statutes shall control as to the areas covered under the declaration. The Board of Agriculture may adopt rules necessary for the implementation and administration of this Article."

SECTION 13.(a) The following statutes are amended by deleting the phrase "the the chairs" wherever it appears and substituting the phrase "the chairs": G.S. 96-35, 143B-431.01(d)(1), 143B-431.01(f), 143B-434.2(d), 143B-435.1(d), 143B-437.02(k), 143B-437.012(m), 143B-438.10(a)(7a), 143B-438.10(a)(8), 143B-438.14(d), 143B-472.35(*l*), and 143B-1285(3).

SECTION 13.(b) G.S. 115D-11.6 reads as rewritten:

"**§ 115D-11.6. Apprenticeship Council.**

The State Board of Community Colleges shall appoint an Apprenticeship Council composed of four representatives each from employer and employee organizations respectively and three representatives from the public at large. One State official designated by the Department of Public Instruction and one State official designated by the Department of Commerce shall be a member ex officio of the council, without vote. The terms of office of the members of the

Apprenticeship Council shall be designated by the State Board. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his or her predecessor shall be appointed for the remainder of the term. Each member of the Council not otherwise compensated by public moneys, shall be reimbursed for transportation and shall receive such per diem compensation as is provided generally for boards and commissions under the biennial maintenance appropriation acts for each day spent in attendance at meetings of the Apprenticeship Council. The State Board of Community Colleges shall annually appoint one member of the Council to act as its chair.

The Apprenticeship Council shall meet at the call of the State Board of Community Colleges and shall aid the State Board and the Community Colleges System Office in formulating policies for the effective administration of this Article. The Apprenticeship Council shall establish standards for apprentice agreements which in no case shall be lower than those prescribed by this Article, shall recommend rules and regulations to the State Board of Community Colleges as may be necessary to carry out the intent and purposes of this Article, and shall perform other functions as the State Board of Community Colleges may direct. Not less than once a year the Apprenticeship Council shall make a report through the Community Colleges System Office of its activities and findings ~~to the legislature and to the public.~~ to the public and to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources; the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources; and the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources."

SECTION 13.(c) G.S. 143B-434.01 reads as rewritten:

"**§ 143B-434.01. Comprehensive Strategic Economic Development Plan.**

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

...

(b) Plan. – The Secretary shall review and update the existing Plan on or before April 1 of each year. The Plan shall cover a period of four years and each annual update shall extend the time frame by one year so that a four-year plan is always in effect. The Secretary shall provide copies of the Plan and each annual update to the Governor and the Joint Legislative Commission on Governmental Operations. The Plan shall encompass all of the components set out in this section.

(c) Purpose. – The purpose of this section is to require the Secretary to apply strategic planning principles to its economic development efforts. This requirement is expected to result ~~in:~~in all of the following:

...

(d) ~~(1)~~ Public and Private Input. –

(1) At each stage as it develops and updates the Plan, the Secretary shall solicit input from all parties involved in economic development in North Carolina, including:

...

(2) The Secretary shall also hold hearings in each of the Regions to solicit public input on economic development before the initial Plan is completed. The purposes of the public hearings are ~~to:~~*to do all of* the following:

...

The Secretary shall hold additional hearings from time to time to solicit public input regarding economic development activities.

...

(e) Environmental Scan. – The first step in developing the Plan shall be to develop an environmental scan based on the input from economic development parties and the public and on information about the economic environment in North Carolina. To prepare the scan, the Secretary shall gather the information required in this subsection and ensure that the information is updated periodically. The updated information may be provided in whatever format and

through whatever means is most efficient. The information required to prepare the scan includes all of the following:

...

(2) Compilation of the latest data on the strength of the business environment by State, Region, and county with emphasis on the following dynamics of job creation: start-ups, expansions, locations, contractions, and failures. Special assessments are to be made of rural, small, and minority business components of overall activity.

...

(f) Repealed by Session Laws 2012-142, s. 13.4(a), effective July 1, 2012.

...

(k) Annual Evaluation. – The Secretary shall annually evaluate the State's economic performance based upon the statistics listed in this subsection and upon the Secretary's stated goals and objectives in its Plan. The statistics upon which the evaluation is made should be available to policymakers. The information may be provided in whatever format and through whatever means is most efficient. The statistics are as follows:

...

(*l*) Accountability. – The Secretary shall make all data, plans, and reports available to ~~the the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, and the Joint Legislative Economic Development and Global Engagement Oversight Committee,~~ the Joint Legislative Economic Development and Global Engagement Oversight Committee, the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, and the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources at appropriate times and upon request. The Secretary shall prepare and make available on an annual basis public reports on each of the major sections of the Plan and the Annual Report indicating the degree of success in attaining each development objective."

SECTION 14. G.S. 106-702(b) and (c) read as rewritten:

"(b) If any plaintiff or plaintiff's successor in interest brings a subsequent private nuisance action against any agricultural or forestry operation, the combined recovery from all such actions shall not exceed the fair market value of ~~his or her property.~~ the property at issue. This limitation applies regardless of whether the subsequent action or actions were brought against a different defendant than the preceding action or actions.

(c) This Article ~~shall apply~~ applies to any private nuisance claim brought against any party based on that party's contractual or business relationship with an agricultural or forestry operation."

SECTION 15. G.S. 113A-134.12 reads as rewritten:

"**§ 113A-134.12. Multiyear beach management and restoration strategy and plan.**

(a) The Department of Environmental Quality shall develop a multiyear beach management and restoration strategy and plan that does all of the following:

...

(10) Provides for and requires adequate public beach access, including ~~handicapped access.~~access for individuals with a disability.

...

(b) Each plan shall be as complete as resources and available information allow. ~~Environmental Quality~~"

SECTION 16. G.S. 115C-296.2(b) reads as rewritten:

"(b) Definitions. – As used in this subsection:

(1) A "North Carolina public school" is a school operated by a local board of education, the Department of Health and Human Services, the Division of

Adult Correction and Juvenile Justice of the Department of Public Safety, ~~the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ or The University of North Carolina; a school affiliated with The University of North Carolina; or a charter school approved by the State Board of Education.

...."

SECTION 17. G.S. 130A-26A is recodified as G.S. 130A-26.4 and reads as rewritten:

"**§ 130A-26.4. Violations of Article 4.**

(a) A person who commits any of the following acts shall be guilty of a Class 1 misdemeanor:

(1) Willfully and knowingly makes any false statement in a certificate, record, or report required by Article 4 of this ~~Chapter;~~Chapter.

(2) Removes or permits the removal of a dead body of a human being without authorization provided in Article 4 of this ~~Chapter;~~Chapter.

(3) Refuses or fails to furnish correctly any information in the person's possession or furnishes false information affecting a certificate or record required by Article 4 of this ~~Chapter;~~Chapter.

(4) Fails, neglects, or refuses to perform any act or duty required by Article 4 of this Chapter or by the instructions of the State Registrar prepared under authority of the Article.

(5) Charges a fee for performing any act or duty required by Article 4 of this Chapter or by the State Registrar pursuant to Article 4 of this Chapter, other than fees specifically authorized by law.

(b) A person who commits any of the following acts shall be guilty of a Class I felony:

(1) Willfully and knowingly makes any false statement in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that the information be used in the obtaining of any copy of a vital ~~record;~~record.

(2) Without lawful authority and with the intent to deceive makes, counterfeits, alters, amends, or mutilates a certificate, record, or report required by Article 4 of this Chapter or a certified copy of the certificate, record, or ~~report;~~report.

(3) Willfully and knowingly obtains, possesses, sells, furnishes, uses, or attempts to use for any purpose of deception, a certificate, record, or report required by Article 4 of this Chapter or a certified copy of the certificate, record, or report, which is counterfeited, altered, amended, or mutilated, or which is false in whole or in part or which relates to the birth of another person, whether living or ~~deceased;~~deceased.

(4) When employed by the Vital Records Section of the Department or designated under Article 4 of this Chapter, willfully and knowingly furnishes or processes a certificate of birth, death, marriage, or divorce, or certified copy of a certificate of birth, death, marriage, or divorce with the knowledge or intention that it be used for the purposes of ~~deception;~~deception.

(5) Without lawful authority possesses a certificate, record, or report required by Article 4 of this Chapter or a certified copy of the certificate, record, or report knowing that it was stolen or otherwise unlawfully ~~obtained;~~obtained.

(6) Willfully alters, except as provided by G.S. 130A-118, or falsifies a certificate or record required by Article 4 of this Chapter; or willfully alters, falsifies, or changes a photocopy, certified copy, extract copy, or any document containing information obtained from an original or copy of a certificate or record required by Article 4 of this Chapter; or willfully makes, creates, or uses any

altered, ~~falsified~~ falsified, or changed record, reproduction, ~~copy~~ copy, or document for the purpose of attempting to prove or establish for any purpose whatsoever any matter purported to be shown on ~~it;~~it.

(7) Without lawful authority, manufactures or possesses the seal of: (i) the Vital Records Section, (ii) a county register of deeds, or (iii) a county health department, or without lawful authority, manufactures or possesses a reproduction or a counterfeit copy of the ~~seal;~~seal.

(8) Without lawful authority prepares or issues any certificate which purports to be an official certified copy of a vital ~~record;~~record.

(9) Without lawful authority, manufactures or possesses Vital Records Section, county register of deeds, or county health department vital records forms or safety paper used to certify births, deaths, marriages, and divorces, or reproductions or counterfeit copies of the forms or safety ~~paper; or~~paper.

(10) Willfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by an unauthorized person or for an unauthorized purpose."

SECTION 18. Article 18A of Chapter 136 of the General Statutes is repealed.

SECTION 19. G.S. 143-157.1(a) and (b) read as rewritten:

"(a) Appointments. – In appointing members to public bodies set forth in subsections (c) and (d) of this section, the appointing authority should select, from among the most qualified persons, those persons whose appointment would promote membership on the body that accurately reflects the proportion that each gender represents in the population of the State as a whole or, in the case of a local body, in the population of the area represented by the ~~or~~ body, as determined pursuant to the most recent federal decennial census, unless the law regulating ~~such~~ the appointment requires otherwise. If there are multiple appointing authorities for the body, they may consult with each other to accomplish the purposes of this section.

(b) Reports Generally. – Each appointing authority described in subsection (a) of this section shall submit a report to the Secretary of State annually which discloses the number of appointments made during the preceding year and the number of appointments of each gender made, expressed both in numerical terms and as a percentage of the total membership of the body. In addition, each appointing authority shall designate a person responsible for retaining all applications for appointment, who shall ensure that information describing each applicant's gender and qualifications is available for public inspection during reasonable hours. Nothing in this section requires disclosure of an applicant's identity or of any other information made confidential by law. The Secretary of State shall prescribe the form used to report these appointments and may accept these reports by electronic means. Reports by appointing authorities shall be due in the Department of the Secretary of State on or before September 1. From these reports, the Secretary of State shall generate an annual composite report that shall be published by December 1. Copies of the report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate."

SECTION 20. G.S. 143-723 reads as rewritten:

"**§ 143-723. Open meetings; public records; audit.**

The Open Meetings Law ~~(Article 33~~ (Article 33C of Chapter 143 of the General Statutes) and the Public Records Act (Chapter 132 of the General Statutes) ~~shall~~ apply to the Fund and the Commission, and the Fund and the Commission ~~shall be~~ are subject to audit by the State Auditor as provided by law. The Commission shall reimburse the State Auditor for the actual cost of the audit."

SECTION 21. G.S. 150B-1(d) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

…

(6) ~~and Juvenile Justice~~ The Department of Public Safety, with respect to matters relating to executions under Article 19 of Chapter 15 of the General Statutes and matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees.

...."

SECTION 22. G.S. 150B-21.11 reads as rewritten:

"**§ 150B-21.11. Procedure when Commission approves permanent rule.**

When the Commission approves a permanent rule, it must notify the agency that adopted the rule of the Commission's approval, and deliver the approved rule to the Codifier of Rules.~~Regulatory Reform~~

If the approved rule will increase or decrease expenditures or revenues of a unit of local government, the Commission must also notify the Governor of the Commission's approval of the rule and deliver a copy of the approved rule to the Governor by the end of the month in which the Commission approved the rule."

SECTION 23.(a) Section 16D.4(dd) of S.L. 2017-57 reads as rewritten:

"**SECTION 16D.4.(dd)** In developing and implementing the education and training required by subsections ~~(a) and (b)~~ (bb) and (cc) of this section, the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission shall work with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

SECTION 23.(b) Section 16D.4(tt) of S.L. 2017-57 reads as rewritten:

"**SECTION 16D.4.(tt)** Sections 16D.4(a) through 16D.4(s) of this act become effective December 1, 2019, and apply to offenses committed on or after that date. Sections 16D.4(t) through 16D.4(x) of this act become effective October 1, 2017, and Sections 16D.4(t) through 16D.4(w) apply to all complaints filed on or after that date. Except as otherwise provided in this ~~act,~~ section, the remainder of this ~~act~~ section is effective when it becomes law. Prosecutions or delinquency proceedings initiated for offenses committed before any particular ~~section~~ subsection of this section becomes effective are not abated or affected by this act, and the statutes that are in effect on the dates the offenses are committed remain applicable to those prosecutions."

SECTION 24.(a) Section 36.7(b) of S.L. 2017-57 reads as rewritten:

"**SECTION 36.7.(b)** Reporting. – The following reports are required:

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

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

SECTION 24.(b) Section 7(b) of S.L. 2017-206 is repealed.

SECTION 25. Subsections (b) and (c) of Section 2 of S.L. 2017-137 read as rewritten:

"**SECTION 2.(b)** Pilot Program to Reduce Inventory of DOT Residue Property. – No later than January 1, 2018, the Department shall establish a pilot program for disposing of residue property in accordance with ~~Section 1(a)~~ Section 2(a) of this act. In implementing this pilot program, the Department shall prepare a request for proposals to select three real estate brokers and three real estate auctioneers or real estate auction firms to dispose of a representative sample of residue properties, selected by the Department, consisting of at least 15 Class A properties, 30 Class B properties, and 45 Class C properties distributed throughout the State. If the quantity of residue property in each class is insufficient to satisfy this minimum, the Department may set a minimum based on the quantity of residue properties available. The term for the initial contracts

awarded shall be 180 days. The Department shall repeat the request for proposals process to award contracts for a subsequent 180-day term. The Department shall review the progress of residue property disposition pursuant to each contract awarded through the pilot program. The pilot program shall terminate on January 1, 2019.

"**SECTION 2.(c)** No later than March 1, 2018, and by March 1, 2019, the Department shall report to the Joint Legislative Transportation Oversight Committee on the classification and sale of residue properties pursuant to the pilot program established pursuant to ~~Section 1(b)~~ Section 2(b) of this act. At a minimum, this report shall include information on the following:

(1) The number and type of properties classified and offered as part of each request for proposal.

(2) The details of each request for proposal and award of contract pursuant to each request for proposal.

(3) The number and type of properties sold, including information about the manner of sale, the identity of the purchaser, and the average ratio of sale price to residue property value of the properties sold."

SECTION 26.(a) Section 2 of S.L. 2017-174 reads as rewritten:

"**SECTION 2.** This act is effective when it becomes law and applies to any licensee or prospective applicant who seeks to make specified types of alterations or additions to its hospital facilities or to construct new hospital facilities and who submits plans and specifications to the Department of Health and Human Services pursuant to Article 5 of ~~Chapter 113E~~ Chapter 131E of the General Statutes on or after January 1, 2016."

SECTION 26.(b) This section becomes effective July 21, 2017.

PART II. TECHNICAL CORRECTIONS TO THE NORTH CAROLINA UNIFORM POWER OF ATTORNEY ACT

SECTION 27.(a) G.S. 32C-1-108(b) reads as rewritten:

"(b) If, after a principal executes a power of attorney, the clerk of superior court appoints a guardian of the principal's estate, or general guardian or other fiduciary charged with the management of some or all of the principal's property, the agent is accountable to the guardian or the fiduciary as well as to the principal. The power of attorney is not terminated and the agent's authority continues unless ~~limited, suspended,~~ suspended or terminated by the clerk of superior court ~~in accordance with this Chapter.~~ pursuant to G.S. 32C-1-116(a)(2) or terminated by the guardian of the principal's estate or general guardian pursuant to G.S. 32C-1-110(a)(7) or G.S. 32C-1-110(b)(5)."

SECTION 27.(b) G.S. 32C-1-116 reads as rewritten:

"**§ 32C-1-116. Judicial relief.**

(a) The clerks of superior court of this State shall have original jurisdiction of proceedings under this Chapter. Except as provided in subdivision (4) of this subsection, the clerk of superior court's jurisdiction is exclusive. The following proceedings are included:

...

(2) To terminate a power of attorney or to ~~limit, suspend,~~ suspend or terminate the authority of an agent where a guardian of the estate or a general guardian has been appointed.

...

(b) Without otherwise limiting the jurisdiction of the superior court division of the General Court of Justice, the clerk of superior court shall not have jurisdiction under this subsection over the following actions:

(1) To modify or amend a power of attorney instrument.

(2) By or against creditors or debtors of an agent or principal.

(3) Involving claims for monetary damages, including claims for breach of fiduciary duty, fraud, and negligence.

(4) To set aside a power of attorney based on undue influence or lack of capacity.
(5) For the recovery of property transferred or conveyed by an agent on behalf of a principal with intent to hinder, delay, or defraud the principal's creditors.

(c) Proceedings brought under the provisions of subsection (a) of this section shall be commenced as prescribed for ~~in~~ in, and shall be conducted in accordance with, estate proceedings under G.S. 28A-2-6 and may be brought by the following persons:

(1) The principal or the agent.
(2) A general guardian, guardian of the principal's estate, or guardian of the principal's person.
(3) The personal representative of the estate of a deceased principal.
(4) A person authorized to make health care decisions for the principal.
(5) Any other interested person, including a person asked to accept a power of attorney.

...

(e) Nothing in this section ~~shall affect~~ affects the right of a person to file an action in the Superior Court Division of the General Court of Justice for declaratory relief under Article 26 of Chapter 1 of the General Statutes.

...."

SECTION 28.(a) G.S. 32C-1-109(c) reads as rewritten:

"(c) If a power of attorney becomes effective upon the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record in one of the following manners:

(1) After a personal examination of the principal, by two individuals who are either a physician, a licensed psychologist, or both, that the principal is incapacitated within the meaning of ~~G.S. 32C-1-102(5)a.~~G.S. 32C-1-102(6)a.
(2) By an attorney-at-law, a judge, or an appropriate governmental official that the principal is incapacitated within the meaning of ~~G.S. 32C-1-102(5)b.~~G.S. 32C-1-102(6)b.

Notwithstanding the subsequent capacity of the principal to manage property or business affairs, a power of attorney which becomes effective under this subsection shall remain effective until its termination pursuant to G.S. 32C-1-110(a) or the agent's authority terminates pursuant to G.S. 32C-1-110(b)."

SECTION 28.(b) G.S. 32C-1-116(f) reads as rewritten:

"(f) Upon motion by the principal, the clerk of superior court shall dismiss a petition filed under subsection (a) of this section, unless the clerk of superior court determines the principal is incapacitated within the meaning of ~~G.S. 32C-1-102(5).~~G.S. 32C-1-102(6)."

SECTION 29. G.S. 32C-1-112 reads as rewritten:

"**§ 32C-1-112. Reimbursement and compensation of agent.**

(a) If the terms of the power of attorney specify the amount or the way the compensation is to be determined, the agent is entitled to the compensation as specified.

(b) If the terms of the power of attorney do not specify the amount or the way the compensation is to be determined, and the principal thereafter becomes incapacitated, then subsequent to the principal's incapacity the agent is entitled to receive reasonable compensation as determined by the clerk of superior court in accordance with G.S. 32-59.

(c) Unless the power of attorney otherwise provides, an agent is entitled upon request to the clerk of superior court pursuant to G.S. 32-59 to be reimbursed for expenses properly incurred on behalf of the principal."

SECTION 30.(a) G.S. 32C-1-114 reads as rewritten:

"**§ 32C-1-114. Agent's duties.**

...

(b) Except as otherwise provided in the power of attorney, an agent that has accepted appointment has no affirmative duty to exercise the powers or to continue to exercise the powers granted to the agent by the power of attorney, but if the agent exercises any of the granted powers, the agent shall, in the exercise of such powers, do all of the following:

(1) Act loyally for the principal's benefit.

...

~~(7) Account to the principal or a person designated by the principal in the power of attorney.~~

...

(h) Except as otherwise provided in the power of attorney, an agent is not required to disclose receipts, disbursements, or transactions conducted on behalf of the principal unless ordered by a court or requested by the ~~principal,~~ principal or a person designated by the principal in the power of attorney, a guardian of the estate, general guardian, or, upon the death of the principal, by the personal representative or successor in interest of the principal's estate."

SECTION 30.(b) G.S. 32C-3-301 reads as rewritten:

"**§ 32C-3-301. Statutory form power of attorney.**

As a nonexclusive method to grant a power of attorney, a document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this Chapter:

"NORTH CAROLINA

STATUTORY SHORT FORM POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE DEFINED IN CHAPTER 32C OF THE NORTH CAROLINA GENERAL STATUTES, WHICH EXPRESSLY PERMITS THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES CONCERNED.

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the North Carolina Uniform Power of Attorney Act.

This power of attorney does not authorize the agent to make health care decisions for you.

...

"IMPORTANT INFORMATION FOR AGENT

Agent's Duties

...

Unless the Additional Provisions and Exclusions in this power of attorney state otherwise, you must also:

(1) Act loyally for the principal's benefit;

...

(5) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects, or if you do not know the principal's expectations, to act in the principal's best ~~interest;~~interest; and

(6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best ~~interest; and~~interest.

~~(7) Account to the principal (or a person designated by the principal (if any)) in the Additional Provisions and Exclusions.~~

...."

SECTION 31.(a) G.S. 32C-2-201 reads as rewritten:

"**§ 32C-2-201. Authority requiring specific grant; grant of general authority.**

(a) Unless the exercise of the authority by an agent under a power of attorney is ~~not~~ otherwise prohibited by another agreement or instrument to which the authority or property is subject, then the following apply:

...

(d) Subject to subsections (a), (b), (c), (e), and (f) of this section, if a power of attorney grants to an agent authority to do all acts that a principal could do, the agent has the general authority described in G.S. 32C-2-204 through G.S. ~~32C-2-216 and G.S. 32C-2-220.~~32C-2-216.

...."

SECTION 31.(b) G.S. 32C-2-202 reads as rewritten:

"**§ 32C-2-202. Incorporation of authority.**

(a) An agent has authority described in this Chapter if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in G.S. 32C-2-204 through G.S. 32C-2-217 ~~and G.S. 32C-2-220~~ or cites the section in which the authority is described.

(b) A reference in a power of attorney to general authority with respect to the descriptive term for a subject in G.S. 32C-2-204 through G.S. 32C-2-217 ~~and G.S. 32C-2-220~~ or a citation to G.S. 32C-2-204 through G.S. 32C-2-217 ~~and G.S. 32C-2-220~~ incorporates the entire section as if it were set out in full in the power of attorney.

(c) A principal may modify authority incorporated by reference."

SECTION 31.(c) G.S. 32C-2-203 reads as rewritten:

"**§ 32C-2-203. Construction of authority, generally.**

Except as otherwise provided in the power of attorney, by executing a power of attorney that incorporates by reference a subject described in G.S. 32C-2-204 through G.S. 32C-2-217 ~~and G.S. 32C-2-220~~ or that grants to an agent authority to do all acts that a principal could do pursuant to G.S. 32C-2-201(d), a principal authorizes the agent, with respect to that subject, to do all of the following:

...."

SECTION 32. G.S. 32C-3-303 reads as rewritten:

"**§ 32C-3-303. Limited power of attorney for real property.**

...

SIGNATURE AND ACKNOWLEDGMENT

_____ _____

Your Signature Date

_____

Your Name Printed

State of _____, County of _____.

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: _____.

Date: _____ _____
Signature of Notary Public

(Official Seal)

_____, Notary Public
Printed or typed ~~name"~~name

My commission expires: _____""

SECTION 33. G.S. 32C-4-403 reads as rewritten:

"**§ 32C-4-403. Effect on existing powers of attorney.**

(a) Except as otherwise provided in this Chapter, the following apply on January 1, 2018.

(1) This Chapter applies to a power of attorney created before, on, or after January 1, 2018, unless there is clear indication of a contrary intent in the terms of a power of attorney or unless application of a particular provision of this Chapter would substantially impair rights of a party.

...

(4) A rule of construction or presumption provided by this ~~Chapter~~ Chapter, including the rule of G.S. 32C-1-104 regarding durability of a power of attorney, applies to powers of attorney executed before January 1, 2018, unless there is a clear indication of a contrary intent in the terms of a power of attorney or unless the application of the rule of construction or presumption would substantially impair rights of a party created under North Carolina law in effect prior to January 1, 2018, in which case the rule of construction or presumption does not apply and the superseded rule of construction or presumption applies.

...

(c) References to prior statutes ~~and~~ in powers of attorney, whether executed on or after the adoption of this Chapter shall be deemed to refer to the corresponding provisions this Chapter unless application of the rule of construction would substantially impair substantial rights of a party.

(d) Notwithstanding the provisions of this Chapter, the powers conferred by former G.S. 32A-2 shall apply to a Statutory Short Form Power of Attorney that was created in accordance with former G.S. 32A-1 prior to January 1, 2018."

SECTION 34. G.S. 47-43 reads as rewritten:

"**§ 47-43. Form of certificate of acknowledgment of instrument executed by ~~attorney-in-fact.~~agent.**

When an instrument purports to be signed by parties acting through another by virtue of the execution of a power of attorney, the following form of certificate ~~shall be deemed~~ is sufficient, but ~~shall~~ does not exclude other ~~forms which would be deemed sufficient in law:~~forms:

North Carolina, _____ County.

I (here give name of the official and ~~his official~~ the official's title), do hereby certify that (here give name of ~~attorney-in-fact), attorney-in-fact~~ agent) (the "Agent"), agent for (here give names of parties who executed the instrument through ~~attorney-in-fact),~~ the Agent) (the "Principal"),

personally appeared before me this day, and being by me duly sworn, says that ~~he~~ the Agent executed the foregoing and annexed instrument for and ~~in~~ on behalf of ~~(here give names of parties who executed the instrument through attorney-in-fact),~~ the Principal, and that ~~his~~ the Agent's authority to execute and acknowledge ~~said~~ the instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of (here insert name of official in whose office power of attorney is recorded, and the county and state of recordation), on the (day of month, month, and year of recordation), and that this instrument was executed under and by virtue of the authority given by ~~said~~ the instrument granting ~~him~~ the Agent power of attorney; that the ~~said (here give name of attorney-in-fact)~~ Agent acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the ~~said (here give names of parties who executed the instrument through attorney-in-fact).~~ Principal.

WITNESS my hand and official seal, this _____ day of_____, (year) ____

(Official seal.)

_____

Signature of Officer"

SECTION 35.(a) G.S. 90-21.13(c) reads as rewritten:

"(c) The following persons, in the order indicated, are authorized to consent to medical treatment on behalf of a patient who is comatose or otherwise lacks capacity to make or communicate health care decisions:

…

(2) A health care agent appointed pursuant to a valid health care power of attorney, to the extent of the authority granted.

(3) An agent, with powers to make health care decisions for the patient, appointed by the ~~patient pursuant to Chapter 32C of the General Statutes,~~ patient, to the extent of the authority granted.

…."

SECTION 35.(b) G.S. 90-322(b) reads as rewritten:

"(b) If a person's condition has been determined to meet the conditions set forth in subsection (a) of this section and no instrument has been executed as provided in G.S. 90-321, then life-prolonging measures may be withheld or discontinued upon the direction and under the supervision of the attending physician with the concurrence of the following persons, in the order indicated:

…

(2) A health care agent appointed pursuant to a valid health care power of attorney, to the extent of the authority granted.

(3) An agent, with powers to make health care decisions for the patient, appointed by the ~~patient pursuant to Chapter 32C of the General Statutes,~~ patient, to the extent of the authority granted.

…

If none of the above is reasonably available then at the discretion of the attending physician the life-prolonging measures may be withheld or discontinued upon the direction and under the supervision of the attending physician."

SECTION 36. The Revisor of Statutes shall cause to be printed, as annotations to the published General Statutes, all explanatory comments of the drafters of this part as the Revisor may deem appropriate.

PART III. EFFECTIVE DATE

SECTION 37. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 162
Judiciary Committee Substitute Adopted 4/19/17
Third Edition Engrossed 4/25/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S162-CSML-20 [v.1]
06/14/2018 04:03:49 PM

Short Title: Human Trafficking Restorative Justice. (Public)

Sponsors:

Referred to:

March 2, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE RESTORATIVE JUSTICE TO VICTIMS OF HUMAN TRAFFICKING

The General Assembly of North Carolina enacts:

MAKE DEFINITION OF "VICTIM" APPLY THROUGHOUT THE ARTICLE

SECTION 1. G.S. 14-43.10 is amended by adding a new subdivision to read:

"(6) Victim. – Unless the context requires otherwise, a person subjected to the practices set forth in G.S. 14-43.11, 14-43.12, or 14-43.13."

PROVIDE AFFIRMATIVE DEFENSE FOR HUMAN TRAFFICKING VICTIMS

SECTION 2.(a) Article 10A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-43.15. Affirmative defense.**

(a) Affirmative Defense. – It is an affirmative defense to a prosecution under this Article that the person charged with the offense was a victim at the time of the offense and was coerced or deceived into committing the offense as a direct result of the person's status as a victim.

(b) Construction. – Nothing in this section shall be construed to limit or abrogate any other affirmative defense to a prosecution under this Article available to a person by statute or common law."

SECTION 2.(b) This section becomes effective December 1, 2018.

PROVIDE CONFIDENTIALITY FOR HUMAN TRAFFICKING VICTIMS

SECTION 3.(a) Article 10A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-43.16. Victim confidentiality; penalty for unlawful disclosure.**

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

(1) A victim.

(2) An alleged victim.

(3) An immediate family member of a victim or alleged victim. For purposes of this subdivision, the term "immediate family member" means a spouse, child,

sibling, parent, grandparent, grandchild, or the spouse of an immediate family member. This term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(b) Exceptions. – Information subject to the confidentiality requirement set forth in subsection (a) of this section may be disclosed only for the following purposes:

(1) For use in a law enforcement investigation or criminal prosecution.

(2) To ensure the provision of medical care, housing, or family services or benefits to any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.

(3) Upon written request by any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.

(4) As required by federal law or court order.

(c) Penalty. – A person who knowingly violates subsection (a) of this section is guilty of a Class 3 misdemeanor.

SECTION 3.(b) This section becomes effective December 1, 2018.

MODIFY LAW PROVIDING RESTITUTION FOR HUMAN TRAFFICKING VICTIMS

SECTION 4.(a) G.S. 14-43.20 reads as rewritten:

"**§ 14-43.20. Mandatory restitution; victim services; forfeiture.**

~~(a) Definition. – For purposes of this section, a "victim" is a person subjected to the practices set forth in G.S. 14-43.11, 14-43.12, or 14-43.13.~~

(b) Restitution. – Restitution for a victim is mandatory under this Article. At a minimum, the court shall order restitution in an amount equal to the value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA). In addition, the judge may order any other amount of loss identified, including the gross income or value to the defendant of the victim's labor or ~~services.~~services and any costs reasonably certain to be incurred by or on behalf of the victim for medical care, psychological treatment, temporary housing, transportation, funeral services, and any other services designed to assist a victim recover from any injuries or loss resulting from an offense committed under G.S. 14-43.11, 14-43.12, or 14-43.13.

...

(e) Forfeiture. – A person who commits a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 is subject to the property forfeiture provisions set forth in G.S. 14-2.3.

(f) Escheat. – If a judge finds that the victim to whom restitution is due under this Article is unavailable to claim the restitution award, then the judge shall order the restitution be made payable to the clerk of superior court in the county in which the conviction for the offense requiring restitution occurred. If the victim fails to claim the restitution award within two years of the date of the restitution order issued by the judge, the clerk shall remit the restitution proceeds to the Crime Victims Compensation Fund established pursuant to G.S. 15B-23. Notwithstanding any provision of G.S. 15B-23 to the contrary, funds remitted to the Crime Victims Compensation Fund shall be used only to provide aid to victims who are (i) worthy and needy as determined by the Crime Victims Compensation Commission and (ii) enrolled in public institutions of higher education of this State."

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

AMEND DEFINITION OF "ABUSED JUVENILES" TO INCLUDE ALL HUMAN TRAFFICKING VICTIMS LESS THAN 18 YEARS OF AGE

SECTION 5.(a) G.S. 7B-101 reads as rewritten:

"**§ 7B-101. Definitions.**

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

(1) Abused juveniles. – Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:

...

e. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or ~~others;~~others; or

f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the ~~juvenile; or~~juvenile.

~~g. Commits or allows to be committed an offense under G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude) against the child.~~

This term includes any juvenile less than 18 years of age who is a victim or is alleged to be a victim of an offense under G.S. 14-43.11, 14-43.12, or 14-43.13, regardless of the relationship between the victim and the perpetrator."

SECTION 5.(b) This section becomes effective December 1, 2018.

AMEND RULE 412 OF THE EVIDENCE CODE TO INCLUDE CHARGES OF SEXUAL SERVITUDE

SECTION 6.(a) G.S. 8C-412(d) reads as rewritten:

"(d) Notwithstanding any other provision of law, unless and until the court determines that evidence of sexual behavior is relevant under subdivision (b), no reference to this behavior may be made in the presence of the jury and no evidence of this behavior may be introduced at any time during the trial ~~of:~~of any of the following:

(1) A charge of rape or a lesser included offense of ~~rape;~~rape.

(2) A charge of a sex offense or a lesser included offense of a sex ~~offense; or~~offense.

(3) An offense being tried jointly with a charge of rape or a sex offense, or with a lesser included offense of rape or a sex offense.

(4) A charge of sexual servitude under G.S. 14-43.13.

Before any questions pertaining to such evidence are asked of any witness, the proponent of such evidence shall first apply to the court for a determination of the relevance of the sexual behavior to which it relates. The proponent of such evidence may make application either prior to trial pursuant to G.S. 15A-952, or during the trial at the time when the proponent desires to introduce such evidence. When application is made, the court shall conduct an in camera hearing, which shall be transcribed, to consider the proponent's offer of proof and the argument of counsel, including any counsel for the complainant, to determine the extent to which such behavior is relevant. In the hearing, the proponent of the evidence shall establish the basis of admissibility of such evidence. Notwithstanding subdivision (b) of Rule 104, if the relevancy of the evidence which the proponent seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the in camera hearing or at a subsequent in camera hearing scheduled for that purpose, shall accept evidence on the issue of whether that condition of fact is fulfilled and shall determine that issue. If the court finds that the evidence is relevant, it shall enter an order stating that the evidence may be admitted and the nature of the questions which will be permitted."

SECTION 6.(b) This section becomes effective December 1, 2018, and applies to trials held on or after that date.

AMEND MEMBERSHIP OF HUMAN TRAFFICKING COMMISSION

SECTION 7. G.S. 114-70(b) reads as rewritten:

"(b) Membership. – The Commission shall consist of ~~12~~no more than 15 members as follows:

...

(3) The Governor shall appoint one representative from each of the following:

a. The Department of Labor.

b. The Department of Justice.

c. The Department of Public Safety.

d. A health care representative.

(4) The following persons, or their designees, may serve as ex officio members of the Commission:

a. The Director of the Administrative Office of the Courts.

b. The President of the North Carolina Conference of Superior Court Judges.

c. The President of the North Carolina Association of District Court Judges."

STUDY SENTENCING AND POST-CONVICTION RELIEF FOR HUMAN TRAFFICKING OFFENSES

SECTION 8.(a) Study. – The North Carolina Human Trafficking Commission, in consultation with the Conference of District Attorneys and the Office of Indigent Defense Services, shall study the human trafficking offenses set forth in Article 10A of Chapter 14 of the General Statutes. At a minimum, the study shall consider (i) the appropriate level of sentencing for each offense, (ii) whether any revisions to the sentencing levels would reduce human trafficking, and (iii) the effects of expanding the eligibility of any post-conviction relief to human trafficking victims.

SECTION 8.(b) Report. – The North Carolina Human Trafficking Commission shall submit its findings from the study required under subsection (a) of this section, including any legislative recommendations, to the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2019.

SEVERABILITY CLAUSE

SECTION 9. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

EFFECTIVE DATE

SECTION 10. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 735
Judiciary Committee Substitute Adopted 6/7/18
Third Edition Engrossed 6/11/18
PROPOSED HOUSE COMMITTEE SUBSTITUTE S735-CSROf-9 [v.5]
06/14/2018 05:10:59 PM

Short Title: Various OLB and Administrative Law Changes. (Public)

Sponsors:

Referred to:

May 24, 2018

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS OCCUPATIONAL LICENSING BOARD AND ADMINISTRATIVE LAW CHANGES.

The General Assembly of North Carolina enacts:

PART I. REFORM OLB FINANCIAL REPORTING

SECTION 1.1. The Joint Legislative Administrative Procedure Oversight Committee shall study whether the definition of "occupational licensing board" under G.S. 93B-1 and the definition of "occupational licensing agency" under G.S. 150B-2 should include specific lists of occupational licensing boards in order to clarify which State agencies should be considered occupational licensing boards for purposes of Chapter 93B and Chapter 150B of the General Statutes. If the Committee determines that the definitions should include such lists, the Committee shall recommend which State agencies should be included under each definition. The Committee shall report the results of its study to the 2019 General Assembly.

SECTION 1.2. G.S. 143B-426.39 reads as rewritten:

"**§ 143B-426.39. Powers and duties of the State Controller.**

The State Controller shall:

(1) Prescribe, develop, operate, and maintain in accordance with generally accepted principles of governmental accounting, a uniform state accounting system for all state agencies. The system shall be designed to assure compliance with all legal and constitutional requirements including those associated with the receipt and expenditure of, and the accountability for public funds. The State Controller may elect to review a State agency's compliance with prescribed uniform State accounting system standards, as well as applicable legal and constitutional requirements related to compliance with such standards.

(2) On the recommendation of the State Auditor, prescribe and supervise the installation of any changes in the accounting systems of an agency that, in the judgment of the State Controller, are necessary to secure and maintain internal control and facilitate the recording of accounting data for the purpose of preparing reliable and meaningful statements and reports. The State Controller shall be responsible for seeing that a new system is designed to accumulate information required for the preparation of budget reports and other financial reports.

...

(19) Develop and prescribe a uniform format for the financial statements of the annual financial audits required by G.S. 93B-2(b). The State Controller shall prescribe the form of the financial statements, the categories and line items to be reported, the accounting method to be used by the occupational licensing boards, and any other criteria the State Controller deems necessary."

SECTION 1.3. In developing the financial statement audit reporting format for occupational licensing boards required by Section 1.2 of this act, the State Controller shall consult with the State Auditor and solicit feedback from occupational licensing boards. The State Controller shall make the financial statement audit reporting format effective for reports submitted for the 2019-2020 fiscal year at the latest.

SECTION 1.4. Chapter 93B of the General Statutes is amended by adding a new section to read:

"**§ 93B-2.1. Fiscal year.**

Each occupational licensing board shall operate based on a fiscal year beginning on July 1 and ending on June 30."

SECTION 1.5. The State Controller shall consider whether to integrate occupational licensing board data reports into any new standard accounting system or accounting software acquired and utilized by the State.

SECTION 1.6. G.S. 93B-2 reads as rewritten:

"**§ 93B-2. Annual reports and audits required; contents; open to inspection; sanction for failure to report.**

(a) No later than October 31 of each year, each occupational licensing board shall file electronically with ~~the Secretary of State, the Attorney General,~~ the Attorney General and the Joint Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

(1) The address of the board, and the names of its members and officers.
(1a) The total number of licensees supervised by the board.
(2) The number of persons who applied to the board for examination.
(3) The number who were refused examination.
(4) The number who took the examination.
(5) The number to whom initial licenses were issued.
(5a) The number who failed the examination.
(6) The number who applied for license by reciprocity or comity.
(7) The number who were granted licenses by reciprocity or comity.
(7a) The number of official complaints received involving licensed and unlicensed activities.
(7b) The number of disciplinary actions taken against licensees, or other actions taken against nonlicensees, including injunctive relief.
(8) The number of licenses suspended or revoked.
(9) The number of licenses terminated for any reason other than failure to pay the required renewal fee.
(10) The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the occupational licensing board.
(11) The substance of any anticipated change in rules adopted by the occupational licensing board or the substance of any anticipated adoption of new rules by the occupational licensing board.
(12) The number of applicants who applied for licensure pursuant to G.S. 93B-15.1(k).
(13) The number of licenses granted pursuant to G.S. 93B-15.1(k).

(b) No later than October 31 of each year, each occupational licensing board with a budget of at least one hundred thousand dollars ($100,000) shall ~~file electronically with the Secretary of State, the Attorney General,~~conduct an annual financial audit of its operations and provide an electronic copy of the audit to the State Auditor, the State Controller, the Office of State Budget and Management, and the Joint Legislative Administrative Procedure Oversight ~~Committee a financial report that includes the source and amount of all funds credited to the occupational licensing board and the purpose and amount of all funds disbursed by the occupational licensing board during the previous fiscal year.~~Committee. The audit shall be conducted in compliance with the Generally Accepted Government Auditing Standards developed by the United States Government Accountability Office and provided in a form as prescribed by the State Controller pursuant to G.S. 143B-426.39.

(c) The reports required by this section shall be open to public inspection.

(d) The Joint Legislative Administrative Procedure Oversight Committee shall notify any board that fails to file the reports required by this section. Failure of a board to comply with the reporting requirements of this section by October 31 of each year shall result in a suspension of the board's authority to expend any funds until such time as the board files the required reports. Suspension of a board's authority to expend funds under this subsection shall not affect the board's duty to issue and renew licenses or the validity of any application or license for which fees have been tendered in accordance with law. Each board shall adopt rules establishing a procedure for implementing this subsection and shall maintain an escrow account into which any fees tendered during a board's period of suspension under this subsection shall be deposited."

SECTION 1.7. G.S. 93B-4 reads as rewritten:

"**§ 93B-4. Audit of Occupational Licensing ~~Boards;~~Boards by the State Auditor; payment of costs.**

(a) The State Auditor shall audit occupational licensing boards from time to time to ensure their proper operation. The books, records, and operations of each occupational licensing board shall be subject to ~~the oversight of~~audit by the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. In accordance with G.S. 147-64.7(b), the State Auditor may contract with independent professionals to meet the requirements of this section. The State Auditor may perform an audit pursuant to this section upon the recommendation of the Joint Legislative Administrative Procedure Oversight Committee.

~~(b) Each occupational licensing board with a budget of at least fifty thousand dollars ($50,000) shall conduct an annual financial audit of its operations and provide a copy to the State Auditor.~~"

SECTION 1.8. Sections 1.4, 1.6, and 1.7 of this part become effective July 1, 2019, and apply to the fiscal year beginning on that date. The remainder of this part is effective when it becomes law.

PART II. MERGER OF BARBER AND ELECTROLYSIS BOARDS

SECTION 2.1.(a) Chapter 86A of the General Statutes is repealed.

SECTION 2.1.(b) Chapter 88A of the General Statutes is repealed.

SECTION 2.2. The General Statutes are amended by adding a new Chapter to read:

"**Chapter 86B.**

"**Barbers and Electrolysis Practice Act.**

"**§ 86B-1. Short title.**

This Chapter shall be known and may be cited as the "North Carolina Barbers and Electrolysis Practice Act."

"**§ 86B-2. Definitions.**

The following definitions apply in this Chapter:

(1) Barber. – A person engaged in any of the following practices:

a. Shaving or trimming the beard, or cutting the hair.

b. Dyeing the hair or applying hair tonics, permanent waving or marcelling the hair.

c. Giving facial or scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or with mechanical appliances.

(2) Barber apprentice. – A person who is engaged in learning the practice of barbering under the direction and supervision of a registered barber.

(3) Board. – The North Carolina Board of Barber and Electrolysis Examiners.

(4) Electrolysis. – The permanent removal of hair by the application of an electrical current to the dermal papilla by a filament to cause decomposition, coagulation, or dehydration within the hair follicle as approved by the Food and Drug Administration of the United States Government.

(5) Electrologist or electrolocist. – A person who engages in the practice of electrolysis for permanent hair removal.

(6) Electrology. – The art and practice relating to the removal of hair from the normal skin of the human body by application of an electric current to the hair papilla by means of a needle or needles so as to cause growth inactivity of the hair papilla and thus permanently remove the hair.

(7) Laser hair practitioner. – A person who engages in laser, light source, or pulsed-light treatments for the removal of hair.

(8) Laser, light source, or pulsed-light devices. – A device used exclusively in the nonablative procedure for the removal of hair.

(9) Laser, light source, or pulsed-light treatments. – The use of laser or pulsed-light devices for nonablative procedures for the removal of hair.

"**§ 86B-3. Creation and membership of the Board; term of office; removal.**

(a) The North Carolina Board of Barber and Electrolysis Examiners is established. The Board shall be appointed by the Governor for three-year terms, consisting of seven members as follows:

(1) Four registered barbers.

(2) One electrologist who has engaged in the practice of electrolysis for at least five years.

(3) One physician licensed under Chapter 90 of the General Statutes who shall be nominated by the North Carolina Medical Board.

(4) One public member not licensed under this chapter or under Chapter 90 of the General Statutes.

(b) The Governor may remove any member of the Board for good cause. Vacancies for Board positions shall be filled by the Governor and appointees shall serve the remainder of the unexpired term. No Board member may serve more than three consecutive terms, except that each member shall serve until a successor is appointed and qualified.

(c) The Board shall elect a chair, a vice-chair, and other officers as deemed necessary by the Board to carry out the purposes of this Chapter. All officers shall be elected annually by the Board for one-year terms and shall serve until their successors are elected and qualified.

(d) The Board shall not issue a license to teach barbering, pursuant to G.S. 86B-10, to any Board member during that member's term on the Board. No Board member may be employed by the Board for at least one year after that member's term expires.

"**§ 86B-4. Powers and duties of the Board.**

(a) The Board shall have all powers and duties necessary to carry out the provisions of this Chapter. The Board may, in accordance with Chapter 150B of the General Statutes, adopt rules necessary to carry out the provisions of this Chapter.

(b) Whenever the Board has reasonable cause to believe that a violation of any of the provisions of this Chapter may have occurred, the Board may, upon its own motion or upon complaint of any person, investigate any operator to determine whether a violation has occurred.

"**§ 86B-5. Meetings and compensation of the Board; officers and executive director.**

(a) The Board shall maintain its office in Raleigh, North Carolina, and shall adopt and use a common seal for the authentication of its orders and records. Each member of the Board shall receive compensation for services and expenses as provided in G.S. 93B-5 in furtherance of official business of the Board. The Board shall hold four regular meetings a year in the months of January, April, July, and October. The chair may call additional meetings of the Board when necessary. The Board shall keep minutes of all its proceedings.

(b) The Board shall employ an executive director who shall not be a member of the Board. The executive director shall keep all records of the Board, issue all necessary notices, and perform any other duties required by the Board. The executive director shall serve at the pleasure of the Board.

(c) With the approval of the Director of the Budget and the Office of State Human Resources, the Board may employ as many inspectors, investigators, attorneys, and other staff as necessary to perform inspections and other duties prescribed by the Board. Inspectors and investigators shall have authority to examine shops, offices, and schools during business hours to determine compliance with this Chapter. The salaries of all employees of the Board, excluding the executive director, shall be subject to the North Carolina Human Resources Act.

(d) The executive director may collect in the Board's name and on its behalf the fees prescribed in this Chapter and shall turn these and any other monies paid to the Board over to the State Treasurer. These funds shall be credited to the Board and shall be held and expended under the supervision of the Director of the Budget only for the administration and enforcement of this Chapter. Nothing in this Chapter shall authorize any expenditure in excess of the amount credited to the Board and held by the State Treasurer as provided in this subsection. The State Budget Act shall apply to the administration of this Chapter.

"**§ 86B-6. Qualifications for certificate as a registered barber.**

The Board shall issue a license to practice as a barber to any person who meets all of the following qualifications:

(1) Has attended an approved barber school for at least 1,528 hours.

(2) Has completed a 12-month apprenticeship under the supervision of a registered barber, as provided in G.S. 86B-7.

(3) Has passed a clinical examination conducted by the Board.

(4) Has submitted to the Board the affidavit required by G.S. 86B-7(c) certifying that the applicant has served the apprenticeship required by this section.

"**§ 86B-7. Qualifications for licensing barber apprentices.**

(a) Before being issued an apprentice license, an applicant must pass an examination conducted by the Board to determine competence, including knowledge of barbering, sanitary rules and regulations, and knowledge of diseases of the face, skin, and scalp.

(b) An apprentice license expires on May 31 of each year. Every holder of an apprentice license shall annually renew the apprentice license by the expiration date and pay the required renewal fee. An apprentice license issued under this Chapter is automatically suspended by operation of law after failure to renew the apprentice license by the expiration date. An apprentice whose apprentice license has expired may have the certificate restored immediately upon paying all lapsed renewal fees and the required late fee. The certificate of registration of an apprentice is valid only so long as the apprentice works under the supervision of a registered barber. The registered barber shall remain present on the premises of the barbershop at all times while the apprentice is working. No apprentice shall operate a barbershop.

(c) On completion of at least one year's apprenticeship, evidenced by affidavit of the supervising registered barber or barbers, and upon meeting the other requirements of this

Chapter, the apprentice shall be issued a license as a barber, pursuant to G.S. 86B-6. No licensed apprentice may practice for a period exceeding three years without retaking and passing the required examination to qualify as a registered barber.

(d) Applicants who pass the initial written examination and pass the practical examination with a score of eighty-five percent (85%) or higher shall be exempt from the apprenticeship requirement and shall be allowed to apply for a temporary permit pursuant to G.S. 86B-13(g). Applicants who pass the initial written examination and pass the initial practical examination with a score of less than eighty-five percent (85%) shall be permitted to retake the initial practical examination no more than two additional times upon payment of the fee authorized under G.S. 86B-30. Individuals holding a current and valid apprentice license that have passed the initial written examination and have passed the initial practical examination with a score of eighty-five percent (85%) or higher shall be entitled to obtain a temporary permit pursuant to this subsection upon payment of the fee authorized under G.S. 86B-30.

"**§ 86B-8. Qualifications for licensure as an electrologist.**

(a) Any person who desires to be licensed as an "electrologist" pursuant to this Chapter shall:

(1) Submit an application on a form approved by the Board.

(2) Be 21 years of age or older.

(3) Meet the requirements of subsection (b) of this section.

(4) Pass an examination given by the Board.

(5) Submit the application and examination fees required in G.S. 86B-31.

(b) An applicant for licensure under this section shall provide proof of graduation from a school certified by the Board pursuant to G.S. 86B-19.

(c) At least twice each year, the Board shall give an examination to applicants for licensure to determine the applicants' knowledge of the basic and clinical sciences relating to the theory and practice of electrology. The Board shall give applicants notice of the date, time, and place of the examination at least 60 days in advance.

(d) When the Board determines that an applicant has met all the requirements for licensure and has submitted the initial license fee required in G.S. 86B-31, the Board shall issue a license to the applicant.

"**§ 86B-9. Requirements for licensure as a laser hair practitioner; limitations on licensed laser hair practitioners.**

(a) Any person seeking licensure by the Board as a laser hair practitioner shall have met the following requirements at the time the license is requested:

(1) Be an electrologist licensed under this Chapter.

(2) Completed a minimum 30-hour laser, light source, or pulsed-light treatment certification course approved by the Board and in accordance with rules adopted by the Board.

(3) Be currently using or anticipate using laser, light source, or pulsed-light devices that the person has been certified by a Board-approved school to operate.

(b) When the Board determines that an applicant has met all the requirements for licensure and has submitted the initial license fee required in G.S. 86B-31, the Board shall issue a license to the applicant.

(c) Each laser hair practitioner shall practice laser, light source, or pulsed-light treatments under the supervision of a physician licensed under Article 1 of Chapter 90 of the General Statutes. The physician shall be readily available but not required to be on site when the laser, light source, or pulsed-light treatments are being performed. However, the authority to regulate laser clinicians shall remain with the Board.

(d) A laser hair practitioner shall not dispense or administer medication or provide advice regarding the use of medication, whether prescription or over-the-counter, in connection with laser, light source, or pulsed-light treatments.

(e) All laser hair practitioners shall use laser, light source, or pulsed-light devices approved by the federal Food and Drug Administration and comply with all applicable federal and State regulations, rules, and laws. Any licensed laser hair practitioner violating this subsection shall have his or her license revoked by the Board.

(f) Only a licensed physician may use laser, light source, or pulsed-light devices for ablative procedures.

"**§ 86B-10. Qualifications for licensing barbering instructors.**

(a) Applicants for any barbering instructor's license issued by the Board shall meet all of the following requirements:

(1) Possession of a high school diploma or a high school graduation equivalency certificate.

(2) Payment of the fees required by G.S. 86B-30.

(b) The Board shall issue a barbering instructor's license to any individual who meets all of the following:

(1) Is a currently registered barber who has passed an instructor's examination given by the Board that covers subject matter determined by the Board as well as the subjects in the Textbook of Barber-Styling approved by the Board.

(2) Submits an application, on a form to be furnished by the Board, and pays the fee required by G.S. 86B-30.

"**§ 86B-11. Requirements for certification as an electrology instructor.**

(a) Any person who desires to be certified as an "electrology instructor" pursuant to this Chapter shall:

(1) Submit an application on a form approved by the Board;

(2) Be a licensed electrologist;

(3) Have practiced electrology actively for at least five years immediately before the application; and

(4) Pass a written examination given by the Board.

(b) At least twice each year, the Board shall give an examination to applicants for certification as an electrology instructor. The examination shall consist of written and verbal sections testing the applicants' knowledge of the basic and clinical sciences relating to the theory and practice of electrology. The Board shall give applicants notice of the date, time, and place of the examination at least 60 days in advance.

(c) When the Board determines that an applicant has met all the qualifications for certification as an electrology instructor and has submitted the required fee, the Board shall issue an instructor's certificate to the applicant.

"**§ 86B-12. Requirements for licensure as a laser hair practitioner instructor.**

(a) Any person who desires licensure as a laser practitioner instructor pursuant to this Chapter shall meet the following requirements:

(1) Submit an application on a form approved by the Board.

(2) Be an electrologist licensed under this Chapter or a physician licensed under Article 1 of Chapter 90 of the General Statutes.

(3) Have practiced laser and light-based treatments actively for at least five years immediately before applying for licensure.

(4) Have at least 100 hours of training in laser and light-based treatments.

(b) When the Board determines that an applicant has met all qualifications for licensure as a laser hair practitioner instructor and has submitted the required fee, the Board shall issue an instructor's license to the applicant.

"**§ 86B-13. Temporary employment permit; extensions; limits on practice.**

(a) The Board shall issue a temporary employment permit to an applicant seeking licensure pursuant to this Chapter who meets all of the following:

(1) Has completed the required hours of a barber school, electrolysis school, or laser hair practitioner school curriculum in the area in which the applicant wishes to be licensed.

(2) Has applied to take the examination within three months of completing the required hours for the area in which the applicant wishes to be licensed.

(3) Is qualified to take the examination and has paid the examination fee.

(b) A temporary employment permit shall expire six months from the date of graduation from a barber school, electrolysis school, or laser hair practitioner school unless it is revoked or suspended by the Board. The Board may renew a temporary employment permit no more than once, except in cases of undue hardship as the Board may determine. A renewed temporary employment permit shall remain valid only until the date of the next succeeding Board examination of applicants for the area in which the applicant wishes to be licensed.

(c) The holder of a temporary employment permit may practice only under the supervision of a registered barber or the supervision of an electrologist or laser hair practioner, as appropriate, and may not operate a barbershop or an electrologist or laser hair practitioner office.

(d) The Board may grant a temporary employment permit to one whose license has been expired for more than five years in this State, provided application for examination to restore has been filed and fee paid. The permit is valid only until the date of the next succeeding Board examination of applicants for the area in which the applicant wishes to be licensed, except in cases of undue hardship as the Board may determine, unless it is revoked or suspended earlier by the Board.

(e) The Board may grant a temporary employment permit to persons licensed in another state who come to this State for the purpose of teaching or demonstrating their skills. The Board shall also inspect and approve the area where the demonstration is to be given if it is not an already approved shop, office, or school. This permit shall be limited to the specific days of demonstration and shall be of no validity before or after.

(f) The Board may grant a temporary employment permit to persons licensed in another state and seeking permanent licensure in North Carolina under G.S. 86B-14.

(g) Notwithstanding the apprenticeship requirements in this Chapter, for graduates of a barber school that pass the initial written examination and pass the initial practical examination with a score of eighty-five percent (85%) or higher, the Board shall grant a temporary permit upon payment of the fee authorized under G.S. 86B-30. One year after receiving a temporary permit pursuant to this subsection, the permittee may apply for examination and certification to become registered pursuant to this Chapter. A temporary permit issued pursuant to this subsection shall remain valid until the first Board examination of applicants for certification is held that is more than one year after issuance of the temporary permit.

"**§ 86B-14. Applicants licensed in other states.**

(a) The Board shall issue a license to an applicant licensed in another state if the applicant demonstrates all of the following:

(1) The applicant is a licensed practitioner in good standing.

(2) The applicant has practiced at least one of the three years immediately preceding the application for a license.

(3) There is no disciplinary proceeding or unresolved complaint pending against the applicant at the time a license is to be issued by this State.

(4) The licensure requirements in the state in which the applicant is licensed are substantially equivalent to those required by this State.

(b) Instead of meeting the requirements in subsection (a) of this section, any applicant who is licensed as a barber, electrologist, or laser hair practitioner in another state shall be

admitted to practice in this State under the same reciprocity or comity provisions that the state in which the applicant is licensed grants to persons licensed in this State.

(c) The Board may establish standards for issuing a license to an applicant who is licensed as an instructor in another state. These standards shall include a requirement that the licensure requirements in the state in which the instructor is licensed shall be substantially equivalent to those required in this State and that the applicant shall be licensed by the Board to practice in the area in which the applicant is licensed to teach.

"**§ 86B-15. Licensing of barbershops.**

(a) The Board shall issue a license to operate a barbershop to any applicant who submits a properly completed application on a form approved by the Board, pays the required fee, and is determined, after inspection, to be in compliance with the provisions of this Chapter and the Board's rules. The Board may renew licenses that have lapsed after the barbershop has been inspected and all renewal and late fees have been paid.

(b) A license to operate a barbershop shall not be transferable from one location to another or from one owner to another.

(c) A barbershop shall be allowed to operate for a period of 30 days while the Board inspects and determines the shop's compliance with this Chapter and the Board's rules. If the Board is unable to complete the inspection within 30 days, the shop will be authorized to operate until such an inspection can be completed.

(d) A registered barbershop shall not be permitted to operate in a location licensed as a barber school.

"**§ 86B-16. Practice outside barbershops.**

Notwithstanding any provision in this Chapter to the contrary, an individual licensed under this Chapter may visit the residences of individuals who are sick or disabled and confined to their places of residence in order to attend to their barbering needs. A licensed individual may also visit hospitals, nursing homes, rest homes, retirement homes, mental institutions, correctional facilities, funeral homes, and similar institutions to attend to the barbering needs of those in these institutions.

"**§ 86B-17. Licensing and regulation of barber schools.**

(a) The Board shall issue a license to any barber school that submits a properly completed application on a form approved by the Board, pays the required license fee, and is determined by the Board, after inspection, to be in compliance with the provisions of this Chapter and the Board's rules. The Board may renew licenses that have lapsed after the barber school has been inspected and all renewal and late fees have been paid.

(b) No person may open, reopen, or operate a barber school before the Board has approved a license for the school. The Board shall not issue a license before a barber school has been inspected and determined to be in compliance with the provisions of this Chapter and the Board's rules.

(c) Barber schools located in this State shall be licensed by the Board before any credit may be given for curriculum hours taken in the school. The Board may establish standards for approving hours from schools in other states that are licensed.

(d) A registered barber school shall not be permitted to operate in a location licensed as a barbershop.

"**§ 86B-18. Bond required for private barber schools.**

(a) Each private barber school shall provide a guaranty bond unless the school has already provided a bond or an alternative to a bond under G.S. 115D-95. The Board may restrict, suspend, revoke, or refuse to renew or reinstate the license of a school that fails to maintain a bond or an alternative to a bond pursuant to this section or G.S. 115D-95. A school shall provide a copy of the bond letter or other guarantee authorized by this section to the Board.

(b) A guaranty bond obtained pursuant to this section shall meet all of the following criteria:

(1) The applicant shall file the guaranty bond with the clerk of superior court in the county in which the school is located. The bond shall be in favor of the students. The bond shall be executed by the applicant as principal and by a bonding company authorized to do business in this State. The bond shall be conditioned to provide indemnification to any student or the student's parent or guardian who has suffered loss of tuition or any fees by reason of the failure of the school to offer or complete student instruction, academic services, or other goods and services as related to course enrollment for any reason, including suspension, revocation, or nonrenewal of a school's approval, bankruptcy, foreclosure, or the school's ceasing to operate.

(2) The bond amount shall be at least equal to the maximum amount of prepaid tuition held at any time by the school during the last fiscal year, but in no case shall be less than ten thousand dollars ($10,000). Each application for license or license renewal shall include a letter signed by an authorized representative of the school showing the calculations made and the method of computing the amount of the bond in accordance with rules prescribed by the Board. If the Board finds that the calculations made and the method of computing the amount of the bond are inaccurate or that the amount of the bond is otherwise inadequate to provide indemnification under the terms of the bond, the Board may require the applicant to provide an additional bond.

(3) The bond shall remain in force and effect until canceled by the guarantor. The guarantor may cancel the bond upon 30 days' notice to the Board. Cancellation of the bond shall not affect any liability incurred or accrued prior to the termination of the notice period.

(c) An applicant who is unable to secure a bond may seek from the Board a waiver of the guaranty bond requirement and approval of one of the guaranty bond alternatives set forth in this subsection. With the approval of the Board, an applicant may file one of the following instead of a bond with the clerk of court in the county in which the school is located:

(1) An assignment of a savings account in an amount equal to the bond required that is in a form acceptable to the Board and is executed by the applicant and a state or federal savings and loan association, state bank, or national bank that is doing business in this State and whose accounts are insured by a federal depositor's corporation, and access to the account is subject to the same conditions as those for a bond in subsection (b) of this section.

(2) A certificate of deposit that is executed by a state or federal savings and loan association, state bank, or national bank that is doing business in this State and whose accounts are insured by a federal depositor's corporation, and access to the certificate of deposit is subject to the same conditions as those for a bond in subsection (b) of this section.

"**§ 86B-19. Requirements for certification as a Board-approved school of electrology.**

(a) Any school in this State or another state that desires to be certified as a Board-approved school of electrology shall:

(1) Submit an application on a form approved by the Board;

(2) Submit a detailed projected floor plan of the institutional area demonstrating adequate school facilities to accommodate students for purposes of lectures, classroom instruction, and practical demonstration;

(3) Submit a detailed list of the equipment to be used by the students in the practical course of their studies;

(4) Submit a copy of the planned electrology curriculum consisting of the number of hours and subject matter determined by the Board, provided that the number of hours required shall not be less than 120 hours and not more than 600 hours;

(5) Submit a certified copy of the school manual of instruction;
(6) Submit the names and qualifications of the instructors certified in accordance with G.S. 86B-11; and
(7) Any additional information the Board may require.

(b) When the Board determines that an applicant has met all the qualifications for certification as a Board-approved school of electrology and has submitted the required fee, the Board shall issue a certificate to the applicant.

(c) A school's certification is only valid for the location named in the application. When a school desires to change locations, an application shall be submitted to the Board on a form furnished by the Board and the fee shall be paid for certificate renewal.

(d) A school's certification is not transferrable. Schools must immediately notify the Board in writing of any sale, transfer, or change in ownership or management.

(e) Every school shall display its certification in a manner prescribed by the Board.

(f) All epilators used in the school must be approved by the federal Food and Drug Administration.

"**§ 86B-20. Requirements for certification as a Board-approved school of laser, light source, or pulsed-light treatments.**

(a) Any school in this State or another state that desires to be certified as a Board-approved school of laser, light source, or pulsed-light treatments shall:
(1) Submit an application on a form approved by the Board;
(2) Submit a detailed projected floor plan of the institutional area demonstrating adequate school facilities to accommodate students for purposes of lectures, classroom instruction, and practical demonstration;
(3) Submit a detailed list of the equipment to be used by the students in the practical course of their studies;
(4) Submit a copy of the planned laser, light source, or pulsed-light curriculum consisting of the number of hours and subject matter determined by the Board, provided that the number of hours required shall not be less than 30 hours pursuant to rules adopted by the Board;
(5) Submit a certified copy of the school manual of instruction;
(6) Submit the names and qualifications of the instructors certified; and
(7) Submit any additional information the Board may require.

(b) When the Board determines that an applicant has met all the qualifications for certification as a Board-approved school of laser, light source, or pulsed-light treatments and has submitted the required fee, the Board shall issue a certificate to the applicant.

(c) A school's certification is only valid for the location named in the application. When a school desires to change locations, an application shall be submitted to the Board on a form furnished by the Board, and the fee shall be paid for certificate renewal.

(d) A school's certification is not transferable. Schools shall immediately notify the Board in writing of any sale, transfer, or change in ownership or management.

(e) Every school shall display its certification in a manner prescribed by the Board.

(f) All laser, light source, or pulsed-light devices used in the school shall be approved by the federal Food and Drug Administration.

"**§ 86B-21. Barber Examinations.**

(a) The Board shall conduct examinations of applicants for certificates of registration to practice as registered barbers and registered apprentices, not less than four times each year, at such times and places as will prove most convenient and as the Board may determine. The Board may adopt rules establishing procedures for the administration of examinations.

(b) An applicant shall make application and submit the examination fee to the Board for examination on forms prepared by the Board. Applications for examination must be filed no later than 30 days before the examination is held. An applicant for a licensure who fails to pass the

examination three times may not reapply to take the examination again until after the applicant has successfully completed any additional requirements prescribed by the Board. The Board may establish additional guidelines related to the examination of persons who completed coursework greater than five years prior to submitting an application for examination.

"**§ 86B-22. Sanitary rules and regulations; inspections.**

(a) The Board shall adopt rules establishing sanitary rules applicable to licensees under this Chapter for the following categories:

(1) The provision of proper facilities, to include the following conditions:

a. The location and construction of buildings and structures where barbering, electrolysis, or laser, light source, or pulsed-light treatment service is rendered.

b. The layout of areas where barbering, electrolysis, or laser, light source, or pulsed-light treatment service is rendered or where a combination of barbering, electrolysis, and laser, light source, and pulsed-light treatment service is rendered to ensure proper separation of functions.

c. The minimum sanitary conditions for walls, floors, and fixtures, including tanks and lavatories.

d. The provision and location of sinks and running water, hot and cold, to enable proper handwashing, and the provision of proper drainage for the facility.

e. The compliance with applicable building and fire codes and regulations.

(2) The use of equipment, material, and instruments, to include the following conditions:

a. The standards for use, storage, cleaning, and sterilization of combs, hairbrushes, lather brushes, mugs, razors, tweezers, combs, and contact cups or pads.

b. The standards for construction, sanitary preparation, and cleanup of chairs, receptacles, workstations, and other surfaces.

c. The standards for storing, providing, handling, and laundering clean towels or linens for each patron.

d. The standards for proper use and cleaning of hair cloths and other protective material to prevent the hair cloth from touching the skin of the patron.

e. The standards for proper hygiene and handwashing prior to contact with each patron.

f. The standards for serving patrons with an infectious or communicable disease.

g. The standards for obtaining appropriate health certification for shampooing.

(b) The Board shall adopt rules (i) prohibiting the use of commercial chemicals of unknown content by persons licensed under this Chapter and (ii) instructing persons registered under this Chapter in the proper use and application of commercial chemicals where no manufacturer's instructions are included. For purposes of this subsection, "commercial chemicals" are those products sold only through beauty and barber supply houses and not available to the general public.

(c) Electrolysis shall be practiced by a licensed person only in a permanent establishment, referred to in this Chapter as an office. The Board shall adopt reasonable rules and regulations concerning the sanitation standards, equipment, and supplies to be used and observed in offices.

(d) All schools and facilities where barbering, electrolysis, or laser, light source, or pulsed-light treatment service is rendered shall be open for inspection at all times during business

hours to any members of the Board or its agents or assistants to determine compliance with the provisions of this Chapter. Initial inspections conducted by the Board pursuant to this Chapter shall not be delayed if the sole reason for delay is the lack of a certificate of occupancy by a unit of local government. A copy of the sanitary rules set out in this section shall be furnished by the Board to the owner or manager of each school, facility, or any other place where barbering, electrolysis, or laser, light source, or pulsed-light treatment service is rendered in the State and shall be posted in a conspicuous place.

"**§ 86B-23. Renewal requirements; expired licenses; inactive status.**

(a) Each license issued pursuant to this Chapter shall be renewed as follows:

(1) Barbers and Barber Schools. – Any license not renewed by May 31 of each year shall expire and a late fee shall be charged for renewal.

(2) Electrologists and laser hair practitioners. – Every electrologist license or laser hair practitioner license issued pursuant to this Chapter must be renewed annually. On or before the date the current license expires, a person who desires to continue to practice electrology or as a laser hair practitioner shall apply for license renewal to the Board on forms approved by the Board, provide evidence of the successful completion of a continuing educational program approved by the Board, meet the criteria for renewal established by the Board, and pay the required fee. The Board may provide for the late renewal of licensure upon payment of a late fee as set by the Board, but late renewal may not be granted more than 90 days after expiration of the license. Any person who has failed to renew his or her license for more than 90 days after expiration may have it reinstated by applying to the Board for reinstatement on a form approved by the Board, furnishing a statement of the reason for failure to apply for renewal prior to the deadline, and paying the required fee. The Board may require evidence of competency to resume practice before reinstating the applicant's license.

(3) Schools of electrology and schools of laser, light source, and pulsed-light treatments. – Every certificate for a school of electrology or a school of laser, light source, and pulsed-light treatment shall be renewed annually. On or before the date the current certificate expires, the applicant must submit an application for renewal of certification on a form approved by the Board, meet criteria for renewal established by the Board, and pay the required fee. Failure to renew the certificate within 90 days after the expiration date shall result in automatic forfeiture of any certification issued pursuant to this Chapter.

(4) Electrology or laser hair practitioner instructors. – An electrology or laser hair practitioner instructor's license shall be renewed annually. On or before the date the current license expires, the applicant must submit an application for renewal of licensure on a form approved by the Board, meet criteria for renewal established by the Board, and pay the required fee. Any person whose instructor's license has expired for a period of three years or more shall be required to take and pass the instructor's examination before the license can be renewed.

(b) The Board may charge renewal and late fees pursuant to G.S. 86B-30 and G.S. 86B-31 and may establish rules for continuing education requirements for licensees under this Chapter seeking renewal; provided, however, that no member of the Board may offer continuing education courses. The Board may also establish rules requiring the submission of a health certificate on a form to be provided by the Board.

(c) If a licensee under this Chapter fails to renew their license within five years following the expiration date, the licensee shall be required to pass an examination as prescribed by the

Board before the license will be reinstated; provided, however, that no apprenticeship requirement shall be required.

(d) Upon request by a licensee for inactive status, the Board may place the licensee's name on the inactive list so long as the licensee is in good standing with the Board. An inactive licensee is not required to complete continuing education requirements. An inactive licensee shall not practice within their licensed trade for consideration. However, the inactive licensee may continue to purchase supplies as accorded an active licensee. When the inactive licensee desires to be removed from the inactive list and return to active practice, the inactive licensee shall notify the Board of the desire to return to active status and pay the required fee as determined by the Board. As a condition of returning to active status, the Board may require the licensee to complete continuing education pursuant to subsection (b) of this section.

(e) All persons serving in the Armed Forces of the United States and persons whose licenses as a barber, electrologist, or laser hair practitioner were in force one year prior to entering service may, without taking the required examination, renew their licensure within 90 days after receiving a discharge under honorable conditions by paying the current annual license fee and furnishing the Board with any necessary additional information or documentation.

"**§ 86B-24. Revocation of licenses and other disciplinary measures.**

(a) The Board may restrict, suspend, revoke, or refuse to issue, renew, or reinstate any license for any of the following:

(1) Gross malpractice or gross incompetency as determined by the Board.

(2) Advertising by means of knowingly false or deceptive statements.

(3) Practicing or permitting any individual under one's employ to practice barbering, electrolysis, or laser, light source, or pulsed-light treatment without a license or temporary employment permit, with an expired license or temporary employment permit, or with an invalid license or temporary employment permit.

(4) Obtaining or attempting to obtain a license for money or other thing of value other than the required fee or by fraudulent misrepresentation.

(5) Practicing or attempting to practice by fraudulent misrepresentation.

(6) Willful failure to display a certificate of license as required by this Chapter.

(7) Continued practice by a person knowingly having an infectious or contagious disease after being warned in writing by the Board to cease practice.

(8) Continued violation of any one or more of the sanitary rules and regulations established by the Board or by statute.

(9) Willful violation of the rules adopted by the Board.

(b) The Board may also restrict, suspend, revoke, or refuse to issue, renew, or reinstate any license upon conviction of a felony shown by certified copy of the record of the court of conviction. Prior to taking action against a licensee for a felony conviction, the Board shall consider all of the following factors regarding the conviction:

(1) The level of seriousness of the crime.

(2) The date of the crime.

(3) The age of the person at the time of conviction.

(4) The circumstances surrounding the commission of the crime, if known.

(5) The nexus between the criminal conduct of the person and the duties of the licensee.

(6) The person's prison, jail, probation, parole, rehabilitation, and employment records since the date the crime was committed.

(c) The Board may not restrict, suspend, revoke, or refuse to issue, renew, or reinstate a license except in accordance with its rules and the provisions of Chapter 150B of the General Statutes.

(d) The Board shall keep a record of its proceedings relating to the issuance, renewal, denial, restriction, suspension, and revocation of licenses. This record shall also contain each licensee's name, address, license number, and the date the license was issued.

"**§ 86B-25. Misdemeanors.**

Each of the following acts constitutes a Class 3 misdemeanor:

(1) Violation of any of the provisions of G.S. 86B-26.

(2) Violation of any of the provisions described in subdivisions (3) through (6) of G.S. 86B-24(a).

"**§ 86B-26. Licenses required.**

(a) Except as provided in this Chapter, no person may practice or attempt to practice barbering, electrolysis, or laser, light source, or pulsed-light treatments for pay or reward in any form, either directly or indirectly, without being licensed by the Board pursuant to this Chapter. An individual licensed by the Board for a particular specialty may practice only that part of barbering, electrolysis, or laser, light source, or pulsed-light treatments for which the individual is licensed.

(b) Except as provided in this Chapter, no person may open or operate a barbershop, or electrologist or laser hair practitioner office, or practice barbering, electrolysis, or laser, light source, or pulsed-light treatments in any form, for pay or reward in any form, either directly or indirectly, outside of a facility licensed by the Board pursuant to this Chapter.

(c) No person may teach barbering, electrolysis, or laser, light source, or pulsed-light treatments in a Board-approved school unless the person is an instructor licensed pursuant to this Chapter. A guest lecturer may be exempt from the requirements of this subsection upon approval by the Board.

(d) An apprentice licensed under the provisions of this Chapter shall apprentice under the supervision of a registered barber or the supervision of an electrologist or laser hair practioner, as appropriate. An apprentice shall not operate a barbershop or an electrologist or laser hair practitioner office.

(e) Nothing in this Chapter shall be construed to prohibit a member of a family from practicing barbering, electrolysis, or laser, light source, or pulsed-light treatments on a family member. For purposes of this subsection, a "family member" means a spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild.

(f) Every person licensed under this Chapter shall display the license issued by the Board in the location in which the person works. Every license to operate a barbershop, electrologist or laser hair practitioner office, barber school, or electrologist or laser hair practitioner school shall be conspicuously posted in the location for which it is issued.

"**§ 86B-27. Enjoining illegal practices.**

The Board, the Department of Health and Human Services, or any county or district health director may apply to the superior court for an injunction to restrain any person from violating the provisions of this Chapter or the Board's rules. Actions under this section shall be brought in the county where the defendant resides or maintains the defendant's principal place of business or where the alleged acts occurred.

"**§ 86B-28. Civil penalties; disciplinary costs.**

(a) The Board may assess a civil penalty not in excess of five hundred dollars ($500.00) per offense for the violation of any section of this Chapter or the violation of any rules adopted by the Board. The clear proceeds of any civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Before imposing and assessing a civil penalty, the Board shall consider the following factors:

(1) The nature, gravity, and persistence of the particular violation.

(2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.
(3) Whether the violation was willful and malicious.
(4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

(c) The Board shall establish a schedule of civil penalties for violations of this Chapter and rules adopted by the Board.

(d) The Board may in a disciplinary proceeding charge costs, including reasonable attorneys' fees, to the licensee against whom the proceedings were brought.

"**§ 86B-29. Persons exempt from the provisions of this Chapter.**

(a) The following persons and those working under their supervision or direct supervision are exempt from the barbering provisions of this Chapter while engaged in the proper discharge of their duties:
(1) Persons licensed to practice funeral service pursuant to Article 13A of Chapter 90 of the General Statutes.
(2) Persons authorized to practice medicine or surgery under Chapter 90 of the General Statutes.
(3) Nurses licensed under Chapter 90 of the General Statutes.
(4) Commissioned medical or surgical officers of the United States Army, Air Force, Navy, Marine, or Coast Guard.

(b) The following persons shall be permitted to practice electrology without a license:
(1) Any physician licensed in accordance with Article 1 and Article 11 of Chapter 90 of the General Statutes.
(2) A student at an approved school of electrology when electrolysis is performed in the course of study.
(3) A person demonstrating on behalf of a manufacturer or distributor any electrolysis equipment or supplies, if such demonstration is performed without charge.
(4) An employee of a hospital licensed under Chapter 131E of the General Statutes and working under the supervision of a physician licensed under Article 1 of Chapter 90 of the General Statutes who is certified by the American Board of Dermatology.

(c) The electrology and laser, light source, and pulsed-light treatment requirements of this Chapter shall not apply to any person licensed or approved by the North Carolina Medical Board to practice medicine or perform medical acts, tasks, or functions pursuant to Article 1 of Chapter 90 of the General Statutes or any person employed and working under the direct supervision of a physician licensed to practice medicine pursuant to Article 1 of Chapter 90 of the General Statutes.

"**§ 86B-30. Fees required for barbering.**

(a) The Board may charge the applicant the actual cost of preparation, administration, and grading of examinations in addition to its other fees.
(1) Examination to become a registered barber $85.00
(2) Examination to become a registered apprentice barber $85.00
(3) Examination to become a barber school instructor $165.00

(b) The Board may charge application fees not to exceed the following:
(1) Inspection of a newly established barbershop $120.00
(2) Inspection of a newly established barber school $220.00
(3) Reciprocity or certification applicant $120.00

(c) The Board may charge license fees not to exceed the following:
(1) Barber ..... $50.00 per year
(2) Barber apprentice ..... $50.00 per year

(3) Barbershop ..... $50.00 per year
(4) Barber school ..... $130.00 per year
(5) Barber school instructor ..... $85.00 per year
(6) Student permit $25.00
(7) Temporary permit $25.00
(8) Duplicate license $10.00

(d) The Board may require payment of late fees and reinstatement fees not to exceed the following:

(1) Barber and barber apprentice late renewal within one year $35.00
(2) Barber late renewal after one year but within five years $70.00
(3) Barber apprentice late renewal after one year but within three years $45.00
(4) Barbershop late renewal $45.00
(5) Barber school late renewal $85.00
(6) Barber school instructor late renewal within one year $45.00
(7) Barber school instructor late renewal after one year but within three years $85.00

(e) The Board may prorate fees as appropriate and may assess reasonable charges for certified copies of public documents and for duplication of other material.

(f) The Board may by rule waive or reduce license and renewal fees for licensees aged 70 or older.

"**§ 86B-31. Fees required for electrolysis and laser, light source, and pulsed-light treatment.**

All fees may be calculated by the Board in amounts sufficient to pay the costs of administration of this act related to electrolysis and laser, light source, and pulsed-light treatment, but in no event may they exceed the following:

(1) Application for licensure as an electrologist $150.00
(2) Initial license $125.00
(3) Examination or reexamination $150.00
(4) Licensure of electrology renewal $150.00
(5) Application for licensure as an electrology instructor $150.00
(6) Licensure of electrology instructor renewal $150.00
(7) Application for certification as a Board-approved school of electrology $500.00
(8) Application for licensure as laser hair practitioner $150.00
(9) Licensure of laser hair practitioner renewal $150.00
(10) Application for licensure as laser hair practitioner instructor $150.00
(11) Licensure of laser hair practitioner instructor renewal $150.00
(12) Application for certification as a Board-approved school of laser, light source, or pulsed-light treatments $500.00
(13) Certificate of Board-approved school of laser, light source, or pulsed-light renewal $400.00
(14) Certificate of Board-approved school of electrology renewal $250.00
(15) Certification of out-of-state schools $150.00
(16) Certification of out-of-state schools renewal $100.00
(17) Office inspection or reinspection $100.00
(18) License by reciprocity $150.00
(19) Late renewal charge $125.00
(20) Reinstatement of expired license or certification $250.00

(21) Reactivation of license $200.00
(22) Duplicate license or certification ..... $25.00."

SECTION 2.3. Notwithstanding G.S. 86B-3, as enacted by Section 2.2 of this act, the initial appointments to the North Carolina Board of Barber and Electrolysis Examiners are as follows:

(1) Four barbers serving on the Board of Barber Examiners as of December 31, 2018, until their current terms expire.
(2) One electrologist serving on the Board of Electrolysis Examiners as of December 31, 2018, as determined by the Governor, for a three-year term.
(3) One physician, appointed by the Governor, for a two-year term.
(4) One public member, appointed by the Governor, for a one-year term.

The initial appointments required by G.S. 86B-3, as enacted by Section 2.2 of this act, shall be made on or before October 1, 2018, and the initial terms of the appointees shall begin on January 1, 2019. Once these initial terms expire, all vacancies will be filled according to the provision of G.S. 86B-3, as enacted by Section 2.2 of this act.

SECTION 2.4.(a) The North Carolina Board of Barber and Electrolysis Examiners, established by Section 2.2 of this act, shall review the licensing fee limitations, established by Section 2.2 of this act, and the fees adopted by rule by the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners and determine whether the fee limitations and fees should be reduced to reflect savings and efficiencies generated by the consolidation of the Boards. No later than March 1, 2019, the North Carolina Board of Barber and Electrolysis Examiners shall report its findings and recommendations to the Joint Legislative Administrative Procedure Oversight Committee.

SECTION 2.4.(b) The North Carolina Board of Barber and Electrolysis Examiners, established by Section 2.2 of this act, shall review the licenses established by Section 2.2 of this act and determine whether certain licenses could be consolidated or eliminated as a result of the consolidation of the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners. No later than March 1, 2019, the North Carolina Board of Barber and Electrolysis Examiners shall report its findings and recommendations to the Joint Legislative Administrative Procedure Oversight Committee.

SECTION 2.5.(a) Licenses and registrations issued by the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners, prior to the effective date of this act, shall remain in full force and confer the same authority as when they were issued until those licenses and registrations expire, are revoked, or are renewed by the North Carolina Board of Barber and Electrolysis Examiners.

SECTION 2.5.(b) All property and assets owned by the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners shall be vested in and transferred to the North Carolina Board of Barber and Electrolysis Examiners.

SECTION 2.5.(c) Any litigation, disciplinary action, or other proceeding pending as of the effective date of this act, in the name of or against the State Board of Barber Examiners or the North Carolina Board of Electrolysis Examiners, shall continue in the name of the North Carolina Board of Barber and Electrolysis Examiners.

SECTION 2.5.(d) The Department of State Treasurer shall hold funds received in the name of the North Carolina Board of Barber and Electrolysis Examiners separate from the funds received in the name of the State Board of Barber Examiners or the North Carolina Board of Electrolysis Examiners prior to the effective date of this act.

SECTION 2.5.(e) Rules adopted by the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners shall remain in effect as provided in G.S. 150B-21.7.

SECTION 2.6. Section 2.3 of this part is effective when it becomes law. The remainder of this part becomes effective January 1, 2019, and applies to applications for licensure, examination, and renewal submitted on or after that date.

PART III. VARIOUS ADMINISTRATIVE LAW CHANGES

AUTHORIZE RULE TECHNICAL CORRECTIONS

SECTION 3.1.(a) G.S. 150B-21.5 reads as rewritten:

"**§ 150B-21.5. Circumstances when notice and rule-making hearing not ~~required.~~required; circumstances when submission to the Commission not required.**

(a) Amendment. – An agency is not required to publish a notice of text in the North Carolina ~~Register or~~Register, hold a public ~~hearing~~ hearing, or submit the amended rule to the Commission for review when it proposes to amend a rule to do one of the following:

(1) Reletter or renumber the rule or subparts of the rule.

(2) Substitute one name for another when an organization or position is renamed.

(3) Correct a citation in the rule to another rule or law when the citation has become inaccurate since the rule was adopted because of the repeal or renumbering of the cited rule or law.

(4) Change information that is readily available to the public, such as an ~~address or~~address, a telephone ~~number.~~number, or a Web site.

(5) Correct a ~~typographical error in the North Carolina Administrative Code.~~typographical error.

~~(6) Change a rule in response to a request or an objection by the Commission, unless the Commission determines that the change is substantial.~~

(a1) Response to Commission. An agency is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to change the rule in response to a request or an objection by the Commission unless the Commission determines that the change is substantial.

(b) Repeal. – An agency is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to repeal a rule as a result of any of the following:

(1) The law under which the rule was adopted is repealed.

(2) The law under which the rule was adopted or the rule itself is declared unconstitutional.

(3) The rule is declared to be in excess of the agency's statutory authority.

(c) OSHA Standard. – The Occupational Safety and Health Division of the Department of Labor is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to adopt a rule that concerns an occupational safety and health standard and is identical to a federal regulation promulgated by the Secretary of the United States Department of Labor. The Occupational Safety and Health Division is not required to submit to the Commission for review a rule for which notice and hearing is not required under this subsection.

(d) State Building Code. – The Building Code Council is not required to publish a notice of text in the North Carolina Register when it proposes to adopt a rule that concerns the North Carolina State Building Code. The Building Code Council is required to publish a notice in the North Carolina Register when it proposes to adopt a rule that concerns the North Carolina State Building Code. The notice must include all of the following:

(1) A statement of the subject matter of the proposed rule making.

(2) A short explanation of the reason for the proposed action.

(3) A citation to the law that gives the agency the authority to adopt a rule on the subject matter of the proposed rule making.

(4) The person to whom questions or written comments may be submitted on the subject matter of the proposed rule making.

The Building Code Council is required to submit to the Commission for review a rule for which notice of text is not required under this subsection. In adopting a rule, the Council shall comply with the procedural requirements of G.S. 150B-21.3.

(e) An agency that adopts or amends a rule pursuant to subsection (a) or (c) of this section shall notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant to subsection (a) or (c) of this section, the Codifier of Rules shall make the appropriate change to the North Carolina Administrative Code."

SECTION 3.1.(b) G.S. 150B-21.20 reads as rewritten:

"**§ 150B-21.20. Codifier's authority to revise ~~form of~~ rules.**

(a) Authority. – After consulting with the agency that adopted the rule, the Codifier of Rules may revise ~~the form of a rule submitted for inclusion in the North Carolina Administrative Code~~ a rule to do one or more of the following:

(1) Rearrange the order of the rule in the Code or the order of the subsections, subdivisions, or other subparts of the rule.

(2) Provide a catch line or heading for the rule or revise the catch line or heading of the rule.

(3) Reletter or renumber the rule or the subparts of the rule in accordance with a uniform system.

(4) Rearrange definitions and lists.

(5) Make other changes in arrangement or in form that do not change the substance of the rule and are necessary or desirable for a clear and orderly arrangement of the rule.

(6) Omit from the published rule a map, a diagram, an illustration, a chart, or other graphic material, if the Codifier of Rules determines that the Office of Administrative Hearings does not have the capability to publish the material or that publication of the material is not practicable. When the Codifier of Rules omits graphic material from the published rule, the Codifier must insert a reference to the omitted material and information on how to obtain a copy of the omitted material.

(7) Substitute one name for another when an organization or position is renamed.

(8) Correct a citation in the rule to another rule or law when the citation has become inaccurate since the rule was adopted because of the repeal or renumbering of the cited rule or law.

(9) Change information that is readily available to the public, such as an address, a telephone number, or a Web site.

(10) Correct a typographical error.

(b) Effect. – Revision of a rule by the Codifier of Rules under this section does not affect the effective date of the rule or require the agency to readopt or resubmit the rule. When the Codifier of Rules revises the form of a rule, the Codifier of Rules must send the agency that adopted the rule a copy of the revised rule. The revised rule is the official rule, unless the rule was revised under subdivision (a)(6) of this section to omit graphic material. When a rule is revised under that subdivision, the official rule is the published text of the rule plus the graphic material that was not published."

CLARIFY CONTESTED CASE POLICY

SECTION 3.2.(a) G.S. 150B-22 reads as rewritten:

"**§ 150B-22. Settlement; contested case.**

(a) It is the policy of this State that any dispute between an agency and another person that involves the person's rights, duties, or privileges, including licensing or the levy of a

monetary penalty, should be settled through informal procedures. In trying to reach a settlement through informal procedures, the agency may not conduct a proceeding at which sworn testimony is taken and witnesses may be cross-examined.

(b) If the agency and the other person do not agree to a resolution of the dispute through informal procedures, either the agency or the person may commence an administrative proceeding to determine the person's rights, duties, or privileges, at which time the dispute becomes a "contested case." A party or person aggrieved shall not be required to petition an agency for rule making or to seek or obtain a declaratory ruling before commencing a contested case pursuant to G.S. 150B-23."

SECTION 3.2.(b) G.S. 150B-43 reads as rewritten:

"**§ 150B-43. Right to judicial review.**

Any party or person aggrieved by the final decision in a contested case, and who has exhausted all administrative remedies made available to the party or person aggrieved by statute or agency rule, is entitled to judicial review of the decision under this Article, unless adequate procedure for judicial review is provided by another statute, in which case the review shall be under such other statute. Nothing in this Chapter shall prevent any party or person aggrieved from invoking any judicial remedy available to the party or person aggrieved under the law to test the validity of any administrative action not made reviewable under this Article. ~~Absent a specific statutory requirement, nothing in this Chapter shall require a~~A party or person aggrieved shall not be required to petition an agency for rule making or to seek or obtain a declaratory ruling before obtaining judicial review of a final decision or order made pursuant to G.S. 150B-34."

AMEND PERIODIC REVIEW OF RULES PROCESS

SECTION 3.3. G.S. 150B-21.3A reads as rewritten:

"**§ 150B-21.3A. Periodic review and expiration of existing rules.**

(a) Definitions. – For purposes of this section, the following definitions apply:

(1) Commission. – Means the Rules Review Commission.

(2) Committee. – Means the Joint Legislative Administrative Procedure Oversight Committee.

(2a) Necessary rule. – Means any rule other than an unnecessary rule.

~~(3) Necessary with substantive public interest. – Means any rule for which the agency has received public comments within the past two years. A rule is also "necessary with substantive public interest" if the rule affects the property interest of the regulated public and the agency knows or suspects that any person may object to the rule.~~

~~(4) Necessary without substantive public interest. – Means a rule for which the agency has not received a public comment concerning the rule within the past two years. A "necessary without substantive public interest" rule includes a rule that merely identifies information that is readily available to the public, such as an address or a telephone number.~~

(5) Public comment. – Means written comments objecting to the rule, in whole or in part, or objecting to an agency's determination of the rule as necessary or unnecessary, received by an agency from any member of the public, including an association or other organization representing the regulated community or other members of the public.

(6) Unnecessary rule. – Means a rule that the agency determines to be obsolete, redundant, or otherwise not needed.

(b) Automatic Expiration. – Except as provided in subsection (e) of this section, any rule for which the agency that adopted the rule has not conducted a review in accordance with this

section shall expire on the date set in the schedule established by the Commission pursuant to subsection (d) of this section.

(c) Review Process. – Each agency subject to this Article shall conduct a review of the agency's existing rules at least once every 10 years in accordance with the following process:

(1) Step 1: The agency shall conduct an analysis of each existing rule and make an initial determination as to whether the rule is ~~(i) necessary with substantive public interest, (ii) necessary without substantive public interest, or (iii)~~necessary or unnecessary. The agency shall then post the results of the initial determination on its Web site and invite the public to comment on the rules and the agency's initial determination. The agency shall also submit the results of the initial determination to the Office of Administrative Hearings for posting on its Web site. The agency shall accept public comment for no less than 60 days following the posting. The agency shall review the public comments and prepare a brief response addressing the merits of each comment. After completing this process, the agency shall submit a report to the Commission. The report shall include the following items:

a. The agency's initial determination.

b. All public comments received in response to the agency's initial determination.

c. The agency's response to the public comments.

(2) Step 2: The Commission shall review the reports received from the agencies pursuant to subdivision (1) of this subsection. If a public comment relates to a rule that the agency determined to be ~~necessary and without substantive public interest or~~ unnecessary, the Commission shall determine whether the public comment has merit and, if so, designate the rule as ~~necessary with substantive public interest.~~necessary. For purposes of this subsection, a public comment has merit if it addresses the specific substance of the ~~rule and relates to any of the standards for review by the Commission set forth in G.S. 150B-21.9(a).~~rule. The Commission shall prepare a final determination report and submit the report to the Committee for consultation in accordance with subdivision (3) of this subsection. The report shall include the following items:

a. The agency's initial determination.

b. All public comments received in response to the agency's initial determination.

c. The agency's response to the public comments.

d. A summary of the Commission's determinations regarding public comments.

~~e. A determination that all rules that the agency determined to be necessary and without substantive public interest and for which no public comment was received or for which the Commission determined that the public comment was without merit be allowed to remain in effect without further action.~~

f. A determination that all rules that the agency determined to be unnecessary and for which no public comment was received or for which the Commission determined that the public comment was without merit shall expire on the first day of the month following the date the report becomes effective in accordance with this section.

g. A determination that all rules that the agency determined to be necessary ~~with substantive public interest~~ or that the Commission designated as necessary ~~with public interest as provided in this~~

~~subdivision~~ shall be readopted as though the rules were new rules in accordance with this Article.

(3) Step 3: The final determination report shall not become effective until the agency has consulted with the Committee. The determinations contained in the report pursuant to sub-subdivisions ~~e., f.,~~ f. and g. of subdivision (2) of this subsection shall become effective on the date the report is reviewed by the Committee. If the Committee does not hold a meeting to hear the consultation required by this subdivision within 60 days of receipt of the final determination report, the consultation requirement is deemed satisfied, and the determinations contained in the report become effective on the 61st day following the date the Committee received the report. If the Committee disagrees with a determination regarding a specific rule contained in the report, the Committee may recommend that the General Assembly direct the agency to conduct a review of the specific rule in accordance with this section in the next year following the consultation.

(d) Timetable. – The Commission shall establish a schedule for the review and readoption of existing rules in accordance with this section on a decennial basis as follows:

(1) With regard to the review process, the Commission shall assign each Title of the Administrative Code a date by which the review required by this section must be completed. In establishing the schedule, the Commission shall consider the scope and complexity of rules subject to this section and the resources required to conduct the review required by this section. The Commission shall have broad authority to modify the schedule and extend the time for review in appropriate circumstances. Except as provided in subsections (e) and (f) of this section, if the agency fails to conduct the review by the date set by the Commission, the rules contained in that Title which have not been reviewed will expire. The Commission shall report to the Committee any agency that fails to conduct the review. The Commission may exempt rules that have been adopted or amended within the previous 10 years from the review required by this section. However, any rule exempted on this basis must be reviewed in accordance with this section no more than 10 years following the last time the rule was amended.

(2) With regard to the readoption of rules as required by sub-subdivision (c)(2)g. of this section, once the final determination report becomes effective, the Commission shall establish a date by which the agency must readopt the rules. The Commission shall consult with the agency and shall consider the agency's rule-making priorities in establishing the readoption date. The agency may amend a rule as part of the readoption process. If a rule is readopted without substantive change or if the rule is amended to impose a less stringent burden on regulated persons, the agency is not required to prepare a fiscal note as provided by G.S. 150B-21.4.

(e) ~~Rules to Conform to or Implement Federal Law. — Rules adopted to conform to or implement federal law shall not expire as provided by this section. The Commission shall report annually to the Committee on any rules that do not expire pursuant to this subsection.~~

~~(e1) Rules to Protect Inchoate or Accrued Rights of Retirement Systems Members. — Rules deemed by the Boards of Trustees established under G.S. 128-28 and G.S. 135-6 to protect inchoate or accrued rights of members of the Retirement Systems administered by the State Treasurer shall not expire as provided by this section. The Commission shall report annually to the Committee on any rules that do not expire pursuant to this subsection.~~ Exclusions. – The Commission shall report annually to the Committee on any rules that do not expire pursuant to this subsection. The following rules shall not expire as provided in this section:

(1) Rules adopted to conform to or implement federal law.
(2) Rules deemed by the Boards of Trustees established under G.S. 128-28 and G.S. 135-6 to protect inchoate or accrued rights of members of the Retirement Systems administered by the State Treasurer.

(f) Other Reviews. – Notwithstanding any provision of this section, an agency may subject a rule that it determines to be unnecessary to review under this section at any time by notifying the Commission that it wishes to be placed on the schedule for the current year. The Commission may also subject a rule to review under this section at any time by notifying the agency that the rule has been placed on the schedule for the current year."

SECTION 3.4. This part is effective when it becomes law. Section 3.3 of this part applies to agency rule reports submitted to the Office of Administrative Hearings pursuant to G.S. 150B-21.3A(c)(1) on or after January 1, 2019.

PART IV. EXPANSION OF MASSAGE AND BODYWORK THERAPY BOARD

SECTION 4.1. G.S. 90-625 reads as rewritten:

"**§ 90-625. North Carolina Board of Massage and Bodywork Therapy.**

(a) The North Carolina Board of Massage and Bodywork Therapy is created. The Board shall consist of ~~seven~~ nine members who are residents of this State and are as follows:

(1) Five members shall be massage and bodywork therapists who have been licensed under this Article and have been in the practice of massage and bodywork therapy for at least five of the last seven years prior to their serving on the Board. Consideration shall be given to geographical distribution, practice setting, clinical specialty, involvement in massage and bodywork therapy education, and other factors that will promote diversity of the profession on the Board. Two of the five members shall be appointed by the General Assembly, upon the recommendation of the Speaker of the House of Representatives, two shall be appointed by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, and one shall be appointed by the Governor.

(1a) Two members shall be persons holding a license to operate a massage and bodywork therapy establishment under this Article. One of the two members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives and one shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.

(2) One member shall be a physician licensed pursuant to Article 1 of Chapter 90 of the General Statutes or a person once licensed as a physician whose license lapsed while the person was in good standing with the profession and eligible for licensure. The appointment shall be made by the Governor and may be made from a list provided by the North Carolina Medical Society.

(3) One member shall be a member of the general public who shall not be licensed under Chapter 90 of the General Statutes or the spouse of a person who is so licensed, or have any financial interest, directly or indirectly, in the profession regulated under this Article. The appointment shall be made by the Governor.

(b) Legislative appointments shall be made in accordance with G.S. 120-121. A vacancy in a legislative appointment shall be filled in accordance with G.S. 120-122.

(c) Each member of the Board shall serve for a term of three years, ending on June 30 of the last year of the term. A member shall not be appointed to serve more than two consecutive terms.

...."

SECTION 4.2. The initial appointments required by G.S. 90-625(1a), as enacted by Section 4.1 of this act, shall be made on or before October 1, 2018, and the initial terms of the appointees shall begin on that date. The initial term of the member appointed by the General Assembly on the recommendation of the Speaker of the House of Representatives shall end on June 30, 2019, and a replacement appointed in accordance with G.S. 90-625(1a). The initial term of the member appointed by the General Assembly on the recommendation of the President Pro Tempore shall end on June 30, 2020, and a replacement appointed in accordance with G.S. 90-625(1a).

SECTION 4.3. This part becomes effective July 1, 2018.

PART V. VARIOUS CHANGES TO THE MEDICINE AND ALLIED OCCUPATIONS STATUTES.

MODIFY THE PSYCHOLOGY PRACTICE ACT

SECTION 5.1.(a) Article 18A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-270.14A. Inactive status.**

(a) The Board shall place a license on inactive status upon request of a licensee and payment of the inactive status fee prescribed in G.S. 90-270.18(b)(10). No person shall practice psychology in North Carolina unless that person holds a current active license. The Board may investigate complaints and take disciplinary action against an inactive status licensee. An inactive status license shall only be issued to a person who has previously been issued a license to practice psychology in North Carolina. Licensees on inactive status shall not hold themselves out to the public as licensed by the Board.

(b) In order to maintain inactive status, the inactive status fee prescribed in G.S. 90-270.18(b)(10) shall be paid at every renewal period. The inactive status licensee is exempt from continuing education requirements set forth in G.S. 90-270.14(a)(2).

(c) A licensee on inactive status may reactivate licensure by completing an application for reactivation, paying the reactivation fee prescribed in G.S. 90-270.18(b)(11), and completing any other reactivation requirements set forth by Board rules, which may include a criminal history record check, continuing education, fitness to practice evaluation, examination, and supervision."

SECTION 5.1.(b) G.S. 90-270.15(a) reads as rewritten:

"**§ 90-270.15. Denial, suspension, or revocation of licenses and health services provider certification, and other disciplinary and remedial actions for violations of the Code of Conduct; relinquishing of license.**

(a) Any applicant for licensure or health services provider certification and any person licensed or certified under this Article shall have behaved in conformity with the ethical and professional standards specified in this Code of Conduct and in the rules of the Board. The Board may deny, suspend, or revoke licensure and certification, and may discipline, place on probation, limit practice, and require examination, remediation, and rehabilitation, or any combination thereof, all as provided for in subsection (b) below. The Board shall act upon proof that the applicant or licensee engaged in illegal, immoral, dishonorable, unprofessional, or unethical conduct by violating any of the provisions of the Code of Conduct as follows:

...

(6) Has had a license or certification for the practice of psychology or other mental health profession in this State or in any other jurisdiction suspended or revoked, or has been disciplined by ~~the~~ a licensing or certification board in this State or in any other jurisdiction for conduct which would subject him or her to discipline under this Article;

...

(18) Except when prevented from doing so by circumstances beyond the psychologist's control, has failed to retain securely and confidentially the complete case record for at least seven years from the date of the last provision of psychological ~~services; or, except when prevented from doing so by circumstances beyond the psychologist's control, has failed to retain securely and confidentially the complete case record for three years from the date of the attainment of majority age by the patient or client or for at least seven years from the date of the last provision of psychological services, whichever is longer;~~ services; or, except when prevented from doing so by circumstances beyond the psychologist's control, has failed to retain securely and confidentially the complete case record indefinitely if there are pending legal or ethical matters or if there is any other compelling circumstance;

...."

SECTION 5.1.(c) G.S. 90-270.18(b) reads as rewritten:

"(b) Fees for activities specified by this Article are as follows:

(1) Application fees for licensed psychologists and licensed psychological associates per G.S. 90-270.11(a) and (b)(1), or G.S. 90-270.13, shall ~~not exceed one hundred dollars ($100.00).~~be the cost of application as set by the vendor, if applicable, plus an additional fee not to exceed three hundred dollars ($300.00). The Board may require applicants to pay the fee directly to the vendor.

(2) Fees for the national written examination shall be the cost of the examination as set by the vendor plus an additional fee not to exceed fifty dollars ($50.00). The Board may require applicants to pay the fee directly to the vendor.

(3) Fees for additional examinations shall be as prescribed by the Board.

(4) Fees for the renewal of licenses, per G.S. 90-270.14(a)(1), shall not exceed ~~two hundred fifty dollars ($250.00)~~ four hundred dollars ($400.00) per biennium. This fee may not be prorated.

(5) Late fees for license renewal, per G.S. 90-270.14(a)(1), shall be ~~twenty-five dollars ($25.00).~~seventy-five dollars ($75.00).

(6) Fees for the reinstatement of a license, per G.S. 90-270.15(f), shall not exceed ~~one hundred dollars ($100.00).~~two hundred dollars ($200.00).

(7) Fees for a duplicate license, per G.S. 90-270.14(b), shall be ~~twenty-five dollars ($25.00).~~seventy-five dollars ($75.00).

(8) Fees for a temporary license, per G.S. 90-270.5(f) and 90-270.5(g), shall be ~~thirty-five dollars ($35.00).~~fifty dollars ($50.00).

(9) Application fees for a health services provider certificate, per G.S. 90-270.20, shall be ~~fifty dollars ($50.00).~~one hundred dollars ($100.00).

(10) Fees to place a license on inactive status, per G.S. 90-270.14A, shall not exceed one hundred dollars ($100.00) for every renewal period.

(11) Fees for reactivation of an inactive status license, per G.S. 90-270.14A(c), shall not exceed three hundred dollars ($300.00)."

SECTION 5.1.(d) G.S. 90-270.22(a) reads as rewritten:

"**§ 90-270.22. Criminal history record checks of applicants for licensure and licensees.**

(a) The Board may request that an applicant for ~~licensure or reinstatement of a license~~ licensure, reinstatement, or reactivation of a license, or that a licensed psychologist or psychological associate currently under investigation by the Board for allegedly violating this ~~Article~~ Article, consent to a criminal history record check. Refusal to consent to a criminal history record check may constitute grounds for the Board to deny ~~licensure or reinstatement~~ licensure, reinstatement, or reactivation of a license to an applicant or take disciplinary action against a licensee, including revocation of a license. The Board shall be responsible for providing to the

North Carolina Department of Public Safety the fingerprints of the applicant or licensee to be checked, a form signed by the applicant or licensee consenting to the criminal record check and the use of fingerprints and other identifying information required by the State or National Repositories, and any additional information required by the Department of Public Safety. The Board shall keep all information obtained pursuant to this section confidential.

The Board shall collect any fees required by the Department of Public Safety and shall remit the fees to the Department of Public Safety for the cost of conducting the criminal history record check."

MODIFY THE PODIATRY ACT

SECTION 5.2. G.S. 90-202.10 reads as rewritten:

"**§ 90-202.10. Annual fee; cancellation or renewal of license.**

On or before the first day of July of each year every podiatrist engaged in the practice of podiatry in this State shall transmit to the secretary-treasurer of the said North Carolina State Board of Podiatry Examiners his signature and post-office address, the date and year of his or her certificate, together with a fee to be set by the Board of Podiatry Examiners not to exceed ~~two hundred dollars ($200.00)~~ three hundred fifty dollars ($350.00) and receive therefor a renewal certificate. Any license or certificate granted by said Board under or by virtue of this section shall automatically be cancelled and annulled if the holder thereof fails to secure the renewal herein provided for within a period of 30 days after the first day of July of each year, and such delinquent podiatrist shall pay a penalty for reinstatement of twenty-five dollars ($25.00) for each succeeding month of delinquency until a six-month period of delinquency exists. After a six-month period of delinquency exists or after January 1 following the July 1 deadline, the said podiatrist must appear before the North Carolina Board of Podiatry Examiners and take a new examination before being allowed to practice podiatry in the State of North Carolina."

MODIFY THE FEE-BASED PRACTICING PASTORAL COUNSELOR CERTIFICATION ACT.

SECTION 5.3. G.S. 90-389 reads as rewritten:

"**§ 90-389. Renewal of certificate.**

A certificate issued under this Article must be renewed annually on or before the first day of January of each year. Each application for renewal must be accompanied by a renewal fee set by the Board of not more than ~~one hundred dollars ($100.00)~~ three hundred dollars ($300.00). If a certificate is not renewed on or before the first day of January of each year, an additional fee of not more than twenty-five dollars ($25.00) as set by the Board shall be charged for late renewal. The Board may establish requirements for continuing education for pastoral counselors and pastoral counseling associates certified in this State as an additional condition for renewal."

SECTION 5.4. This part becomes effective October 1, 2018.

PART VI. OCCUPATIONAL LICENSING BOARDS AND BOARD RULE MAKING

SECTION 6.1. G.S. 150B-3 reads as rewritten:

"**§ 150B-3. Special provisions on licensing.**

...

(c) If the agency finds that the public health, safety, or welfare requires emergency action and incorporates this finding in its order, summary suspension of a license or occupational license may be ordered effective on the date specified in the order or on service of the certified copy of the order at the last known address of the licensee, whichever is later, and effective during the proceedings. The proceedings shall be promptly commenced and determined. An occupational licensing agency, as defined in G.S. 150B-2(4b), shall not summarily suspend an occupational

license unless the occupational licensing agency has first adopted rules governing the conduct of its hearings in accordance with G.S. 150B-38(h).

Nothing in this subsection shall be construed as amending or repealing any special statutes, in effect prior to February 1, 1976, which provide for the summary suspension of a license.

...."

SECTION 6.2. G.S. 93B-5 reads as rewritten:

"**§ 93B-5. Compensation, employment, and training of board members.**

(a) ~~Board~~ Notwithstanding the provisions of G.S. 138-5, board members shall receive as compensation for their services per diem not to exceed ~~one~~ two hundred dollars ~~($100.00)~~ ($200.00) for each day during which they are engaged in the official business of the board.

...

(g) Within six months of a board member's initial appointment to the board, and at least once within every two calendar years thereafter, a board member shall receive training, either from the board's staff, including its legal advisor, or from an outside educational institution such as the School of Government of the University of North Carolina, on the statutes governing the board and rules adopted by the board, as well as the following State and federal laws, in order to better understand the obligations and limitations of a State agency:

(1) Chapter 150B, The Administrative Procedure Act.
(2) Chapter 132, The Public Records Law.
(3) Article 33C of Chapter 143, The Open Meetings Act.
(4) Articles 31 and 31A of Chapter 143, The State Tort Claims Act and The Defense of State Employees Law.
(5) Chapter 138A, The State Government Ethics Act.
(6) Chapter 120C, Lobbying.
(7) Antitrust law and State action immunity.

Completion of the training requirements contained in Chapter 138A and Chapter 120C of the General Statutes satisfies the requirements of subdivisions (5) and (6) of this subsection."

SECTION 6.3.(a) Chapter 93B of the General Statutes is amended by adding six new sections to read:

"**§ 93B-17. Occupational licensing board rule making.**

(a) Each occupational licensing board shall adopt rules for the receipt and resolution of complaints, for taking disciplinary or enforcement actions against its licensees, and for taking enforcement actions against persons not licensed by the board. No occupational licensing board shall summarily suspend a license unless the licensing board has adopted rules governing the conduct of its hearings in accordance with G.S. 150B-38(h).

(b) Any interpretation, clarification, or other delineation of the scope of practice of an occupational licensing board shall be adopted as a rule.

"**§ 93B-18. Unlicensed activity.**

(a) An occupational licensing board shall have the authority to investigate unlicensed activity and notify unlicensed persons and entities of the possible violation of the law and administrative rules and any civil action or criminal penalty that may be imposed by a court. The notification shall not indicate that the occupational licensing board has made any finding of a violation but may indicate the board's belief or opinion that a particular act may violate the board's enabling statutes, include factual information regarding legislation and court proceedings concerning the potential violation, and provide notice of the board's intention to pursue administrative remedies or court proceedings with regard to the potential violation.

(b) Any occupational licensing board providing notification to unlicensed persons and entities of a possible violation of the law and administrative rules and any civil action or criminal penalty that may be imposed by a court shall include the following statement in the notification:

> You are hereby notified that the opinion expressed herein is not a legal determination. An occupational licensing board does not have the authority to

order you to discontinue your current practices. Only a court may determine that you have violated or are violating any law and, if appropriate, impose a remedy or penalty for the violation. Further, pursuant to G.S. 150B-4, you may have the right, prior to initiation of any court action by the occupational licensing board, to request a declaratory ruling regarding whether your particular conduct is lawful. You are further notified that any right to a declaratory ruling supplements any other legal rights that you may already have to establish the legality of your conduct with respect to the goods or services you offer or provide.

"**§ 93B-19. Venue for court enforcement.**

The venue for occupational licensing boards seeking a court order for injunctive relief or to show cause for failure to comply with a subpoena lawfully issued by the occupational licensing board shall be in the superior court of the county where the defendant resides or in the county where the occupational licensing board has its principal place of business.

"**§ 93B-20. Injunctive relief.**

An occupational licensing board may appear in its own name in superior court in actions for injunctive relief to restrain the violation of the provisions of a statute administered by the board or a rule or order of the board. The superior court shall have the jurisdiction to grant these injunctions or restraining orders or take other appropriate action even if criminal prosecution has been or may be instituted as a result of the violations, or whether the person is a licensee of the board. No board shall issue such orders independently of the superior court unless specifically authorized to do so by law.

"**§ 93B-21. Jurisdictional disputes between boards.**

It is the policy of the State that jurisdictional disputes among occupational licensing boards shall be resolved through informal procedures. If a jurisdictional dispute among occupational licensing boards cannot be resolved through informal procedures, any affected board may commence an administrative proceeding to resolve the jurisdictional dispute by filing a petition with the Office of Administrative Hearings and serving the petition on all affected boards. Once the petition is filed and the required fee is paid, the dispute shall become a contested case and shall be conducted by the Office of Administrative Hearings under Articles 3 and 4 of Chapter 150B of the General Statutes.

"**§ 93B-22. Complaint process.**

Each occupational licensing board shall develop and implement a complaint process that provides for all of the following:

(1) A description of the complaint process on the board's Web site, including the types of violations that are under the jurisdictional authority of the board.

(2) Electronic complaint submission via the board's Web site, including a prominently displayed link to a complaint form.

(3) The ability to provide complainants with a written description of the final disposition of each complaint."

SECTION 6.3.(b) The complaint process provided for in G.S. 93B-22 shall be implemented and active on each board's Web site no later than January 1, 2019.

SECTION 6.4. G.S. 150B-45 reads as rewritten:

"**§ 150B-45. Procedure for seeking review; waiver.**

(a) Procedure. – To obtain judicial review of a final decision under this Article, the person seeking review must file a petition within 30 days after the person is served with a written copy of the decision. The petition must be filed as follows:

(1) Contested tax cases. – A petition for review of a final decision in a contested tax case arising under G.S. 105-241.15 must be filed in the Superior Court of Wake County.

(2) Other final decisions. – A petition for review of any other final decision under this Article must be filed in the superior court of the county where the person

aggrieved by the administrative decision resides, in the county where the agency has its principal place of business, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. If a petitioner files a petition in a county other than as provided in this subdivision, the superior court may order a change of venue pursuant to G.S. 1-83; provided, however, that improper venue shall not be grounds for dismissal of the petition.

(b) Waiver. – A person who fails to file a petition within the required time waives the right to judicial review under this Article. For good cause shown, however, the superior court may accept an untimely petition."

SECTION 6.5. The Joint Legislative Administrative Procedure Oversight Committee shall continue to monitor and study the effects of the opinion in *North Carolina State Board of Dental Examiners v. Federal Trade Commission* and other issues related to the scope of practice jurisdiction of occupational licensing boards.

SECTION 6.6. G.S. 143B-68 reads as rewritten:

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

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

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

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

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

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

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

SECTION 6.7. Except as otherwise provided, the part is effective when it becomes law and applies to licensing board actions occurring on or after that date.

PART VII. STUDY OBSTACLES TO ENTRY INTO LICENSED TRADES AND PROFESSIONS

SECTION 7.1. The Joint Legislative Administrative Procedure Oversight Committee shall study the following issues related to obstacles to entry into licensed trades and professions:

(1) Whether and under what circumstances occupational licensing boards should waive fees for certain low-income individuals, military families, and young workers.

(2) The extent to which licensure should be denied based on criminal history.

(3) Whether and to what extent apprenticeship paths into licensed trades and professions should be created or expanded.

SECTION 7.2. The Joint Legislative Administrative Procedure Oversight Committee shall submit an interim report, including any legislative proposals, to the 2019

General Assembly, upon its convening, and a final report, including any legislative proposals, to the 2020 Regular Session of the 2019 General Assembly, upon its convening.

PART VIII. EFFECTIVE DATE

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 735*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S735-AST-146 [v.1]

Amends Title [NO]
S735-CSROf-9

Date _____,2018

Representative S. Martin

moves to amend the bill on page 31, lines 2-3, by inserting the following between those lines:

"PART VIIA. CHANGE REQUIRED OFFICE LOCATION FOR THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS FROM RALEIGH TO WAKE COUNTY

SECTION 7.3. G.S. 88B-6(a) reads as rewritten:

"(a) The Board shall maintain its office in ~~Raleigh~~ Wake County, North Carolina.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 325
PROPOSED HOUSE COMMITTEE SUBSTITUTE S325-CSTC-64 [v.2]
06/14/2018 10:13:50 AM

Short Title: The Uniform & Expanded Early Voting Act. (Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO SET HOURS FOR ONE-STOP EARLY VOTING SITES AND TO REQUIRE COUNTY BOARD OF ELECTIONS TO SUBMIT AN ANNUAL REPORT ON VOTER LIST MAINTENANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1300(b) reads as rewritten:

"(b) Not earlier than the ~~second Thursday~~third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than ~~1:00 P.M.~~ 7:00 P.M. on the last ~~Saturday~~ Friday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. ~~A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M.~~ That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board and present photo identification in accordance with G.S. 163A-1145. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in ~~G.S. 163-227.~~G.S. 163A-1391. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 2. G.S. 163A-1303 reads as rewritten:

"**§ 163A-1303. Sites and hours for one-stop voting.**

(a) Notwithstanding any other provision of G.S. 163A-1300, 163A-1301, 163A-1302, this section, and G.S. 163A-1304, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under these sections. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board as part of a Plan for Implementation approved by both the county board of elections and by the State Board which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan

for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163A-821 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county. ~~Any plan adopted by either the county board of elections or the State Board under this subsection shall provide for the same days of operation and same number of hours of operation on each day for all sites in that county for that election. The requirement of the previous sentence does not apply to the county board of elections office itself nor, if one-stop voting is not conducted at the county board of elections office, to the reasonably proximate alternate site approved under this subsection.~~

...

(c) For all sites approved for one-stop voting under this section, a county board of elections shall provide the following:

(1) Each one-stop site across the county shall be open at that same location during the period required by G.S. 163A-1300(b).

(2) If any one-stop site across the county is opened on any day during the period required by G.S. 163A-1300(b), all one-stop sites shall be open on that day.

(3) On each weekday during the period required by G.S. 163A-1300(b), all one-stop sites shall be open from 7:00 A.M. to 7:00 P.M.

(4) If the county board of elections opens one-stop sites on Saturdays during the period required by G.S. 163A-1300(b), then all one-stop sites shall be open for the same number of hours uniformly throughout the county on those Saturdays.

(5) If the county board of elections opens one-stop sites on Sundays during the period required by G.S. 163A 1300(b), then all one stop sites shall be open for the same number of hours uniformly throughout the county on those Sundays."

SECTION 3. G.S. 163A-1304 is repealed.

SECTION 4. G.S. 163A-877 is amended by adding a new subsection to read:

"(f) Annual Report on List Maintenance Efforts. – County board of elections shall submit to the State Board an annual report, on or before September 1 of each year, of its list maintenance under this section. The State Board shall compile annual reports received from the county board of elections and submit the reports to the Joint Legislative Elections Oversight Committee on or before October 1 of each year."

SECTION 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

SENATE BILL 325
House Committee Substitute Favorable 6/14/18

Short Title: The Uniform & Expanded Early Voting Act. (Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO SET HOURS FOR ONE-STOP EARLY VOTING SITES AND TO REQUIRE COUNTY BOARD OF ELECTIONS TO SUBMIT AN ANNUAL REPORT ON VOTER LIST MAINTENANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1300(b) reads as rewritten:

"(b) Not earlier than the ~~second Thursday~~third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than ~~1:00 P.M.~~ 7:00 P.M. on the last ~~Saturday~~ Friday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. ~~A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M.~~ That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board and present photo identification in accordance with G.S. 163A-1145. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in ~~G.S. 163-227.~~G.S. 163A-1391. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 2. G.S. 163A-1303 reads as rewritten:

"**§ 163A-1303. Sites and hours for one-stop voting.**

(a) Notwithstanding any other provision of G.S. 163A-1300, 163A-1301, 163A-1302, this section, and G.S. 163A-1304, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under these sections. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board as part of a Plan for Implementation approved by both the county board of elections and by the State Board which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan

for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163A-821 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county. ~~Any plan adopted by either the county board of elections or the State Board under this subsection shall provide for the same days of operation, and same number of hours of operation on each day for all sites in that county for that election. The requirement of the previous sentence does not apply to the county board of elections office itself nor, if one-stop voting is not conducted at the county board of elections office, to the reasonably proximate alternate site approved under this subsection.~~

...

(c) For all sites approved for one-stop voting under this section, a county board of elections shall provide the following:

(1) Each one-stop site across the county shall be open at that same location during the period required by G.S. 163A-1300(b).

(2) If any one-stop site across the county is opened on any day during the period required by G.S. 163A-1300(b), all one-stop sites shall be open on that day.

(3) On each weekday during the period required by G.S. 163A-1300(b), all one-stop sites shall be open from 7:00 A.M. to 7:00 P.M.

(4) If the county board of elections opens one-stop sites on Saturdays during the period required by G.S. 163A-1300(b), then all one-stop sites shall be open for the same number of hours uniformly throughout the county on those Saturdays.

(5) If the county board of elections opens one-stop sites on Sundays during the period required by G.S. 163A-1300(b), then all one-stop sites shall be open for the same number of hours uniformly throughout the county on those Sundays."

SECTION 3. G.S. 163A-1304 is repealed.

SECTION 4. G.S. 163A-877 is amended by adding a new subsection to read:

"(f) Annual Report on List Maintenance Efforts. – County board of elections shall submit to the State Board an annual report, on or before September 1 of each year, of its list maintenance under this section. The State Board shall compile annual reports received from the county board of elections and submit the reports to the Joint Legislative Elections Oversight Committee on or before October 1 of each year."

SECTION 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 561
House Committee Substitute Favorable 6/12/18
House Committee Substitute #2 Favorable 6/14/18

Short Title: Violate Tax Law/Venue/Property Tax. (Public)

Sponsors:

Referred to:

April 3, 2017

A BILL TO BE ENTITLED

AN ACT TO CONFORM TREATMENT OF LEASEHOLD INTERESTS IN EXEMPT PROPERTY TO THAT OF OTHER TYPES OF INTANGIBLE PERSONAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX AND TO PROVIDE THAT THE SITUS OF TAX LAW VIOLATIONS IS IN THE COUNTY WHERE THE CHARGED OFFENSE OCCURS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 105-275 reads as rewritten:

"**§ 105-275. Property classified and excluded from the tax base.**

The following classes of property are designated special classes under Article V, Sec. 2(2), of the North Carolina Constitution and are excluded from tax:

...

(31) Intangible personal property other than ~~a leasehold interest that is in exempted real property and is not excluded under subdivision (31e) of this section. This subdivision does not affect the taxation of~~ software not otherwise excluded by subdivision (40) of this section.

...

~~(31e) A leasehold interest in real property that is exempt under G.S. 105-278.1 and is used to provide affordable housing for employees of the unit of government that owns the property.~~

...."

SECTION 1.(b) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2019.

SECTION 2.(a) G.S. 105-236(b) reads as rewritten:

"(b) Situs. – ~~Violation~~ Civilly, a violation of a tax law is considered an act committed in part at the office of the Secretary in Raleigh. Criminally, a violation of a tax law shall not be considered an act committed at the office of the Secretary in Raleigh. The District Attorney of the county where the charged offense occurred shall have sole jurisdiction to prosecute violations of tax law, but the Attorney General shall have concurrent jurisdiction in such prosecutions if the District Attorney requests, in writing, that the Attorney General prosecute the violation. The certificate of the Secretary that a tax has not been paid, a return has not been filed, or information has not been supplied, as required by law, is prima facie evidence that the tax has not been paid, the return has not been filed, or the information has not been supplied."

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

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 561

House Committee Substitute Favorable 6/12/18
PROPOSED HOUSE COMMITTEE SUBSTITUTE S561-CSSU-51 [v.1]
06/14/2018 07:57:33 AM

Short Title: Leasehold Interest/Property Tax. (Public)

Sponsors:

Referred to:

April 3, 2017

A BILL TO BE ENTITLED

AN ACT TO CONFORM TREATMENT OF LEASEHOLD INTERESTS IN EXEMPT PROPERTY TO THAT OF OTHER TYPES OF INTANGIBLE PERSONAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-275 reads as rewritten:

"**§ 105-275. Property classified and excluded from the tax base.**

The following classes of property are designated special classes under Article V, Sec. 2(2), of the North Carolina Constitution and are excluded from tax:

...

(31) Intangible personal property other than ~~a leasehold interest that is in exempted real property and is not excluded under subdivision (31e) of this section. This subdivision does not affect the taxation of~~ software not otherwise excluded by subdivision (40) of this section.

...

~~(31e) A leasehold interest in real property that is exempt under G.S. 105-278.1 and is used to provide affordable housing for employees of the unit of government that owns the property.~~

...."

SECTION 2. This act is effective for taxes imposed for taxable years beginning on or after July 1, 2018.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 561

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S561-ASU-49 [v.1]

Amends Title [YES]
S561-CSSU-51

Date _____,2018

Representative _____

moves to amend the bill on page 1, line 4, by rewriting the line to read:
"FOR PURPOSES OF THE PROPERTY TAX; AND TO PROVIDE THAT THE SITUS OF TAX LAW VIOLATIONS IS IN THE COUNTY WHERE THE CHARGED OFFENSE OCCURS.";

and on page 1, line 6, by deleting "**SECTION 1.**" and substituting "**SECTION 1.(a)**";

and on page 1, line 20, by rewriting the line to read:
"**SECTION 1.(b)** This section is effective for taxes imposed for taxable years beginning on";

and on page 1, line 21, by adding the following after the line:
SECTION 2.(a) G.S. 105-236(b) reads as rewritten:
"(b) Situs. – ~~Violation~~ Civilly, a violation of a tax law is considered an act committed in part at the office of the Secretary in Raleigh. Criminally, a violation of a tax law shall not be considered an act committed at the office of the Secretary in Raleigh. The District Attorney of the county where the charged offense occurred shall have sole jurisdiction to prosecute violations of tax law, but the Attorney General shall have concurrent jurisdiction in such prosecutions if the District Attorney requests, in writing, that the Attorney General prosecute the violation. The certificate of the Secretary that a tax has not been paid, a return has not been filed, or information has not been supplied, as required by law, is prima facie evidence that the tax has not been paid, the return has not been filed, or the information has not been supplied."
SECTION 2.(b) This section becomes effective December 1, 2018, and applies to offenses committed on or after that date.
SECTION 3. Except as otherwise provided, this act is effective when it becomes law."

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 561

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S561-ASU-49 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 561

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S561-ASU-48 [v.1]

Amends Title [NO]
S561-CSSU-51

Date _____,2018

Representative _____

moves to amend the bill on page 1, line 21, by deleting "July 1, 2018." and substituting "July 1, 2019.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 561

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S561-ASU-49 [v.1]

Amends Title [YES]
S561-CSSU-51

Date _____,2018

Representative _____

moves to amend the bill on page 1, line 4, by rewriting the line to read:
"FOR PURPOSES OF THE PROPERTY TAX; AND TO PROVIDE THAT THE SITUS OF TAX LAW VIOLATIONS IS IN THE COUNTY WHERE THE CHARGED OFFENSE OCCURS.";

and on page 1, line 6, by deleting "**SECTION 1.**" and substituting "**SECTION 1.(a)**";

and on page 1, line 20, by rewriting the line to read:
"**SECTION 1.(b)** This section is effective for taxes imposed for taxable years beginning on";

and on page 1, line 21, by adding the following after the line:
SECTION 2.(a) G.S. 105-236(b) reads as rewritten:
"(b) Situs. – ~~Violation~~ Civilly, a violation of a tax law is considered an act committed in part at the office of the Secretary in Raleigh. Criminally, a violation of a tax law shall not be considered an act committed at the office of the Secretary in Raleigh. The District Attorney of the county where the charged offense occurred shall have sole jurisdiction to prosecute violations of tax law, but the Attorney General shall have concurrent jurisdiction in such prosecutions if the District Attorney requests, in writing, that the Attorney General prosecute the violation. The certificate of the Secretary that a tax has not been paid, a return has not been filed, or information has not been supplied, as required by law, is prima facie evidence that the tax has not been paid, the return has not been filed, or the information has not been supplied."
SECTION 2.(b) This section becomes effective December 1, 2018, and applies to offenses committed on or after that date.
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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 561

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S561-ASU-49 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 561

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S561-ASU-48 [v.1]

Amends Title [NO]
S561-CSSU-51

Date _____, 2018

Representative Brawley

moves to amend the bill on page 1, line 21, by deleting "July 1, 2018." and substituting "July 1, 2019.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 561

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S561-ASU-49 [v.1]

Amends Title [YES]
S561-CSSU-51

Date _____,2018

Representative Lewis

moves to amend the bill on page 1, line 4, by rewriting the line to read:
"FOR PURPOSES OF THE PROPERTY TAX; AND TO PROVIDE THAT THE SITUS OF TAX LAW VIOLATIONS IS IN THE COUNTY WHERE THE CHARGED OFFENSE OCCURS.";

and on page 1, line 6, by deleting "**SECTION 1.**" and substituting "**SECTION 1.(a)**";

and on page 1, line 20, by rewriting the line to read:
"**SECTION 1.(b)** This section is effective for taxes imposed for taxable years beginning on";

and on page 1, line 21, by adding the following after the line:
SECTION 2.(a) G.S. 105-236(b) reads as rewritten:
"(b) Situs. – ~~Violation~~ Civilly, a violation of a tax law is considered an act committed in part at the office of the Secretary in Raleigh. Criminally, a violation of a tax law shall not be considered an act committed at the office of the Secretary in Raleigh. The District Attorney of the county where the charged offense occurred shall have sole jurisdiction to prosecute violations of tax law, but the Attorney General shall have concurrent jurisdiction in such prosecutions if the District Attorney requests, in writing, that the Attorney General prosecute the violation. The certificate of the Secretary that a tax has not been paid, a return has not been filed, or information has not been supplied, as required by law, is prima facie evidence that the tax has not been paid, the return has not been filed, or the information has not been supplied."
SECTION 2.(b) This section becomes effective December 1, 2018, and applies to offenses committed on or after that date.
SECTION 3. Except as otherwise provided, this act is effective when it becomes law."

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 561

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S561-ASU-49 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Committee Sergeants at Arms

NAME OF COMMITTEE HC ON Rules,Calendar,and Operations of the House

DATE: 6/14/2018 Room: 544

House Sgt-At Arms:

1. Name: Dean Marshbourne
2. Name: Jonas Cherry
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

HC on Rules,Calendar,and Operation of the House — 6/14/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Betsy Bailey	CAGC
Jackson Stancil	JSC
Perry Hurst	DOC
Sallie James	Governor's office
Daniel Baum	Tourism Studies
Andy Munn	MVA
Why Canaan Hurie	MVA
Joya Peters	CSS
[illegible]	CSS
[illegible]	MFS
[illegible]	ACLU NC

VISITOR REGISTRATION SHEET

HC on Rules,Calendar,and Operation of the House — 6/14/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Merritt	Pulsi Group
George Robinson	NC DOI
Evan Nuttall	JLF
Ken Wright	NC DOR
Kathy Hawkins	Duke Energy
Lisa Martin	Cap-Ad
Henry Jones	Jordan Price etc
Adam Pridemore	NCATCC
Daniel Vetter	V.J.T
Sarah McQuillan	Keeves Gov Affairs
Whitney Christian	Ward & Stratton

VISITOR REGISTRATION SHEET

HC on Rules,Calendar,and Operation of the House — 6/14/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rick Zechini	Powers Strategies
David Powers	PS, LLC
Kendall Hathaway	intern - Rep. Wray
Lane Hildeman	intern rep Goodman
Elizabeth Lunsford	Citizen, You Can Vote
Grecar Webb	WCMS
John Poland	NCBIA
Katherine Joyce	NCASA
Brian Nolley	Ballard Spahr LLP
Kari Barsdess	Par A Gateway
Rhaegan Jackson	Focus Carolina

VISITOR REGISTRATION SHEET

HC on Rules,Calendar,and Operation of the House — 6/14/2018

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Hardin	NCEL
TJ Bugbee	NP
[illegible]	[illegible]
SueAnn Foret	NCMS
[illegible]	[illegible]
[illegible]	PPAB
[illegible]	NCDOT
JOE LANIER	GROUSMAN
Chamberlain Collier	Troutman
Chase Faircloth	NCFB
[illegible]	NCFB

Wendy Kelly
Chris Kelly

Fiona [illegible]
[illegible]

VISITOR REGISTRATION SHEET

HC on Rules,Calendar,and Operation of the House — 6/14/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kay Castillo	NAAW-NC
Tim Hoegemeyer	State Auditor
Brad Young	OSA
Sarah Baker	Brubaker & Assoc.
Tom Dial	NCICU
Isela Gutierrez	Democracy NC
Brent Laurenz	Common Cause NC
A.B. Swindell	Waste IND.
Chip Baggett	NCMS
Dilan [illegible]	Rep. Ricky Carney
Dennis Seavers	BBE
Meg Mackey	SOL
Kristen [illegible]	NCAJ

VISITOR REGISTRATION SHEET

HC on Rules,Calendar,and Operation of the House — 6/14/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Rustin	NC Family Policy Council
Michelle Fraser	NP
Crystal T.	SA
JBR	NCCLGR
Cassie Gavin	Sierra Club
Richard Bostic	NC SBA
Chris McClure	BP
JASON SOPER	NC Chamber
Sam Sue	RFNC
LT McCrimmon	DHHS
David Forrell	NP

VISITOR REGISTRATION SHEET

HC on Rules,Calendar,and Operation of the House 6/14/2018

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Justin Clayton	Governor
[illegible]	[illegible]
[illegible]	[illegible]
Matt Gross	DHHS
Dr. Marcia	UNC - CH
[illegible]	PCA
Jane Royall	NCFPC
Matthew Boyan	NC Sheriffs' Association
Katharine Shriver	Intern at DMVA
Angella Dunston	DMVA
John Aldridge	NC Sheriffs Association
Mary Shuping	NCCCS

VISITOR REGISTRATION SHEET

HC on Rules,Calendar,and Operation of the House — 6/14/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Heinen	NC Nonprofits
Fred Baker	Baker-Aso.
Dick Carlton	Law Off. of RHC PLLC
Jess Wilkerson	Duke
Emeline Smith	Salem College

- S162
  - ↳ Brawley will explain
    - ↳ Moves for full report

- S374
  - ↳ Szoka explains
  - ↳ Hardister explains (6:47)
    - Tovlett questions (Automatic acceptance)
    - Jackson question (25A - lease purchase agreement rules)

- Public Comment (6:55)

- Rep. Szoka comment @ 7:05

- Revies question → new consumer protection

- Motion; Drein PCS for rep anfar to original

- S15 → Members don't frame copies apparently
  - ↳ Elmore explains

S 325
S 574
H 1089
S 541

6/14/14

House Rules - 10:30 am in 643

Come to order 10:51

S 325

↳ Rep. Lewis explains starting @ 10:53

→ Question Rep. Dollar

- Does BOE have to have all early voting sites open at one time?
  - ↳ All sites 7a - 7p ; county has discretion

→ Question Rep. Floyd

- This about Precincts?
  - ↳
  - ↳ Follow-up
    - Could they opt into Snading 18th?
      - ↳ No

→ Willingham

- Hours be staggered?

→ Rep. Jackson

- Did BOE get consulted during this?
  - No
- Did they have issues?
- Ever a complaint about last minute change to removal of Sat. voting?

→ Rep. Floyd

- Sunday voting concerns
- Is this how we're doing it going forward?

Public Comment

- Greg Flynn - Wake county BOE
  - ↳ Doesn't believe 12 hr day is efficient
  - → Jackson question
    - ↳ When is your plan
  - → Elmer
    - ↳ Do staffers overlap?
      - Yes
  - Brawley → Close in middle of day

- Elisa Gutierrez - Democracy NC
  - Options are limited
  - Input needed from state & county BOE officials

- Brent Lawrence - Common Cause NC
  - Options are limited
  - Upset about time

- 11:25

Hardister - PCS favorable report - Passes

- 11:26

S561

↳ Rep. Lewis recognized for amendment (passes)

↳ Rep. Brantley recognized for a second (passes)

↳ Rep. Lewis for a motion (carries)

Have Copies of Original Amendments

- 11:38 → H1089
  - Clampitt / McNeill / Jackson } explains bill
  - Elmer question
  - Szoka question

Recess 11:59am

6:33pm reconvene

- H1025
  - ↳ Davis explains
    - ↳ Makes motion for PCS, unfav to Outs.
- S563
  - ↳ Martin explains
    - ↳ Motion for PCS, unfav to Outs

House Committee on Rules, Calendar, and Operations of the House
Friday, June 15, 2018 at Immediately After Session
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at Immediately After Session on June 15, 2018 in Room 1228/1327 of the Legislative Building. Representatives Brawley, Bumgardner, Burr, Davis, Dollar, Dulin, Floyd, Fraley, Hardister, Jackson, Lewis, McGrady, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Representative David R. Lewis, Chair, presided. Meeting convened at 3:46

The following bills were considered:

SB 145 Government Immigration Compliance – The PCS was brought before the body without objection (DOT/DMV Legislative Requests). Rep. Hardister moves for a favorable report to the Proposed Committee Substitute, unfavorable to the original. The motion carries on a voice vote.

The meeting adjourned at 3:50.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Mark Coggins (Rep. David Lewis)

[redacted]

From: Neal Inman (Rep. David Lewis)
Sent: Friday, June 15, 2018 03:34 PM
To: Sen. Norman Sanderson
Cc: Linda Sanderson (Sen. Norman Sanderson); Kathy Voss (Sen. Norman Sanderson)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Friday, June 15, 2018 at Immediately After Session
Attachments: Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

[redacted]

DAY & DATE: Friday, June 15, 2018
TIME: **Immediately After Session**
LOCATION: **1228/1327 LB**
COMMENTS: **This will be a PCS.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 145	Government Immigration Compliance.	Senator Sanderson

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:33 PM on Friday, June 15, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

[redacted]

House Committee on Rules, Calendar, and Operations of the House
Friday, June 15, 2018, Immediately After Session
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 145	DOT/DMV Legislative Requests.	Senator Sanderson

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB NO. 2

SB **145** **(CS#2)** Government Immigration Compliance.

Draft Number:	S145-PCS45581-SU-53
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Torbett

TOTAL REPORTED: 1



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-74
SENATE BILL 145

AN ACT TO MAKE CHANGES TO THE TRANSPORTATION LAWS OF THE STATE.

The General Assembly of North Carolina enacts:

PART I. DEPARTMENT OF TRANSPORTATION

DOT PROPERTY ACQUISITIONS/RIGHT-OF-WAY CLAIM REPORT

SECTION 1.(a) G.S. 136-19.6 reads as rewritten:

"**§ 136-19.6. ~~Appraisal waiver valuation.~~Right-of-Way Claim Report.**

(a) Intent. – It is the intent of the General Assembly to provide the Department of Transportation with the resources and flexibility necessary to accelerate the time in which projects are completed while maintaining fairness to affected property owners and other citizens of this State. It is the belief of the General Assembly that providing the Department with the flexibility allowed under subsection (b) of this section will help toward achieving this intent. Therefore, the Department is encouraged to utilize the flexibility provided in subsection (b) of this section for all acquisitions of land in which the ~~value~~ estimate of the acquisition is ~~estimated at~~ ten thousand dollars ($10,000) or less.

(b) Permissive Exception to Appraisal. – When the Department acquires land, and except as otherwise required by federal law, an appraisal is not required if the Department ~~determines that the anticipated value of~~ estimates that the proposed acquisition is ~~estimated at~~ forty thousand dollars ($40,000) or less, based on a review of data available to the Department at the time the Department begins the acquisition process. If the Department ~~determines that an appraisal is unnecessary,~~estimates the acquisition to be forty thousand dollars ($40,000) or less, the Department may prepare ~~an appraisal waiver valuation~~ a Right-of-Way Claim Report instead of an appraisal. The owner of the land to be acquired may request the Department provide an appraisal for any right-of-way claim of ten thousand dollars ($10,000) or more. The Department may contract with a qualified third party to prepare ~~an appraisal waiver valuation.~~ a Right-of-Way Claim Report. Any person ~~performing an appraisal waiver valuation~~ preparing a Right-of-Way Claim Report must have a sufficient understanding of the local real estate ~~market to be qualified to perform the appraisal waiver valuation.~~market.

...."

SECTION 1.(b) G.S. 93E-1-3 reads as rewritten:

"**§ 93E-1-3. When registration, license, or certificate not required.**

...

(f) ~~A~~ Except as otherwise provided in subsection (g) of this section, a trainee registration, license, or certificate is not required under this Chapter ~~for:~~ for any of the following:

(1) Any person, partnership, association, or corporation that performs appraisals of property owned by that person, partnership, association, or corporation for the sole use of that person, partnership, association, or ~~corporation;~~corporation.

(2) Any court-appointed commissioner who conducts an appraisal pursuant to a judicially ordered evaluation of ~~property;~~property.

(3) Any person to qualify as an expert witness for court or administrative agency testimony, if otherwise ~~qualified;~~qualified.

(4) A person who appraises standing timber so long as the appraisal does not include a determination of value of any ~~land;~~land.

(5) Any person employed by a lender in the performance of appraisals with respect to which federal regulations do not require a licensed or certified ~~appraiser; and~~appraiser.

(6) A person who performs ad valorem tax appraisals and is certified by the Department of Revenue under G.S. 105-294 or ~~G.S. 105-296; however, any~~ G.S. 105-296.

(7) A person who prepares a Right-of-Way Claim Report pursuant to G.S. 136-19.6.

(g) Notwithstanding any provision of subsection (f) of this section to the contrary, any person who is registered, licensed, or certified under this Chapter and who performs any of the activities set forth in subdivisions (1) through (5) of ~~this~~ subsection (f) of this section must comply with all of the provisions of this Chapter. The provisions of this Chapter shall not apply to certified real estate appraisers who perform a broker price opinion or comparative market analysis pursuant to G.S. 93E-1-3(c), as long as the appraiser is licensed as a real estate broker by the North Carolina Real Estate Commission and does not refer to himself or herself as an appraiser in the broker price opinion or comparative market analysis."

DOT REPORT PROGRAM TO POST TO WEB/REDUCTION IN NUMBER OF REPORTS

SECTION 2.(a) G.S. 136-18.05 reads as rewritten:

"§ 136-18.05. Establishment of "DOT Report" Program.

...

(b) Establishment and Components. – To achieve the intent set forth in subsection (a) of this section, the Department shall establish and implement the "DOT Report" Program (Program). The Program shall include the following components:

(1) Responsiveness. – The Department shall structure the Program to gather citizen input and shall commit to quickly addressing structural problems and other road hazards on State-maintained roads. Citizens may report potholes, drainage issues, culvert blockages, guardrail repairs, damaged or missing signs, malfunctioning traffic lights, highway debris, or shoulder damage to the Department of Transportation by calling a toll-free telephone number designated by the Department or submitting an online work request through a Web site link designated by the Department. Beginning January 1, 2016, upon receiving a citizen report in accordance with this subdivision, the Department shall either address the reported problem or identify a solution to the reported problem. Excluding potholes, which shall be repaired within two business days of the date the report is received, the Department of Transportation shall properly address (i) safety-related citizen reports no later than 10 business days after the date the report is received and (ii) non-safety-related citizen reports no later than 15 business days after the date the report is received. The Department shall determine, in its discretion, whether a citizen report is safety-related or non-safety-related. The Department shall transmit information received about potholes or other problems on roads not maintained by the State to the appropriate locality within two business days of receiving the citizen report. The Department shall ~~provide~~ post a monthly report ~~to all of the following~~ to the Department's performance dashboard Web site on the number of citizen reports received under this subdivision for the

month immediately preceding the monthly report, the number of citizen reports fully addressed within the time frames set forth in this subdivision for the month immediately preceding the monthly report, the number of citizen reports addressed outside of the time frames set forth in this subdivision for the month immediately preceding the monthly report, and the number of citizen reports not fully addressed for the month immediately preceding the ~~report:~~report.

~~a. The Joint Legislative Transportation Oversight Committee.~~

~~b. The Fiscal Research Division of the General Assembly.~~

~~c. The chairs of the House of Representatives Appropriations Committee on Transportation.~~

~~d. The chairs of the Senate Appropriations Committee on the Department of Transportation.~~

(1a) Efficiency. – The Department shall adopt procedures in all stages of the construction process to streamline project delivery, including consolidating environmental review processes, expediting multiagency reviews, accelerating right-of-way acquisitions, and pursuing design build and other processes to collapse project stages. By December 1, 2015, the Department shall establish a baseline unit pricing structure for transportation goods used in highway maintenance and construction projects and set annual targets for three years based on its unit pricing. In forming the baseline unit prices and future targets, the Department shall collect data from each Highway Division on its expenditures on transportation goods during the 2015-2016 fiscal year. Beginning January 1, 2016, no Highway Division shall exceed a ten percent (10%) variance over a baseline unit price set for that year in accordance with this subdivision. The Department of Transportation shall institute ~~quarterly~~ annual tracking to monitor pricing variances. The ten percent (10%) maximum variance set under this subdivision is intended to account for regional differences requiring varying product mixes. If a Highway Division exceeds the unit pricing threshold, the Department shall submit a report to the Joint Legislative Transportation Oversight Committee, the Fiscal Research Division of the General Assembly, the chairs of the House of Representatives Appropriations Committee on Transportation, and the chairs of the Senate Appropriations Committee on the Department of Transportation no later than the fifteenth day of February following the end of the ~~quarter~~ calendar year on why the variance occurred and what steps are being taken to bring the Highway Division back into compliance. In order to drive savings, unit pricing may be reduced annually as efficiencies are achieved.

...."

SECTION 2.(b) This section is effective when it becomes law, except that the report required under G.S. 136-18.05(b)(1), as amended by this section, shall continue to be provided monthly to the Joint Legislative Transportation Oversight Committee, the Fiscal Research Division of the General Assembly, the chairs of the House of Representatives Appropriations Committee on Transportation, and the chairs of the Senate Appropriations Committee on the Department of Transportation, until it is posted to the Department's performance dashboard Web site.

REPEAL OF BIENNIAL REPORT ON OFF-PREMISE SIGN REGULATORY PROGRAM

SECTION 3. G.S. 136-12.1 is repealed.

CHANGE TO DOT OUTSOURCING AND PROJECT DELIVERY REPORTS

SECTION 4. G.S. 136-12.3 reads as rewritten:

"**§ 136-12.3. Outsourcing and project delivery reports.**

...

(b) Outsourcing Report. – For each Highway Division, the Department shall provide a detailed ~~biannual~~ report on all payments made to private contractors for preconstruction activities. In order to compare internal costs incurred with payments made to private contractors, and except as otherwise provided in this subsection, the Department shall include project-specific expenses incurred by division, regional, or central staff. The Department shall not include expenses incurred for central business units that support and oversee outsourcing functions. The information in the first report submitted under this subsection shall be used to establish a baseline to use for setting future preconstruction outsourcing targets. The Department shall submit the ~~reports~~ report required under this subsection to the Joint Legislative Transportation Oversight Committee by ~~September 1 and~~ March 1 of each year.

(c) Project Delivery Report. – For each Highway Division, the Department shall provide a detailed annual report in accordance with the following requirements:

...

(2) For each project, the report shall indicate the status of all of the following phases:

a. Planning ~~a~~ and design in progress.

b. Right-of-way acquisition in progress.

c. Project let for construction.

d. Construction substantially complete and traffic using facility.

...

(d) Combined Report. – The Department may combine the reports required to be submitted ~~by March 1~~ under subsections (b) and (c) of this section into a single report.

...."

REPEAL OF ANNUAL CONSTRUCTION PROGRAM AND RELATED REPORTING REQUIREMENTS

SECTION 5. G.S. 136-44.4 is repealed.

CHANGE TO ANNUAL HIGHWAY CONSTRUCTION AND MAINTENANCE REPORT

SECTION 6. G.S. 136-12(a) reads as rewritten:

"(a) The Department of Transportation ~~shall, on or before the tenth day after the convening of each regular session of the General Assembly of North Carolina, make a full printed, detailed report to the General Assembly, showing the construction and maintenance work and the cost of the same, receipts of license fees, and disbursements of the Department of Transportation, and such other data as may be of interest in connection with the work of the Department of Transportation.~~ shall report to the Joint Legislative Transportation Oversight Committee by March 1 of each year on how the previous fiscal year's funds for maintenance and construction were allocated and expended. The report shall include expenditures of both State and federal funds and shall be in sufficient detail that the county can be identified. A full account of each road project shall be kept by and under the direction of the Department of Transportation or its representatives, to ascertain at any time the expenditures and the liabilities against all projects; also records of contracts and force account work. The account records, together with all supporting documents, shall be open at all times to the inspection of the Governor or road authorities of any county, or their authorized representatives, and copies thereof shall be furnished such officials upon request."

PART II. DIVISION OF MOTOR VEHICLES

REMOVE THE MAILING REQUIREMENT FOR DEALER MANUALS

SECTION 8. G.S. 20-302 reads as rewritten:

"**§ 20-302. Rules and regulations.**

The Commissioner may make such rules and regulations, not inconsistent with the provisions of this Article, as he shall deem necessary or proper for the effective administration and enforcement of this Article, provided that the Commissioner shall make a copy of such rules and regulations ~~shall be mailed to each motor vehicle dealer licensee~~ available on a Web site maintained by the Division or the Department of Transportation 30 days prior to the effective date of such rules and regulations."

DMV MAY ALLOW TRANSITIONING MILITARY TRUCK DRIVERS CERTAIN CDL WAIVERS/CREDIT FOR MILITARY SERVICE TRUCK OPERATIONS

SECTION 9.(a) G.S. 20-37.13 is amended by adding a new subsection to read:

"(c3) The Division may waive the knowledge and skills test for a qualified military applicant who has been issued a military license that authorizes the holder to operate a motor vehicle representative of the class and endorsements for which the applicant seeks to be licensed. The applicant must certify and provide satisfactory evidence on the date of application that the applicant meets all of the following requirements:

(1) The applicant is a current or former member of an active or reserve component of the Armed Forces of the United States and was issued a military license that authorized the applicant to operate a vehicle that is representative of the class and type of commercial motor vehicle for which the applicant seeks to be licensed and whose military occupational specialty or rating are eligible for waiver, as allowed by the Federal Motor Carrier Safety Administration.

(2) The applicant is or was, within the year prior to the date of application, regularly employed in a military position requiring operation of a motor vehicle representative of the class of commercial motor vehicle for which the applicant seeks to be licensed.

(3) The applicant meets the qualifications listed in subdivision (2) of subsection (c1) of this section."

SECTION 9.(b) This section becomes effective October 1, 2018.

DMV MAY SHARE DRIVER MEDICAL RECORDS WITH STATE AND FEDERAL AUTHORITIES

SECTION 10.(a) G.S. 20-7(e) reads as rewritten:

"(e) Restrictions. – The Division may impose any restriction it finds advisable on a drivers license. It is unlawful for the holder of a restricted license to operate a motor vehicle without complying with the restriction and is the equivalent of operating a motor vehicle without a license. If any applicant shall suffer from any physical or mental disability or disease that affects his or her operation of a motor vehicle, the Division may require to be filed with it a certificate of the applicant's condition signed by a medical authority of the applicant's community designated by the Division. The Division may, in its discretion, require the certificate to be completed and submitted after a license or renewal has been issued based on the applicant's performance during a road test administered by the Division. Upon submission, the certificate shall be reviewed in accordance with the procedure set forth in G.S. 20-9(g)(3). This certificate shall in all cases be treated as ~~confidential.~~confidential and subject to release under G.S. 20-9(g)(4)h. Nothing in this subsection shall be construed to prevent the Division from refusing to issue a license, either restricted or unrestricted, to any person deemed to be incapable of safely operating a motor vehicle based on information observed or received by the Division,

including observations during a road test and medical information submitted about the applicant. An applicant may seek review pursuant to G.S. 20-9(g)(4) of a licensing decision made on the basis of a physical or mental disability or disease. This subsection does not prohibit deaf persons from operating motor vehicles who in every other way meet the requirements of this section."

SECTION 10.(b) G.S. 20-9(g)(4)h. reads as rewritten:

"h. All records and evidence collected and compiled by the Division and the reviewing board shall not be considered public records within the meaning of Chapter 132 of the General Statutes of North Carolina and may be made available to the public only upon an order of a court of competent jurisdiction. An applicant or licensee may obtain, without a court order, a copy of records and evidence collected and compiled under this subdivision about the applicant or licensee by submitting a written request to the Division, signing any release forms required by the Division, and remitting the required fee set by the Division. All information furnished by, about, or on behalf of an applicant or licensee under this section shall be without prejudice and shall be for the use of the Division, the reviewing board or the court in administering this section and shall not be used in any manner as evidence, or for any other purposes in any trial, civil or ~~criminal.~~criminal, except as authorized in this sub-subdivision. The prohibition on release and use under this sub-subdivision applies without regard to who authored or produced the information collected, compiled, and used by the Division under this subdivision. The Division may, as it deems necessary, release information collected under this subdivision to any other State or federal government agency for purposes of determining an individual's ability to safely operate a commercial motor vehicle or to obtain a commercial drivers license."

SECTION 10.(c) G.S. 20-37.13A(a) reads as rewritten:

"(a) Medical Qualifications Standards Applicable to Commercial Drivers. – All commercial drivers license holders and applicants for commercial drivers licenses must meet the medical qualifications standards set forth in 49 C.F.R. § 391.41. As allowed under G.S. 20-9(g)(4)h., the Division may release information it deems necessary to any other State or federal government agency for purposes of determining an individual's ability to safely operate a commercial motor vehicle or to obtain a commercial drivers license."

PART III. SPECIAL REGISTRATION PLATES

AUTHORIZE THE DIVISION TO PRODUCE AN "ORDER OF THE EASTERN STAR PRINCE HALL AFFILIATED" SPECIAL REGISTRATION PLATE

SECTION 11.(a) G.S. 20-79.4(b) reads as rewritten:

"(b) Types. – The Division shall issue the following types of special registration plates:

...

() Order of the Eastern Star Prince Hall Affiliated. – Issuable to an active member of the Order of the Eastern Star Prince Hall Affiliated in accordance with G.S. 20-81.12. The plate shall bear the Order of the Eastern Star Prince Hall Affiliated logo.

...."

SECTION 11.(b) G.S. 20-79.7 reads as rewritten:

"**§ 20-79.7. Fees for special registration plates and distribution of the fees.**

...

(a1) Fees. – All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

Special Plate	Additional Fee Amount
...	
North Carolina Sheriffs' Association	$30.00
Operation Coming Home	
Order of the Eastern Star Prince Hall Affiliated	$20.00
Outer Banks Preservation Association	
...	

(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) of this section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which is established under G.S. 113A-253, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

Special Plate	SRPA	CCAPA	CWMTF	PRTF
...				
Operation Coming Home				
Order of the Eastern Star Prince Hall Affiliated	$10	$10	$0	$0
Order of the Long Leaf Pine	$10	$10	$0	$0

...."

SECTION 11.(c) G.S. 20-81.12 reads as rewritten:

"§ 20-81.12. Collegiate insignia plates and certain other special plates.

...

(b159) Order of the Eastern Star Prince Hall Affiliated. – The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of "Order of the Eastern Star Prince Hall Affiliated" plates to The Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of North Carolina and Jurisdiction, Inc.

...."

SECTION 11.(d) The Revisor of Statutes is authorized to alphabetize, number, and renumber the special registration plates listed in G.S. 20-79.4(b) to ensure that all the special registration plates are listed in alphabetical order and numbered accordingly.

SECTION 11.(e) If House Bill 223, 2017 Regular Session, becomes law, then Section 3.5 of that act is repealed.

SECTION 11.(f) This section becomes effective February 1, 2019.

AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN "ALPHA PHI ALPHA FRATERNITY" SPECIAL REGISTRATION PLATE

SECTION 12.(a) G.S. 20-63(b1)(47) is reenacted as it existed immediately before its repeal.

SECTION 12.(b) G.S. 20-79.4(b)(6) is reenacted as it existed immediately before its repeal.

SECTION 12.(c) The Alpha Phi Alpha Fraternity special registration plate listed as expired in G.S. 20-79.7(a1) and (b) is reenacted as it existed immediately before its repeal.

SECTION 12.(d) The additional fee amount for the Alpha Phi Alpha Fraternity special registration plate listed under G.S. 20-79.7(a1), as reenacted by this section, is modified to thirty dollars ($30.00). The Revisor of Statutes shall reorganize the table accordingly.

SECTION 12.(e) The distribution of fees for the Alpha Phi Alpha Fraternity special registration plate listed under G.S. 20-79.7(b), as reenacted by this section, is modified to ten

dollars ($10.00) for the Special Registration Plate Account (SRPA) and twenty dollars ($20.00) for the Collegiate and Cultural Attraction Plate Account (CCAPA). The Revisor of Statutes shall reorganize the table accordingly.

SECTION 12.(f) G.S. 20-81.12(b39) is reenacted as it existed immediately before its repeal and reads as rewritten:

"(b39) Alpha Phi Alpha Fraternity. – The Division ~~must receive 300 or more applications for the Alpha Phi Alpha Fraternity plate before the plate may be developed. The Division~~ shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of the Alpha Phi Alpha Fraternity plates to the ~~Association of North Carolina Alphamen (ANCA) Educational Foundation~~ Education Consortium of North Carolina, Inc., for scholarships for the benefit of African-American males ~~in ANCA~~ attending accredited North Carolina colleges and universities."

SECTION 12.(g) This section becomes effective February 1, 2019.

INCREASE FEE FOR WILDLIFE RESOURCES SPECIAL REGISTRATION PLATE, AS REQUESTED BY THE WILDLIFE COMMISSION

SECTION 13. G.S. 20-79.7 reads as rewritten:

"**§ 20-79.7. Fees for special registration plates and distribution of the fees.**

...

(a1) Fees. – All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

Special Plate	Additional Fee Amount
...	
Wildlife Resources	~~$20.00~~$30.00

...

(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) of this section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which is established under G.S. 113A-253, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

Special Plate	SRPA	CCAPA	CWMTF	PRTF
...				
Wildlife Resources	$10	~~$10~~$20	$0	$0

...."

INCREASE FEE FOR INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL REGISTRATION PLATE, AS REQUESTED BY THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

SECTION 14.(a) G.S. 20-79.4(b)(104) reads as rewritten:

"(104) International Association of Fire Fighters. – The plate authorized by this subdivision shall bear the logo of the International Association of Fire Fighters. The Division may not issue the plate unless it receives at least 300 applications for the plate. The plate is issuable to one of the ~~following:~~following in accordance with G.S. 20-81.12:

a. A person who presents proof of active membership in the International Association of Fire Fighters for the year in which the license plate is sought.

b. The surviving spouse of a person who was a member of the International Association of Fire Fighters, so long as the surviving spouse continues to renew the plate and does not remarry."

SECTION 14.(b) G.S. 20-79.7 reads as rewritten:

"§ 20-79.7. Fees for special registration plates and distribution of the fees.

...

(a1) Fees. – All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

Special Plate	Additional Fee Amount
...	
Harley Owners' Group	$20.00
International Association of Fire Fighters	$20.00
I Support Teachers	
...	

(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) of this section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which is established under G.S. 113A-253, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

Special Plate	SRPA	CCAPA	CWMTF	PRTF
...				
In-State College Insignia	$10	$15	$0	$0
International Association of Fire Fighters	$10	$10	$0	$0
I Support Teachers – Expired July 1, 2016				

...."

SECTION 14.(c) G.S. 20-81.12 reads as rewritten :

"§ 20-81.12. Collegiate insignia plates and certain other special plates.

...

(b160) International Association of Fire Fighters. – The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of "International Association of Fire Fighters" plates to the Professional Firefighters of North Carolina Charitable Fund.

...."

ORDER OF THE LONG LEAF PINE PLATE EXEMPT FROM APPLICATION REQUIREMENT

SECTION 14.5. G.S. 20-81.12(b140) reads as rewritten:

"(b140) Order of the Long Leaf Pine. – The Order of the Long Leaf Pine plate is not subject to the provisions of G.S. 20-79.3A or ~~G.S. 20-79.8.~~G.S. 20-79.8, including the minimum number of applications required under G.S. 20-63(b1). The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Order of the Long Leaf Pine plates to the General Fund."

PART IV. OTHER CHANGES

CDL EXEMPTION FOR OPERATORS OF FIREFIGHTING OR EMERGENCY EQUIPMENT

SECTION 15. G.S. 20-37.16(e)(2) reads as rewritten:

"(2) Any vehicle when used as firefighting or emergency equipment for the purpose of preserving life or property or to execute ~~emergency~~ governmental ~~functions.~~functions, including, but not limited to, necessary maintenance, training, or required operation for official business of the department."

REPEAL REQUIREMENT THAT SIGNS BE ERECTED ON HIGHWAYS ENTERING THE STATE INDICATING THAT HIGHWAYS ARE PATROLLED BY UNMARKED POLICE VEHICLES

SECTION 16. G.S. 20-190.2 is repealed.

DEFINITION OF OWNER AND SECURITY INTEREST CLARIFICATIONS FOR MANUFACTURED HOMES

SECTION 16.3.(a) G.S. 20-58.4(e1) reads as rewritten:

"(e1) If the vehicle is a manufactured home, the owner may proceed in accordance with subsection (e) of this section or may, in the alternative, provide the Division with a sworn affidavit by the owner that the debt has been satisfied and that either:

(1) After diligent inquiry, the owner has been unable to determine the identity or the current location of the secured creditor or its successor in interest; or

(2) The secured creditor has not responded within 30 days to a written request from the owner to release the secured creditor's security interest.

For purposes of this subsection, the term "owner" shall mean any of the following: i) the owner of the manufactured home; ii) the owner of real property on which the manufactured home is affixed; or iii) a title insurance company as insurer of an insured owner of real property on which the manufactured home is affixed."

SECTION 16.3.(b) G.S. 20-58.3A(g) reads as rewritten:

"(g) The Division shall not be subject to a claim under Article 31 of Chapter 143 of the General Statutes related to the renewal of the perfection of a security interest or the failure to acknowledge or give effect to an expired perfection of a security interest on a certificate of title for a manufactured home pursuant to this section if the claim is based on reliance by the Division on any application for renewal submitted to the Division by a third party pursuant to this section or based on the automatic expiration of a perfection of a security interest pursuant to this section."

SECTION 16.3.(c) This section becomes effective October 1, 2018.

CERTIFICATE OF TITLE REQUIREMENTS FOR IMPROVEMENT PERMITS FOR MANUFACTURED HOMES

SECTION 16.4.(a) G.S. 153A-357(e) reads as rewritten:

"(e) No permit shall be issued pursuant to subdivision (1) of subsection (a) of this section where the cost of the work is thirty thousand dollars ($30,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit, unless the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the permit or in an attachment thereto. The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued. Where the improvements to a real property leasehold are limited to the purchase, transportation, and setup of a manufactured home, as defined in G.S. 143-143.9(6), ~~for which there is a current certificate of title,~~ the purchase price of the

manufactured home shall be excluded in determining whether the cost of the work is thirty thousand dollars ($30,000) or more."

SECTION 16.4.(b) G.S. 160A-417(d) reads as rewritten:

"(d) No permit shall be issued pursuant to subdivision (1) of subsection (a) of this section where the cost of the work is thirty thousand dollars ($30,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit, unless the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the permit or in an attachment thereto. The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued. Where the improvements to a real property leasehold are limited to the purchase, transportation, and setup of a manufactured home, as defined in G.S. 143-143.9(6), ~~for which there is a current certificate of title,~~ the purchase price of the manufactured home shall be excluded in determining whether the cost of the work is thirty thousand dollars ($30,000) or more."

STATIC WEIGHING OF READY-MIXED CONCRETE TRUCKS

SECTION 16.5. G.S. 20-118 is amended by adding a new subsection to read:

"(*l*) A vehicle or vehicle combination that hauls unhardened ready-mixed concrete may be weighed with weigh in motion scales, but the vehicle or vehicle combination must be weighed static, allowing the drum to come to a complete stop."

SPECIAL REGISTRATION PLATES/STATE AND NATIONAL MOTTOS PLATE REVISIONS

SECTION 16.10. G.S. 20-63(b), as amended by Section 34.27(a) of S.L. 2018-5, reads as rewritten:

"(b) Every license plate must display the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word "weighted," unless the plate is a special registration plate authorized in G.S. 20-79.4.

A registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less shall be, at the option of the owner, either (i) a "First in Flight" plate, (ii) a "First in Freedom" plate, or (iii) a "National/State Mottos" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the "First in Flight" plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right. A "First in Freedom" plate shall have the words "First in Freedom" printed at the top of the plate above all other letters and numerals. The background of the "First in Freedom" plate may include an image chosen by the Division that is representative of the Mecklenburg Declaration of 1775 or the Halifax Resolves of 1776. A "National/State Mottos" plate shall ~~(i) be a white plate, (ii) have above all other letters and numerals the~~have in words the motto of the United States "In God We Trust" printed at the top of the plate above all other letters and numerals and have in words the State motto "To Be Rather Than To Seem".~~in gold lettering over a~~ The

background of the "National/State Mottos" plate shall include an image chosen by the Division that is representative of the ~~containing the American flag,~~ American Flag.~~(iii) have the letters and numerals of the plate number in dark blue lettering, (iv) have below the plate number "North Carolina" printed in light blue bold Arial Black capitalized font, and (v) have at the bottom of the plate the State motto "To Be Rather Than To Seem" printed in dark blue lettering matching the North Carolina flag and italicized.~~"

PART V. EFFECTIVE DATE

SECTION 17. Except as otherwise provided, this act becomes effective July 1, 2018.

In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Bill Rabon
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 10:41 a.m. this 25th day of June, 2018

VISITOR REGISTRATION SHEET

House Committee on Rules — 6/15/2018

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Deans Eatman	NCDOT
Andy Miller	NCDEQ
Shrikar Nunna	NCDEQ
TJ Bugbee	NP
[illegible]	[illegible]
Greear Webb	NCMS
Joshua Smith	PFPNC
Brian Lewis	New Frame
Ed [illegible]	[illegible]
Doug Mistkin	PSG
Katie [illegible]	BOA

VISITOR REGISTRATION SHEET

Rules

Name of Committee

Date 06/15/2018

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Richard Bostic	NCSBA
Jane Royall	NCFPL
Paul Sherman	NCFB
Jake Parker	NCFB
CS Hollis	CSA
Kelli Kulkarni	Duke Energy
Ken Melton	K. M A.
Christine Wilson	ACS CAN
Joy Hicks	NCDOT
Ed Trulyn	BP
Chris Broughton	MWC

VISITOR REGISTRATION SHEET

Rules
Name of Committee

Date 06/15/2018

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Adam Pridemore	NCAFC
Justin Clemton	Governors
Mark Flem	BCBSNC
Bo Hoth	McGuireWood
Frank Gray	NCMHA
Jack Levin	CSN
Andy Chase	KMA

House Committee on Rules, Calendar, and Operations of the House
Wednesday, June 20, 2018 at 11:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 11:00 AM on June 20, 2018 in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Boles, Brawley, Bumgardner, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hardister, Hastings, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Sauls, Stevens, Torbett, Willingham, and Wray attended.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 75 Const. Amd. Max Income Tax Rate of 5.5%: Sen. Tucker and Rep. Saine present the bill. Rep. Bumgardner moves for a favorable report. The motion carries on a voice vote.

The meeting adjourned at 12:30 PM.

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Tuesday, June 19, 2018 03:38 PM
To: Sen. Jerry W. Tillman; Sen. Tommy Tucker
Cc: Suzanne Castleberry (Sen. Jerry Tillman); Michael Hannah (Sen. Jerry Tillman); Joseph Stansbury (Sen. Tommy Tucker); Brent Woodcox (Sen. Tommy Tucker)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wednesday, June 20, 2018 at 11:00 AM
Attachments: Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 20, 2018
TIME: **11:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 75	Const. Amd. - Max. Income Tax Rate of 5.5%.	Senator Tucker Senator Brock Senator Tillman

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:37 PM on Tuesday, June 19, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Wednesday, June 20, 2018, 11:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 75	Const. Amd. - Max. Income Tax Rate of 7.0%.	Senator Tucker Senator Brock Senator Tillman

Presentations

Other Business

Adjournment

House Committee on Rules, Calendar, and Operations of the House
Wednesday, June 20, 2018, 11:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 75	Const. Amd. - Max. Income Tax Rate of 5.5%.	Senator Tucker Senator Brock Senator Tillman

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **75** Const. Amd. - Max. Income Tax Rate of 5.5%.

Draft Number:	S75-PCS15323-SUy-45
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Saine

TOTAL REPORTED: 1



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-119
SENATE BILL 75

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE MAXIMUM TAX RATE ON INCOMES CANNOT EXCEED SEVEN PERCENT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Article V of the North Carolina Constitution reads as rewritten:

"Sec. 2. State and local taxation.

...

(6) Income tax. The rate of tax on incomes shall not in any case exceed ~~ten~~ seven percent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed.

...."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held in November of 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163A of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to reduce the income tax rate in North Carolina to a maximum allowable rate of seven percent (7%)."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 4. The constitutional amendment shall become effective upon such certification and apply to taxable years beginning on or after January 1, 2019.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of June, 2018.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 75
PROPOSED HOUSE COMMITTEE SUBSTITUTE S75-CSSUy-45 [v.1]
06/08/2018 04:08:11 PM

Short Title: Const. Amd. - Max. Income Tax Rate of 5.5%. (Public)

Sponsors:

Referred to:

February 15, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE MAXIMUM TAX RATE ON INCOMES CANNOT EXCEED FIVE AND ONE-HALF PERCENT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Article V of the North Carolina Constitution reads as rewritten:

"**Sec. 2. State and local taxation.**

…

(6) Income tax. The rate of tax on incomes shall not in any case exceed ~~ten~~ five and one-half percent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed.

…."

SECTION 2. The amendment set out Section 1 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held in November of 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163A of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Reduce the income tax rate in North Carolina to a maximum allowable rate of five and one-half percent (5.5%)."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 4. The constitutional amendment shall become effective upon such certification and apply to taxable years beginning on or after January 1, 2019.

SECTION 5. Except as otherwise provided in this act, this act is effective when it becomes law.

SENATE BILL 75:
Const. Amd. - Max. Income Tax Rate of 5.5%.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 20, 2018
Introduced by:	Sens. Tucker, Brock, Tillman	**Prepared by:**	Greg Roney Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 75 would propose amending the North Carolina Constitution to cap the tax on both personal and corporate incomes at 5.5%. The cap is currently 10%.

CURRENT LAW: The State Constitution may be amended by either a constitutional convention or by legislative action. An amendment proposed by legislative action must be approved by a vote of three-fifths of each house and submitted to the voters of the State. If a majority of the voters of the State approve the amendment, the amendment will become effective either the January following the public vote, or the date provided in the legislative proposal.

BILL ANALYSIS: If enacted by the General Assembly and approved by a majority of the voters, this bill would limit the tax on both personal and corporate incomes to 5.5% for taxable years beginning on or after January 1, 2019. Section 2 of Article V of the North Carolina Constitution currently provides the tax rate imposed on incomes cannot exceed 10%. The current tax rate on corporate income is 3%. The current tax rate on personal income is 5.499%.

The ballot question would be considered at the statewide general election to be held on November 6, 2018.

EFFECTIVE DATE: The bill is effective when it becomes law.

BACKGROUND: North Carolina amended the State Constitution in 1920 to cap taxation of incomes at 6%. In 1935, the cap was raised to 10%, where it stands today.

Personal income utilized a bracket system for taxation until 2014, when a flat tax rate was implemented. The highest maximum personal income tax rate in North Carolina was 8.25%, from 2001-2006, while the lowest maximum personal income tax rate is 5.499%, where it stands today. In 2019, the personal income tax rate will be reduced to 5.25%.

Corporate income has always been taxed via a flat rate system. The highest maximum corporate tax rate in North Carolina was 7.75%, from 1991-1996, while the lowest maximum corporate tax rate is 3%, where it stands today. The corporate tax rate was also 3% prior to 1939. In 2019, the corporate tax rate will be reduced to 2.5%.

Nicholas Giddings with the Legislative Analysis Division substantially contributed to this summary.

Karen Cochrane-Brown
Director

S75-SMTM-91 E1 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations — 6/20/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Demetrius Delvalle	Tuttman Sanders
Hugh Johnson	NCACC
Adam Friedman	NCACC
Will Parry-Hinson	NCHFA
Gary Hoskins	NCHFA
Dirk Carter	Law Office of Dirk Carter
Chris Crompton	NAHC
Douglas Price	NCRF
Rachel Bowden	RP Law
Ashley Parker	Parker Poe
Elizabeth Jackson	Student

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations — 6/20/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Donald Bryson	Civitas
Anna Beavin Gravely	AFP
Starnes	OST
Chris Kleypas	NCLCV
Andrew Donohue	NCLCV
CARY CHAMBERS	NCLCV
DAN CRAWFORD	NCLCV
Vicki Parker	NC Business Council
Demarcus Andrews	Toxic Free NC
Jess Wilkinson	ACLU
Doug Mistun	PSG

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations — 6/20/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jessica Frank	Smith Anderson
Kara Weishaar	Smith Anderson
Matt Cross	DHHS
Angelica Mitchell	DHHS
Flint Benson	SEANC
Ardis Watkins	SEANC
[illegible]	WM
Tom Ward	NCJCU
Bradford Sneeden	NCDOJ
David Heinen	NC Center for Nonprofits
Melissa-Paige Arnon	NCICE

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations — 6/20/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	NRJC
[illegible]	[illegible]
[illegible]	NCMS
Sarah McQuilla	Kaufs Gov Affairs
Bruce Muldowney	NCSBA
TRA DISTAIN	WRAL
Rusty Jacobs	WUNC
Amanda Donovan	KTS
[illegible]	[illegible]
Jeff Royall	NCFPC
Richard Baxter	NCSBA
Justin Clayton	Governor

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations — 6/20/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Preston Howard	NCMA
Joy Hicks	NCDOT
Fred Boney	Boney Assoc.
[illegible]	CGA
[illegible]	[illegible]
Kaitlyn Gusline	YMCA of Triangle
Olivia Andrews	YMCA of Triangle
Mohammed Guerrab	YOTA
Malik McFadden	YOTA
Sarah Lisson	YMCA of the Triangle
[illegible]	↑

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations — 6/20/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kate McCormick	YMCA
Sheree Vodicka	NC Alliance of YMCAs
[illegible]	NMRS
[illegible]	NSS
Chris McClure	BSC
[illegible] Elizabeth Bixler	BSC
Trey Rabon	AT&T
Isaiah Moore	AT
Matt Ellinwood	NC Justice Cente
Alexandra Sirota	BTC
Bill Rowe	NC Justice Center

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations — 6/20/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JGOODMAN	CCC
Bill Stobbin	TS
Marge Foreman	NCAE
Jill Carter	CIH
David Brandell	DOJ
Dilan Bat-haee	Rep. Carney
Leo John	Secy of State
Amber Harris	NCACC
Carson Ideus	NVA
Cary Gilmore	Jim Harrell
Lori Ann Harris	LHA

VISITOR REGISTRATION SHEET

H C on Rules,Calendar,and Operations — 6/20/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	[illegible]
Laura Kidder	NCDP
Mike Leighty	NCPC

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 21, 2018 at 10:30 AM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 10:30 AM on June 21, 2018 in Room 643 of the Legislative Office Building. Representatives J. Bell, Blust, Brawley, Bumgardner, Burr, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hanes, Hardister, Hastings, Jackson, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Saine, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 677 Protect Right to Hunt and Fish: Sen. Sanderson presented the bill. Torbett moved for a favorable report. The motion carried.

HB 1092 Const. Amendment – Require Photo ID to Vote: Speaker Moore presented the bill. Public Comment is taken.

Rep. Torbett assumes the Chair while Rep. Lewis fields questions on HB 1092.

Jackson Amendment H1092-AST-148 [v.3]: Rep. Jackson moves for adoption of amendment. Motion fails 9-21.

Jackson Amendment H1092-AST-149 [v.3]: Rep. Jackson moves for adoption of amendment. Motion fails 9-21.

Rep. Lewis moves that the bill, as amended be rolled into a new PCS, and that that PCS be given a favorable report, unfavorable to the original bill. The motion carries 21-9.

The meeting adjourned at 12:50.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins

Mark Coggins, Committee Clerk

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Wednesday, June 20, 2018 09:02 AM
To: Rep. Tim Moore; Rep. David Lewis; Rep. John Sauls; Rep. Michele Presnell
Cc: Grace Rogers (Rep. David Lewis); Karen Rosser (Rep. John Sauls); John Wall (Rep. Michele Presnell)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 21, 2018 at 9:30 AM
Attachments: Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 21, 2018
TIME: **9:30 AM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1092	Const. Amendment - Require Photo ID to Vote.	Representative T. Moore Representative Lewis Representative Presnell Representative Sauls

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:01 AM on Wednesday, June 20, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Wednesday, June 20, 2018 05:43 PM
To: Rep. Tim Moore; Rep. David Lewis; Rep. John Sauls; Rep. Michele Presnell
Cc: Grace Rogers (Rep. David Lewis); Karen Rosser (Rep. John Sauls); John Wall (Rep. Michele Presnell)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 21, 2018 at 10:00 AM - UPDATED #2
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #2: Additional legislation will be considered by the committee.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 21, 2018
TIME: **10:00 AM**
LOCATION: **643 LOB**
COMMENTS: **The committee will also consider House Bill 916, "North Carolina Health Plan." This legislation willl be moved to the committee during session in the morning.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1092	Const. Amendment - Require Photo ID to Vote.	Representative T. Moore Representative Lewis Representative Presnell Representative Sauls

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:40 PM on Wednesday, June 20, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From:	Mark Coggins (Rep. David Lewis)
Sent:	Thursday, June 21, 2018 10:00 AM
To:	Rep. Tim Moore; Rep. David Lewis; Rep. John Sauls; Rep. Michele Presnell
Cc:	Grace Rogers (Rep. David Lewis); Karen Rosser (Rep. John Sauls); John Wall (Rep. Michele Presnell)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thursday, June 21, 2018 at 10:30 AM - UPDATED #2
Attachments:	Add Meeting to Calendar_LINC_.ics

Updated #2: Time Change to 10:30

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 21, 2018
TIME: **10:30 AM**
LOCATION: **643 LOB**
COMMENTS: **The committee will also consider House Bill 916, "North Carolina Health Plan." This legislation willl be moved to the committee during session in the morning.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1092	Const. Amendment - Require Photo ID to Vote.	Representative T. Moore Representative Lewis Representative Presnell Representative Sauls

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:00 AM on Thursday, June 21, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Thursday, June 21, 2018, 10:30 AM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 1092	Const. Amendment - Require Photo ID to Vote.	Representative T. Moore Representative Lewis Representative Presnell Representative Sauls

Presentations

Other Business

The committee will also consider House Bill 916. This legislation willl be moved to the committee during session in the morning.

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE

SB **677** **(CS#1)** Protect Right to Hunt and Fish.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Dixon

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **1092** Const. Amendment - Require Photo ID to Vote.

Draft Number:	H1092-PCS10521-STy-63
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 2



6/21/18

HOUSE BILL 1092

Short Title:	Const. Amendment - Require Photo ID to Vote.	(Public)
Sponsors:	Representatives T. Moore, Lewis, Presnell, and Sauls (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Elections and Ethics Law	

June 11, 2018

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO REQUIRE PHOTO IDENTIFICATION TO VOTE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Article VI of the Constitution of North Carolina is amended by adding a new subsection to read:

"(4) Photo identification for voting in person. Every person offering to vote in person shall present photo identification before voting in the manner prescribed by law."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held in November of 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163A of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to require voters to provide photo identification before voting."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 4. The amendment set out in Section 1 of this act is effective upon certification.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 1092
PROPOSED COMMITTEE SUBSTITUTE H1092-PCS10520-BK-50

Short Title: Const. Amendment - Require Photo ID to Vote. (Public)

Sponsors:

Referred to:

June 11, 2018

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO REQUIRE PHOTOGRAPHIC IDENTIFICATION TO VOTE IN PERSON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of Article VI of the Constitution of North Carolina reads as rewritten:

"**Sec. 3. ~~Registration.~~Registration and Voting in Person.**

(1) Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

(2) Voters offering to vote in person shall present photographic identification before voting. The General Assembly shall enact general laws governing the requirements of photographic identification."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held in November of 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163A of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to require voters to provide photo identification before voting in person."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 4. The amendment set out in Section 1 of this act is effective upon certification and applies to elections held on or after that date.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1092

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1092-AST-148 [v.3]

Amends Title [NO]
H1092-CSSTy-63 v3

Date _____,2018

Representative Jackson

moves to amend the bill on page 1, lines 8 and 17, by inserting the following between "voting." and "The" on those lines:

"Voters offering to vote by mail-in absentee ballot shall present a copy of photographic identification with the returned voted ballot.";

and on page 1, line 3, by deleting "VOTE IN PERSON." and substituting "VOTE.";

and on page 1, line 12, by deleting "**Voting in Person.**" and substituting "**Voting.**";

and on page 1, line 26, by deleting "voting in person."" and substituting "voting."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1092

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1092-AST-149 [v.3]

Amends Title [NO]
H1092-CSSTy-63 v.3

Date _____ ,2018

Representative Jackson

moves to amend the bill on page 1, line 32, by inserting the following at the end of that line:

"If the amendments set out in Sections 1 and 2 of this act become effective upon certification, no implementing legislation may be enacted and presented to the Governor prior to January 1, 2019.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

6/21/18

HOUSE BILL 1092:
Const. Amendment - Require Photo ID to Vote.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 21, 2018
Introduced by:	Reps. T. Moore, Lewis, Presnell, Sauls	**Prepared by:**	Erika Churchill, Jessica Sammons, and Kara McCraw, Staff Attorneys
Analysis of:	PCS to First Edition H1092-PCS10520-BK-50		

OVERVIEW: House Bill 1092 would provide for a constitutional amendment on the November 6, 2018, general election ballot to require photo identification for every person voting in person, effective if a majority of votes are cast in favor of the amendment.

CURRENT LAW: For each voter in the State, when appearing at the polls, that voter must state his or her name and residence address to the election official. The individual, if verified by the election official as a registered voter, must then sign his or her name to the poll book, other voting record, or voter authorization document prior to voting. (G.S. 163A-1137). County boards may not require voters to show voter registration cards to vote. (G.S. 163A-869).

Showing of ID – Certain First Time Voters: A voter registering by mail, who has not previously voted in an election with a federal ballot item, must provide one of the following forms of Help America Vote Act (HAVA) identification prior to voting in person:

- A current and valid photo ID.
- A copy of one of the following documents that shows the name and address of the voter: current utility bill, bank statement, government check, paycheck, or other government document.

A voter is exempted from showing identification if that individual included as part of his or her voter registration one of the forms of ID listed above, or his or her driver's license number or the last four digits of his or her social security number which matched an existing State identification record. Also exempt are overseas and military voters entitled to vote by absentee ballot under the Uniform Military and Overseas Voter Act (Part 2 of Article 21 of Chapter 163A) and voters entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act. (G.S. 163A-1144).

In 2013, the General Assembly enacted statutory provisions requiring photo ID, which were enjoined by the federal courts. (See Background below for more information.)

OTHER STATES: Thirty-four states have laws requesting or requiring voters to show some form of ID in order to vote. [1] Of these 34 states, 17 states ask for a photo ID, and the other 17 also accept non-photo IDs. When a voter fails to provide acceptable ID, states provide alternative methods, classified as either "strict" or "non-strict".

- Strict – Voters without acceptable ID must vote a provisional ballot and also take additional steps after Election Day for their vote to be counted. Most states with strict voter ID

[1] http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

requirements have some exceptions in the law, such as for people with religious objections to being photographed or who are indigent.

- Non-strict – At least some voters without acceptable ID have the option to cast a ballot that will be counted with no further action necessary. Examples include: (i) having the voter sign an affidavit of identity, and (ii) voting a provisional ballot, with the election official determining whether the voter was eligible, such as with a signature check.

The following states have Constitutional provisions concerning presenting photo ID when voting:

- Mississippi – Requires a qualified elector who votes in a primary or general election in person to present a government-issued photo ID before being allowed to vote. Individuals who cannot afford a government-issued photo ID can obtain a state-issued photo ID free of charge.
- Missouri – Provides that a person seeking to vote in person in an election may be required by general law to verify their identity by providing a form of ID, including a valid government-issued photo ID. Exceptions to the ID requirement may be provided for by general law.

One state has a proposed Constitutional amendment on the 2018 ballot concerning presenting photo ID when voting:

- Arkansas – If passed, a voter would be required to present valid photo ID when voting in person or when casting an absentee ballot. The State would provide a state-issued photo ID at no charge to eligible voters lacking a photo ID.

BILL ANALYSIS: The bill would amend the Constitution of North Carolina, if approved by a majority of the voters in November 2018, to require that every person offering to vote in person present photo ID before voting in the manner prescribed by law.

EFFECTIVE DATE: Effective when it becomes law, subject to the referendum of the voters.

BACKGROUND: In NAACP v. McCrory, the defendants were enjoined from implementing certain portions of Session Laws 2013-381 and Session Laws 2015-103, relating to photo IDs and changes to early voting, same-day registration, out-of-precinct voting, and preregistration, and the pertinent statutory provisions in effect prior to those amendments were declared to be in full force.

Photo Identification Requirement – as enjoined by the federal court – G.S. 163A-1145 required all qualified voters voting in person to present photo ID bearing any reasonable resemblance to the voter, subject to certain exceptions. Voters without photo ID would vote a provisional ballot. Acceptable identification has a photograph of the registered voter, a printed expiration date, and must be unexpired, except that voters age 70 and older can present an expired form of identification. Drivers' licenses and non-operators' identification cards issued by NC DMV may be used for photo ID, even though expired, for up to four years beyond the expiration date.

- **Exceptions to the Photo Identification Requirement**
  - **Religious Objectors** – Voters with a sincerely held religious belief against being photographed would be permitted to vote a regular ballot if that person executed a declaration of that objection before an election official more than 25 days before the election. The declaration would be incorporated into the voter's official voter registration record.

- **Curbside Voters** – Qualified voters who due to age or physical disability are unable to enter the voting enclosure are permitted to vote in their vehicle (G.S. 163A-1140). These voters could comply with the photo ID requirements in one of two ways:
  1) Presenting acceptable photo ID.
  2) Presenting a copy of a HAVA document.
- **Natural Disaster Affidavit** – A voter who was unable to produce photo ID as a result of a natural disaster occurring within 60 days of the election that was declared by the President or Governor may sign a declaration to that effect and vote a regular ballot.

Reasonable Impediment – as enjoined by the federal court – If a voter does not have the appropriate photo ID, a voter must be notified of the option to complete a reasonable impediment declaration and vote a provisional ballot, and of the option to complete a written request for an absentee ballot until the deadline for submission of requests for absentee ballots under current law.

The voter must complete a reasonable impediment declaration form declaring that the voter is the same individual who personally appeared at the polling place, cast the provisional ballot while voting in person, and suffers from a reasonable impediment that prevents the voter from obtaining a photo ID. The voter must also present identification in the form of (i) a copy of a current utility bill, bank statement, government check, paycheck, or other government document (HAVA documents); (ii) the voter registration card; or (iii) the last four digits of the voter's social security number and the voter's date of birth. If the voter complies with this, the voter can vote a provisional ballot that will be counted.

If the voter does not present identification but does complete the reasonable declaration form, the voter can vote a provisional ballot that will be counted if the voter later brings the required identification to the county board of elections.

How Provisional Ballots Would Have Been Counted Under the Enjoined Photo ID & Reasonable Impediment Provisions – The county board of elections must find that a voter's provisional ballot cast following completion of a declaration of reasonable impediment is valid and direct that the provisional ballot be opened and counted unless any of the following apply:

- The county board of elections has grounds, including an impediment evidentiary challenge by a voter, to believe the declaration is factually false, merely denigrated the photo identification requirement, or made obviously nonsensical statements.
- The voter failed to present a HAVA document, voter registration card, or the voter's last four digits of the social security number and date of birth to the county board of elections.
- The voter provided the last four digits of the social security number and date of birth as the required form of identification and the county board of elections could not confirm the voter's registration using that information.
- The voter is disqualified for some other reason provided by law.

An impediment evidentiary challenge may be made by any registered voter of the county by submitting clear and convincing evidence in writing challenging the factual veracity of the impediment, and must be submitted no later than 5:00 PM on the third business day following the election. The county board must hear evidentiary challenges on the date set for the canvass (10 days after the election for general elections occurring in November of an even-numbered year, and 7 days after the election for all other elections). A voter whose declaration has been challenged can appear before the county board and present evidence supporting the factual veracity of the impediment. The county board cannot find a challenge valid if it only provides evidence regarding the reasonableness of the impediment, but may find a challenge valid if the evidence demonstrates that the declaration merely denigrated the photo identification requirement, made obviously nonsensical statements, or made statements that were factually false.

Voter Turnout With Photo ID – The primary election in 2016 was conducted in accordance with G.S. 163A-1145. The voter turnout for the 2016 primary election was 2,323,590, or 35.69% of the registered voters. The chart below compares voter turnout during recent statewide primary elections for both presidential and non-presidential election years:

Year	Total Ballots Cast	Percent of Registered Voters
2010	880,128	14.41%
2012	2,182,675	34.66%
2014	1,028,600	15.79%
2016	2,323,590	35.69%
2018	957,627	14.35%

COMMENTS ON HOUSE BILL 1092
VOTER ID CONSTITUTIONAL AMENDMENT
SUBMITTED BY GERRY COHEN FOR
HOUSE RULES COMMITTEE MEETING JUNE 21, 2018

I ask you to consider my technical and policy comments on HB1092, Voter ID Constitutional Amendment. I oppose HB1092.

1) The operative language to be placed on the constitution is:

"Every person offering to vote in person shall present photo identification before voting in the manner prescribed by law."

In my opinion the words "before voting" are surplus and introduce a misplaced modifier. With that language the words "in the manner prescribed by law" refer to the voting process, not the ID requirements. Those two words should be deleted as confusing.

It is also unclear to me whether the "manner prescribed by law" refers JUST to the type of ID that can be used, or whether a photo requirement bypass can even be authorized for persons with religious objections to photographs and those who have lost their IDs after natural disasters, both exemptions in the 2013 bill. Also unclear is whether the "reasonable impediment" affidavit for those unable to obtain a Photo ID will be allowable.

I also have grave concern about using the word "photo" in a constitution, thus enshrining a particular technology from a particular time in history. While the Governor in signing the 2013 bill said :"You need a photo ID to fly" as justification for voter Photo ID, in fact TSA has workarounds for those without Photo ID. More importantly, since 2013, technology is advancing quickly, TSA has already approved the "CLEAR" technology in use at several

airports, allowing either fingerprints or retinal scans to substitute for a Photo ID. As we progress over time to different ID systems, it would be unwise to enshrine one kind. It took until 1970 to get the ban on duels out of the State Constitution! While there are three states with voter ID in their state constitution, none mention photography.

I would this suggest the following language for the state constitution if you were to want to enshrine an ID requirement and allow you to require photographs or other alternate methods.

"Identification for voting in person. Every person offering to vote in person shall present identification in the manner prescribed by law."

---

2) Also the constitutional amendment is effective upon certification (likely around November 28) allowing a December session to fill in the details. We've been told that proponents have no implementing language for voters to review. If it's being passed, make it effective in 2019 and let the 2019 regular session write the law. Add in the effective date "Laws implementing this act may be enacted on or after January 1, 2019."

It's then important to discuss what kinds of photo ID might be required by the General Assembly should this pass. While 30 states require ID, the actual requirements vary widely, including allowing non-photo documents. Will it be a "hard ID" like we enacted in 2013, then struck down in federal court, or a "soft ID" like the 2013 House version that also allowed student ID, public assistance ID, or employer ID? Will there be a tedious provisional ballot process?

The referendum voter won't know the actual proposal. I heard a legislative staffer say "Very few would read the details of the bill to make their decision on the amendment. Unless it passes, there will be no need for implementing language." This strikes me as cynical. Or is the amendment just a blank check, as well as a sound bite to trap candidates? Is the actual reason to amend the Constitution simply to end review on state constitutional grounds as conflicting with current requirements in Article I for free elections and in Article VI on qualifications of voters?? Missouri put up a constitutional amendment after their State Supreme Court struck down their photo ID on State Constitutional grounds. Let's allow state courts to protect voter's right to vote.

The Governor in signing the 2013 bill said it was common sense because you "need a photo ID to fly". This premise is untrue, TSA has many published workarounds for fliers with, We also hear about many private arrangements where one party may require photo ID, like medical appointments and cashing checks, none of which are required by law and do NOT involve a fundamental right.

A large segment of society do NOT have ID that would satisfy the 2013 law, and obtaining one is NOT easy for many who lack documents. Losing documents can also be a problem. Research has shown that the poorer the voter, the younger the voter, or if the voter is black, the less likely there is an acceptable photo ID. Clear evidence presented in 2013 and in litigation shows racial disparity in access to ID. Those of us in politics are privileged to be in the top 95% of society. We often don't see the struggle of citizens who are unbanked, poor, homeless, and mentally ill, with no car, or living far away from DMV in rural areas. The lesser among us deserve respect and honor, not baseless fraud allegations or artificial and unnecessary barriers to voting. This bill

WILL disenfranchise voters and is poorly thought through. No one is breaking into the voting booth.

Most fraud is mail-in ballots, not touched by this bill. Another kicker, hundreds of thousands have had their drivers licenses invalidated for non-payment of court fees. Could this then deny them the right to vote?

Please do NOT pass this bill.

FAIR WARNING: When the Florida Legislature jammed 11 constitutional amendments on the 2012 ballot, a concerted "Vote No on Everything" campaign defeated 8 of 11 at the polls.

-Gerry Cohen
Raleigh NC

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House 6/21/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jacob Lo	New Frame
Dallice Bass	Troutman Sanders
Laura K	NCDA
Sean Forest	NCMS
Lori Arthur	JLF
Greear Webb	NCMA
Chip Baggett	NCMS
Martha Babcock	PPAB
Kara Weisbaar	SA
Jessica Frank	SA
Elizabeth Biser	BI

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House 6/21/2018
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J Reams	CSS
Carl Gilmore	Jim Howell
Will Robinson	TNC
Jan Ramsey	[illegible]
Susan Vick	Duke Energy
Cynthia Stevens	Intern - Rep. Gale Adcock
Hugh Johnson	[illegible]
Chris Kopacki	NRA
Dennis Allen	NCRPA
Ashton Godwin	WRC
Bradford Sneeden	NCDOJ

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House — 6/21/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jack Healy	Office of Governor
JERRY REINOEHL	PRIVATE CITIZEN
Danielle Heymann	NCGA Intern
Melanie Anderson	NCGA Intern
Chloe Gossage	NC DPI
Kevin Wilkinson	NC DPI
Jenny Kotora-Lynch	League of Women Voters
Elizabeth Jackson	Student
Chris Broughton	MLC

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House — 6/21/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rhaegan Jackson	Focus Carolina
Demetrius Deboitch	Troutman Sanders
LT McCrimmon	DHHS
Medina Sadat	Democracy NC
Becki Gray	3Z3
Trey Rabon	AT+T
Isaiah Moore	AT&T
Amber Harris	NC1Zc
Ruth Merkle	staff
LAURA PURYEAR	MWC
Sarah McQuillan	Kaufman Gov Affairs

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House 6/21/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Linda Campbell	Mayor Pro-Tem Norwood, NC
Mike Capelo	NCHBA
Steve Wall	NCHBA
Nelson Freeman	KTS
Jere Royall	NCFPC
Paul Shaw	NCFB
JAKE PARKER	NCFB
Matt Ellinwood	NC Justice Cente
Adam Pridemore	NCACC

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House 6/21/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Glenn Spradling	Onslow County GOP
Saron Ballo	Brubaker & Assoc.
Chris McClure	
Jonathan Babcock	Babcock & Assoc
Hayden Bourgeois	Electric Cities of NC
Ed Turlington	NSP
	NWC
	ARLLC
JAY DELANEY	VOTER INTEGRITY PROJECT

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House — 6/21/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
James Reid	REAC
David Collins	WalkWest
Justin Clark	Governor
Matt Gross	DHHS
TJ Jones	TJWLC
Julia Adams Scheurich	OCGR
Chris Ole	SIX
Bill Rowe	NC Justice Center
Kodi Kinard	Duke Energy
Rosha Fortson	SEANC
Wanda Spruill	Jacksonville NC

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House — 6/21/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAN BERRY	8207 Lake Providence Dr Wedington, NC 28104
Dallas WOODHOUSE	NCGOP
Kathleen Peterson	NCGA
Wanda Benson	NCGA
Karen Rossey	NCGA
John Cooper	Connect C
Anna Reavis	NCGA
Kendall Hathaway	intern - Rep. Wray
Lane Hickman	intern · Rep Goodman
Ralph Belk	NCGA
ROBERT HOWARD	NC DEMS

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House — 6/21/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NCAE
Brent Laurenz	CCNC
Jennifer Rudolph	Strategic NC
Dirk Gratton	Law Off. of DG
Carla Obsioi	Care4Carolina
Ashley Perkinson	Perkinson Law
Hayley Milczakowski	CCNC
Nathaniel Fischer	CCNC
Kim Strach	NC State Board of Elections & Ethics
Josh Lawson	" " "
GREG FLYNN	self

VISITOR REGISTRATION SHEET

H C on Rules, Calendar, and Operations of the House 6/21/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Isela Gutierrez	Democracy NC
Tomas Lopez	Democracy NC
T Anthony Spearmon	NC NAACP
Suzanne Botts	League of Women Voters Wake County
Mary Jane Slipsky	League of Women Voters of Wake County
Marian LeWin	League of Women Voters of Wake County
[signature]	MWC
Josh Lenz	C8A
[signature]	NCICR
Susan Mayo	NCJCL
Rachel Baudian	RBLaw

Tom Bean	NCWF, EDF
[illegible]	NCSC
David Farrell	MP
Emily Sewell	ACLU
Thomas Poole	Common Cause

NAME OF MEETING : HOUSE COMMITTE ON ROLES

DATE: 6-21-2018

Gary Cohen

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
T. Anthony Spearman	NC NAACP
Tomas Lopez	Democracy NC
Paula Jennings	League of Women Voters - Wake Co.
Bill Rowe	NC Justice Center
JERRY REINOEHL	CIVILIAN
Brent Laurenz	Common Cause NC
Dan Bond	Union County taxpayer
Dallas Woodhouse	NCGOP
Dan Barry	Union County
GLENN SPRADLING	ONSLOW CT'Y REPUBLICAN PALTY
DOUG DICKERSON	AARP - State Dirctr
Jay Delaney	Voter Integrity Project

North Carolina General Assembly

House Committee on Rules, Calendar, and Operations of the House

2017-18 Session

Chair
Rep. David R. Lewis

Co-Chairs
Rep. Torbett, Rep. Ross, Rep. Davis

Committee Clerks
Mark Coggins, Neal Inman

House Committee on Rules, Calendar, and Operations of the House
Monday, June 25, 2018 at 11:30 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 11:30 AM on June 25, 2018 in Room 1228/1327 of the Legislative Building. Representatives J. Bell, Boles, Brawley, Bumgardner, Carney, Davis, Dollar, Dulin, Floyd, Goodman, Hardister, Hastings, Johnson, Lewis, S. Martin, McGrady, Reives, Ross, Torbett, Willingham, and Wray attended.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

Rep. Lewis hands over the chair to Rep. Torbett.

HB 913 Bipartisan Ethics and Elections Enforcement: Rep. Lewis presents the PCS. Rep. David Lewis moves to amend the bill (H913-AST-151 [v.1]). The motion carries on a voice vote. Rep. Lewis moves for a favorable report. The motion carries.

The meeting adjourned at 12:32.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins

Mark Coggins, Committee Clerk

6/25/18 Minutes

10:40 - Rep Lewis Brings to order
10:43 - Rep. Torbett introduces Chairman Lewis
- presents
10:51 - Rep. Torbett presents / moves amendment to Adopt. Adopted
10:52: McCrary asks question
10:53: Dollar asks question
- Rep Lewis responds
11:55 - Bumgardner asks question
12:01 - Rep Carney asks question
- Rep. Lewis responds
12:10 - Rep Floyd asks question of Staff
- Staff responds
12:12 - Rep Wray asks question
12:14 - Rep Reeves asks question
12:18 - Rep Dollar asks question
12:24 - Rep Carney asks questn
12:30 - Rep Reeves has question
12:30 - Rep. Lewis moved for favorable report
motion passes
12:32 - Rep Torbett adjourns

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Friday, June 22, 2018 03:03 PM
To: Rep. David Lewis
Cc: Grace Rogers (Rep. David Lewis)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Monday, June 25, 2018 at 11:30 AM
Attachments: Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, June 25, 2018
TIME: **11:30 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 913	Reestablish NC High Risk Pool.	Representative Lewis

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:02 PM on Friday, June 22, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Monday, June 25, 2018, 11:30 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 913	Reestablish NC High Risk Pool.	Representative Lewis

Presentations

Other Business

Adjournment

House Committee on Rules, Calendar, and Operations of the House
Monday, June 25, 2018, 11:30 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 913	Bipartisan Ethics and Elections Enforcement.	Representative Lewis

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **913** Reestablish NC High Risk Pool.

Draft Number:	H913-PCS10522-STy-67
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-117
HOUSE BILL 913

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH A BIPARTISAN BOARD OF ETHICS AND ELECTIONS ENFORCEMENT AND TO CLARIFY BOARD APPOINTMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article VI of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 11. Bipartisan State Board of Ethics and Elections Enforcement.**

(1) The Bipartisan State Board of Ethics and Elections Enforcement shall be established to administer ethics and election laws, as prescribed by general law. The Bipartisan State Board of Ethics and Elections Enforcement shall be located within the Executive Branch for administrative purposes only but shall exercise all of its powers independently of the Executive Branch.

(2) The Bipartisan State Board of Ethics and Elections Enforcement shall consist of eight members, each serving a term of four years, who shall be qualified voters of this State. Of the total membership, no more than four members may be registered with the same political affiliation, if defined by general law. Appointments shall be made as follows:

(a) Four members by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, from nominees submitted to the President Pro Tempore by the majority leader and minority leader of the Senate, as prescribed by general law. The President Pro Tempore of the Senate shall not recommend more than two nominees from each leader.

(b) Four members by the General Assembly, upon the recommendation of the Speaker of the House of Representatives, from nominees submitted to the Speaker of the House by the majority leader and minority leader of the House of Representatives, as prescribed by general law. The Speaker of the House of Representatives shall not recommend more than two nominees from each leader."

SECTION 2. Section 6 of Article I of the North Carolina Constitution reads as rewritten:

"**Sec. 6. Separation of powers.**

(1) The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.

(2) The legislative powers of the State government shall control the powers, duties, responsibilities, appointments, and terms of office of any board or commission prescribed by general law. The executive powers of the State government shall be used to faithfully execute the general laws prescribing the board or commission."

SECTION 3. Section 20 of Article II of the North Carolina Constitution reads as rewritten:

"**Sec. 20. Powers of the General Assembly.**

(1) Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

(2) No law shall be enacted by the General Assembly that appoints a member of the General Assembly to any board or commission that exercises executive or judicial powers."

SECTION 4. Section 5 of Article III of the North Carolina Constitution reads as rewritten:

"**Sec. 5. Duties of Governor.**

...

(4) Execution of laws. The Governor shall take care that the laws be faithfully executed. In faithfully executing any general law enacted by the General Assembly controlling the powers, duties, responsibilities, appointments, and terms of office of any board or commission, the Governor shall implement that general law as enacted and the legislative delegation provided for in Section 6 of Article I of this Constitution shall control.

...

(8) Appointments. The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for. The legislative delegation provided for in Section 6 of Article I of this Constitution shall control any executive, legislative, or judicial appointment and shall be faithfully executed as enacted.

...."

SECTION 5. The amendments set out in Sections 1 through 4 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held in November of 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163A of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to establish a bipartisan Board of Ethics and Elections to administer ethics and election laws, to clarify the appointment authority of the Legislative and the Judicial Branches, and to prohibit legislators from serving on boards and commissions exercising executive or judicial authority."

SECTION 6. If a majority of the votes cast on the question are in favor of the amendments set out in Sections 1 through 4 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall certify the amendments to the Secretary of State, who shall enroll the amendment so certified among the permanent records of that office.

SECTION 7. If the amendments are approved by the qualified voters as provided in this section, Sections 2 through 4 of this act become effective upon certification and Section 1 becomes effective March 1, 2019.

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of June, 2018.

s/ Kathy Harrington
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 913

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H913-AST-151 [v.1]

Amends Title [NO]
H913-CSSTy-67v1

Date _____ ,2018

Representative DLewis

moves to amend the bill on page 2, line 34, by deleting "To" and substituting "Constitutional amendment to".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

- This amendment would end all litigation over the constitutionality of our ethics and elections governance structure.
- It would further enshrine a fair board with appointments divided between the majority and minority leaders of the two chambers.
- We came to this structure after much debate—how do you create a board in the constitution that provides for fair division of members and ensures that those appointments are actual members of the side of the aisle they are allegedly representing. We tried various models involving the Governor and political parties, but those had the problem of enshrining the political parties as entities in the state constitution with powers and responsibility. As much as I like Mr. Goodwin and Mr. Woodhouse, I'm not sure we'll ever be ready for them to be constitutional officers as party leaders.
- As the handout I've distributed demonstrates, this structure ensures that the people nominated from one side actually represent that side of issues. Control of the General Assembly will not directly influence the ultimate balance of this board since the chamber leaders are limited to picking from lists assembled by majority + minority leader
- Independents, Greens, Libertarians, and Constitution party members would be eligible for all seats on the board if they are nominated by the minority and majority leaders.
- Finally, this board would be extremely insulated from political interference in its day to day affairs, as the Governor has attempted to do recently. Elections and Ethics are too

important to be subject to partisan interference, and this board is protected in the strongest possible language.

Questions

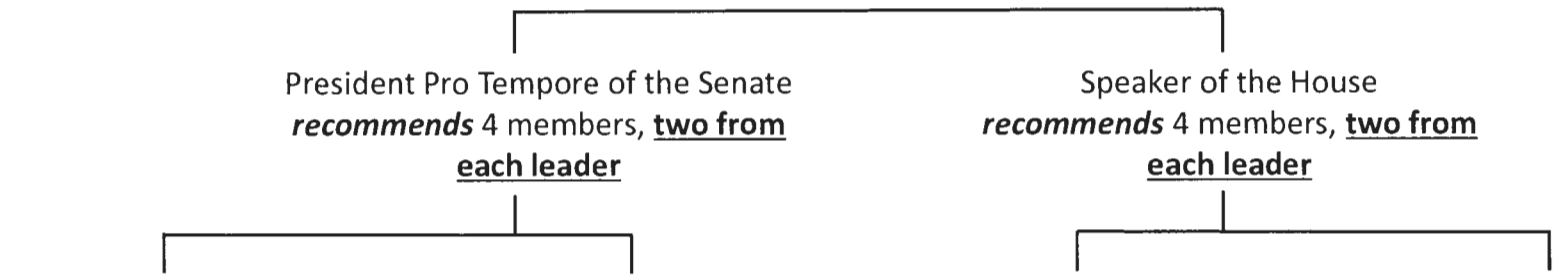
- Why include the McCrory v. Berger language/separation of powers: To resolve internal inconsistencies in the Constitution.
    - Alternative: Simply resets us to the way things were in 2014—not a radical change.
- Why is the General Assembly trying to take over elections and ethics enforcement?
    - We aren't. Trying to spread appointments out between different officers to ensure fair representation on the board, and the majority and minority leaders are the closest we can come to dividing that power among people who would accurately reflect the various parties.

House Bill 913

Bipartisan Ethics and Elections Enforcement

Bipartisan Board of Ethics and Elections Enforcement

8 members ***appointed*** by General Assembly



This structure ensures no gamesmanship. No more than four members may be registered with the same political affiliation. Unaffiliated and third party voters are eligible for membership on the board.

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar and Ops of the House — June 25, 2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug Dickerson	AARP NC
Lisa Riegel	AARP NC
Rueegen Jackson	Focus Carolina
Kelli Kuhlman	Duke Energy
Taylor Emery	Office of the Governor
Sallie James	"
Elizabeth Adkins	Office of the Governor
Tom Beason	EDF
Brendan Riley	NC Justice Center
Linnea Howe	SEANC
Bradford Sneeden	NCDOJ

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar and Ops of the House — June 25, 2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Kelly	Fp
Sarah Bales	Bluefield Assoc.
Kenny Kiger	NCRMA
Elizabeth Robinson	NCRMA
Tom Mi...	NCHBA
Steven Webb	NCHBA
JERRY SCHILL	NC FA
Peter Bolac	NC State Bar
Isaiah Moore	ATT
Elizabeth Biser	FP
Chris McClure	AP

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar and Ops of the House — June 25, 2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin Wilkinson	NCDPI
Paul Sherman	NCFB
Julia Adams Scheurich	OCGR
Michelle Frazier	NP
Fred Bone	Bone Assoc.
Lee Tryon	~~TAC~~
Amanda Donovan	KTS
Josh Carter	CHA
David Heinen	NC Nonprofits
Leo John	Secy of State
Mike Lento	NC Conservation Network

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar and Ops of the House — June 25, 2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah G.	ACLU
[signature]	NCUCF
Jess Wilkinson	student, Duke, ACLU
[signature]	RFNC

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar and Ops of the House — June 25, 2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Will Robinson	The Nature Conservancy
Tyler Ford	McGuireWoods
Adam Prideaux	NCEC
Richard Bostic	NCSBA
Matthew Babcock	PPAB

House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 26, 2018 at 9:30 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 9:30 AM on June 26, 2018 in Room 1228/1327 of the Legislative Building. Representatives Brawley, Burr, Carney, Dollar, Dulin, Fraley, Goodman, Hardister, Hastings, Johnson, Lewis, S. Martin, McGrady, R. Moore, Reives, Ross, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

HJR 1097 Confirm Bryan Beatty/Special SC Judge. Brian Beatty addresses committee. Rep. Stevens has inquiry. Rep. Torbett makes motion to report without prejudice. Motion carries on voice vote.

HJR 1098 Confirm J. Stanley Carmical/ Special SC Judge. Stanley Carmical addresses committee. Rep. Torbett makes motion to report without prejudice. Motion carries on voice vote.

HJR 1096 Confirm Athena Brooks/Special SC Judge. Rep. Torbett makes motion to report without prejudice. Motion carries on voice vote.

HJR 1100 Confirm Myra L. Griffin/Industrial Commission. Myra Griffin addresses committee. Rep. Torbett makes motion to report without prejudice. Motion carries on voice vote.

HJR 1099 Confirm Robert J. Harris/Industrial Comm. Rep. Torbett makes motion to report without prejudice. Motion carries on voice vote.

The meeting adjourned at 10:38 AM.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Monday, June 25, 2018 03:01 PM
To: Mark Coggins (Rep. David Lewis)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, June 26, 2018 at 10:30 AM
Attachments: Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 26, 2018
TIME: **10:30 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **The Committee on Rules, Calendar, and Operations of the House will consider legislation confirming gubernatorial appointments.**

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:59 PM on Monday, June 25, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Monday, June 25, 2018 10:51 PM
To: Rep. David Lewis
Cc: Grace Rogers (Rep. David Lewis)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, June 26, 2018 at 9:30 AM - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: Time Change 9:30 AM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 26, 2018
TIME: **9:30 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **The Committee on Rules, Calendar, and Operations of the House will consider legislation confirming gubernatorial appointments.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HJR 1096	Confirm Athena Brooks/Special SC Judge.	Representative Lewis
HJR 1097	Confirm Bryan Beatty/Special SC Judge.	Representative Lewis
HJR 1098	Confirm J. Stanley Carmical/ Special SC Judge.	Representative Lewis
HJR 1099	Confirm Robert J. Harris/Industrial Comm.	Representative Lewis
HJR 1100	Confirm Myra L. Griffin/Industrial Commission.	Representative Lewis

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:50 PM on Monday, June 25, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 26, 2018, 9:30 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HJR 1096	Confirm Athena Brooks/Special SC Judge.	Representative Lewis
HJR 1097	Confirm Bryan Beatty/Special SC Judge.	Representative Lewis
HJR 1098	Confirm J. Stanley Carmical/ Special SC Judge.	Representative Lewis
HJR 1099	Confirm Robert J. Harris/Industrial Comm.	Representative Lewis
HJR 1100	Confirm Myra L. Griffin/Industrial Commission.	Representative Lewis

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

REPORTED WITHOUT PREJUDICE

HJR **1096** Confirm Athena Brooks/Special SC Judge.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

HJR **1097** Confirm Bryan Beatty/Special SC Judge.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

HJR **1098** Confirm J. Stanley Carmical/ Special SC Judge.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

HJR **1099** Confirm Robert J. Harris/Industrial Comm.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

HJR **1100** Confirm Myra L. Griffin/Industrial Commission.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

TOTAL REPORTED: 5



HOUSE JOINT RESOLUTION 1096

Sponsors: Representative Lewis.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

June 25, 2018

A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ATHENA FOX BROOKS AS A SPECIAL SUPERIOR COURT JUDGE.

Whereas, under the provisions of G.S. 7A-45.1(a10), as special superior court judgeships become vacant, the Governor shall submit the names of his nominees for those judgeships to the General Assembly for confirmation by ratified joint resolution; and

Whereas, vacancies occurred as a result of the expiration of the term of Judge Jeff Hunt on May 15, 2018; and

Whereas, the Governor has submitted to the presiding officers of the House of Representatives and the Senate the name of his nominee, Athena Fox Brooks, for a term as a special superior court judge; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly confirms the appointment of Athena Fox Brooks of Henderson County as a special superior court judge, whose term of office shall commence on the date of the appointment by the Governor and whose term of office shall end five years from the appointment.

SECTION 2. This resolution is effective upon ratification.

NORTH CAROLINA STATE BOARD OF ELECTIONS
AND ETHICS ENFORCEMENT

2018 STATEMENT OF ECONOMIC INTEREST

919-814-3600 www.ncsbe.gov/Ethics/SEI

COMPLETE THIS FORM AND MAIL SIGNED, ORIGINAL TO
STATE ETHICS COMMISSION, 1324 MAIL SERVICE CENTER, RALEIGH, NC 27699-1324

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	**First Name**	**Middle Name**	**Last Name**	**Suffix**
	athena	fox	brooks	

CURRENT EMPLOYER	JOB TITLE
State of North Carolina	Chief District Court Judge

NATURE OR TYPE OF BUSINESS
judicial

REASON FOR FILING (SELECT ALL THAT APPLY)	
STATE GOVERNMENT JOB (Specify Agency)	BOARD/COMMISSION (List complete name of all State boards on which you are serving or are being considered)
JUDICIAL OFFICER (Specify Office)	LEGISLATOR (Specify House or Senate)
District Court Judge	

A. Do other immediate family members reside in your household?

☑ Yes ☐ No

When used throughout this form, the term **Immediate family** includes your spouse (unless legally separated). It also includes members of your extended family (your and your spouse's children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those persons) **who reside in your household.**

List the full name of **all adults** and **emancipated minors** in your household. A minor is a child under 18 years old. Minors are emancipated by marriage, enlistment in the US military, or court order for emancipation.

FULL NAME OF ADULTS & EMANCIPATED MINORS	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
Jason Blackwell	spouse	Carr, Blackwell and Associates	Attorney	Legal

B. List **ONLY the initials** of all **unemancipated minors** in your household below. A minor is a child under 18 years old.

Note: You must list the full name of each minor child on the Confidential Form available at the end of this document.

INITIALS FOR UNEMANCIPATED CHILDREN	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS

PROPERTY INTERESTS

1. As of December 31, 2017, did you, your spouse, or members of your immediate family:

A. Have an ownership interest in North Carolina real estate (including your residence) with a market value of $10,000 or more?

☑ Yes ☐ No

Owner of Real Estate	% Ownership Interest	Location by City	Location by County
jason blackwell and athena brooks	100	Dana	Henderson

B. Lease or rent real estate or personal property to or from the State of North Carolina with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Lessor	Name of Lessee (Renter)	If Real Estate, Location by City & County	If Personal Property, Describe

2. At any time during 2016 or 2017 , did you, your spouse, or members of your immediate family sell to or buy from the State of North Carolina personal property with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Purchaser	Name of Seller	Type of Property

FINANCIAL INTERESTS

3. As of December 31, 2017, did you, your spouse, or members of your immediate family own any of the following financial interests valued at $10,000 or more? LIST EACH COMPANY INDIVIDUALLY

A. Stock in a publicly owned company?

☐ Yes ☑ No

- Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if: (i) the fund is publicly traded or its assets are widely diversified; and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)

B. Stock Options in a company or business?

☐ Yes ☑ No

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

C. Interests in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☑ Yes ☐ No **If "No", proceed to question 4.**

Owner of Interest	Name of Company or Business Entity
Jason Blackwell	Carr, Blackwell and Associates
Jason Blackwell	Barrister Properties

C (1). For each non-publicly owned company or business entity (the "primary company") identified in question 3.C above, please list the names of *any other companies or business entities* in which the primary company owns securities or equity interests valued at over $10,000, *if known*.

Non-Publicly Owned Company or Business Entity (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
☑ None or Not Known	

C (2). If you know that any company or business entity listed in 3.C or 3.C(1) above has any material business dealings or business contracts *with the State of North Carolina*, or is *regulated by the State*, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☐ None or Not Known	
Carr, Blackwell and Associates	legal representation of Court Appointed clients

4. As of December 31, 2017, were you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of $10,000 or more that was created, established, or controlled by you?
Do not list assets held in blind trusts. See 2017 SEI Helpful Tips for the definition of "Vested Trust" and "Blind Trust."
☐ Yes ☑ No

Name and Address of Trustee	Description of the Trust	Your Relationship to the Trust

5. As of December 31, 2017, did you, your spouse, or members of your immediate family have liabilities of $10,000 or more, excluding the mortgage on your primary personal residence? Examples include credit card debts, auto loans, student loans, personal loans and intra-family debt.
☑ Yes ☐ No

Name of Debtor (You, Spouse, Immediate Family Member)	Type of Creditor (Commercial Bank, Credit Union, Individual, etc.)
spouse	Credit Union
spouse	commercial loan
athena brooks	credit card

6. List each source of income (not specific amounts) of more than $5,000 received by you, your spouse, or members of your immediate family during 2017. Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, business income, and other types of income required to be reported on your State and federal tax returns.

Do not include income received from the following sources:

- **Capital gains**
- **Federal government retirement**
- **Military retirement**
- **Social security income/SSDI**

Recipient of Income	Name of Source	Type of Business/Industry	Type of Income
☐ I had no reportable income over $5,000 in 2017.			
athena brooks	state of nc	judicial	salary
athena brooks	dept of defense	army reserve	salary
jason blackwell	The Jason Blackwell Law firm	Law firm	salary
jason blackwell	Carr, Blackwell and Assocaites	Law firm	salary

PROFESSIONAL AND CIVIC RELATIONSHIPS

7(a). During 2017, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☐ Yes ☑ No **If "No", proceed to question 8.**

- Do not list State boards or entities, or entities created by a political subdivision of the State.
- Do not list organizations of which you are a mere member.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization

7(b). If the nonprofit corporations or organizations listed above do business with the State of North Carolina or receive State funds, please provide a brief description of the nature of that business, if known or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe State Business or State Funding
☐ None or Not Known	

Please answer the following question as it pertains to the following board/agency:

District Court Judge

8. During 2017, were you, your spouse, or members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group with an interest in matters over which your agency or board may have jurisdiction?

☐ Yes ☐ No ☑ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

- Do not list organizations of which you are only a member (not serving in a leadership role).

Name of Person	Name of Society, Organization or Advocacy Group	Leadership Position (Director, Officer, Board Member)

9(a). List the name of each company or business with which you were associated where you or a member of your immediate family was an employee, director, officer, partner, proprietor, or member or manager as of December 31, 2017.

Name of Person	Relationship to Filer	Name of Company	Role of Person
☐ No Business Associations			
jason blackwell	spouse	Carr, Blackwell and associates	partner
jason blackwell	spouse	Barrister Properties	partner

9(b). If you know that any company or business entity listed in 9(a) above had any material business dealings or business contracts with the State of North Carolina or was regulated by the State as of December 31, 2017, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☐ Not applicable (No entities listed on #9a) ☐ No relationship / Not known	
Carr, Blackwell and associates	represent court appointed clients

10. Are you a practicing attorney?

☐ Yes ☐ No ☑ Judicial Officer/State Attorney

If "Yes", check each category of legal representation in which you or the law firm with which you are affiliated has earned legal fees of more than $10,000 during 2017.

☐ Administrative	☐ Admiralty	☐ Corporate	☐ Criminal
☐ Decedent's Estates	☐ Environmental	☐ Insurance	☐ Labor
☐ Local Government	☐ Real Property	☐ Securities	☐ Tax
☐ Tort litigation (including negligence)	☐ Utilities Regulation	☐ Other category not listed.	

11. During 2017, were you a licensed professional (other than an attorney) or did you provide consulting services individually or as a member of a professional association for which you charged or were paid over $10,000?

☐ Yes ☑ No

Type of Business	Nature of Services Rendered

Please answer the following question as it pertains to the following board/agency:

District Court Judge

12. Are you or your employer, your spouse or members of your immediate family, or their employer currently:

- Licensed by the State board or employing entity with which you are or will be associated **or**
- Regulated by the State board or employing entity with which you are or will be associated **or**
- Have a business relationship with the State board or employing entity with which you are or will be associated?

☐ Yes ☐ No ☑ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer ("judicial officer" is defined in the SEI Helpful Tips) or you are filing as an appointee to those offices.

Name of Person	Name of Employer (if applicable)	Type of Relationship (Licensing, Regulatory, Business)

13. Are you, your spouse, or a member of your immediate family currently registered as a lobbyist or lobbyist principal or were you registered as such within the 12 months preceding your filing of this form?

☐ Yes ☑ No

Name of Lobbyist	Lobbyist's Principal	Date of Registration	Registration Expiration

OTHER DISCLOSURES

14. During any calendar quarter in 2017 (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you

• receive any gift(s) exceeding $200 per quarter from a person or group of persons acting together, **and**

• when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), **and**

• the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☑ No

- Do not report gifts given by members of your extended family.
- Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

Date Item Received	Name and Address of Donor(s)	Describe Item Received	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

District Court Judge

15. During 2017 (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) did you

• accepted a "scholarship" exceeding $200 from a person or group of persons acting together **and**

• those person(s) were outside North Carolina **and**

• the scholarship was related to your public position? **A "scholarship" is a grant-in-aid, either direct or indirect, to attend a conference, meeting, or similar event, including tuition, travel, lodging, meals, and other similar expenses.**

☐ Yes ☐ No ☑ Judicial Officer - You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee.

- Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."
- Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

Date of Scholarship	Name and Address of Donor(s)	Describe Event	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

District Court Judge

16. Were you appointed or are you being considered for an appointment to a covered board by the **Governor** or another Council of State member?

Council of State members are:

- Governor
- Lt. Governor
- Secretary of State
- State Auditor
- State Treasurer
- Superintendent of Public Instruction
- Attorney General
- Commissioner of Agriculture
- Commissioner of Labor
- Commissioner of Insurance

☐ Yes ☑ No

If "Yes", list all contributions you (NOT immediate family members) made during 2017 with a cumulative total of more than $1,000 to the Governor or other Council of State member who appointed you.

- Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

Date	Amount	Contributed to
☐ No contribution(s) with a cumulative total of more than $1,000		

Please answer the following question as it pertains to the following board/agency:

District Court Judge

17. Are you an appointee or prospective appointee to:

a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor; or b. a North Carolina Supreme Court Justice, Court of Appeals, Superior or District Court Judge; or c. a member of any of the following boards: • ABC Commission • Coastal Resources Commission • State Board of Education • State Board of Elections • Division of Employment Security • Environmental Management Commission • Industrial Commission • Human Resources Commission • Rules Review Commission • Board of Transportation • UNC Board of Governors • Utilities Commission • Wildlife Resources Commission	☐ Yes ☑ No **If "No", proceed to question 18.**
d. If so, were you appointed or are you being considered for appointment to that public position by a Council of State member? Council of State members are listed in question 16.	☐ Yes ☐ No **If "No", proceed to question 18.**
e. If so, you must indicate whether during 2017 you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position: i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in question 16.	☐ Yes ☐ No
ii. Hosted a fundraiser at your residence or place of business?	☐ Yes ☐ No
iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate?	☐ Yes ☐ No

18. Have you ever been convicted of a felony for which you have not received either: (i) a pardon of innocence; or (ii) an order of expungement regarding that conviction?

☐ Yes ☑ No

Offense	Date of Conviction	County of Conviction	State of Conviction

19. Are you aware of any other information that *you believe* may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

☑ Yes ☐ No If yes, please provide such information below.

I am a Board member of the NC District Court Judge's Association which is established for the education planning purposes for District Court Judges in NC. I receive no compensation or any remuneration for this duty.
The Carr, Blackwell and Associates law firm represents clients appointed by the court and is paid by the Indigent Defense Services. I hear no cases and sign no fee applications for this law firm.

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.

☑ I Agree. It is my intention that this check box constitutes my electronic signature. By checking this box I certify that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

Filed Electronically
Signature

4/6/2018
Date

athena fox brooks
Printed Name

HOUSE JOINT RESOLUTION 1097

Sponsors: Representative Lewis.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

June 25, 2018

A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF BRYAN E. BEATTY AS A SPECIAL SUPERIOR COURT JUDGE.

Whereas, under the provisions of G.S. 7A-45.1(a10), as special superior court judgeships become vacant, the Governor shall submit the names of his nominees for those judgeships to the General Assembly for confirmation by ratified joint resolution; and

Whereas, a vacancy has occurred as a result of the expiration of the term of Judge Richard Doughton on March 5, 2018; and

Whereas, the Governor has submitted to the presiding officers of the House of Representatives and the Senate the name of his nominee, Bryan E. Beatty, for a term as a special superior court judge; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly confirms the appointment of Bryan E. Beatty of Wake County as a special superior court judge, whose term of office shall commence on the date of the appointment by the Governor and whose term of office shall end five years from the appointment.

SECTION 2. This resolution is effective upon ratification.

NORTH CAROLINA STATE BOARD OF ELECTIONS AND
ETHICS ENFORCEMENT

2018 STATEMENT OF ECONOMIC INTEREST

CONTACT INFORMATION

This contact information page will not be available on the
Commission's website, but it is a public document.

919-814-3600 www.ncsbe.gov/Ethics/SEI

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	**First Name**	**Middle Name**	**Last Name**	**Suffix**
Mr.	Bryan	Elliot	Beatty	Sr.

MAILING ADDRESS			
Address	**City**	**State**	**ZIP**
2400 Millstone Harbour Drive	Raleigh	NC	27603-0000

DAYTIME PHONE NUMBER	ALTERNATE PHONE NUMBER
919-771-1173	919-909-3601

E-MAIL ADDRESS
rbbeatty@nc.rr.com

HOME ADDRESS:
PROVIDE YOUR HOME ADDRESS ONLY IF YOU ARE HOLDING OR SEEKING AN ELECTED OFFICE WITH A RESIDENCY REQUIREMENT. This requirement does not apply to Judicial Officers.
Judicial officer means Justice or Judge of the General Court of Justice, District Attorney, or Clerk of Court, or any individual elected or appointed to any of these positions prior to taking office.

☐ Same As Mailing Address

Address	**City**	**State**	**ZIP**
N/A	N/A	NC	____-____

NORTH CAROLINA STATE BOARD OF ELECTIONS
AND ETHICS ENFORCEMENT

2018 STATEMENT OF ECONOMIC INTEREST

919-814-3600 www.ncsbe.gov/Ethics/SEI

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	**First Name**	**Middle Name**	**Last Name**	**Suffix**
Mr.	Bryan	Elliot	Beatty	Sr.

CURRENT EMPLOYER	JOB TITLE
N/A	N/A

NATURE OR TYPE OF BUSINESS
N/A

REASON FOR FILING (SELECT ALL THAT APPLY)	
STATE GOVERNMENT JOB (Specify Agency)	BOARD/COMMISSION (List complete name of all State boards on which you are serving or are being considered)
JUDICIAL OFFICER (Specify Office)	LEGISLATOR (Specify House or Senate)
Special Judge (Superior Court)	

A. Do other immediate family members reside in your household?

☑ Yes ☐ No

When used throughout this form, the term **Immediate family** includes your spouse (unless legally separated). It also includes members of your extended family (your and your spouse's children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those persons) **who reside in your household.**

List the full name of **all adults** and **emancipated minors** in your household. A minor is a child under 18 years old. Minors are emancipated by marriage, enlistment in the US military, or court order for emancipation.

FULL NAME OF ADULTS & EMANCIPATED MINORS	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
Rhonda H. Beatty	Wife	Carolina Center for Public Service	Program Officer, Communications and Marketing	Public Service, UNC-CH
Bryan E. Beatty, Jr.	Son	None	None	N/A

B. List **ONLY the initials** of all **unemancipated minors** in your household below. A minor is a child under 18 years old.
Note: You must list the full name of each minor child on the Confidential Form available at the end of this document.

INITIALS FOR UNEMANCIPATED CHILDREN	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
MEB	Son	N/A	N/A	N/A

PROPERTY INTERESTS

1. As of December 31, 2017, did you, your spouse, or members of your immediate family:

A. Have an ownership interest in North Carolina real estate (including your residence) with a market value of $10,000 or more?

☑ Yes ☐ No

Owner of Real Estate	% Ownership Interest	Location by City	Location by County
Bryan, Sr. and Rhonda H. Beatty	100	Raleigh	Wake

B. Lease or rent real estate or personal property to or from the State of North Carolina with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Lessor	Name of Lessee (Renter)	If Real Estate, Location by City & County	If Personal Property, Describe

2. At any time during 2016 or 2017 , did you, your spouse, or members of your immediate family sell to or buy from the State of North Carolina personal property with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Purchaser	Name of Seller	Type of Property

FINANCIAL INTERESTS

3. As of December 31, 2017, did you, your spouse, or members of your immediate family own any of the following financial interests valued at $10,000 or more? LIST EACH COMPANY INDIVIDUALLY

A. Stock in a publicly owned company?

☑ Yes ☐ No

- Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if: (i) the fund is publicly traded or its assets are widely diversified; and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)
Bryan E. Beatty, Sr.	Apple, Inc.
Bryan E. Beatty, Sr.	PNC Financial Services Group
Bryan E. Beatty, Sr.	Proctor & Gamble Co.
Bryan E. Beatty, Sr.	Scotts Miracle Gro Co.
Bryan E. Beatty, Sr.	Metlife, Inc.
Bryan E. Beatty, Sr.	Cisco Sustems Inc.
Bryan E. Beatty, Sr.	CME Group Inc.
Bryan E. Beatty, Sr.	Dover Corp
Bryan E. Beatty, Sr.	Intel Corp
Bryan E. Beatty, Sr.	Marathon Petroleum Corp

B. Stock Options in a company or business?

☐ Yes ☑ No

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

C. Interests in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☐ Yes ☑ No **If "No", proceed to question 4.**

Owner of Interest	Name of Company or Business Entity

C (1). For each non-publicly owned company or business entity (the "primary company") identified in question 3.C above, please list the names of *any other companies or business entities* in which the primary company owns securities or equity interests valued at over $10,000, *if known.*

Non-Publicly Owned Company or Business Entity (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests

☐ None or Not Known

C (2). If you know that any company or business entity listed in 3.C or 3.C(1) above has any material business dealings or business contracts *with the State of North Carolina*, or is *regulated by the State*, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State

☐ None or Not Known

4. As of December 31, 2017, were you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of $10,000 or more that was created, established, or controlled by you?
Do not list assets held in blind trusts. See 2017 SEI Helpful Tips for the definition of "Vested Trust" and "Blind Trust."

☐ Yes ☑ No

Name and Address of Trustee	Description of the Trust	Your Relationship to the Trust

5. As of December 31, 2017, did you, your spouse, or members of your immediate family have liabilities of $10,000 or more, excluding the mortgage on your primary personal residence? Examples include credit card debts, auto loans, student loans, personal loans and intra-family debt.

☑ Yes ☐ No

Name of Debtor (You, Spouse, Immediate Family Member)	Type of Creditor (Commercial Bank, Credit Union, Individual, etc.)
Rhonda H. Beatty	Auto Loan Company

6. List each source of income (not specific amounts) of more than $5,000 received by you, your spouse, or members of your immediate family during 2017. Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, business income, and other types of income required to be reported on your State and federal tax returns.

Do not include income received from the following sources:

- **Capital gains**
- **Federal government retirement**
- **Military retirement**
- **Social security income/SSDI**

Recipient of Income	Name of Source	Type of Business/Industry	Type of Income
☐ I had no reportable income over $5,000 in 2017.			
Bryan E. Beatty, Sr.	N.C. Utilities Commission	State Regulatory Agency	Salary
Rhonda H. Beatty	Carolina Center for Public Service	UNC-Chapel Hill	Salary

PROFESSIONAL AND CIVIC RELATIONSHIPS

7(a). During 2017, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☐ Yes ☑ No **If "No", proceed to question 8.**

- Do not list State boards or entities, or entities created by a political subdivision of the State.
- Do not list organizations of which you are a mere member.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization

7(b). If the nonprofit corporations or organizations listed above do business with the State of North Carolina or receive State funds, please provide a brief description of the nature of that business, if known or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe State Business or State Funding
☐ None or Not Known	

Please answer the following question as it pertains to the following board/agency:

Special Judge (Superior Court)

8. During 2017, were you, your spouse, or members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group with an interest in matters over which your agency or board may have jurisdiction?

☐ Yes ☐ No ☑ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

▸ Do not list organizations of which you are only a member (not serving in a leadership role).

Name of Person	Name of Society, Organization or Advocacy Group	Leadership Position (Director, Officer, Board Member)

9(a). List the name of each company or business with which you were associated where you or a member of your immediate family was an employee, director, officer, partner, proprietor, or member or manager as of December 31, 2017.

Name of Person	Relationship to Filer	Name of Company	Role of Person
☑ No Business Associations			

9(b). If you know that any company or business entity listed in 9(a) above had any material business dealings or business contracts with the State of North Carolina or was regulated by the State as of December 31, 2017, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☑ Not applicable (No entities listed on #9a) ☐ No relationship / Not known	

10. Are you a practicing attorney?

☐ Yes ☑ No ☐ Judicial Officer/State Attorney

If "Yes", check each category of legal representation in which you or the law firm with which you are affiliated has earned legal fees of more than $10,000 during 2017.

☐ Administrative	☐ Admiralty	☐ Corporate	☐ Criminal
☐ Decedent's Estates	☐ Environmental	☐ Insurance	☐ Labor
☐ Local Government	☐ Real Property	☐ Securities	☐ Tax
☐ Tort litigation (including negligence)	☐ Utilities Regulation	☐ Other category not listed.	

11. During 2017, were you a licensed professional (other than an attorney) or did you provide consulting services individually or as a member of a professional association for which you charged or were paid over $10,000?

☐ Yes ☑ No

Type of Business	Nature of Services Rendered

Please answer the following question as it pertains to the following board/agency:

Special Judge (Superior Court)

12. Are you or your employer, your spouse or members of your immediate family, or their employer currently:

- Licensed by the State board or employing entity with which you are or will be associated **or**
- Regulated by the State board or employing entity with which you are or will be associated **or**
- Have a business relationship with the State board or employing entity with which you are or will be associated?

☐ Yes ☐ No ☑ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer ("judicial officer" is defined in the SEI Helpful Tips) or you are filing as an appointee to those offices.

Name of Person	Name of Employer (if applicable)	Type of Relationship (Licensing, Regulatory, Business)

13. Are you, your spouse, or a member of your immediate family currently registered as a lobbyist or lobbyist principal or were you registered as such within the 12 months preceding your filing of this form?

☐ Yes ☑ No

Name of Lobbyist	Lobbyist's Principal	Date of Registration	Registration Expiration

OTHER DISCLOSURES

14. During any calendar quarter in 2017 (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you

- receive any gift(s) exceeding $200 per quarter from a person or group of persons acting together, and
- when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), and
- the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☑ No

- Do not report gifts given by members of your extended family.
- Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

Date Item Received	Name and Address of Donor(s)	Describe Item Received	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

Special Judge (Superior Court)

15. During 2017 (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) did you

- accepted a "scholarship" exceeding $200 from a person or group of persons acting together **and**
- those person(s) were outside North Carolina **and**
- the scholarship was related to your public position? **A "scholarship" is a grant-in-aid, either direct or indirect, to attend a conference, meeting, or similar event, including tuition, travel, lodging, meals, and other similar expenses.**

☐ Yes ☐ No ☑ Judicial Officer - You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee.

- Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."
- Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

Date of Scholarship	Name and Address of Donor(s)	Describe Event	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

Special Judge (Superior Court)

16. Were you appointed or are you being considered for an appointment to a covered board by the **Governor** or another Council of State member?

Council of State members are:

- Governor
- Lt. Governor
- Secretary of State
- State Auditor
- State Treasurer
- Superintendent of Public Instruction
- Attorney General
- Commissioner of Agriculture
- Commissioner of Labor
- Commissioner of Insurance

☑ Yes ☐ No

If "Yes", list all contributions you (NOT immediate family members) made during 2017 with a cumulative total of more than $1,000 to the Governor or other Council of State member who appointed you.

- Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

Date	Amount	Contributed to
☑ No contribution(s) with a cumulative total of more than $1,000		

Please answer the following question as it pertains to the following board/agency:

Special Judge (Superior Court)

17. Are you an appointee or prospective appointee to:

a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor; or b. a North Carolina Supreme Court Justice, Court of Appeals, Superior or District Court Judge; or c. a member of any of the following boards: • ABC Commission • Coastal Resources Commission • State Board of Education • State Board of Elections • Division of Employment Security • Environmental Management Commission • Industrial Commission • Human Resources Commission • Rules Review Commission • Board of Transportation • UNC Board of Governors • Utilities Commission • Wildlife Resources Commission	☑ Yes ☐ No **If "No", proceed to question 18.**
d. If so, were you appointed or are you being considered for appointment to that public position by a Council of State member? Council of State members are listed in question 16.	☑ Yes ☐ No **If "No", proceed to question 18.**
e. If so, you must indicate whether during 2017 you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position: i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in question 16.	☐ Yes ☑ No
ii. Hosted a fundraiser at your residence or place of business?	☐ Yes ☑ No
iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate?	☐ Yes ☑ No

18. Have you ever been convicted of a felony for which you have not received either: (i) a pardon of innocence; or (ii) an order of expungement regarding that conviction?

☐ Yes ☑ No

Offense	Date of Conviction	County of Conviction	State of Conviction

19. Are you aware of any other information that *you believe* may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

☐ Yes ☑ No If yes, please provide such information below.

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.

☑ I Agree. It is my intention that this check box constitutes my electronic signature. By checking this box I certify that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

Filed Electronically — Signature

6/23/2018 — Date

Bryan Elliot Beatty, Sr. — Printed Name

BRYAN ELLIOT BEATTY

2400 Millstone Harbour Drive, Raleigh, North Carolina 27603 ▪ 919-771-1173
Work 919-733-6064 ▪ bbeatty@ncuc.net

WORK HISTORY

January 2009 – Present	Commissioner *North Carolina Utilities Commission*
January 2001 – January 2009	Secretary *NC Dept of Crime Control and Public Safety*
October 1999 – January 2001	Director *State Bureau of Investigation* *North Carolina Department of Justice*
March 1999 – October 1999	Deputy Attorney General for Policy and Planning *North Carolina Department of Justice*
November 1997 – February 1999	Inspector General *North Carolina Department of Justice*
May 1991 – October 1997	Assistant Attorney General *Motor Vehicles Section* *North Carolina Department of Justice*
September 1989 - May 1991	Associate Attorney General *UNC Hospitals at Chapel Hill* *North Carolina Department of Justice*
August 1987 – August 1988	Associate Attorney *Johnson, Toal & Battiste, P.A.* *Columbia, SC*
January 1981 – August 1984	Special Agent *State Bureau of Investigation* *North Carolina Department of Justice*

EDUCATION

May 1987	Juris Doctor, School of Law University of North Carolina at Chapel Hill
May 1981	Graduated from N.C. State Bureau of Investigation Academy - Salemburg, NC
May 1980	Bachelor of Arts Degree, Political Science State University of New York at Stony Brook
July 1979 – December 1979	Studied at Universidad de Los Andes Bogota, Colombia, South America
May 1976	Graduated from Salisbury High School Salisbury, NC

EXPERIENCE

North Carolina Utilities Commission

- One of seven Commissioners appointed by the Governor and confirmed by the General Assembly with the authority to regulate the rates and services of public utilities in North Carolina, including electric companies, natural gas distributors, telephone service providers, water companies, household goods movers, private ferry operators and intrastate bus operators.
- Served in judicial capacity in proceedings involving utility rates and services.

North Carolina Department of Crime Control and Public Safety

- Member of Governor Mike Easley's Executive Cabinet.
- Administered state department of nine divisions which includes State Highway Patrol, North Carolina National Guard, Alcohol Law Enforcement, Division of Emergency Management, Governor's Crime Commission, Victim's Compensation, Butner Public Safety and other agencies.
- Coordinated state's emergency response to eleven federally declared disasters and several state declared disasters.
- Managed an annual budget of between $400 and $800 million; 3000+ personnel.
- Served as Governor's Homeland Security Advisor – coordinated security activities for State of North Carolina. Held top-secret security clearance from the United States Department of Homeland Security.
- Conducted press conferences and interviews with local, statewide and national media.

State Bureau of Investigation

- Director of the state law enforcement agency which is responsible for investigating violations of the state's criminal laws ranging from assaults, homicide, arson, drug offences, property crimes and environmental crimes.
- Conducted press interviews with statewide and local media.
- Sworn law enforcement officer assigned to narcotics investigations and executive security detail.

Policy and Planning

- Legislative liaison for the North Carolina Department of Justice.

Office of Inspector General

- Developed and managed the state office responsible for coordinating the investigation, prosecution and prevention of fraud in the state supervised public assistance programs.

NC Division of Motor Vehicles

- Drafted statutes and administrative rules related to motor vehicle law.
- Represented Division of Motor Vehicles in civil actions and personnel cases.
- Advised Division of Motor Vehicles staff on issues related to motor vehicle law.
- Represented the State of North Carolina in appeals of criminal convictions.

UNC Hospitals

- Managed collection litigation for UNC Hospitals.
- Represented State of North Carolina at involuntary commitment proceedings.
- Represented patients in administrative appeals of Medicaid denials.

Private Law Practice

- Litigated civil, criminal and domestic cases in South Carolina courts.

BOARDS AND COMMISSIONS EXPERIENCE

- Chairman, North Carolina State Emergency Management Response Commission
- Member, North Carolina Lottery Commission
- Board of Directors, Frankie Lemmon School
- Board of Directors, Pines of Carolina Girl Scout Council
- Board of Directors, N.C. Criminal Justice Information Network (CJIN)
- Member, Governor's Crime Commission
- Ex-officio member of several state commissions and councils.

HONORS AND AWARDS

- Wendell-Wake County NAACP Humanitarian Award - 2012
- The State of North Carolina Order of the Long Leaf Pine - 2008
- North Carolina Distinguished Civilian Service Medal – 2005
- Charles Dick Medal of Merit – National Guard Association of the United States – 2005
- National Governor's Association Award for Distinguished Service to State Government – 2003
- University of North Carolina at Chapel Hill, Outstanding Alumni Award – 2002

BAR ADMISSIONS

- North Carolina Bar (1989)
- South Carolina Bar (1987)
- Fourth Circuit Court of Appeals (1990)
- U.S. District Court, Eastern and Middle Districts of North Carolina (1990)

Professional Experience and Employment

2002-Present	Chief District Court judge
1989-2002	District Court judge
1980-1989	Attorney at law engaged in private practice in Lumberton, N.C.

B. Additional Experience and Appointments

1995	Completed advanced certification as juvenile court judge.
2002	Appointed as chief judge for District 16B by Chief Justice I. Beverly Lake.
2003-2004	President of the North Carolina Association of District Court Judges.
2006	Organized and implemented a mandatory family financial settlement mediation program in Judicial District 16B.
2006-2012	Appointed by Chief Justice Sarah Parker as a member of the Family Court Advisory Committee.
2007	Organized and implemented a mandatory child custody and visitation mediation program in Judicial District 16B.
2008	Organized and implemented the first drug treatment court in Judicial District 16B after an award of a federal Regional Partnership Grant to the North Carolina Department of Health and Human Services from the U.S. Department of Health and Human Services Administration for Children and Families.
2009	Appointed by Chief Justice Sarah Parker as a member of the ad hoc Family Court and Court Improvement Subcommittee on Disproportionate Minority Representation in the Child Welfare and Juvenile Justice Systems.
2009-2010	President of the North Carolina Conference of Chief District Court Judges.
2010	Speaker at *Professionalism in Practice: A Local Perspective*, presented by the Chief Justice's Commission on Professionalism, Lumberton, N.C.
2011	Speaker and panelist at the *Tribes, Child Welfare and Court Partners Gathering: Engaging Tribes, State and Urban Indians and Non-Profit Partnerships,* presented by the N.C. Administrative Office of the Courts, N.C. Dept. of Health and Human Services and the N.C. Commission of Indian Affairs, Raleigh, N.C.
2011	Member of the national advisory board for *Putting the Pieces Together for Children and Families: The National Conference on Substance Abuse, Child Welfare and the Courts,* Presented by Children and Family Futures at the 8th Annual Gathering of the National Alliance for Drug Endangered Children, Washington, D.C. Also participated as a speaker and panelist during the conference.
2012	Speaker and panelist at *Family Drug Courts: A National Symposium to Improve Family Recovery, Safety and Stability*, presented by the U.S. Substance Abuse and Mental Health Services Administration in collaboration with the U.S. Office of Juvenile Justice and Delinquency Prevention, Anaheim, CA.
2013-2014	Member of the national *Child Welfare Working Group Addressing Pregnant and Parenting Women with Opioid Dependence, Medication Assisted Treatment and Neonatal Abstinence Syndrome,* organized by the U.S. Substance Abuse and Mental Health Services Administration's National Center on Substance Abuse and Child Welfare.
2014 – Present	Appointed by the Director of the N.C. Administrative Office of the Courts as a member of the Child Custody Mediation Advisory Committee.

C. Education

Wake Forest University, Winston-Salem, N.C. 1973-1977 B.A. degree in History.
Graduated magna cum laude with Honors in History. Inducted into Phi Beta Kappa.

University of North Carolina School of Law, Chapel Hill, N.C. 1977-1980
J.D. degree

D. Community Activities and Acknowledgments

Lifelong member of First Presbyterian Church, Lumberton, N.C. currently serving as an elder and Sunday school teacher.

Executive board member of the Cape Fear Council, Boy Scouts of America. 2013 – Present

Recipient of the Regional Community Health Lifetime Commitment Award presented by Southeastern Health for contributions to Robeson County and the recovery community. 2016.

Teen court judge, 2011 -

Recipient of the District Court Judge of the Year recognition from the Rural Justice Project. 1992.

Recipient of the Distinguished Service Award from the Lumberton Jaycees, 1990.

President of the Kiwanis of Robeson, 1985-1986.

Chairman of the board of Robeson County Group Home, Inc., 1989-1991.

Member of the Lumberton Youth and Family Commission, 1990-1991.

Former state board member of Volunteer Emergency Families for Children.

E. Personal

Born October 31, 1954 in Lumberton, N.C. Married to Beth Hayes Carmical who is employed as the Director of Records and Registrar at Robeson Community College.

Contact

P.O. Box 992
Lumberton, N.C. 28359

Work Phone: 910-272-5935

Cell Phone: 910-734-2828

Email: jscarmical@gmail.com

HOUSE JOINT RESOLUTION 1098

Sponsors: Representative Lewis.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

June 25, 2018

A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF J. STANLEY CARMICAL AS A SPECIAL SUPERIOR COURT JUDGE.

Whereas, under the provisions of G.S. 7A-45.1(a10), as special superior court judgeships become vacant, the Governor shall submit the names of his nominees for those judgeships to the General Assembly for confirmation by ratified joint resolution; and

Whereas, a vacancy has occurred as a result of the expiration of the term of Judge Ebern "Tripp" Watson III on May 5, 2018; and

Whereas, the Governor has submitted to the presiding officers of the House of Representatives and the Senate the name of his nominee, J. Stanley Carmical, for a term as a special superior court judge; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly confirms the appointment of J. Stanley Carmical of Robeson County as a special superior court judge whose term of office shall commence on the date of the appointment by the Governor and whose term of office shall end five years from the appointment.

SECTION 2. This resolution is effective upon ratification.

NORTH CAROLINA STATE ETHICS COMMISSION

2018 STATEMENT OF ECONOMIC INTEREST

NO CHANGE FORM

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	**First Name**	**Middle Name**	**Last Name**	**Suffix**
	James	Stanley	Carmical	

REASON FOR FILING (SELECT ALL THAT APPLY)	
STATE GOVERNMENT JOB (Specify the agency for which you work or are being considered)	BOARD/COMMISSION (List complete name of all State boards on which you are serving or are being considered)
JUDICIAL OFFICER (Specify the office you hold)	LEGISLATOR (Specify House or Senate)
District Court Judge	

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.

I hereby affirm that I have reviewed my most recently filed 2017 Statement of Economic Interest and that as of December 31, 2017, my responses continue to be true, correct, and complete to the best of my knowledge and belief.

☑ I Agree. It is my intention that this check box constitutes my electronic signature. By checking this box I certify that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

Filed Electronically — Signature

3/5/2018 — Date

James Stanley Carmical — Printed Name

HOUSE JOINT RESOLUTION 1099

Sponsors: Representative Lewis.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

June 25, 2018

A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF ROBERT J. HARRIS TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Whereas, G.S. 97-77(a1) provides that appointments by the Governor to the North Carolina Industrial Commission are subject to confirmation by the General Assembly; and

Whereas, the Governor wishes to appoint Robert J. Harris to the North Carolina Industrial Commission as a commissioner representing employers; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The appointment of Robert J. Harris of Wake County to a term on the North Carolina Industrial Commission, to begin on July 1, 2018, and expire on June 30, 2024, is confirmed.

SECTION 2. This resolution is effective upon ratification.

Robert Harris

Commission: Industrial Commission

Position: Commissioner representing employers

NORTH CAROLINA
State Board of Elections & Ethics Enforcement

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 814-0700
Fax: (919) 715-0135

February 7, 2018

The Honorable Roy A. Cooper, III
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Via Email

Re: Evaluation of Statement of Economic Interest Filed By Robert Jonathan Harris
Prospective Appointee – Industrial Commission

Dear Governor Cooper:

Our office is in receipt of **Mr. Robert J. Harris'** 2018 Statement of Economic Interest as a prospective appointee to the **North Carolina Industrial Commission**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest or the potential for a conflict of interest.

The North Carolina Industrial Commission is responsible for the administration of the Workers' Compensation Act, the Law Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Act, and the Childhood Vaccine-Related Injury Act. The Commission processes workers' compensation claims, oversees and provides for the trial of contested cases, approves settlement agreements and administers non-contested cases. The Commission also adjudicates claims made pursuant to the State Tort Claims Act.

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. § 138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. § 138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mr. Harris will fill the role of a Commissioner representing employers on the Commission.

In addition to the conflicts standards noted above, N.C.G.S. § 138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

Pursuant to N.C.G.S. § 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. § 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

Lisa S. Johnson

Lisa Johnson, Paralegal
NC Board of Elections & Ethics Enforcement

cc: Robert J. Harris

Attachment: Ethics Education Flyer

NORTH CAROLINA STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT

2018 STATEMENT OF ECONOMIC INTEREST

FOR COMPLIANCE UNIT USE ONLY

Date Received:

2018 FEB -7 AM 9:32

_____ Checked for Completion

CONTACT INFORMATION

This contact information page will *not* be available on the Commission's website, but it is a public document.

919-814-3600 www.ncsbe.gov/Ethics/SEI

THIS ENTIRE FORM MUST BE COMPLETED TO FULFILL YOUR SEI FILING OBLIGATION.

COMPLETE THIS FORM AND SEND SIGNED ORIGINAL TO:

NORTH CAROLINA STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT

BY MAIL:
1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324

HAND DELIVERY:
The Dobbs Building
430 N. Salisbury Street.
3rd Floor
Raleigh, NC 27603

FILER'S NAME (FIRST, MIDDLE, LAST)

Prefix	First Name	Middle Name	Last Name	Suffix
Mr.	Robert	Jonathan	Harris	

MAILING ADDRESS (REQUIRED)

Address	City	State	Zip
1201 Ebb Ct.	Raleigh	NC	27615

DAYTIME PHONE NUMBER (REQUIRED)	ALTERNATE PHONE NUMBER
919-807-2675	919-676-8391

E-MAIL ADDRESS (REQUIRED)

ebb4@bellsouth.net

HOME ADDRESS:

PROVIDE YOUR HOME ADDRESS ONLY IF YOU ARE HOLDING OR SEEKING AN ELECTED OFFICE WITH A RESIDENCY REQUIREMENT. This requirement does not apply to Judicial Officers.

Judicial officer means Justice or Judge of the General Court of Justice, District Attorney, or Clerk of Court, or any individual elected or appointed to any of these positions prior to taking office.

☑ Same as Mailing Address

Address	City	State	Zip

This contact information page is a public record.

NORTH CAROLINA STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT
2018 STATEMENT OF ECONOMIC INTEREST

919-814-3600 www.ncsbe.gov/Ethics/SEI

THIS ENTIRE FORM MUST BE COMPLETED TO FULFILL YOUR SEI FILING OBLIGATION

FOR COMPLIANCE UNIT USE ONLY
Date Received:

____ Checked for completion
Scanned _____Date
Incomplete ?s ____ ____ ____ ____
Supp. Sent Date _____ By _____
Supp. Received Date _____
Entered in database _ By _____

FILER'S NAME (FIRST, MIDDLE, LAST)

Prefix	First Name	Middle Name	Last Name	Suffix
Mr.	Robert	Jarellem	Harris	

CURRENT EMPLOYER	JOB TITLE
NC Industrial Commission	Deputy Commissioner

NATURE OR TYPE OF BUSINESS
Trial-level hearing officer for workers' comp & tort claims

REASON FOR FILING (COMPLETE ALL THAT APPLY)

STATE GOVERNMENT JOB (Specify Agency and Position)	BOARD/COMMISSION (List complete name of all State boards on which you are serving or are being considered)
	NC Industrial Commission (Full Commission)
JUDICIAL OFFICER (Specify Office)	LEGISLATOR (Specify House or Senate)

A. Do other immediate family members reside in your household?
☑ Yes ☐ No

When used throughout this form, the term **Immediate family** includes your spouse (unless legally separated). It also includes members of your extended family (your and your spouse's children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those persons) **who reside in your household.**

List the full name of **all adults** and **emancipated minors** in your household. A minor is a child under 18 years old. Minors are emancipated by marriage, enlistment in the US military, or court order for emancipation.

FULL NAME OF ADULTS & EMANCIPATED MINORS	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
Lisa Michelle Harris	Wife	Catec PSS	Psychologist	Education

B. List **ONLY the initials** of all unemancipated minors in your household below. A minor is a child under 18 years old.

Note: You must list the full name of each minor child on the Confidential Form available at the end of this document.

INITIALS FOR UNEMANCIPATED MINORS	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
JLH	Son	Harris-Teeter	Part-time clerker	Grocery Store
ELH	Daughter			

PROPERTY INTERESTS

1. As of December 31, 2017, did you, your spouse, or members of your immediate family:

A. Have an ownership interest in North Carolina real estate (including your residence) with a market value of $10,000 or more?

☑ Yes ☐ No

Owner of Real Estate	% Ownership Interest	Location by City	Location by County
Robert J. Harris	50%	Raleigh	Wake
Lisa M. Harris	50%	Raleigh	Wake

B. Lease or rent real estate or personal property to or from the State of North Carolina with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Lessor	Name of Lessee (Renter)	If Real Estate, Location by City & County	If Personal Property, Describe

2. At any time during 2016 or 2017, did you, your spouse, or members of your immediate family sell to or buy from the State of North Carolina personal property with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Purchaser	Name of Seller	Type of Property

FINANCIAL INTERESTS

3. As of December 31, 2017, did you, your spouse, or members of your immediate family own any of the following financial interests valued at $10,000 or more? **LIST EACH COMPANY INDIVIDUALLY.**

A. Stock in a publicly owned company?

☐ Yes ☑ No

▶Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if: (i) the fund is publicly traded or its assets are widely diversified; and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)

B. Stock Options in a company or business?

☐ Yes ☑ No

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

C. Interests in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☐ Yes ☑ No - If "No," proceed to question 4.

Owner of Interest	Name of Company or Business Entity

C (1). For each non-publicly owned company or business entity (the "primary company") identified in question 3.C above, please list the names of *any other companies or business entities* in which the primary company owns securities or equity interests valued at over $10,000, *if known.*

Non-Publicly Owned Company or Business Entity (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
☐ None or Not Known	

C (2). If you know that any company or business entity listed in 3.C or 3.C(1) above has any material business dealings or business contracts *with the State of North Carolina*, or is *regulated by the State*, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☐ None or Not Known	

4. As of December 31, 2017, were you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of $10,000 or more that was created, established, or controlled *by you*?

Do not list assets held in blind trusts. See 2017 SEI Helpful Tips for the definition of "Vested Trust" and "Blind Trust."

☐ Yes ☑ No

Name and Address of Trustee	Description of the Trust	Your Relationship to the Trust

5. As of December 31, 2017, did you, your spouse, or members of your immediate family have liabilities of $10,000 or more, excluding the mortgage on your primary personal residence? Examples include credit card debts, auto loans, student loans, personal loans and intra-family debt.

☑ Yes ☐ No

Name of Debtor (You, Spouse, Immediate Family Member)	Type of Creditor (Commercial Bank, Credit Union, Individual, etc.)
Robert J. Harris	Commercial Bank - auto loan

6. List each source of income (not specific amounts) of more than $5,000 received by you, your spouse, or members of your immediate family during 2017. Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, business income, and other types of income required to be reported on your State and federal tax returns.

Do *not* include income received from the following sources:

- ▶ **Capital gains**
- ▶ **Federal government retirement**
- ▶ **Military retirement**
- ▶ **Social security income/SSDI**

Recipient of Income	Name of Source	Type of Business/Industry	Type of Income
☐ I had no reportable income over $5,000 in 2017.			
Robert J. Harris	State of NC	NC Judicial/Commission	Salary
Lisa M. Harris	WCPSS	Education	Salary

PROFESSIONAL AND CIVIC RELATIONSHIPS

7(a). During 2017, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☐ Yes ☑ No - If "No," proceed to question 8.

► Do not list State boards or entities, or entities created by a political subdivision of the State.
► Do not list organizations of which you are a mere member.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization

7(b). If the nonprofit corporations or organizations listed above do business with the State of North Carolina or receive State funds, please provide a brief description of the nature of that business, if known or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe State Business or State Funding
☐ None or Not Known	

8. During 2017, were you, your spouse, or members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group with an interest in matters over which your agency or board may have jurisdiction?

☐ Yes ☑ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

►Do not list organizations of which you are only a member (not serving in a leadership role).

Name of Person	Name of Society, Organization or Advocacy Group	Leadership Position (Director, Officer, Board Member)

9(a). List the name of each company or business with which you were associated where you or a member of your immediate family was an employee, director, officer, partner, proprietor, or member or manager as of December 31, 2017.

Name of Person	Relationship to Filer	Name of Company	Role of Person
☐ No Business Associations			
JLH	Son	Harris-Teeter	Employee

9(b). If you know that any company or business entity listed in 9(a) above had any material business dealings or business contracts with the State of North Carolina or was regulated by the State as of December 31, 2017, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☐ Not applicable (No entities listed on #9a)	
Harris-Teeter	Regulated by state in various ways

10. Are you a practicing attorney?

☐ Yes ☒ No ☐ Judicial Officer/State Attorney

If "Yes", check each category of legal representation in which you or the law firm with which you are affiliated has earned legal fees of more than $10,000 during 2017.

☐ Administrative	☐ Admiralty	☐ Corporate	☐ Criminal
☐ Decedent's Estates	☐ Environmental	☐ Insurance	☐ Labor
☐ Local Government	☐ Real Property	☐ Securities	☐ Tax
☐ Tort litigation (including negligence)	☐ Utilities Regulation	☐ Other category not listed.	

11. During 2017, were you a licensed professional (other than an attorney) or did you provide consulting services individually or as a member of a professional association for which you charged or were paid over $10,000?

☐ Yes ☒ No

Type of Business	Nature of Services Rendered

12. Are you or your employer, your spouse or members of your immediate family, or their employer currently:

- Licensed by the State board or employing entity with which you are or will be associated **or**
- Regulated by the State board or employing entity with which you are or will be associated **or**
- Have a business relationship with the State board or employing entity with which you are or will be associated?

☑ Yes ☐ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer ("judicial officer" is defined in the SEI Helpful Tips) or you are filing as an appointee to those offices.

Name of Person	Name of Employer (if applicable)	Type of Relationship (Licensing, Regulatory, Business)
Robert J. Harris	NC Administrative Comm	Regulatory
Lisa M. Harris	WCPSS	Regulatory
JLH	Harris-Teeter	Regulatory

13. Are you, your spouse or a member of your immediate family currently registered as a lobbyist or lobbyist principal, or were you registered as such within the 12 months preceding your filing of this form?

☐ Yes ☑ No

Name of Lobbyist	Lobbyist's Principal	Date of Registration	Registration Expiration

OTHER DISCLOSURES

14. During any calendar quarter in 2017 (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you

- receive any "gift(s)" exceeding $200 per quarter from a person or group of persons acting together, **and**
- when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), **and**
- the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☑ No

▷ Do not report gifts given by members of your extended family.

▷ Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

Date Item Received	Name and Address of Donor(s)	Describe Item Received	Estimated Market Value

15. During 2017 (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) did you

- accept a "scholarship" exceeding $200 from a person or group of persons acting together **and**
- those person(s) were outside North Carolina **and**
- the scholarship was related to your public position? **A "scholarship" is a grant-in-aid, either direct or indirect, to attend a conference, meeting, or similar event, including tuition, travel, lodging, meals, and other similar expenses.**

☐ Yes ☑ No ☐ Judicial Officer - You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee.

▶ Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

▶ Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

Date of Scholarship	Name and Address of Donor(s)	Describe Event	Estimated Market Value

16. Were you appointed or are you being considered for an appointment to a covered board by the **Governor** or another Council of State member?

Council of State members are:

- ▶ Governor
- ▶ Lt. Governor
- ▶ Secretary of State
- ▶ State Auditor
- ▶ State Treasurer
- ▶ Superintendent of Public Instruction
- ▶ Attorney General
- ▶ Commissioner of Agriculture
- ▶ Commissioner of Labor
- ▶ Commissioner of Insurance

☑ Yes ☐ No

If "Yes", list all contributions you (NOT immediate family members) made during 2017 with a cumulative total of more than $1,000 to the Governor or other Council of State member who appointed you.

▶Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

Date	Amount	Contributed to
☑ No contribution(s) with a cumulative total of more than $1,000		

17. Are you an appointee or prospective appointee to:	
a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor; or b. a North Carolina Supreme Court Justice, Court of Appeals, Superior or District Court Judge; or c. a member of any of the following boards: • ABC Commission • Coastal Resources Commission • State Board of Education • State Board of Elections • Division of Employment Security • Environmental Management Commission • Industrial Commission • Human Resources Commission • Rules Review Commission • Board of Transportation • UNC Board of Governors • Utilities Commission • Wildlife Resources Commission	☑ Yes ☐ No **If "No," proceed to question 18.**
d. If so, were you appointed or are you being considered for appointment to that public position by a Council of State member? Council of State members are listed in question 16.	☑ Yes ☐ No **If "No," proceed to question 18.**
e. If so, you must indicate whether during 2017 you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position: i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in question 16.	☐ Yes ☑ No
ii. Hosted a fundraiser at your residence or place of business?	☐ Yes ☑ No
iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate?	☐ Yes ☑ No

18. Have you ever been convicted of a felony for which you have not received either: (i) a pardon of innocence; or (ii) an order of expungement regarding that conviction?

☐ Yes ☑ No

Offense	Date of Conviction	County of Conviction	State of Conviction

19. Are you aware of any other information that *you believe* may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

☐ Yes ☑ No If yes, please provide such information below.

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

> § 138A-26. Concealing or failing to disclose material information.
>
> A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.
>
> § 138A-27. Penalty for false information.
>
> A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.

Signature

2/6/2018
Date

Robert J. Harris
Printed Name

Submit SIGNED, ORIGINAL documents only. **Do not fax or email this form.**

Robert Jonathan Harris
1201 Ebb Court
Raleigh, NC 27615
(919) 649-2703; (919) 676-8391
ebb4@bellsouth.net

Education

1985-89 Yale University, New Haven, CT BA in English and philosophy, 1989

1991-94 University of North Carolina School of Law, Chapel Hill, NC JD. 1994

Professional work experience

1989-91 **Staff Writer, The County Press, Benson, NC**
Worked as a reporter for a chain of three weekly newspapers in Johnston County. Reported all beats, took photographs, wrote stories, and laid out the papers.

1994-2003 **Attorney and Counselor at Law, Capitol District Law Offices, Raleigh, NC**
Handled many types of legal work at all levels, from state district court through appellate work in the federal Fourth Circuit. Did client intake, drafted wills and contracts, litigated cases, and counseled clients.

2003-05 **Special Deputy Commissioner, N.C. Industrial Commission, Raleigh, NC**
Handled large volumes of administrative motions and settlement agreement reviews, with an emphasis on prompt, timely and well-reasoned dispositions.

2005-present **Deputy Commissioner, N.C. Industrial Commission, Raleigh, NC**
As a trial-level hearing officer, responsible for managing a heavy caseload and issuing timely and well-crafted decisions in contested cases. Docket claims, decide motions, conduct full evidentiary hearings, review evidence of record, find facts, make conclusions of law, and issue orders. Also handle state tort claims in essentially the same fashion. Make written and oral educational presentations to lawyers and stakeholders. From February 2015 through May 2016, was the regional office liaison for the Commission's new Charlotte regional office, which opened in July 2015; in that position, assisted with training three new Deputy Commissioners and two new legal assistants, and worked with local judicial officials and courthouse personnel to get the new office up and running.

Admissions, memberships and awards

North Carolina State Bar, No. 21017
10th Judicial District Bar
Admitted to practice before the United States District Court, Eastern District of N.C.
Admitted to practice before the federal Fourth Circuit Court of Appeals, Richmond, VA
Eagle Scout, BSA, 1984
Wake County Chittlin Club, 2007

ROY COOPER
GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

February 12, 2018

VIA HAND DELIVERY

The Honorable Tim Moore
Speaker of the House
16 W. Jones Street, Room 2304
Raleigh, NC 27601-1096

Dear Speaker Moore:

Pursuant to North Carolina General Statute §97-77 (a1), I am pleased to nominate Mr. Robert J. Harris of Wake County to serve on the North Carolina Industrial Commission for a term beginning on July 1, 2018 and hereby submit his name for confirmation by the General Assembly.

I am grateful for Mr. Harris' willingness to assume this important responsibility for the State of North Carolina. Attached is his biographical information for your review. Please feel free to call my staff for any additional information.

Sincerely,

Roy Cooper

cc: The Honorable Phil Berger
The Honorable Dan Forest
The Honorable Dan Blue
The Honorable Darren G. Jackson
Ms. Sarah Lang Holland
Mr. James White

ROY COOPER
GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

February 12, 2018

VIA HAND DELIVERY

The Honorable Dan Forest
Lieutenant Governor
310 N. Blount Street
Raleigh, North Carolina 27601

Dear Lt. Governor Forest:

Pursuant to North Carolina General Statute §97-77 (a1), I am pleased to nominate Mr. Robert J. Harris of Wake County to serve on the North Carolina Industrial Commission for a term beginning on July 1, 2018 and hereby submit his name for confirmation by the General Assembly.

I am grateful for Mr. Harris' willingness to assume this important responsibility for the State of North Carolina. Attached is his biographical information for your review. Please feel free to call my staff for any additional information.

Sincerely,

Roy Cooper

cc: The Honorable Phil Berger
The Honorable Tim Moore
The Honorable Dan Blue
The Honorable Darren G. Jackson
Ms. Sarah Lang Holland
Mr. James White

20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301 • TELEPHONE: 919-814-2000
WWW.GOVERNOR.NC.GOV

ROY COOPER
GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

February 12, 2018

VIA HAND DELIVERY

The Honorable Philip E. Berger
Senate President Pro Tempore
16 W. Jones Street, Room 2007
Raleigh, North Carolina 27601-2808

Dear Senator Berger:

Pursuant to North Carolina General Statute §97-77 (a1), I am pleased to nominate Mr. Robert J. Harris of Wake County to serve on the North Carolina Industrial Commission for a term beginning on July 1, 2018 and hereby submit his name for confirmation by the General Assembly.

I am grateful for Mr. Harris' willingness to assume this important responsibility for the State of North Carolina. Attached is his biographical information for your review. Please feel free to call my staff for any additional information.

Sincerely,

Roy Cooper

cc: The Honorable Tim Moore
The Honorable Dan Forest
The Honorable Dan Blue
The Honorable Darren G. Jackson
Ms. Sarah Lang Holland
Mr. James White

HOUSE JOINT RESOLUTION 1100

Sponsors: Representative Lewis.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

June 25, 2018

A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF MYRA L. GRIFFIN TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Whereas, G.S. 97-77(a1) provides that appointments by the Governor to the North Carolina Industrial Commission are subject to confirmation by the General Assembly; and

Whereas, a vacancy has occurred due to the resignation of Linda Cheatham; and

Whereas, the Governor wishes to appoint Myra L. Griffin to the North Carolina Industrial Commission to fill the term of Linda Cheatham, as a commissioner representing employers; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The appointment of Myra L. Griffin of Durham County to a term on the North Carolina Industrial Commission, to expire on April 30, 2022, is confirmed.

SECTION 2. This resolution is effective upon ratification.

Myra Griffin

Commission: Industrial Commission

Position: Commissioner representing employers

NORTH CAROLINA
State Board of Elections & Ethics Enforcement

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 814-0700
Fax: (919) 715-0135

January 16, 2018

The Honorable Roy A. Cooper, III
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Via Email

Re: Evaluation of Statement of Economic Interest Filed By Myra Leake Griffin
Prospective Appointee – Industrial Commission

Dear Governor Cooper:

Our office is in receipt of **Mrs. Myra L. Griffin's** 2018 Statement of Economic Interest as a prospective appointee to the **North Carolina Industrial Commission**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The North Carolina Industrial Commission is responsible for the administration of the Workers' Compensation Act, the Law Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Act, and the Childhood Vaccine-Related Injury Act. The Commission processes workers' compensation claims, oversees and provides for the trial of contested cases, approves settlement agreements and administers non-contested cases. The Commission also adjudicates claims made pursuant to the State Tort Claims Act.

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. § 138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. § 138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mrs. Griffin will fill the role of a representative of employers on the Commission. She is Deputy Commissioner for the Industrial Commission. Her spouse, John Griffin, III, is a partner with the law firm Frasier & Griffin, PLLC. That firm does not appear to have a regular practice before the Industrial Commission. But she has the potential for a conflict of interest and should exercise appropriate caution in the performance of her public duties should clients of Frasier & Griffin, PLLC come before the Commission for official action.

In addition to the conflicts standards noted above, N.C.G.S. § 138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

Pursuant to N.C.G.S. § 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. § 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

Lisa S. Johnson

Lisa Johnson, Paralegal
NC Board of Elections & Ethics Enforcement

cc: Myra L. Griffin

Attachment: Ethics Education Flyer

NORTH CAROLINA STATE BOARD OF ELECTIONS AND
ETHICS ENFORCEMENT

2018 STATEMENT OF ECONOMIC INTEREST

CONTACT INFORMATION

This contact information page will not be available on the Commission's website, but it is a public document.

919-814-3600 www.ncsbe.gov/Ethics/SEI

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	**First Name**	**Middle Name**	**Last Name**	**Suffix**
Mrs.	Myra	Leake	Griffin	

MAILING ADDRESS			
Address	**City**	**State**	**ZIP**
4705 Carmen Lane	Durham	NC	27707-9079

DAYTIME PHONE NUMBER	ALTERNATE PHONE NUMBER
919-807-2548	919-417-2274

E-MAIL ADDRESS
mgriffin.atty@gmail.com

HOME ADDRESS:
PROVIDE YOUR HOME ADDRESS ONLY IF YOU ARE HOLDING OR SEEKING AN ELECTED OFFICE WITH A RESIDENCY REQUIREMENT. This requirement does not apply to Judicial Officers.
Judicial officer means Justice or Judge of the General Court of Justice, District Attorney, or Clerk of Court, or any individual elected or appointed to any of these positions prior to taking office.

Same As Mailing Address

Address	**City**	**State**	**ZIP**

NORTH CAROLINA STATE BOARD OF ELECTIONS
AND ETHICS ENFORCEMENT

2018 STATEMENT OF ECONOMIC INTEREST

919-814-3600 www.ncsbe.gov/Ethics/SEI

COMPLETE THIS FORM AND MAIL SIGNED, ORIGINAL TO
STATE ETHICS COMMISSION, 1324 MAIL SERVICE CENTER, RALEIGH, NC 27699-1324

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	**First Name**	**Middle Name**	**Last Name**	**Suffix**
Mrs.	Myra	Leake	Griffin	

CURRENT EMPLOYER	JOB TITLE
North Carolina Industrial Commission	Deputy Commissioner

NATURE OR TYPE OF BUSINESS
Workers' Compensation and State Tort Judicial Agency

REASON FOR FILING (SELECT ALL THAT APPLY)	
STATE GOVERNMENT JOB (Specify Agency)	BOARD/COMMISSION (List complete name of all State boards on which you are serving or are being considered)
	Industrial Commission;
JUDICIAL OFFICER (Specify Office)	LEGISLATOR (Specify House or Senate)

A. Do other immediate family members reside in your household?

☑ Yes ☐ No

When used throughout this form, the term **Immediate family** includes your spouse (unless legally separated). It also includes members of your extended family (your and your spouse's children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those persons) **who reside in your household**.

List the full name of **all adults** and **emancipated minors** in your household. A minor is a child under 18 years old. Minors are emancipated by marriage, enlistment in the US military, or court order for emancipation.

FULL NAME OF ADULTS & EMANCIPATED MINORS	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
John R. Griffin, III	Husband	Frasier & Griffin, PLLC	Attorney/Partner	Law Office

B. List **ONLY the initials** of all **unemancipated minors** in your household below. A minor is a child under 18 years old.
Note: You must list the full name of each minor child on the Confidential Form available at the end of this document.

INITIALS FOR UNEMANCIPATED CHILDREN	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
CRG	son	none	n/a	n/a

PROPERTY INTERESTS

1. As of December 31, 2017, did you, your spouse, or members of your immediate family:

A. Have an ownership interest in North Carolina real estate (including your residence) with a market value of $10,000 or more?

☑ Yes ☐ No

Owner of Real Estate	% Ownership Interest	Location by City	Location by County
Myra L. Griffin & John R. Griffin, III	100	Durham	Durham

B. Lease or rent real estate or personal property to or from the State of North Carolina with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Lessor	Name of Lessee (Renter)	If Real Estate, Location by City & County	If Personal Property, Describe

2. At any time during 2016 or 2017 , did you, your spouse, or members of your immediate family sell to or buy from the State of North Carolina personal property with a market value of $10,000 or more?

☐ Yes ☑ No

Name of Purchaser	Name of Seller	Type of Property

FINANCIAL INTERESTS

3. As of December 31, 2017, did you, your spouse, or members of your immediate family own any of the following financial interests valued at $10,000 or more? LIST EACH COMPANY INDIVIDUALLY

A. Stock in a publicly owned company?

☐ Yes ☒ No

- Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if: (i) the fund is publicly traded or its assets are widely diversified; and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)

B. Stock Options in a company or business?

☐ Yes ☒ No

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

C. Interests in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☒ Yes ☐ No **If "No", proceed to question 4.**

Owner of Interest	Name of Company or Business Entity
Ralph K. Frasier, Jr. and John Randolph Griffin, III	Frasier & Griffin, PLLC

C (1). For each non-publicly owned company or business entity (the "primary company") identified in question 3.C above, please list the names of *any other companies or business entities* in which the primary company owns securities or equity interests valued at over $10,000, *if known*.

Non-Publicly Owned Company or Business Entity (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
☒ None or Not Known	

C (2). If you know that any company or business entity listed in 3.C or 3.C(1) above has any material business dealings or business contracts *with the State of North Carolina*, or is *regulated by the State*, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☑ None or Not Known	

4. As of December 31, 2017, were you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of $10,000 or more that was created, established, or controlled by you?
Do not list assets held in blind trusts. See 2017 SEI Helpful Tips for the definition of "Vested Trust" and "Blind Trust."
☐ Yes ☑ No

Name and Address of Trustee	Description of the Trust	Your Relationship to the Trust

5. As of December 31, 2017, did you, your spouse, or members of your immediate family have liabilities of $10,000 or more, excluding the mortgage on your primary personal residence? Examples include credit card debts, auto loans, student loans, personal loans and intra-family debt.
☑ Yes ☐ No

Name of Debtor (You, Spouse, Immediate Family Member)	Type of Creditor (Commercial Bank, Credit Union, Individual, etc.)
Myra Griffin	Student Loan
John R. Griffin, III	Student Loan
John R. Grffin, III	auto loan
Myra Griffin & John R. Griffin, III	Recurring monthly payment plan with Federal IRS for law firm

6. List each source of income (not specific amounts) of more than $5,000 received by you, your spouse, or members of your immediate family during 2017. Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, business income, and other types of income required to be reported on your State and federal tax returns.

Do not include income received from the following sources:

- **Capital gains**
- **Federal government retirement**
- **Military retirement**
- **Social security income/SSDI**

Recipient of Income	Name of Source	Type of Business/Industry	Type of Income
☐ I had no reportable income over $5,000 in 2017.			
Myra Griffin	NCIC	State Agency	salary
John R. Griffin, III	Frasier & Griffin, PLLC	Law Firm	Salary

PROFESSIONAL AND CIVIC RELATIONSHIPS

7(a). During 2017, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☐ Yes ☐ No **If "No", proceed to question 8.**

- Do not list State boards or entities, or entities created by a political subdivision of the State.
- Do not list organizations of which you are a mere member.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization
Myra L. Griffin	Chair of Trustees	New Creation UMC	United Methodist Church

7(b). If the nonprofit corporations or organizations listed above do business with the State of North Carolina or receive State funds, please provide a brief description of the nature of that business, if known or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe State Business or State Funding
None or Not Known	

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

8. During 2017, were you, your spouse, or members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group with an interest in matters over which your agency or board may have jurisdiction?

☐ Yes ☑ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

- Do not list organizations of which you are only a member (not serving in a leadership role).

Name of Person	Name of Society, Organization or Advocacy Group	Leadership Position (Director, Officer, Board Member)

9(a). List the name of each company or business with which you were associated where you or a member of your immediate family was an employee, director, officer, partner, proprietor, or member or manager as of December 31, 2017.

Name of Person	Relationship to Filer	Name of Company	Role of Person
☐ No Business Associations			
John R. Griffin, III	Husband	Frasier & Griffin, PLLC	Partner

9(b). If you know that any company or business entity listed in 9(a) above had any material business dealings or business contracts with the State of North Carolina or was regulated by the State as of December 31, 2017, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☐ Not applicable (No entities listed on #9a) ☑ No relationship / Not known	

10. Are you a practicing attorney?

☐ Yes ☐ No ☑ Judicial Officer/State Attorney

If "Yes", check each category of legal representation in which you or the law firm with which you are affiliated has earned legal fees of more than $10,000 during 2017.

☐ Administrative	☐ Admiralty	☐ Corporate	☐ Criminal
☐ Decedent's Estates	☐ Environmental	☐ Insurance	☐ Labor
☐ Local Government	☐ Real Property	☐ Securities	☐ Tax
☐ Tort litigation (including negligence)	☐ Utilities Regulation	☐ Other category not listed.	

11. During 2017, were you a licensed professional (other than an attorney) or did you provide consulting services individually or as a member of a professional association for which you charged or were paid over $10,000?

☐ Yes ☐ No

Type of Business	Nature of Services Rendered

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

12. Are you or your employer, your spouse or members of your immediate family, or their employer currently:

- Licensed by the State board or employing entity with which you are or will be associated **or**
- Regulated by the State board or employing entity with which you are or will be associated **or**
- Have a business relationship with the State board or employing entity with which you are or will be associated?

☐ Yes ☐ No Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer ("judicial officer" is defined in the SEI Helpful Tips) or you are filing as an appointee to those offices.

Name of Person	Name of Employer (if applicable)	Type of Relationship (Licensing, Regulatory, Business)

13. Are you, your spouse, or a member of your immediate family currently registered as a lobbyist or lobbyist principal or were you registered as such within the 12 months preceding your filing of this form?

☐ Yes ☐ No

Name of Lobbyist	Lobbyist's Principal	Date of Registration	Registration Expiration

OTHER DISCLOSURES

14. During any calendar quarter in 2017 (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you

• receive any gift(s) exceeding $200 per quarter from a person or group of persons acting together, **and**

• when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), **and**

• the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☐ No

- Do not report gifts given by members of your extended family.
- Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

Date Item Received	Name and Address of Donor(s)	Describe Item Received	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

15. During 2017 (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) did you

• accepted a "scholarship" exceeding $200 from a person or group of persons acting together **and**

• those person(s) were outside North Carolina **and**

• the scholarship was related to your public position? **A "scholarship" is a grant-in-aid, either direct or indirect, to attend a conference, meeting, or similar event, including tuition, travel, lodging, meals, and other similar expenses.**

☐ Yes ☐ No ☐ Judicial Officer - You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee.

- Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."
- Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

Date of Scholarship	Name and Address of Donor(s)	Describe Event	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

16. Were you appointed or are you being considered for an appointment to a covered board by the **Governor** or another Council of State member?

Council of State members are:

- Governor
- Lt. Governor
- Secretary of State
- State Auditor
- State Treasurer
- Superintendent of Public Instruction
- Attorney General
- Commissioner of Agriculture
- Commissioner of Labor
- Commissioner of Insurance

☐ Yes ☐ No

If "Yes", list all contributions you (NOT immediate family members) made during 2017 with a cumulative total of more than $1,000 to the Governor or other Council of State member who appointed you.

- Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

Date	Amount	Contributed to
☐ No contribution(s) with a cumulative total of more than $1,000		

Please answer the following question as it pertains to the following board/agency:

Industrial Commission

17. Are you an appointee or prospective appointee to:

a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor; or b. a North Carolina Supreme Court Justice, Court of Appeals, Superior or District Court Judge; or c. a member of any of the following boards: • ABC Commission • Coastal Resources Commission • State Board of Education • State Board of Elections • Division of Employment Security • Environmental Management Commission • Industrial Commission • Human Resources Commission • Rules Review Commission • Board of Transportation • UNC Board of Governors • Utilities Commission • Wildlife Resources Commission	☑ Yes ☐ No **If "No", proceed to question 18.**
d. If so, were you appointed or are you being considered for appointment to that public position by a Council of State member? Council of State members are listed in question 16.	☑ Yes ☐ No **If "No", proceed to question 18.**
e. If so, you must indicate whether during 2017 you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position: i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in question 16.	☐ Yes ☑ No
ii. Hosted a fundraiser at your residence or place of business?	☐ Yes ☑ No
iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate?	☐ Yes ☑ No

18. Have you ever been convicted of a felony for which you have not received either: (i) a pardon of innocence; or (ii) an order of expungement regarding that conviction?

☐ Yes ☑ No

Offense	Date of Conviction	County of Conviction	State of Conviction

19. Are you aware of any other information that *you believe* may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

☐ Yes ☐ No If yes, please provide such information below.

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.

☐ I Agree. It is my intention that this check box constitutes my electronic signature. By checking this box I certify that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

Filed Electronically — Signature

1/12/2018 — Date

Myra Leake Griffin — Printed Name

Myra L. Griffin

4705 Carmen Lane, Durham, North Carolina 27707
Phone: 919-417-2274 Fax: 919-680-4390 E-Mail: mgriffin.atty@gmail.com

Experience

Commissioner — **May 2018 to present**
North Carolina Industrial Commission
Raleigh, North Carolina

Deputy Commissioner — **February 2005 to May 2018**
North Carolina Industrial Commission
Raleigh, North Carolina

As a Deputy Commissioner, conducts evidentiary hearings across the State of North Carolina involving workers' compensation claims and State Tort actions. During the evidentiary hearings, issue appropriate legal rulings on objections to testimony and evidentiary submissions. At the conclusion of the hearing, will review testimony and legal briefs from the parties and issue a written decision with findings of facts, conclusions of law and award with respect to the compensability of the claims, medical treatment and indemnity benefits.

Direct supervision of Administrative Assistant including Performance Evaluation Plans, leave approval and disciplinary actions.

Rule on motions involving discovery, medical treatment, attorney's fees and compliance issues. Review for approval final Compromise Settlement Agreements and partial settlements of claims submitted by the parties.

Prepare and give presentations during continuing legal educational conferences to attorneys, adjusters and other members involved in the workers' compensation system. Selected by the Chair of the Commission to provide educational training to the Commissioners, Deputy Commissioners and Law Clerks on the topic of Public Duty Doctrine. Designated as one of a select group of Deputy Commissioners to provide information and answer questions about workers' compensation to small business owners as part of the North Carolina Revenue/Economic Development Discussions throughout the State.

One of two Deputy Commissioners assigned to conduct the Civil Contempt Hearing Dockets for the Industrial Commission. Determine whether a party has willfully failed to comply with a valid order of the Industrial Commission after receiving testimony and exhibits. If party is found in contempt of the order, will issue the order of arrest stating the terms in which the party may purge himself for release.

During the first two years as a Deputy Commissioner (2005-2007), served as the supervisor of the Fraud Investigations Unit of the Industrial Commission. Interviewed and recommended for hire the entire staff at the time, which included two Fraud Investigators and one Paralegal/Administrative Assistant. Directly supervised the staff to verify each employee was complying with assigned job duties. Prepared and discussed Interim Reviews, Performance Evaluation Plans and disciplinary actions for the employees of the Unit. Assisted the Fraud Unit with its transition to a Sworn Law Enforcement Agency under the supervision of a sworn law enforcement officer.

Assistant Attorney General **September 1, 2002 to February 15, 2005**
Office of the North Carolina Attorney General
Raleigh, North Carolina

Prepared and prosecuted civil penalties assessments against noninsured employers who were subject to the Workers' Compensation Act throughout the State. Reviewed documentary evidence and witness testimony obtained by Fraud Investigator to determine whether to proceed with prosecution. At the hearing, presented evidence including witness testimony and exhibits to establish the amount and validity of civil penalty assessments.

When appropriate, entered into settlements with parties. Handled appeals of the civil penalty assessments on behalf of the Industrial Commission to the Full Commission, including filing briefs and participating in oral arguments.

Reviewed, prepared and referred for criminal prosecution (misdemeanor and felony charges) employee and employer fraud throughout the State of North Carolina.

Prepared criminal appeals brief submitted to the North Carolina Court of Appeals on behalf of the State of North Carolina, the Appellee.

As the Assistant Attorney General assigned to the Industrial Commission, also served as Agency Legal Counsel. Represented the Industrial Commission in Federal and State courts in any matter in which the Industrial Commission was named as a party, including US Bankruptcy Court, Superior Court and the Office of the Administrative Hearings (personnel issues). Prosecuted parties who willfully failed to comply with valid orders of the Commission during civil contempt proceedings.

Special Deputy Commissioner **June 4, 2001 to August 2002**
North Carolina Industrial Commission
Raleigh, North Carolina

Managed and entered administrative rulings on a large volume of motions involving medical treatment, attorney's fees, attorney withdrawals and discovery issues. Filed administrative decisions on Form 24 Applications, which determined if a claimant's indemnity benefits should be suspended or terminated based upon the documentary evidence submitted by the parties and the positions stated during informal telephonic hearings. Reviewed Compromise Settlement Agreements for approval if fair, just and in the best interests of all parties.

Agency Legal Specialist I **December 1998 to June 2001**
North Carolina Industrial Commission
Raleigh, North Carolina

Conducted legal research and drafted opinion and awards for a Commissioner in the areas of Workers' Compensation and the Tort Claims Act. Reviewed Commission files appealed to the North Carolina Court of Appeals and prepared orders settling the Record on Appeal to the North Carolina Court of Appeals for

a Commissioner. Reviewed Compromise Settlement Agreements and made recommendations to Commissioner for approval or disapproval of the Agreements.

Womble Carlyle Sandridge & Rice, PLLC **October 1997 to November 1998**
Contract Attorney
Research Triangle Park

Provided litigation support by reviewing and analyzing documents to determine which documents were protected by attorney-client privilege, which documents needed to be produced pursuant to rules of discovery and which documents were protected as confidential proprietary information.

Education

University of North Carolina at Chapel Hill **August 1990 to May 1994**
Chapel Hill, North Carolina
Earned a Bachelors of Arts in Political Science

North Carolina Central University School of Law **August 1994 to May 1997**
Durham, North Carolina
Earned a Juris Doctor, cum laude, 5 out of 72

Skills

- 16 years of experience in civil litigation, including preparing motions, examining witnesses, writing briefs to the court, conducting evidentiary hearings and issuing written decisions which are appealed and reviewed by the Full Commission and North Carolina Court of Appeals.
- 5 years of experience conducting civil contempt hearings pursuant to N.C. Gen. State. § 5A-21.
- 11 years of experience supervising employees.

ROY COOPER
GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

January 22, 2018

VIA HAND DELIVERY

The Honorable Tim Moore
Speaker of the House
16 W. Jones Street, Room 2304
Raleigh, NC 27601-1096

Dear Speaker Moore:

Pursuant to North Carolina General Statute §97-77 (a1), I am pleased to nominate Ms. Myra L. Griffin of Durham County to fill the vacancy created by Linda Cheatham's resignation on the North Carolina Industrial Commission. I hereby submit her name for confirmation by the General Assembly.

I am grateful for Ms. Griffin's willingness to assume this important responsibility for the State of North Carolina. Attached is her biographical information for your review. Please feel free to call my staff for any additional information.

Sincerely,

Roy Cooper

cc:
The Honorable Phil Berger
The Honorable Dan Forest
The Honorable Dan Blue
The Honorable Darren G. Jackson
Ms. Sarah Lang, Senate Principal Clerk
Mr. James White, House Principal Clerk

ROY COOPER
GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

January 22, 2018

VIA HAND DELIVERY

The Honorable Philip E. Berger
Senate President Pro Tempore
16 W. Jones Street, Room 2007
Raleigh, North Carolina 27601-2808

Dear Senator Berger:

Pursuant to North Carolina General Statute §97-77 (a1), I am pleased to nominate Ms. Myra L. Griffin of Durham County to fill the vacancy created by Linda Cheatham's resignation on the North Carolina Industrial Commission. I hereby submit her name for confirmation by the General Assembly.

I am grateful for Ms. Griffin's willingness to assume this important responsibility for the State of North Carolina. Attached is her biographical information for your review. Please feel free to call my staff for any additional information.

Sincerely,

Roy Cooper

cc:
The Honorable Tim Moore
The Honorable Dan Forest
The Honorable Dan Blue
The Honorable Darren G. Jackson
Ms. Sarah Lang, Senate Principal Clerk
Mr. James White, House Principal Clerk

ROY COOPER
GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

January 22, 2018

The Honorable Dan Forest
Lieutenant Governor
310 N. Blount Street
Raleigh, North Carolina 27601

Dear Lt. Governor Forest:

Pursuant to North Carolina General Statute §97-77 (a1), I am pleased to nominate Ms. Myra L. Griffin of Durham County to fill the vacancy created by Linda Cheatham's resignation on the North Carolina Industrial Commission. I hereby submit her name for confirmation by the General Assembly.

I am grateful for Ms. Griffin's willingness to assume this important responsibility for the State of North Carolina. Attached is her biographical information for your review. Please feel free to call my staff for any additional information.

Sincerely,

Roy Cooper

cc:
The Honorable Tim Moore
The Honorable Phil Berger
The Honorable Dan Blue
The Honorable Darren G. Jackson
Ms. Sarah Lang, Senate Principal Clerk
Mr. James White, House Principal Clerk

20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301 • TELEPHONE: 919 814-2000
WWW.GOVERNOR.NC.GOV

ROY COOPER
GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

May 3, 2018

Ms. Myra L. Griffin
4705 Carmen Lane
Durham, NC 27707

Dear Myra:

I am pleased to appoint you to serve as a commissioner of the North Carolina Industrial Commission. Based on this vacancy and your nomination prior to the last session during which no vote was taken, I deem your appointment urgent for purposes of N.C. Gen. Stat. § 97-77 (a1). Your appointment is effective immediately. Your term will expire on April 30, 2022.

As you are aware, your board or commission is covered by the State Ethics Act. As a result, you must participate in ethics training within six months of your appointment and every two years thereafter, and you will be required to file a Statement of Economic Interest by April 15 of each following year of your tenure on the commission.

I am grateful for your willingness to serve the people of North Carolina. Your leadership and commitment to this Commission are key to our efforts to strengthen our communities and improve the quality of life for our people.

Please read the enclosed instructions carefully so that we may complete the appointment process. If you have any questions or need additional information, please contact the Office of Boards and Commissions at (919) 814-2077.

With kind regards, I am

Very truly yours,

Roy Cooper

cc: Chairman Charlton L. Allen

ATHENA FOX BROOKS

P.O. Box 1075

Dana, North Carolina 28724

(828)808-5486

Athena.f.brooks@nccourts.org

Chief District Court Judge, Jan 2009-present, Judicial District 29B consisting of Transylvania, Henderson and Polk Counties. Preside over criminal, civil, juvenile and family cases, administrative duties including assigning cases and court scheduling for the three counties.

United States Army Reserve, Judge Advocate General's Corps, July 2000- present. Rank of Major assigned to the 150th Legal Operations Detachment, Alexandria, Virginia. Member of the Reserve Judge unit acting as a Judicial Liaison Officer

Adjunct Professor, Brevard College Pre Law program, August 2017- present

District Court Judge, Dec 2004-Jan 2009, Judicial District 29B.

Attorney, Prince, Youngblood and Massagee, June 2004-Nov 2004, assist in trial preparation and client counseling.

Assistant District Attorney, Feb 1995- May 2004, Judicial District 29 consisting of Henderson, Transylvania, Polk, Rutherford and McDowell counties. Prosecute all cases as assigned, specializing in Sexual assault, Child abuse and Vehicular Homicide cases.

Assistant District Attorney, Dec 1991-Feb 1995, Prosecutorial District 28 consisting of Buncombe County. Prosecute all cases as assigned including all misdemeanors and felonies.

EDUCATION

University of North Carolina at Chapel Hill- Juris Doctorate awarded May 1991, attended August 1988-May 1991.

University of North Carolina at Asheville- Bachelor of Arts with Honors in Political Science awarded May 1988, attended August 1982-May 1988.

United States Army Judge Advocate General's School, Charlottesville, Virginia, graduate of the Officer Basic Course and the JAG Officer Advanced Course

United States Army Command and General Staff College, Graduate in top 20% of Command and General Staff School 2015

Memberships and Committees

NC District Court Judge's Association- member Board of Governors 2009- present, President 2015-2016

NC Chief District Court Judge's Association- President 2013

Mainstay Board of Directors- 1999-2004, President 2003

Board of Directors Fletcher Fire Department 2001-2006

Calvary Church Vestry Member 2004-2006

NC State Employee's Credit Union Board of Directors 2000-2010

House Pages
Assignments
Tuesday, June 26, 2018
Session: 11:00 AM

Committee	Room	Time	Staff	Comments	Member
Rules, Calendar, and Operations of the House	1228/1327	9:30 AM	Alyssa Adams		Speaker Tim Moore
			Arianna Darden		Rep. Elmer Floyd
			Erin McIntyre		Speaker Tim Moore
			Sara Moretti		Rep. Gale Adcock
Finance	544	10:00 AM	Sophia Cobb		Rep. Edward Hanes, Jr.
			William Donaldson		Rep. Verla Insko
			Jesse Hix		Rep. Beverly G. Boswell
			Allison Skenes		Rep. Jon Hardister

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Rules Calendar and Ops of the House

DATE: June 26, 2018 Room: 1228/1327 LB

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Rex Foster
3. Name: Rey Cooke
4. Name: Joe Crook
5. Name: Russell Salisbury

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Committee on Rules, Calendar, and Operations of the House
Monday, June 26, 2018

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 7:30 on Monday, June 26, 2018 in room 1228 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 813 Asheville City Council Districts (Senator Edwards)
Rep. McGrady moves for a favorable report. The motion carries.

SB 807 Extend Sunset/ Buncombe Co./CC Projects (Senator Edwards)
Rep. McGrady moves for a favorable report. The motion carries.

SB 814 Judicial Vacancy Sunshine Amendment (Senator Daniel)
Rep. Hardister moves for a favorable report. The motion carries.

SB 808 Domestic Violence Fatality Review in Buncombe (Senator Edwards)
Rep. Goodman moves for a favorable report. The motion carries.

The meeting adjourned.

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Tuesday, June 26, 2018 02:40 PM
To: Sen. Warren Daniel; Sen. Shirley B. Randleman; Sen. Paul Newton; Sen. Chuck Edwards
Cc: Andy Perrigo (Sen. Warren Daniel); Lydia Daniel (Sen. Warren Daniel); Jeb Kelly (Sen. Shirley B. Randleman); Justus Cochran (Sen. Paul Newton); Danielle Plourd (Sen. Chuck Edwards)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, June 26, 2018 at During First Recess - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #1: During Dinner Recess following 4pm session

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 26, 2018
TIME: **During First Recess**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 814	Judicial Vacancy Sunshine Amendment.	Senator Daniel Senator Newton Senator Randleman
SB 813	Asheville City Council Districts.	Senator Edwards
SB 807	Extend Sunset/Buncombe Co./CC Projects.	Senator Edwards

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:37 PM on Tuesday, June 26, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From:	Mark Coggins (Rep. David Lewis)
Sent:	Tuesday, June 26, 2018 03:04 PM
To:	Sen. Warren Daniel; Sen. Shirley B. Randleman; Sen. Paul Newton; Sen. Chuck Edwards
Cc:	Andy Perrigo (Sen. Warren Daniel); Lydia Daniel (Sen. Warren Daniel); Jeb Kelly (Sen. Shirley B. Randleman); Justus Cochran (Sen. Paul Newton); Danielle Plourd (Sen. Chuck Edwards)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, June 26, 2018 at During Second Recess/Dinner Recess - UPDATED # 2
Attachments:	Add Meeting to Calendar_LINC_.ics

Updated #2:

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 26, 2018
TIME: **During Second Recess/Dinner Recess**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 814	Judicial Vacancy Sunshine Amendment.	Senator Daniel Senator Newton Senator Randleman
SB 813	Asheville City Council Districts.	Senator Edwards
SB 807	Extend Sunset/Buncombe Co./CC Projects.	Senator Edwards

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:01 PM on Tuesday, June 26, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From:	Mark Coggins (Rep. David Lewis)
Sent:	Tuesday, June 26, 2018 05:59 PM
To:	Sen. Warren Daniel; Sen. Shirley B. Randleman; Sen. Paul Newton; Sen. Chuck Edwards
Cc:	Andy Perrigo (Sen. Warren Daniel); Lydia Daniel (Sen. Warren Daniel); Jeb Kelly (Sen. Shirley B. Randleman); Justus Cochran (Sen. Paul Newton); Danielle Plourd (Sen. Chuck Edwards)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, June 26, 2018 at 6:15 PM - UPDATED #2
Attachments:	Add Meeting to Calendar_LINC_.ics

Updated #2: 6:15

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 26, 2018
TIME: **6:15 PM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 814	Judicial Vacancy Sunshine Amendment.	Senator Daniel Senator Newton Senator Randleman
SB 813	Asheville City Council Districts.	Senator Edwards
SB 807	Extend Sunset/Buncombe Co./CC Projects.	Senator Edwards

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:58 PM on Tuesday, June 26, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

Mark Coggins (Rep. David Lewis)

From: Neal Inman (Rep. David Lewis)
Sent: Tuesday, June 26, 2018 06:43 PM
To: Sen. Warren Daniel; Sen. Shirley B. Randleman; Sen. Paul Newton; Sen. Chuck Edwards
Cc: Andy Perrigo (Sen. Warren Daniel); Lydia Daniel (Sen. Warren Daniel); Jeb Kelly (Sen. Shirley B. Randleman); Justus Cochran (Sen. Paul Newton); Danielle Plourd (Sen. Chuck Edwards)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, June 26, 2018 at 6:15 PM - UPDATED #3
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #3: 6:15

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 26, 2018
TIME: **6:15 PM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 814	Judicial Vacancy Sunshine Amendment.	Senator Daniel Senator Newton Senator Randleman
SB 813	Asheville City Council Districts.	Senator Edwards
SB 807	Extend Sunset/Buncombe Co./CC Projects.	Senator Edwards
SB 808	Domestic Violence Fatality Review in Buncombe.	Senator Edwards

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 6:43 PM on Tuesday, June 26, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE

SB **807** Extend Sunset/Buncombe Co./CC Projects.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady

SB **808** **(CS#1)** Domestic Violence Fatality Review in Buncombe.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady

SB **813** Asheville City Council Districts.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady

SB **814** **(CS#1)** Judicial Vacancy Sunshine Amendment.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Burr

TOTAL REPORTED: 4



House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 26, 2018, 6:15 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 814	Judicial Vacancy Sunshine Amendment.	Senator Daniel Senator Newton Senator Randleman
SB 813	Asheville City Council Districts.	Senator Edwards
SB 807	Extend Sunset/Buncombe Co./CC Projects.	Senator Edwards

Presentations

Other Business

Adjournment

SENATE BILL 813
Second Edition Engrossed 6/25/18

Short Title:	Asheville City Council Districts.	(Local)
Sponsors:	Senator Edwards (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

June 15, 2018

A BILL TO BE ENTITLED

AN ACT TO REVISE THE CHARTER FOR THE CITY OF ASHEVILLE TO PROVIDE FOR THE ELECTION OF CITY COUNCIL MEMBERS FROM DISTRICTS AND TO PROVIDE FOR THE CREATION OF THOSE DISTRICTS AND TO PROVIDE FOR EVEN-YEAR MUNICIPAL ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 6 of the Charter of the City of Asheville, being Chapter 121 of the Private Laws of 1931, as amended by Ordinance No. 1501 of the City of Asheville, adopted March 19, 1985, and Ordinance No. 2385, adopted June 24, 1997, reads as rewritten:

"**Sec. 6. Composition; qualifications and terms of members.**

(a) Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six councilmembers, all nominated and elected ~~from the city at large~~ in the manner hereinafter provided. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. Elections for mayor and councilmembers shall be held on a nonpartisan basis at the time of the primary election in 2020 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the City shall be entitled to vote on such ballots. Except as otherwise provided herein, the election shall be conducted according to the provisions of Subchapter III of Chapter 163A of the General Statutes then governing primary elections. The county board of elections under the direction of the Bipartisan State Board of Elections and Ethics Enforcement shall make necessary provisions for elections for mayor and councilmembers.

(b) The term of the mayor and councilmembers shall begin at the first regular meeting of the city council ~~next following their election as set forth hereinafter.~~ in December of even-numbered years. The term of office of the mayor and six councilmembers shall be four years, and shall be so staggered that the terms of office of three councilmembers shall expire every two years. ~~Said staggered terms shall begin following~~In the election of ~~1997,~~ 2020, ~~with~~ those three persons elected to council ~~who receive the highest number of votes of the entire council~~ from District 1, District 2, and from the City at-large ~~to~~ will serve four year terms to expire in ~~2001,~~ 2024. In the election of 2022, the ~~and the other~~ three persons elected to council from District 3, District 4, and District 5 will ~~to~~ serve ~~two~~ four year terms to expire in ~~1999.~~ 2026. Commencing with the ~~1999~~ 2020 election, all terms of office for council members shall be four years.

(c) One council member shall be nominated and elected from the City at-large. Five council members shall reside in and be elected from five separate districts, as set forth in this section. If this section does not specifically assign any area within the City to a district, and the

area is entirely surrounded by a single district, the area shall be deemed to have been assigned to that district. If this section does not specifically assign any area within the City to a district, and the area is contiguous to one or more districts, the area shall be deemed to have been assigned to that district which contains the least population according to the most recent federal decennial census. If this section specifically assigns to a district any area that is not in the corporate limits of the City, that area outside the corporate limits is not added to the corporate limits and no voter that resides in that area outside the corporate limits may vote in the City election. The names and boundaries of voting tabulation districts, tracts, block groups, and blocks specified in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles. If any voting tabulation district boundary is changed, that change shall not change the boundary of a district, which shall remain the same as it is depicted by the 2010 Census Redistricting TIGER/Line Shapefiles.

(d) The districts are as follows:

District 1: Buncombe County: VTD 105.1: Block(s) 0210014005001, 0210014005005, 0210014005006, 0210014005007, 0210014005010, 0210014005013, 0210014005021, 0210014005022; VTD 106.1: Block(s) 0210011001021, 0210011001022, 0210011001024, 0210011001025, 0210011001026, 0210011001032, 0210011001033, 0210011001034, 0210012001001, 0210012001003, 0210012001004, 0210012001005, 0210012001006, 0210012001007, 0210012001008, 0210012001009, 0210012001010, 0210012001011, 0210012001012, 0210012001013, 0210012001014, 0210012001015, 0210012001016, 0210012001017, 0210012001018, 0210012001019, 0210012001020, 0210012001021, 0210012001022, 0210012002000, 0210012002001, 0210012002002, 0210012002003, 0210012002004, 0210012002005, 0210012002006, 0210012002007, 0210012002008, 0210012002009, 0210012002010, 0210012002015, 0210012002016, 0210012003000, 0210012003001, 0210012003002, 0210012003003, 0210012003008, 0210012003009, 0210013001000, 0210013001007, 0210013002002, 0210013002003, 0210013002004, 0210013002012, 0210013002013, 0210013002014, 0210013002015, 0210013002016, 0210013002017, 0210013002018, 0210013002019, 0210013002020, 0210013002021, 0210013002022, 0210013002023, 0210013002024, 0210013002026, 0210013002027, 0210013002028, 0210013002029, 0210013002030, 0210013002031, 0210013002032, 0210013002033, 0210013002034, 0210013002037, 0210013002038, 0210013002039, 0210013002040, 0210014005002, 0210014005023, 0210014005024, 0210014005025, 0210025063001, 0210025063006, 0210026052055, 0210026052057; VTD 13.1: Block(s) 0210010001007, 0210010002002, 0210010002003, 0210010002004, 0210010002005, 0210010002006, 0210010002007, 0210010002012, 0210010002013, 0210010002014, 0210010002017, 0210010002018, 0210010002019, 0210010002020, 0210010002021, 0210010002022, 0210010002023, 0210010002024, 0210010002025, 0210010002026, 0210010002027, 0210010002028, 0210010002029, 0210010002030, 0210010002031, 0210011002000, 0210011002003, 0210011002024, 0210011002025, 0210011002026, 0210011002027, 0210011003000, 0210011003001, 0210011003002, 0210011003003, 0210011003004, 0210011003005, 0210011003006, 0210011003007, 0210011003008, 0210011003009, 0210011003010, 0210011003011, 0210011003012, 0210011003013, 0210011003014, 0210011003015, 0210011003016, 0210011003017, 0210011003018, 0210011003019, 0210011003020, 0210011003021, 0210011003022, 0210011003023, 0210011003024, 0210011003025, 0210011003026, 0210011003027, 0210011003029, 0210011003030, 0210023024000, 0210023024001, 0210023024002; VTD 15.1, VTD 24.1: Block(s) 0210012005002, 0210012005003, 0210012005007, 0210012005008, 0210012005009, 0210012005010, 0210012005011, 0210012005012, 0210012005013, 0210012005014, 0210012005015, 0210012005016, 0210012005017, 0210012005018, 0210012005019, 0210012005020, 0210012005021, 0210012005022, 0210012005023, 0210012005024, 0210012005025, 0210012005026, 0210012005027, 0210012005028, 0210012005030, 0210012005031, 0210012005032, 0210012005033, 0210012005034,

0210012005036, 0210012005044, 0210012005045, 0210012005046, 0210012005047, 0210012005048, 0210012005049, 0210012005054, 0210013001021, 0210013001022, 0210013001024, 0210013001025, 0210013001026, 0210013001027, 0210013001030, 0210013001033, 0210013001038, 0210013001044, 0210023021000, 0210023021002, 0210023021003, 0210023021004, 0210023021005, 0210023021006, 0210023021007, 0210023021008, 0210023021009, 0210023021010, 0210023021016, 0210023021017, 0210023021036, 0210023021037, 0210023024009, 0210023024010, 0210023024011, 0210023024017, 0210023024018, 0210023024019, 0210023024020, 0210023024021, 0210023024043, 0210023024044, 0210023024045, 0210023024046, 0210023024047, 0210023024048, 0210023024049, 0210023024050, 0210023024051, 0210023024052, 0210023024056, 0210023024058, 0210023024060, 0210025051018, 0210025051019, 0210025052002, 0210025052003, 0210025052015, 0210025052016, 0210025052017, 0210025052049, 0210025052050, 0210025052051, 0210025052052, 0210025052053, 0210025052054, 0210025052055, 0210025052067, 0210025061014, 0210025061015, 0210025061016, 0210025061017, 0210025061018, 0210025061019, 0210025061020, 0210025061021, 0210025061022, 0210025061023, 0210025061024, 0210025061025, 0210025061026, 0210025061027, 0210025061030, 0210025061032, 0210025061033, 0210025061035, 0210025061036, 0210025061037, 0210025061038, 0210025061039, 0210025061041, 0210025061042, 0210025061043; VTD 26.1, VTD 44.1: Block(s) 0210012005000, 0210012005037, 0210012005038, 0210012005042, 0210012005043, 0210023021001, 0210023021011, 0210023021012, 0210023021020, 0210023021021, 0210023021022, 0210023021023, 0210023021024, 0210023021025, 0210023021026, 0210023021027, 0210023021030, 0210023021031, 0210023021032, 0210023021035, 0210023022000, 0210023022002, 0210023022003, 0210023022005, 0210023022006, 0210023022007, 0210023022008, 0210023022010, 0210023022042, 0210023023000, 0210023023003, 0210023023004, 0210023023043, 0210023023046, 0210023024007, 0210023024053, 0210023024061, 0210023024062, 0210023024064, 0210023024067, 0210023024069, 0210023024070, 0210023024071, 0210023024072, 0210023024090, 0210023024091, 0210023024094, 0210023024096, 0210023024109, 0210023024110, 0210023024113, 0210025061029; VTD 45.1: Block(s) 0210013001031, 0210013001032, 0210025061008, 0210025061009, 0210025061010, 0210025061040; VTD 46.1: Block(s) 0210023024073, 0210023024074, 0210023024089, 0210023024093, 0210023024095, 0210023024099; VTD 68.1: Block(s) 0210026052056.

District 2: Buncombe County: VTD 01.1, VTD 02.1, VTD 10.1, VTD 101.1: Block(s) 0210021011018; VTD 105.1: Block(s) 0210012001000, 0210012001002, 0210013002000, 0210013002001, 0210014003006, 0210014003017, 0210014003023, 0210014003024, 0210014004011, 0210014004017, 0210014004020, 0210014004021, 0210014004023, 0210014004024, 0210014005008, 0210014005009, 0210014005011, 0210014005014, 0210014005018, 0210014005020, 0210014005027, 0210014005028; VTD 11.1, VTD 12.1, VTD 14.2: Block(s) 0210002001019, 0210002001020, 0210002001035, 0210003001031, 0210003001032, 0210009002023, 0210010001000, 0210010001001, 0210010001002, 0210010001003, 0210010001004, 0210010001005, 0210010001006, 0210010001008, 0210010001009, 0210010001042, 0210011001000, 0210011001001, 0210011001002, 0210011001003, 0210011001004, 0210011001005, 0210011001006, 0210011001007, 0210011001008, 0210011001009, 0210011001010, 0210011001011, 0210011001012, 0210011001013, 0210011001014, 0210011001015, 0210011001016, 0210011001017, 0210011001018, 0210011001019, 0210011001020, 0210011001023, 0210011001027, 0210011001028, 0210011001029, 0210011001030, 0210011001031, 0210011001035, 0210011001036, 0210011001037, 0210011001038, 0210011001039, 0210014001002, 0210014001003, 0210014001009, 0210014001012, 0210014001014, 0210014001016, 0210014001017, 0210014001018, 0210014001019, 0210014001020, 0210014001021,

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District 3: Buncombe County: VTD 03.1, VTD 04.1, VTD 05.1: Block(s) 0210016001000, 0210016001001, 0210016001002, 0210016001003, 0210016001004, 0210016001005, 0210016001006, 0210016001007, 0210016001008, 0210016001009, 0210016001010, 0210016001011, 0210016001012, 0210016001013, 0210016001014, 0210016001015, 0210016001016, 0210016001017, 0210016001018, 0210016001019, 0210016001020, 0210016001021, 0210016001022, 0210016001023, 0210016001024, 0210016001025, 0210016001026, 0210016001027, 0210016001028, 0210016001029, 0210016001030, 0210016001031, 0210016001032, 0210016001033, 0210016001034, 0210016001035, 0210016001036, 0210016001037, 0210016001040, 0210016001041, 0210016001042, 0210016001043, 0210016001044, 0210016001045, 0210016001047, 0210016001048, 0210016001049, 0210016001050, 0210016002000, 0210016002001, 0210016002002, 0210016002003, 0210016002005, 0210016002007, 0210016002010, 0210016002011, 0210016002012, 0210016002015, 0210016002016, 0210016002017, 0210016002018, 0210016002019, 0210016002020, 0210016002023, 0210016002024, 0210016002025, 0210016002026, 0210016002027, 0210016002028, 0210016002029, 0210016002030, 0210016002031, 0210016002032, 0210016002033, 0210016002035, 0210016002036, 0210016003057, 0210016003061, 0210016003064, 0210016003067, 0210016003078, 0210016003080, 0210016003081, 0210016003083, 0210016003087, 0210016003092, 0210016003093, 0210016003104, 0210016003108, 0210016003109, 0210016003110; VTD 103.1: Block(s) 0210018011000, 0210018011002, 0210018011030, 0210018011031, 0210018011032, 0210018011033, 0210018011034, 0210018011035, 0210018011036, 0210018011037, 0210018011038, 0210018011039, 0210018011040; VTD 104.1: Block(s) 0210005001000, 0210005001001, 0210005001002, 0210005001003, 0210005001004, 0210005001005, 0210005001006, 0210005001015, 0210005001016, 0210005001019, 0210005001020, 0210005001021, 0210005003000, 0210005003001, 0210005003002, 0210005003003, 0210005003005, 0210005003009, 0210005003010, 0210005003011, 0210017001003, 0210017001007, 0210017001036, 0210017001037, 0210017001038, 0210017001039, 0210017001040, 0210017001041, 0210017001042, 0210017001043, 0210017001044, 0210017001045, 0210017001046, 0210017002008, 0210017002009, 0210017002010, 0210017002011, 0210017002012, 0210017002013, 0210017002014, 0210017002015, 0210017002016, 0210017002017, 0210017002018, 0210017002019, 0210017002020, 0210017002021, 0210017002022, 0210017002023, 0210017002024, 0210017002025, 0210017002026, 0210017002027, 0210017002028, 0210017002031, 0210017002032, 0210017002033; VTD 17.1, VTD 20.1, VTD 28.1, VTD 70.1: Block(s) 0210004001001, 0210004001003, 0210004001004, 0210004001006, 0210004001007, 0210004001008, 0210004001009, 0210004001013, 0210004001019, 0210004001020, 0210004001031, 0210004001037, 0210004001038, 0210004001039, 0210016002006, 0210016002013, 0210016002037, 0210016002039, 0210016003068, 0210016003069; VTD 71.1: Block(s) 0210016003001, 0210016003002, 0210016003012, 0210016003015, 0210016003049, 0210016003050, 0210016003051, 0210016003053, 0210016003055, 0210016003056, 0210016003058, 0210016003059, 0210016003060, 0210016003062, 0210016003063, 0210016003065, 0210016003071, 0210016003072, 0210016003073, 0210016003075, 0210016003082, 0210016003107, 0210016003111.

District 4: Buncombe County: VTD 06.1, VTD 07.1, VTD 09.1, VTD 100.1: Block(s) 0210020003000, 0210020003001, 0210020003002, 0210020003003, 0210020003004, 0210020003005, 0210020003006, 0210020003007, 0210020003008, 0210020003009, 0210020003010, 0210020003011, 0210020003012, 0210020003013, 0210020003014, 0210020003015, 0210020003016, 0210020003017, 0210020003018, 0210020003019, 0210020003020, 0210020003021, 0210020003022, 0210020003023, 0210020003024, 0210020003025, 0210020003026, 0210020003027, 0210020003028, 0210020003029, 0210020003030, 0210020003031, 0210020003032, 0210020003033, 0210020003034, 0210020003035, 0210020003036, 0210020003037, 0210020003038, 0210020003039, 0210020003042, 0210020003049, 0210020004001, 0210020004002, 0210020004003, 0210020004010, 0210020004011, 0210020004012, 0210020004013, 0210020004014, 0210020004015, 0210020004016, 0210021011000, 0210021011001, 0210021011002, 0210021011006, 0210021011007, 0210021011008, 0210021011009, 0210021011032, 0210021011033, 0210021011047; VTD 103.1: Block(s) 0210018011007, 0210018012003, 0210018012004, 0210018012005, 0210018012006, 0210018012007, 0210018012008, 0210018012009, 0210018012010, 0210018012011, 0210018012012, 0210018012013, 0210018012014, 0210018012015, 0210018012016, 0210018012017, 0210018012018, 0210018012019, 0210018012020, 0210018012021, 0210018012022, 0210018012023, 0210018012024, 0210018012026, 0210018012027, 0210018012028, 0210018012029, 0210018021003, 0210018021004, 0210018021005, 0210018021006, 0210018021007, 0210018021008, 0210018021009, 0210018021010, 0210018021011, 0210018021012, 0210018021013, 0210018021014, 0210018021015, 0210018021016, 0210018021017, 0210018021018, 0210018021019, 0210018022006, 0210018022007, 0210018022008, 0210018022009, 0210018022011, 0210018022013, 0210018022014, 0210018022015, 0210018022017, 0210018023004, 0210018023008, 0210018023011; VTD 25.1: Block(s) 0210018022012, 0210018022016, 0210018023001, 0210018023002, 0210018023003, 0210018023005, 0210018023006, 0210018023007, 0210018023009, 0210018023010, 0210018023012, 0210018023013, 0210018023014, 0210018023015, 0210018023016, 0210018023017, 0210018023018, 0210018023020, 0210018023021, 0210018023022, 0210018023023, 0210018023024, 0210018023025, 0210018023026, 0210018023027, 0210019001000, 0210019001001, 0210019001002, 0210019001003, 0210019001004, 0210019001005, 0210019001006, 0210019001007, 0210019001008, 0210019001009, 0210019001010, 0210019001011, 0210019001012, 0210019001013, 0210019001032, 0210019002029, 0210030011014, 0210030011019, 0210030011048, 0210030011049, 0210030011050, 0210030011052, 0210030011053, 0210030011054, 0210030011055, 0210030011056, 0210030011057, 0210030011058, 0210030011059, 0210030011067, 0210030014009, 0210030014026, 0210030014027, 0210030014028; VTD 60.2: Block(s) 0210032033009; VTD 62.1: Block(s) 0210018023028, 0210018023029, 0210018023031, 0210018023032, 0210030014022, 0210030014023, 0210030014024; VTD 64.1: Block(s) 0210030011015, 0210030011060.

District 5: Buncombe County: VTD 100.1: Block(s) 0210020003040, 0210020003041, 0210020003043, 0210020003044, 0210020003045, 0210020003046, 0210020003047, 0210020003048, 0210020004000, 0210020004004, 0210020004005, 0210020004006, 0210020004007, 0210020004008, 0210020004009, 0210020004017, 0210020004018, 0210020004019, 0210020004020, 0210020004021, 0210020004022, 0210020004023, 0210020004024, 0210020004025, 0210021021001, 0210021021007, 0210021021011, 0210021021012, 0210021021013, 0210021021015, 0210021021016, 0210021021019, 0210021021024, 0210021021025, 0210021021026, 0210021021027, 0210021021028, 0210021021029, 0210021021030, 0210021021031, 0210021021034, 0210021021035, 0210021021036, 0210021021037, 0210021022000, 0210021022001, 0210021022002, 0210021022003, 0210021022004, 0210021022005, 0210021022006, 0210021022007,

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(e) The person elected as mayor at the ~~1997~~ 2017 election shall serve a ~~four~~ five year term of office commencing in ~~1997~~ 2017 and expiring in ~~2001.~~2022. ~~Thereafter,~~ Beginning with the 2022 election, all terms of office for the mayor shall be four years. The mayor shall be nominated and elected from the City at-large.

(f) A mayor or member of council ceasing to possess any of the qualifications specified in this section shall immediately forfeit office."

SECTION 1.(b) Chapter 165 of the 1969 Session Laws is repealed.

SECTION 1.(c) Nothing in this act shall affect the authority of the City of Asheville to annex any property pursuant to Article 4A of Chapter 160A of the General Statutes and any local act of the General Assembly. Annexed property shall be assigned in accordance with Section 6(c) of the Charter of the City of Asheville.

SECTION 1.(d) The Legislative Services Officer shall certify a true copy of the block assignment file associated with any mapping software used to generate the language in subsection (a) of this section. The certified true copy of the block assignment file shall be delivered by the Legislative Services Officer to the Clerk of the City of Asheville.

SECTION 1.(e) No regular election shall be conducted in the City of Asheville in 2019. The terms of the council members elected in 2015 are extended until 2020, and the terms of the mayor and council members elected in 2017 are extended until 2022.

SECTION 2. This act is effective when it becomes law and applies to elections held on or after that date.

SENATE BILL 813:
Asheville City Council Districts.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 26, 2018
Introduced by:	Sen. Edwards	**Prepared by:**	Jessica Sammons Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 813 would amend the Charter of the City of Asheville to provide for the following, effective beginning with the 2020 municipal election:

- ***Continued election of six city council members, with five members from single-member electoral districts and one member at-large.***
- ***Election of the mayor and city council members at the primary election for county officers in even-numbered years.***

CURRENT LAW: Officers for the City of Asheville consist of six council members and a mayor, all elected at-large for staggered four-year terms. Each odd-numbered year, three members of the city council are elected. The mayor was last elected in 2017 for a term expiring in 2021. Elections are conducted on a nonpartisan basis, and the results are determined using the nonpartisan primary and election method.

BILL ANALYSIS: Senate Bill 813 would amend the Charter of the City of Asheville to provide for the following, beginning with the 2020 municipal election:

- The election of six city council members as follows:
  - One member nominated and elected from the City at-large.
  - Five members elected from single-member electoral districts. (Please see the attached map for the proposed electoral districts.)
- The election of the six city council members and the mayor at the primary election for county officers in even-numbered years, to take office at the first regular meeting in December following the election. Elections would be determined by a plurality of the votes cast.

To implement even-year municipal elections, no regular municipal elections would be conducted in 2019. The terms of office for the all city council members would be extended one year to place the elections in the appropriate even year.

In the 2020 election, the members elected from District 1, District 2, and from the City at-large would stand for election for a four-year term. In the 2022 election, the mayor and the members from District 3, District 4, and District 5 would stand for election for a four-year term.

EFFECTIVE DATE: Effective when it becomes law, and applies to elections held on or after that date.

BACKGROUND: S.L. 2017-83 directed the City of Asheville to create six single-member electoral districts for city council members, for use in the 2019 municipal election, by November 1, 2017.

Karen Cochrane-Brown
Director

S813-SMBK-159 E2 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

SENATE BILL 813
Second Edition Engrossed 6/25/18

Short Title:	Asheville City Council Districts.	(Local)
Sponsors:	Senator Edwards (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

June 15, 2018

A BILL TO BE ENTITLED

AN ACT TO REVISE THE CHARTER FOR THE CITY OF ASHEVILLE TO PROVIDE FOR THE ELECTION OF CITY COUNCIL MEMBERS FROM DISTRICTS AND TO PROVIDE FOR THE CREATION OF THOSE DISTRICTS AND TO PROVIDE FOR EVEN-YEAR MUNICIPAL ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 6 of the Charter of the City of Asheville, being Chapter 121 of the Private Laws of 1931, as amended by Ordinance No. 1501 of the City of Asheville, adopted March 19, 1985, and Ordinance No. 2385, adopted June 24, 1997, reads as rewritten:

"**Sec. 6. Composition; qualifications and terms of members.**

(a) Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six councilmembers, all nominated and elected ~~from the city at large~~ in the manner hereinafter provided. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. Elections for mayor and councilmembers shall be held on a nonpartisan basis at the time of the primary election in 2020 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the City shall be entitled to vote on such ballots. Except as otherwise provided herein, the election shall be conducted according to the provisions of Subchapter III of Chapter 163A of the General Statutes then governing primary elections. The county board of elections under the direction of the Bipartisan State Board of Elections and Ethics Enforcement shall make necessary provisions for elections for mayor and councilmembers.

(b) The term of the mayor and councilmembers shall begin at the first regular meeting of the city council ~~next following their election as set forth hereinafter.~~ in December of even-numbered years. The term of office of the mayor and six councilmembers shall be four years, and shall be so staggered that the terms of office of three councilmembers shall expire every two years. ~~Said staggered terms shall begin following~~In the election of ~~1997,~~ 2020, ~~with~~ those three persons elected to council ~~who receive the highest number of votes of the entire council~~ from District 1, District 2, and from the City at-large ~~to~~ will serve four year terms to expire in ~~2001,~~ 2024. In the election of 2022, the ~~and the other~~ three persons elected to council from District 3, District 4, and District 5 will ~~to~~ serve ~~two~~ four year terms to expire in ~~1999.~~ 2026. Commencing with the ~~1999~~ 2020 election, all terms of office for council members shall be four years.

(c) One council member shall be nominated and elected from the City at-large. Five council members shall reside in and be elected from five separate districts, as set forth in this section. If this section does not specifically assign any area within the City to a district, and the

area is entirely surrounded by a single district, the area shall be deemed to have been assigned to that district. If this section does not specifically assign any area within the City to a district, and the area is contiguous to one or more districts, the area shall be deemed to have been assigned to that district which contains the least population according to the most recent federal decennial census. If this section specifically assigns to a district any area that is not in the corporate limits of the City, that area outside the corporate limits is not added to the corporate limits and no voter that resides in that area outside the corporate limits may vote in the City election. The names and boundaries of voting tabulation districts, tracts, block groups, and blocks specified in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles. If any voting tabulation district boundary is changed, that change shall not change the boundary of a district, which shall remain the same as it is depicted by the 2010 Census Redistricting TIGER/Line Shapefiles.

(d) The districts are as follows:

District 1: Buncombe County: VTD 105.1: Block(s) 0210014005001, 0210014005005, 0210014005006, 0210014005007, 0210014005010, 0210014005013, 0210014005021, 0210014005022; VTD 106.1: Block(s) 0210011001021, 0210011001022, 0210011001024, 0210011001025, 0210011001026, 0210011001032, 0210011001033, 0210011001034, 0210012001001, 0210012001003, 0210012001004, 0210012001005, 0210012001006, 0210012001007, 0210012001008, 0210012001009, 0210012001010, 0210012001011, 0210012001012, 0210012001013, 0210012001014, 0210012001015, 0210012001016, 0210012001017, 0210012001018, 0210012001019, 0210012001020, 0210012001021, 0210012001022, 0210012002000, 0210012002001, 0210012002002, 0210012002003, 0210012002004, 0210012002005, 0210012002006, 0210012002007, 0210012002008, 0210012002009, 0210012002010, 0210012002015, 0210012002016, 0210012003000, 0210012003001, 0210012003002, 0210012003003, 0210012003008, 0210012003009, 0210013001000, 0210013001007, 0210013002002, 0210013002003, 0210013002004, 0210013002012, 0210013002013, 0210013002014, 0210013002015, 0210013002016, 0210013002017, 0210013002018, 0210013002019, 0210013002020, 0210013002021, 0210013002022, 0210013002023, 0210013002024, 0210013002026, 0210013002027, 0210013002028, 0210013002029, 0210013002030, 0210013002031, 0210013002032, 0210013002033, 0210013002034, 0210013002037, 0210013002038, 0210013002039, 0210013002040, 0210014005002, 0210014005023, 0210014005024, 0210014005025, 0210025063001, 0210025063006, 0210026052055, 0210026052057; VTD 13.1: Block(s) 0210010001007, 0210010002002, 0210010002003, 0210010002004, 0210010002005, 0210010002006, 0210010002007, 0210010002012, 0210010002013, 0210010002014, 0210010002017, 0210010002018, 0210010002019, 0210010002020, 0210010002021, 0210010002022, 0210010002023, 0210010002024, 0210010002025, 0210010002026, 0210010002027, 0210010002028, 0210010002029, 0210010002030, 0210010002031, 0210011002000, 0210011002003, 0210011002024, 0210011002025, 0210011002026, 0210011002027, 0210011003000, 0210011003001, 0210011003002, 0210011003003, 0210011003004, 0210011003005, 0210011003006, 0210011003007, 0210011003008, 0210011003009, 0210011003010, 0210011003011, 0210011003012, 0210011003013, 0210011003014, 0210011003015, 0210011003016, 0210011003017, 0210011003018, 0210011003019, 0210011003020, 0210011003021, 0210011003022, 0210011003023, 0210011003024, 0210011003025, 0210011003026, 0210011003027, 0210011003029, 0210011003030, 0210023024000, 0210023024001, 0210023024002; VTD 15.1, VTD 24.1: Block(s) 0210012005002, 0210012005003, 0210012005007, 0210012005008, 0210012005009, 0210012005010, 0210012005011, 0210012005012, 0210012005013, 0210012005014, 0210012005015, 0210012005016, 0210012005017, 0210012005018, 0210012005019, 0210012005020, 0210012005021, 0210012005022, 0210012005023, 0210012005024, 0210012005025, 0210012005026, 0210012005027, 0210012005028, 0210012005030, 0210012005031, 0210012005032, 0210012005033, 0210012005034,

0210012005036, 0210012005044, 0210012005045, 0210012005046, 0210012005047, 0210012005048, 0210012005049, 0210012005054, 0210013001021, 0210013001022, 0210013001024, 0210013001025, 0210013001026, 0210013001027, 0210013001030, 0210013001033, 0210013001038, 0210013001044, 0210023021000, 0210023021002, 0210023021003, 0210023021004, 0210023021005, 0210023021006, 0210023021007, 0210023021008, 0210023021009, 0210023021010, 0210023021016, 0210023021017, 0210023021036, 0210023021037, 0210023024009, 0210023024010, 0210023024011, 0210023024017, 0210023024018, 0210023024019, 0210023024020, 0210023024021, 0210023024043, 0210023024044, 0210023024045, 0210023024046, 0210023024047, 0210023024048, 0210023024049, 0210023024050, 0210023024051, 0210023024052, 0210023024056, 0210023024058, 0210023024060, 0210025051018, 0210025051019, 0210025052002, 0210025052003, 0210025052015, 0210025052016, 0210025052017, 0210025052049, 0210025052050, 0210025052051, 0210025052052, 0210025052053, 0210025052054, 0210025052055, 0210025052067, 0210025061014, 0210025061015, 0210025061016, 0210025061017, 0210025061018, 0210025061019, 0210025061020, 0210025061021, 0210025061022, 0210025061023, 0210025061024, 0210025061025, 0210025061026, 0210025061027, 0210025061030, 0210025061032, 0210025061033, 0210025061035, 0210025061036, 0210025061037, 0210025061038, 0210025061039, 0210025061041, 0210025061042, 0210025061043; VTD 26.1, VTD 44.1: Block(s) 0210012005000, 0210012005037, 0210012005038, 0210012005042, 0210012005043, 0210023021001, 0210023021011, 0210023021012, 0210023021020, 0210023021021, 0210023021022, 0210023021023, 0210023021024, 0210023021025, 0210023021026, 0210023021027, 0210023021030, 0210023021031, 0210023021032, 0210023021035, 0210023022000, 0210023022002, 0210023022003, 0210023022005, 0210023022006, 0210023022007, 0210023022008, 0210023022010, 0210023022042, 0210023023000, 0210023023003, 0210023023004, 0210023023043, 0210023023046, 0210023024007, 0210023024053, 0210023024061, 0210023024062, 0210023024064, 0210023024067, 0210023024069, 0210023024070, 0210023024071, 0210023024072, 0210023024090, 0210023024091, 0210023024094, 0210023024096, 0210023024109, 0210023024110, 0210023024113, 0210025061029; VTD 45.1: Block(s) 0210013001031, 0210013001032, 0210025061008, 0210025061009, 0210025061010, 0210025061040; VTD 46.1: Block(s) 0210023024073, 0210023024074, 0210023024089, 0210023024093, 0210023024095, 0210023024099; VTD 68.1: Block(s) 0210026052056.

District 2: Buncombe County: VTD 01.1, VTD 02.1, VTD 10.1, VTD 101.1: Block(s) 0210021011018; VTD 105.1: Block(s) 0210012001000, 0210012001002, 0210013002000, 0210013002001, 0210014003006, 0210014003017, 0210014003023, 0210014003024, 0210014004011, 0210014004017, 0210014004020, 0210014004021, 0210014004023, 0210014004024, 0210014005008, 0210014005009, 0210014005011, 0210014005014, 0210014005018, 0210014005020, 0210014005027, 0210014005028; VTD 11.1, VTD 12.1, VTD 14.2: Block(s) 0210002001019, 0210002001020, 0210002001035, 0210003001031, 0210003001032, 0210009002023, 0210010001000, 0210010001001, 0210010001002, 0210010001003, 0210010001004, 0210010001005, 0210010001006, 0210010001008, 0210010001009, 0210010001042, 0210011001000, 0210011001001, 0210011001002, 0210011001003, 0210011001004, 0210011001005, 0210011001006, 0210011001007, 0210011001008, 0210011001009, 0210011001010, 0210011001011, 0210011001012, 0210011001013, 0210011001014, 0210011001015, 0210011001016, 0210011001017, 0210011001018, 0210011001019, 0210011001020, 0210011001023, 0210011001027, 0210011001028, 0210011001029, 0210011001030, 0210011001031, 0210011001035, 0210011001036, 0210011001037, 0210011001038, 0210011001039, 0210014001002, 0210014001003, 0210014001009, 0210014001012, 0210014001014, 0210014001016, 0210014001017, 0210014001018, 0210014001019, 0210014001020, 0210014001021,

0210014001022, 0210014001023, 0210014001024, 0210014001025, 0210014001026, 0210014001027, 0210014001028, 0210014001029, 0210014001030, 0210014001031, 0210014001032, 0210014001033, 0210014001034, 0210014001035, 0210014001036, 0210014002000, 0210014002001, 0210014002002, 0210014002003, 0210014002004, 0210014002005, 0210014002006, 0210014002007, 0210014002008, 0210014003011, 0210014003014, 0210014003025, 0210014003026, 0210014003027, 0210014003030, 0210014003031, 0210014003032; VTD 70.1: Block(s) 0210003001022, 0210003001023, 0210004001044, 0210015001044, 0210015001045.

District 3: Buncombe County: VTD 03.1, VTD 04.1, VTD 05.1: Block(s) 0210016001000, 0210016001001, 0210016001002, 0210016001003, 0210016001004, 0210016001005, 0210016001006, 0210016001007, 0210016001008, 0210016001009, 0210016001010, 0210016001011, 0210016001012, 0210016001013, 0210016001014, 0210016001015, 0210016001016, 0210016001017, 0210016001018, 0210016001019, 0210016001020, 0210016001021, 0210016001022, 0210016001023, 0210016001024, 0210016001025, 0210016001026, 0210016001027, 0210016001028, 0210016001029, 0210016001030, 0210016001031, 0210016001032, 0210016001033, 0210016001034, 0210016001035, 0210016001036, 0210016001037, 0210016001040, 0210016001041, 0210016001042, 0210016001043, 0210016001044, 0210016001045, 0210016001047, 0210016001048, 0210016001049, 0210016001050, 0210016002000, 0210016002001, 0210016002002, 0210016002003, 0210016002005, 0210016002007, 0210016002010, 0210016002011, 0210016002012, 0210016002015, 0210016002016, 0210016002017, 0210016002018, 0210016002019, 0210016002020, 0210016002023, 0210016002024, 0210016002025, 0210016002026, 0210016002027, 0210016002028, 0210016002029, 0210016002030, 0210016002031, 0210016002032, 0210016002033, 0210016002035, 0210016002036, 0210016003057, 0210016003061, 0210016003064, 0210016003067, 0210016003078, 0210016003080, 0210016003081, 0210016003083, 0210016003087, 0210016003092, 0210016003093, 0210016003104, 0210016003108, 0210016003109, 0210016003110; VTD 103.1: Block(s) 0210018011000, 0210018011002, 0210018011030, 0210018011031, 0210018011032, 0210018011033, 0210018011034, 0210018011035, 0210018011036, 0210018011037, 0210018011038, 0210018011039, 0210018011040; VTD 104.1: Block(s) 0210005001000, 0210005001001, 0210005001002, 0210005001003, 0210005001004, 0210005001005, 0210005001006, 0210005001015, 0210005001016, 0210005001019, 0210005001020, 0210005001021, 0210005003000, 0210005003001, 0210005003002, 0210005003003, 0210005003005, 0210005003009, 0210005003010, 0210005003011, 0210017001003, 0210017001007, 0210017001036, 0210017001037, 0210017001038, 0210017001039, 0210017001040, 0210017001041, 0210017001042, 0210017001043, 0210017001044, 0210017001045, 0210017001046, 0210017002008, 0210017002009, 0210017002010, 0210017002011, 0210017002012, 0210017002013, 0210017002014, 0210017002015, 0210017002016, 0210017002017, 0210017002018, 0210017002019, 0210017002020, 0210017002021, 0210017002022, 0210017002023, 0210017002024, 0210017002025, 0210017002026, 0210017002027, 0210017002028, 0210017002031, 0210017002032, 0210017002033; VTD 17.1, VTD 20.1, VTD 28.1, VTD 70.1: Block(s) 0210004001001, 0210004001003, 0210004001004, 0210004001006, 0210004001007, 0210004001008, 0210004001009, 0210004001013, 0210004001019, 0210004001020, 0210004001031, 0210004001037, 0210004001038, 0210004001039, 0210016002006, 0210016002013, 0210016002037, 0210016002039, 0210016003068, 0210016003069; VTD 71.1: Block(s) 0210016003001, 0210016003002, 0210016003012, 0210016003015, 0210016003049, 0210016003050, 0210016003051, 0210016003053, 0210016003055, 0210016003056, 0210016003058, 0210016003059, 0210016003060, 0210016003062, 0210016003063, 0210016003065, 0210016003071, 0210016003072, 0210016003073, 0210016003075, 0210016003082, 0210016003107, 0210016003111.

District 4: Buncombe County: VTD 06.1, VTD 07.1, VTD 09.1, VTD 100.1: Block(s) 0210020003000, 0210020003001, 0210020003002, 0210020003003, 0210020003004, 0210020003005, 0210020003006, 0210020003007, 0210020003008, 0210020003009, 0210020003010, 0210020003011, 0210020003012, 0210020003013, 0210020003014, 0210020003015, 0210020003016, 0210020003017, 0210020003018, 0210020003019, 0210020003020, 0210020003021, 0210020003022, 0210020003023, 0210020003024, 0210020003025, 0210020003026, 0210020003027, 0210020003028, 0210020003029, 0210020003030, 0210020003031, 0210020003032, 0210020003033, 0210020003034, 0210020003035, 0210020003036, 0210020003037, 0210020003038, 0210020003039, 0210020003042, 0210020003049, 0210020004001, 0210020004002, 0210020004003, 0210020004010, 0210020004011, 0210020004012, 0210020004013, 0210020004014, 0210020004015, 0210020004016, 0210021011000, 0210021011001, 0210021011002, 0210021011006, 0210021011007, 0210021011008, 0210021011009, 0210021011032, 0210021011033, 0210021011047; VTD 103.1: Block(s) 0210018011007, 0210018012003, 0210018012004, 0210018012005, 0210018012006, 0210018012007, 0210018012008, 0210018012009, 0210018012010, 0210018012011, 0210018012012, 0210018012013, 0210018012014, 0210018012015, 0210018012016, 0210018012017, 0210018012018, 0210018012019, 0210018012020, 0210018012021, 0210018012022, 0210018012023, 0210018012024, 0210018012026, 0210018012027, 0210018012028, 0210018012029, 0210018021003, 0210018021004, 0210018021005, 0210018021006, 0210018021007, 0210018021008, 0210018021009, 0210018021010, 0210018021011, 0210018021012, 0210018021013, 0210018021014, 0210018021015, 0210018021016, 0210018021017, 0210018021018, 0210018021019, 0210018022006, 0210018022007, 0210018022008, 0210018022009, 0210018022011, 0210018022013, 0210018022014, 0210018022015, 0210018022017, 0210018023004, 0210018023008, 0210018023011; VTD 25.1: Block(s) 0210018022012, 0210018022016, 0210018023001, 0210018023002, 0210018023003, 0210018023005, 0210018023006, 0210018023007, 0210018023009, 0210018023010, 0210018023012, 0210018023013, 0210018023014, 0210018023015, 0210018023016, 0210018023017, 0210018023018, 0210018023020, 0210018023021, 0210018023022, 0210018023023, 0210018023024, 0210018023025, 0210018023026, 0210018023027, 0210019001000, 0210019001001, 0210019001002, 0210019001003, 0210019001004, 0210019001005, 0210019001006, 0210019001007, 0210019001008, 0210019001009, 0210019001010, 0210019001011, 0210019001012, 0210019001013, 0210019001032, 0210019002029, 0210030011014, 0210030011019, 0210030011048, 0210030011049, 0210030011050, 0210030011052, 0210030011053, 0210030011054, 0210030011055, 0210030011056, 0210030011057, 0210030011058, 0210030011059, 0210030011067, 0210030014009, 0210030014026, 0210030014027, 0210030014028; VTD 60.2: Block(s) 0210032033009; VTD 62.1: Block(s) 0210018023028, 0210018023029, 0210018023031, 0210018023032, 0210030014022, 0210030014023, 0210030014024; VTD 64.1: Block(s) 0210030011015, 0210030011060.

District 5: Buncombe County: VTD 100.1: Block(s) 0210020003040, 0210020003041, 0210020003043, 0210020003044, 0210020003045, 0210020003046, 0210020003047, 0210020003048, 0210020004000, 0210020004004, 0210020004005, 0210020004006, 0210020004007, 0210020004008, 0210020004009, 0210020004017, 0210020004018, 0210020004019, 0210020004020, 0210020004021, 0210020004022, 0210020004023, 0210020004024, 0210020004025, 0210021021001, 0210021021007, 0210021021011, 0210021021012, 0210021021013, 0210021021015, 0210021021016, 0210021021019, 0210021021024, 0210021021025, 0210021021026, 0210021021027, 0210021021028, 0210021021029, 0210021021030, 0210021021031, 0210021021034, 0210021021035, 0210021021036, 0210021021037, 0210021022000, 0210021022001, 0210021022002, 0210021022003, 0210021022004, 0210021022005, 0210021022006, 0210021022007,

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(e) The person elected as mayor at the ~~1997~~ 2017 election shall serve a ~~four~~ five year term of office commencing in ~~1997~~ 2017 and expiring in ~~2001.~~ 2022. ~~Thereafter,~~ Beginning with the 2022 election, all terms of office for the mayor shall be four years. The mayor shall be nominated and elected from the City at-large.

(f) A mayor or member of council ceasing to possess any of the qualifications specified in this section shall immediately forfeit office."

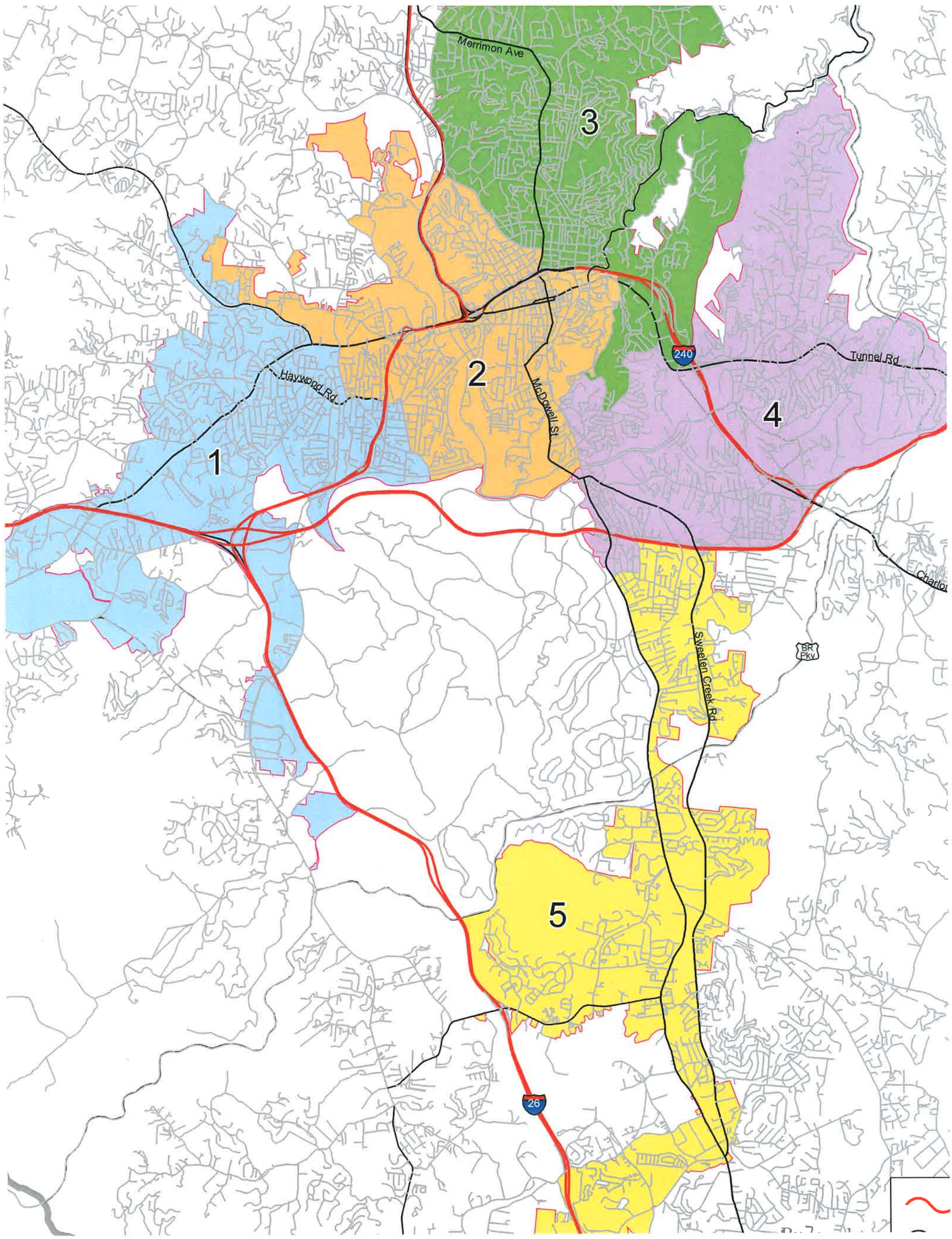
SECTION 1.(b) Chapter 165 of the 1969 Session Laws is repealed.

SECTION 1.(c) Nothing in this act shall affect the authority of the City of Asheville to annex any property pursuant to Article 4A of Chapter 160A of the General Statutes and any local act of the General Assembly. Annexed property shall be assigned in accordance with Section 6(c) of the Charter of the City of Asheville.

SECTION 1.(d) The Legislative Services Officer shall certify a true copy of the block assignment file associated with any mapping software used to generate the language in subsection (a) of this section. The certified true copy of the block assignment file shall be delivered by the Legislative Services Officer to the Clerk of the City of Asheville.

SECTION 1.(e) No regular election shall be conducted in the City of Asheville in 2019. The terms of the council members elected in 2015 are extended until 2020, and the terms of the mayor and council members elected in 2017 are extended until 2022.

SECTION 2. This act is effective when it becomes law and applies to elections held on or after that date.


Merrimon Ave
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4
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Haywood Rd
McDowell St
Tunnel Rd
240
Sweeten Creek Rd
BR Pkv
26

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

SENATE BILL 807

Short Title:	Extend Sunset/Buncombe Co./CC Projects.	(Local)
Sponsors:	Senator Edwards (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

June 7, 2018

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE AUTHORIZATION FOR BUNCOMBE COUNTY TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2013-112 reads as rewritten:

"**SECTION 4.** This act is effective when it becomes law and applies only to construction projects and renovations funded entirely with county funds and coordinated by the County for College uses and purposes between January 1, 2012, and December 31, ~~2018.~~2023."

SECTION 2. This act is effective when it becomes law.

SENATE BILL 807:
Extend Sunset/Buncombe Co./CC Projects.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 26, 2018
Introduced by:	Sen. Edwards	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: ***Senate Bill 807 would extend until December 31, 2023, the authority of Buncombe County (County) under S.L. 2013-112 to construct community college buildings on the campuses of Asheville-Buncombe Technical Community College (A-B Tech) located within Buncombe County.***

The act would become effective when it becomes law.

CURRENT LAW: S.L. 2013-112 authorized Buncombe County to construct community college buildings on the campuses of Asheville-Buncombe Technical Community College (A-B Tech) located within the County and required the County to consult with A-B Tech's Board of Trustees (Trustees) about the college's programming requirements for buildings and keep the Trustees informed of construction progress. Title to the property under construction is transferred to the County and leased back to A-B Tech upon completion of construction. Upon satisfaction of the debt, the County shall transfer title to the property back to A-B Tech. S.L. 2013-112 applies only to construction projects and renovations funded entirely with county funds and coordinated by the County for A-B Tech uses and purposes between January 1, 2012, and December 31, 2018.

BILL ANALYSIS: Senate Bill 807 would extend the provisions of S.L. 2013-112 to December 31, 2023.

EFFECTIVE DATE: The act would become effective when it becomes law.

Karen Cochrane-Brown
Director

S807-SMBD-113 E1 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

S 1

SENATE BILL 807

Short Title:	Extend Sunset/Buncombe Co./CC Projects.	(Local)
Sponsors:	Senator Edwards (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

June 7, 2018

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE AUTHORIZATION FOR BUNCOMBE COUNTY TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2013-112 reads as rewritten:

"**SECTION 4.** This act is effective when it becomes law and applies only to construction projects and renovations funded entirely with county funds and coordinated by the County for College uses and purposes between January 1, 2012, and December 31, ~~2018~~2023."

SECTION 2. This act is effective when it becomes law.

SENATE BILL 814:
Judicial Vacancy Sunshine Amendment.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	June 26, 2018
Introduced by:	Sens. Daniel, Newton, Randleman	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 814 would propose an amendment to the North Carolina Constitution to create nonpartisan judicial merit commissions for the nomination and recommendation of nominees to fill vacancies in the office of Justice or Judge of the General Court of Justice, and place that amendment on the ballot in the 2018 general election.

CURRENT LAW:

Article IV, Section 19 of the North Carolina Constitution provides for the filling of vacancies for Justice of the Supreme Court, Judge of the Court of Appeals, Superior Court Judge, and District Attorneys by appointment of the Governor.

> ***Sec. 19. Vacancies.***
>
> *Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified.*

Article IV, Section 10 of the North Carolina Constitution authorizes the General Assembly to legislate the process for filling vacancies for District Court Judge. Vacancies in the office of district court judge are filled for the unexpired term by appointment of the Governor. The bar of the judicial district is to nominate, by vote of the bar members who reside in the district, five persons who are residents of the judicial district and who are duly authorized to practice law in the district for consideration by the Governor. Prior to filling the vacancy, the Governor must give due consideration to the nominations provided by the judicial district bar. G.S. 163A-717 and G.S. 7A-142.

For vacancies in the office of district attorney, the vacancy is filled by appointment of the Governor. The appointee holds office until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, at which time an election is held to fill the unexpired term of the office. If the unexpired term of the office expires on the first day of January succeeding the next election for

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

members of the General Assembly, the Governor appoints to fill that vacancy for the unexpired term of the office. G.S. 163A-718.

BILL ANALYSIS:

Section 1 of the bill would create a new Section 23 in Article IV of the North Carolina Constitution establishing a merit selection process for vacancies in the office of Justice or judge of the courts. Section 23 would contain the following provisions:

- Provide that appointees hold the appointed office until the next election following the first election for members of the General Assembly held after the appointment occurs. Current Constitutional provisions provide that the appointees hold the appointed office until the next election for members of the General Assembly.
- Authorize the Chief Justice to appoint to fill a vacancy for an unexpired term of office if the vacancy occurs within 60 days of a general election in an even-numbered year and the term of office expires on December 31 of that same year. Current Constitutional provisions provide that the Governor makes appointments to fill such vacancies.
- Establish the Nonpartisan Judicial Merit Commission, which is to consist of no more than 9 members to be appointed by the Chief Justice of the Supreme Court, the Governor, and the General Assembly. The General Assembly is required to also provide for the establishment of local merit selection committees, also to be appointed by the Chief Justice of the Supreme Court, the Governor, and the General Assembly. In establishing those nonpartisan commissions, none of the three branches appointing authorities may be granted a majority of appointments.
- Except as otherwise indicated, provide for the following process to fill vacancies in the office of Justice or judge of the courts:
    - Individuals may be nominated by the people of the State to fill any judicial vacancy.
    - The nonpartisan commissions are to evaluate each nominee with respect to whether the nominee is qualified or not qualified to fill the vacant office and submit all evaluations to the General Assembly.
    - For each vacancy, the General Assembly must recommend to the Governor at least two nominees deemed qualified by a nonpartisan commission.
    - The Governor is to appoint the nominee he or she deems best qualified from the recommended nominees, within 10 days after the recommendations are presented by the General Assembly.
    - If the Governor fails to appoint one of the nominees within the 10 days, the General Assembly is to elect an appointee to fill the vacancy, in a joint session by a majority of each chamber present and voting.
    - If the Governor fails to appoint within 10 days, and the General Assembly has adjourned sine die or for more than 30 days, the Chief Justice is authorized to appoint a temporary appointee, serving until the Governor or the General Assembly act or the next even-numbered year election is held.

Sections 2 – 5 of the bill would amend the North Carolina Constitution to make conforming changes as follows:

- Amend Section 10 of Article IV of the North Carolina Constitution to remove authorization for the General Assembly to legislatively determine the process for filling vacancies for District Court Judge. **Section 2.**
- Create a new subdivision to Section 18 of Article IV of the North Carolina Constitution to provide that vacancies in the office of District Attorney would continue to be appointed by the Governor in the same manner currently provided in Section 19 of Article IV. **Section 3.**
- Repeal Section 19 of Article IV of the North Carolina Constitution, which currently provides for the filling of vacancies for Justice of the Supreme Court, Judge of the Court of Appeals, Superior Court Judge, and District Attorneys. **Section 4.**
- Amend subsection (5) of Section 22 of Article II of the North Carolina Constitution to provide that bills which recommend nominees to the Governor to fill a judicial vacancy or bills which elect a nominee to fill a judicial vacancy are not subject to gubernatorial veto. **Section 5.**

Sections 6 & 7 would direct that the amendments contained in Sections 1 through 5 of this bill be submitted to the voters at the statewide election in November 2018. If a majority of the votes cast are in favor of the proposals, the bill directs the Bipartisan State Board of Elections and Ethics Enforcement and the Secretary of State to certify and enroll the amendment.

EFFECTIVE DATE: The amendments to the North Carolina Constitution would become effective upon certification and would apply to vacancies occurring on or after November 8, 2018. Except as otherwise provided, the act would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

SENATE BILL 814
Judiciary Committee Substitute Adopted 6/25/18

Short Title: Judicial Vacancy Sunshine Amendment. (Public)

Sponsors:

Referred to:

June 21, 2018

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR NONPARTISAN JUDICIAL MERIT COMMISSIONS FOR THE NOMINATION AND RECOMMENDATION OF NOMINEES WHEN FILLING VACANCIES IN THE OFFICE OF JUSTICE OR JUDGE OF THE GENERAL COURT OF JUSTICE AND TO MAKE OTHER CONFORMING CHANGES TO THE CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article IV of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 23. Merit selection; judicial vacancies.**

(1) All vacancies occurring in the offices of Justice or Judge of the General Court of Justice shall be filled as provided in this section. Appointees shall hold their places until the next election following the election for members of the General Assembly held after the appointment occurs, when elections shall be held to fill those offices. When the vacancy occurs on or after the sixtieth day before the next election for members of the General Assembly and the term would expire on December 31 of that same year, the Chief Justice shall appoint to fill that vacancy for the unexpired term of the office.

(2) In filling any vacancy in the office of Justice or Judge of the General Court of Justice, individuals shall be nominated on merit by the people of the State to fill that vacancy. In a manner prescribed by law, nominations shall be received from the people of the State by a nonpartisan commission established under this section, which shall evaluate each nominee without regard to the nominee's partisan affiliation, but rather with respect to whether that nominee is qualified or not qualified to fill the vacant office, as prescribed by law. The evaluation of each nominee of people of the State shall be forwarded to the General Assembly, as prescribed by law. The General Assembly shall recommend to the Governor, for each vacancy, at least two of the nominees deemed qualified by a nonpartisan commission under this section. For each vacancy, within 10 days after the nominees are presented, the Governor shall appoint the nominee the Governor deems best qualified to serve from the nominees recommended by the General Assembly.

(3) The Nonpartisan Judicial Merit Commission shall consist of no more than nine members whose appointments shall be allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly, as prescribed by law. The General Assembly shall, by general law, provide for the establishment of local merit commissions for the nomination of judges of the Superior and District Court. Appointments to local merit commissions shall be allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly, as prescribed by law. Neither the Chief Justice of the Supreme Court, the Governor,

nor the General Assembly shall be allocated a majority of appointments to a nonpartisan commission established under this section.

(4) If the Governor fails to make an appointment within 10 days after the nominees are presented by the General Assembly, the General Assembly shall elect, in joint session and by a majority of the members of each chamber present and voting, an appointee to fill the vacancy in a manner prescribed by law.

(5) If the General Assembly has adjourned sine die or for more than 30 days jointly as provided under Section 20 of Article II of this Constitution, the Chief Justice shall have the authority to appoint a qualified individual to fill a vacant office of Justice or Judge of the General Court of Justice if any of the following apply:

(a) The vacancy occurs during the period of adjournment.

(b) The General Assembly adjourned without presenting nominees to the Governor as required under subsection (2) of this section or failed to elect a nominee as required under subsection (4) of this section.

(c) The Governor failed to appoint a recommended nominee under subsection (2) of this section.

(6) Any appointee by the Chief Justice shall have the same powers and duties as any other Justice or Judge of the General Court of Justice, when duly assigned to hold court in an interim capacity and shall serve until the earlier of:

(a) Appointment by the Governor.

(b) Election by the General Assembly.

(c) The first day of January succeeding the next election of the members of the General Assembly, and such election shall include the office for which the appointment was made.

However, no appointment by the Governor or election by the General Assembly to fill a judicial vacancy shall occur after an election to fill that judicial office has commenced, as prescribed by law."

SECTION 2. Section 10 of Article IV of the North Carolina Constitution reads as rewritten:

"**Sec. 10. District Courts.**

(1) The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected.

(2) For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The initial term of appointment for a magistrate shall be for two years and subsequent terms shall be for four years.

(3) The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. ~~Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law.~~ Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office, unless otherwise provided by the General Assembly."

SECTION 3. Section 18 of Article IV of the North Carolina Constitution is amended by adding a new subsection to read:

"(3) Vacancies. All vacancies occurring in the office of District Attorney shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs,

when elections shall be held to fill the offices. When the unexpired term in which a vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office."

SECTION 4. Section 19 of Article IV of the North Carolina Constitution is repealed.

SECTION 5. Subsection (5) of Section 22 of Article II of the North Carolina Constitution reads as rewritten:

"(5) Other exceptions. Every bill:

(a) In which the General Assembly makes an appointment or appointments to public office and which contains no other matter;

(b) Revising the senate districts and the apportionment of Senators among those districts and containing no other matter;

(c) Revising the representative districts and the apportionment of Representatives among those districts and containing no other matter; ~~or~~

(d) Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts and containing no other ~~matter,~~matter;

(e) Recommending a nominee or nominees to fill a vacancy in the office of Justice and Judge of the General Court of Justice, in accordance with Section 23 of Article IV of this Constitution; or

(f) Electing a nominee or nominees to fill a vacancy in the office of Justice or Judge of the General Court of Justice, in accordance with Section 23 of Article IV of this Constitution,

shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses."

SECTION 6. The amendments set out in Sections 1 through 5 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held in November of 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163A of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to implement a nonpartisan merit-based system that relies on professional qualifications instead of political influence when nominating Justices and judges to be selected to fill vacancies that occur between judicial elections."

SECTION 7. If a majority of the votes cast on the question are in favor of the amendment set out in Sections 1 through 5 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall certify the amendment to the Secretary of State, who shall enroll the amendment so certified among the permanent records of that office. The amendment becomes effective upon certification and applies to vacancies occurring on or after the date of the general election.

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 814
PROPOSED COMMITTEE SUBSTITUTE S814-PCS45585-STy-69

Short Title: Judicial Vacancy Sunshine Amendment. (Public)

Sponsors:

Referred to:

June 21, 2018

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR NONPARTISAN JUDICIAL MERIT COMMISSIONS FOR THE NOMINATION AND RECOMMENDATION OF NOMINEES WHEN FILLING VACANCIES IN THE OFFICE OF JUSTICE OR JUDGE OF THE GENERAL COURT OF JUSTICE AND TO MAKE OTHER CONFORMING CHANGES TO THE CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article IV of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 23. Merit selection; judicial vacancies.**

(1) All vacancies occurring in the offices of Justice or Judge of the General Court of Justice shall be filled as provided in this section. Appointees shall hold their places until the next election following the election for members of the General Assembly held after the appointment occurs, when elections shall be held to fill those offices. When the vacancy occurs on or after the sixtieth day before the next election for members of the General Assembly and the term would expire on December 31 of that same year, the Chief Justice shall appoint to fill that vacancy for the unexpired term of the office.

(2) In filling any vacancy in the office of Justice or Judge of the General Court of Justice, individuals shall be nominated on merit by the people of the State to fill that vacancy. In a manner prescribed by law, nominations shall be received from the people of the State by a nonpartisan commission established under this section, which shall evaluate each nominee without regard to the nominee's partisan affiliation, but rather with respect to whether that nominee is qualified or not qualified to fill the vacant office, as prescribed by law. The evaluation of each nominee of people of the State shall be forwarded to the General Assembly, as prescribed by law. The General Assembly shall recommend to the Governor, for each vacancy, at least two of the nominees deemed qualified by a nonpartisan commission under this section. For each vacancy, within 10 days after the nominees are presented, the Governor shall appoint the nominee the Governor deems best qualified to serve from the nominees recommended by the General Assembly.

(3) The Nonpartisan Judicial Merit Commission shall consist of no more than nine members whose appointments shall be allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly, as prescribed by law. The General Assembly shall, by general law, provide for the establishment of local merit commissions for the nomination of judges of the Superior and District Court. Appointments to local merit commissions shall be allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly, as prescribed by law. Neither the Chief Justice of the Supreme Court, the Governor,

nor the General Assembly shall be allocated a majority of appointments to a nonpartisan commission established under this section.

(4) If the Governor fails to make an appointment within 10 days after the nominees are presented by the General Assembly, the General Assembly shall elect, in joint session and by a majority of the members of each chamber present and voting, an appointee to fill the vacancy in a manner prescribed by law.

(5) If the General Assembly has adjourned sine die or for more than 30 days jointly as provided under Section 20 of Article II of this Constitution, the Chief Justice shall have the authority to appoint a qualified individual to fill a vacant office of Justice or Judge of the General Court of Justice if any of the following apply:

(a) The vacancy occurs during the period of adjournment.

(b) The General Assembly adjourned without presenting nominees to the Governor as required under subsection (2) of this section or failed to elect a nominee as required under subsection (4) of this section.

(c) The Governor failed to appoint a recommended nominee under subsection (2) of this section.

(6) Any appointee by the Chief Justice shall have the same powers and duties as any other Justice or Judge of the General Court of Justice, when duly assigned to hold court in an interim capacity and shall serve until the earlier of:

(a) Appointment by the Governor.

(b) Election by the General Assembly.

(c) The first day of January succeeding the next election of the members of the General Assembly, and such election shall include the office for which the appointment was made.

However, no appointment by the Governor or election by the General Assembly to fill a judicial vacancy shall occur after an election to fill that judicial office has commenced, as prescribed by law."

SECTION 2. Section 10 of Article IV of the North Carolina Constitution reads as rewritten:

"**Sec. 10. District Courts.**

(1) The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected.

(2) For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The initial term of appointment for a magistrate shall be for two years and subsequent terms shall be for four years.

(3) The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. ~~Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law.~~ Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office, unless otherwise provided by the General Assembly."

SECTION 3. Section 18 of Article IV of the North Carolina Constitution is amended by adding a new subsection to read:

"(3) Vacancies. All vacancies occurring in the office of District Attorney shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs,

when elections shall be held to fill the offices. When the unexpired term in which a vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office."

SECTION 4. Section 19 of Article IV of the North Carolina Constitution is repealed.

SECTION 5. Subsection (5) of Section 22 of Article II of the North Carolina Constitution reads as rewritten:

"(5) Other exceptions. Every bill:

(a) In which the General Assembly makes an appointment or appointments to public office and which contains no other matter;

(b) Revising the senate districts and the apportionment of Senators among those districts and containing no other matter;

(c) Revising the representative districts and the apportionment of Representatives among those districts and containing no other matter; ~~or~~

(d) Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts and containing no other ~~matter,~~matter;

(e) Recommending a nominee or nominees to fill a vacancy in the office of Justice and Judge of the General Court of Justice, in accordance with Section 23 of Article IV of this Constitution; or

(f) Electing a nominee or nominees to fill a vacancy in the office of Justice or Judge of the General Court of Justice, in accordance with Section 23 of Article IV of this Constitution,

shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses."

SECTION 6. The amendments set out in Sections 1 through 5 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held in November of 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163A of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to implement a nonpartisan merit-based system that relies on professional qualifications instead of political influence when nominating Justices and judges to be selected to fill vacancies that occur between judicial elections."

SECTION 7. If a majority of the votes cast on the question are in favor of the amendment set out in Sections 1 through 5 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall certify the amendment to the Secretary of State, who shall enroll the amendment so certified among the permanent records of that office. The amendment becomes effective upon certification and applies to vacancies occurring on or after the date of the general election.

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.

SENATE BILL 808:
Domestic Violence Fatality Review in Buncombe.

2017-2018 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 25, 2018
Introduced by:	Sen. Edwards	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	PCS to First Edition S808-CSRN-35		

OVERVIEW: ***The Proposed Committee Substitute (PCS) for Senate Bill 808 would authorize Buncombe County to have a Domestic Violence Review Team.*** ***The PCS rewrites the contents of the bill.***

CURRENT LAW: S.L. 2009-52, as amended by S.L. 2013-70 and S.L. 2013-270, authorizes Alamance, Mecklenburg, Pitt, and Wake Counties to establish a multidisciplinary Domestic Violence Fatality Prevention and Protection Review Team. The Team's purpose is to identify and review domestic violence-related deaths, and facilitate communication among the various agencies and organizations involved in domestic violence cases, with the goal of preventing future fatalities. The Review Team consists of a lead agency, designated by the county commissioners, that has experience working with victims of domestic violence and representatives of public and nonpublic agencies in the community that provide services to victims or families of domestic violence. Members of the Review Team include representatives from law enforcement, district attorneys, county social services and healthcare departments, schools, and survivors of domestic violence, among others.

Review Teams report every three years to the local board of county commissioners, the North Carolina Domestic Violence Commission, and the Governor's Crime Commission on the Team's findings and activities.

BILL ANALYSIS: The PCS for Senate Bill 808 would authorize Buncombe County to establish a Domestic Violence Review Team.

EFFECTIVE DATE: The PCS would become effective when it becomes law.

BACKGROUND: According to a Violent Death Report from the NC Public Health and Human Services Department, from 2005-2014, Intimate Partner Violence (IPV) was a contributing factor in 60.7% of female homicides in Buncombe County. IPV was a contributing factor for 6.9% of male homicides for the same time period. A North Carolina Department of Justice report notes that in 2013, Buncombe County tied for second as the North Carolina county with the highest amount of domestic violence related homicides.

Kara McCraw, Staff Attorney for the Legislative Analysis Division, and Josue Jimenez, Legal Extern for the Legislative Analysis Division, contributed to this summary.

Karen Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

SENATE BILL 808
State and Local Government Committee Substitute Adopted 6/26/18

Short Title: Domestic Violence Fatality Review in Buncombe. (Local)

Sponsors:

Referred to:

June 7, 2018

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A DOMESTIC VIOLENCE REVIEW TEAM IN BUNCOMBE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of S.L. 2009-52, as amended by S.L. 2013-70 and S.L. 2013-270, reads as rewritten:

"**SECTION 5.** This act applies to Alamance County, ~~Pitt County,~~ Buncombe County, Mecklenburg County, Pitt County, and Wake County."

SECTION 2. Section 5 of S.L. 2013-70, as amended by S.L. 2013-270, reads as rewritten:

"**SECTION 5.** This act applies to the following counties: Alamance, ~~Pitt,~~ Buncombe, Mecklenburg, Pitt, and Wake."

SECTION 3. This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE Hse Comm. on Rules, Calendar and Ops of the House

DATE: 6/26/2018 Room: 1228/1327 LB

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Rey Cooke
3. Name: Joe Crook
4. Name: Rex Foster
5. Name: Russell Salisbury

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

VISITOR REGISTRATION SHEET

Hse. Comm. on Rules, Calendar and Ops of the House 6/26/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Stromm	NCFB
JAKE PARKER	NCFB
Jeff Mixon	~~STAFF~~
Henry Jones	Jordan Price
Melissa Frilo Kromm	NCUCE
JASON SOPER	NC Chamber
COLE HUGHES	NC CHAMBER
Rick Techini	Williams Mullen
Bradford Sneeden	NCDOJ
David Ferrell	NP
Mary Stumpers	NCCCS

VISITOR REGISTRATION SHEET

Hse. Comm. on Rules, Calendar and Ops of the House — 6/26/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steven Wells	NCHSR
Amanda Abernathy	NDA
Bill Rowe	NC Justice Ctr.
Sarah Patterson	WM
Richard Bostic	NC SBA
Will Price	IOG
Jenna Cal	RPNC
Hugh Johnson	NCHC
Amber Harris	NCTTC

VISITOR REGISTRATION SHEET

House Committee on Rules Calendar and Ops of the House — June 26, 2018

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MIKE CARPENTER	NCHBA
TIM MINTON	NCHBA
STEVEN WEBB	NCHBA
Kimberly Robinson	NCRMA
GARY SALAMIDO	NC Chamber
Susan Vicki	Duke Energy
Tony Kiser	NCRMA
Rufus L. Edmisten	Edmisten Law
COLE HUGHES	NC CHAMBER
Peter Bolac	NC State Bar
Myra Griffin	Commissioner NCIC
Robert Harris	Dep. Commr NCIC

VISITOR REGISTRATION SHEET

House Committee on Rules Calendar and Ops of the House — June 26, 2018

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Metcalf	Policy Group
Chip Beyer	NCMS
Paul Sherm	NCFB
David Farrell	NP
Nathan Babcock	PPAB
Tyler Ford	MGC
Will Robinson	NC TNC
Linnea Howe	SEANC
Flint Benson	SEANC
Resha Fortson	SEANC
Justin Clayton	Governor

VISITOR REGISTRATION SHEET

House Committee on Rules Calendar and Ops of the House — June 26, 2018

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marion R Warren	NCAOC
[illegible]	NMRS
[illegible]	MFS
Will Morgan	MFS
Leo John	Sec of State
Greear Webb	WCMS
SueAnn Forest	NCMS
Kara Weishaar	SA
Bob Kaylor	BK Law
LEE LILLEY	GOVERNOR
Hayden Bauguess	ElectriCities

VISITOR REGISTRATION SHEET

House Committee on Rules Calendar and Ops of the House — June 26, 2018

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Brandon	NC DPS
Ryan Boyce	NCAOC
JASON SOPER	NC Chamber
Skye David	NF
Lourdes Velasquez	NE
Jacob Lo	NF
[illegible]	TJWLC
Davis Braswell	DOT
Parker D. Smith	NCPC
Brian Ledbetter	NCIC
Kendall Bowden	NCIC

VISITOR REGISTRATION SHEET

House Committee on Rules Calendar and Ops of the House — June 26, 2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Adam Pridemore	NCSL
Richard Foster	NCSBA
Rachel Bealin	RBLaw
[illegible]	CBS

VISITOR REGISTRATION SHEET

Hse. Comm. on Rules, Calendar and Ops of the House 6/26/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dylon Ford	MEC
Bo Heath	MWC

House Committee on Rules, Calendar, and Operations of the House
Tuesday, June 27, 2018

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 4:30 on Tuesday, June 27, 2018 in room 1228 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 697 Joint Session/State Board of Education Confirmation (Senator Rabon)
A proposed committee substitute was introduced by Rep. Lewis. Rep. Torbett moved for a favorable report to the proposed committee substitute, unfavorable as to the original bill. The motion carried.

SB 346 Change Superior Court and District Court Number (Britt)
A proposed committee substitute was introduced by Rep. Lewis. Rep. Torbett moved for a favorable report to the proposed committee substitute, unfavorable as to the original bill. The motion carried.

The meeting adjourned.

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

Mark Coggins (Rep. David Lewis)

From: Mark Coggins (Rep. David Lewis)
Sent: Wednesday, June 27, 2018 03:33 PM
To: Sen. Bill Rabon; Sen. Jeff Jackson; Sen. Deanna Ballard; Sen. Danny Britt
Cc: Paula Fields (Sen. Bill Rabon); Julie Bradburn (Senate Rules Committee); Wade Butner (Sen. Bill Rabon); Dylan Arant (Sen. Jeff Jackson); William Verbiest (Sen. Deanna Ballard); Cindy Davis (Sen. Danny Britt)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wednesday, June 27, 2018 at Immediately upon next recess
Attachments: Add Meeting to Calendar_LINC_.ics

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 27, 2018
TIME: **Immediately upon next recess**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SJR 697	Amend Adjournment Resolution.	Senator Rabon
SB 346	Salvage Yards/Waiting Period.	Senator Britt Senator Ballard Senator J. Jackson

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:32 PM on Wednesday, June 27, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)

House Committee on Rules, Calendar, and Operations of the House
Wednesday, June 27, 2018, Immediately upon next recess
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SJR 697	Jt Session/State Bd of Education Confirmation.	Senator Rabon
SB 346	Change Superior Ct & District Ct Numbers.	Senator Britt Senator Ballard Senator J. Jackson

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **346** **(CS#1)** Salvage Yards/Waiting Period.

Draft Number:	S346-PCS15327-BK-52
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Burr

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB JOINT RESOLUTION, UNFAVORABLE ORIGINAL JOINT RESOLUTION

SJR **697** Amend Adjournment Resolution.

Draft Number:	S697-PCS35381-TC-65
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

SENATE JOINT RESOLUTION 697

Sponsors: Senator Rabon (Primary Sponsor).

Referred to:

October 16, 2017

A JOINT RESOLUTION FURTHER AMENDING RESOLUTION 2017-12.
Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. When the House of Representatives and the Senate adjourn on Friday, October 20, 2017, they stand adjourned to reconvene in regular session as provided in Resolution 2017-12, as amended by Resolutions 2017-14, 2017-15, and 2017-17, and as further amended by this resolution.

SECTION 2. Resolution 2017-12, as amended by Resolutions 2017-14, 2017-15, and 2017-17, reads as rewritten:

"...

"**SECTION 3.1B.** When the House of Representatives and the Senate adjourn on ~~Tuesday, October 17,~~ Friday, October 20, 2017, they stand adjourned to reconvene the 2017 Regular Session on Wednesday, January 10, 2018, at 12:00 noon.

...."

SECTION 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE JOINT RESOLUTION 697
PROPOSED HOUSE COMMITTEE SUBSTITUTE S697-PCS35381-TC-65

Sponsors:

Referred to:

October 16, 2017

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of the Constitution of North Carolina and G.S. 115C-10, appointments by the Governor to membership on the State Board of Education are subject to confirmation by the General Assembly in joint session; and

Whereas, vacancies have occurred on the State Board of Education; and

Whereas, the Governor has transmitted to the presiding officers of the Senate and the House of Representatives the names of his appointees to fill the terms of membership on the State Board of Education, which expire March 31, 2017; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. Upon the call of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the General Assembly shall meet in joint session to act on confirmation of the appointments by the Governor of new members to the State Board of Education.

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 4

SENATE BILL 346

Commerce and Insurance Committee Substitute Adopted 4/24/17
Third Edition Engrossed 4/25/17
House Committee Substitute Favorable 6/27/18

Short Title: Change Superior Ct & District Ct Numbers. (Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DISTRICT NUMBERS OF SUPERIOR AND DISTRICT COURTS TO ALIGN WITH THE DISTRICT NUMBERS OF THE PROSECUTORIAL DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) If House Bill 717, 2018 Regular Session, becomes law, then G.S. 7A-41, as amended by that act, S.L. 2018-5, and S.L. 2018-14, reads as rewritten:

"**§ 7A-41. Superior court divisions and districts; judges.**

(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	~~3A~~3	Pitt	2
Second	~~3B~~4	Carteret, Craven, Pamlico	3
Second	45	Duplin, Jones, Onslow, Sampson	2
Second	~~5A~~6A	(part of New Hanover, Pender see subsection (b))	1
Second	~~5B~~6B	(part of New Hanover, see subsection (b))	1

	Second	~~5C~~6C	(part of New Hanover, see subsection (b))	1
	First	~~6A~~7A	Halifax	1
	First	~~6B~~7B	Bertie, Hertford, Northampton	1
	First	~~7A~~8A	Nash	1
	First	~~7B~~8B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	First	~~7C~~8C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	Second	~~8A~~9A	Lenoir and Greene	1
	Second	~~8B~~9B	Wayne	1
	First	~~9~~11	Franklin, Granville, Person, Vance, Warren	2
	Third	10A	(part of Wake, see subsection (b))	1
	Third	10B	(part of Wake, see subsection (b))	1
	Third	10C	(part of Wake, see subsection (b))	1
	Third	10D	(part of Wake, see subsection (b))	1
	Third	10E	(part of Wake, see subsection (b))	1
	Third	10F	(part of Wake, see subsection (b))	1
	Third	~~11A~~12	Harnett, Lee	1
	Third	~~11B~~13	Johnston	1
	Third	~~12A~~14A	(part of Cumberland, see subsection (b))	1
	Third	~~12B~~14B	(part of Cumberland, see subsection (b))	1
	Third	~~12C~~14C	(part of Cumberland, see subsection (b))	2
	Second	~~13A~~15A	Bladen, Columbus	1
	Second	~~13B~~15B	Brunswick	1
	First	~~14A~~16A	(part of Durham, see subsection (b))	1
	First	~~14B~~16B	(part of Durham, see subsection (b))	3
	~~Third~~Fourth	~~15A~~17	Alamance	2
	Fourth	~~15B~~18	Orange, Chatham	2
	Third	~~16A~~21	Anson, Richmond, Scotland	2
	Second	~~16B~~20	Robeson	2
	Fourth	~~17A~~22	Caswell, Rockingham	2
	Fourth	~~17B~~23	Stokes, Surry	1
	Fourth	~~18A~~24A	(part of Guilford,	1

			see subsection (b))	
Fourth	~~18B~~24B	(part of Guilford, see subsection (b))	1	
Fourth	~~18C~~24C	(part of Guilford, see subsection (b))	1	
Fourth	~~18D~~24D	(part of Guilford, see subsection (b))	1	
Fourth	~~18E~~24E	(part of Guilford, see subsection (b))	1	
Fourth	~~19A~~25	Cabarrus	1	
Third	~~19B~~37	Randolph	2	
Fourth	~~19C~~27	Rowan	1	
Third	~~19D~~29	Hoke, Moore	2	
Third	~~20A~~28	Montgomery, Stanly	2	
Third	~~20B~~30	Union	2	
Fourth	~~21A~~31A	(part of Forsyth, see subsection (b))	1	
Fourth	~~21B~~31B	(part of Forsyth, see subsection (b))	1	
Fourth	~~21C~~31C	(part of Forsyth, see subsection (b))	1	
Fourth	~~21D~~31D	(part of Forsyth, see subsection (b))	1	
Fourth	~~22A~~32	Alexander, Iredell	2	
Fourth	~~22B~~33	Davidson, Davie	2	
Fourth	~~23~~34	Alleghany, Ashe, Wilkes, Yadkin	1	
Fifth	~~24~~35	Avery, Madison, Mitchell, Watauga, Yancey	2	
Fifth	~~25A~~36	Burke, Caldwell	2	
Fifth	~~25B~~19	Catawba	2	
Fifth	26A	(part of Mecklenburg, see subsection (b))	1	
Fifth	26B	(part of Mecklenburg, see subsection (b))	1	
Fifth	26C	(part of Mecklenburg, see subsection (b))	1	
Fifth	26D	(part of Mecklenburg, see subsection (b))	1	
Fifth	26E	(part of Mecklenburg, see subsection (b))	1	
Fifth	26F	(part of Mecklenburg, see subsection (b))	1	
Fifth	26G	(part of Mecklenburg, see subsection (b))	1	
Fifth	26H	(part of Mecklenburg, see subsection (b))	1	
Fifth	~~27A~~38	Gaston	2	
Fifth	~~27B~~39	Cleveland, Lincoln	2	
Fifth	~~28~~40	Buncombe	2	

Fifth	~~29A~~41	McDowell, Rutherford	1
Fifth	~~29B~~42	Henderson, Polk, Transylvania	1
Fifth	~~30A~~43A	Cherokee, Clay, Graham, Macon, Swain	1
Fifth	~~30B~~43B	Haywood, Jackson	1.

(b) For superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

(1) District ~~5A:~~6A: New Hanover County: VTD CF01, VTD CF02, VTD CF03, VTD H01, VTD W25, VTD W27; Pender County. It has one judge.

(2) District ~~5B:~~6B: New Hanover County: VTD H02, VTD H03, VTD H04, VTD H05, VTD H06, VTD H07, VTD H08, VTD H09, VTD M02, VTD M05, VTD W13, VTD W18, VTD W24, VTD W28, VTD WB. It has one judge.

(3) District ~~5C:~~6C: New Hanover County: VTD FP01, VTD FP02, VTD FP03, VTD FP04, VTD FP05, VTD M03, VTD M04, VTD W03, VTD W08, VTD W12, VTD W15, VTD W16, VTD W17, VTD W21, VTD W26, VTD W29, VTD W30, VTD W31. It has one judge.

(4) District ~~7B:~~8B: Edgecombe County: VTD: 1101: Block(s) 0650213001035; VTD: 1201, VTD: 1202, VTD: 1203, VTD: 1204. VTD: 1205: Block(s) 0650203001005, 0650203001006, 0650203001007, 0650203001008, 0650203001009, 0650203001010, 0650203001011, 0650203001012, 0650203001013, 0650203001014, 0650203001015, 0650203001016, 0650203001017, 0650204001000, 0650204001001, 0650204001002, 0650204001003, 0650204001004, 0650204001005, 0650204001006, 0650204001007, 0650204001008, 0650204001009, 0650204001010, 0650204001011, 0650204001012, 0650204001013, 0650204001014, 0650204001015, 0650204001016, 0650204001017, 0650204001018, 0650204001019, 0650204001020, 0650204001021, 0650204001022, 0650204001023, 0650204001024, 0650204001025, 0650204001026, 0650204001027, 0650204001028, 0650204001029, 0650204001030, 0650204001031, 0650204001032, 0650204001033, 0650204001034, 0650204001035, 0650204001036, 0650204001037, 0650204001038, 0650204001039, 0650204001040, 0650204001041, 0650204001042, 0650204001043, 0650204001044, 0650204001045, 0650204001046, 0650204001047, 0650204001048, 0650204001049, 0650204002000, 0650204002001, 0650204002002, 0650204002003, 0650204002004, 0650204002005, 0650204002006, 0650204002007, 0650204002008, 0650204002009, 0650204002010, 0650204002011, 0650204002012, 0650204002013, 0650204002014, 0650204002015, 0650204002016, 0650204002017, 0650204002018, 0650204002019, 0650204002020, 0650204002021, 0650204002022, 0650204002023, 0650204002024, 0650204002025; VTD: 1301: 0650214002017; VTD: 1401; Wilson County: VTD: PRBL: Block(s) 1950009001045, 1950009001046; VTD: PRGA: 1950007001065, 1950007001066, 1950007001067, 1950012001000, 1950012001001, 1950012001002, 1950012001003, 1950012001012, 1950012001013, 1950012001014, 1950012001015, 1950012001016, 1950012001017, 1950012001018, 1950012001019, 1950012001020, 1950012001021, 1950012001022, 1950012001023, 1950012001025, 1950012001026, 1950012001031, 1950012001032, 1950012001033,

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(13) District ~~12B:~~14B: Cumberland County: VTD: CC01, VTD: CC03, VTD: CC05, VTD: CC13: Block(s) 0510008001000, 0510008001002, 0510008001003, 0510008001004, 0510008001018, 0510008001019, 0510010001001, 0510010001002, 0510010001003, 0510010001004, 0510010001005, 0510010001006, 0510010001007, 0510010002000, 0510010002001, 0510010002002, 0510010002003, 0510010002010, 0510010002014, 0510010002015, 0510010002016, 0510010002017, 0510010002018, 0510010002019, 0510010002020, 0510010002021, 0510010002022, 0510010002023, 0510010002024, 0510010002025, 0510010002026, 0510010002027, 0510010002028, 0510010002029, 0510010002030, 0510010002031, 0510010002032, 0510010002033, 0510010002034, 0510011003017, 0510011003018, 0510011003019, 0510011003020, 0510011003021, 0510011003022, 0510011003023, 0510011003024, 0510011003025, 0510011003026; VTD: CC15: 0510006003000, 0510006003001, 0510006003002, 0510006003003, 0510006003004, 0510006003005, 0510006003006, 0510006003007, 0510006003008, 0510006003013, 0510006005000, 0510006005001, 0510006005002, 0510006005003, 0510006005004, 0510006005005, 0510006005006, 0510006005007, 0510006005008, 0510006005009, 0510006005010, 0510006005011, 0510006005012, 0510006005013, 0510006005014, 0510006005015, 0510006005016, 0510006005018, 0510006005019, 0510006005020, 0510006005021, 0510006005022, 0510006005023, 0510038003033, 0510038003034, 0510038003060, 0510038003061; VTD: CC16, VTD: CC17, VTD: CC19, VTD: CL57, VTD: G11: Block(s) 0510025041000, 0510033132008; 0510034011000, 0510034011001, 0510034011002, 0510034011003, 0510034011004, 0510034011005, 0510034011006, 0510034011007, 0510034011008, 0510034011009, 0510034011010, 0510034011011, 0510034011012, 0510034011013, 0510034011014, 0510034011015, 0510034011016, 0510034011017, 0510034011018, 0510034011019, 0510034011020,

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0510016032023, 0510016032028, 0510016032029, 0510016032030, 0510016032031, 0510016032032, 0510016032044, 0510019011006, 0510019011007, 0510019011019, 0510019011027, 0510019011040, 0510019031013, 0510019031014, 0510031033002, 0510031033003, 0510031033004, 0510031033005, 0510031033006, 0510031041002, 0510031041003, 0510031041004, 0510031041005, 0510031041006, 0510031041007, 0510031041008, 0510031041009, 0510031041010, 0510031041011, 0510031041012, 0510031041013, 0510031041014, 0510031041015, 0510031042011, 0510032014052, 0510032014053, 0510032014054; VTD: G9, VTD: LI65, VTD: SH77. It has two judges.

(15) District ~~14A:~~16A: Durham County: VTD: 09, VTD: 12, VTD: 13, VTD: 14, VTD: 15, VTD: 18, VTD: 31: Block(s) 0630010013033, 0630018024009; VTD: 34, VTD: 35: Block(s) 0630020211023, 0630020212002, 0630020212003, 0630020212004, 0630020212005, 0630020212006, 0630020212007, 0630020212008, 0630020212009, 0630020212010, 0630020212013, 0630020212015, 0630020212016, 0630020212018, 0630020212020, 0630020212021, 0630020272052; VTD: 40, VTD: 41, VTD: 42, VTD: 48, VTD: 53-1, VTD: 54, VTD: 55. It has one judge.

(16) District ~~14B:~~16B: Durham County: VTD: 01, VTD: 02, VTD: 03, VTD: 04, VTD: 05, VTD: 06, VTD: 07, VTD: 08, VTD: 10, VTD: 16, VTD: 17, VTD: 19, VTD: 20, VTD: 21, VTD: 22, VTD: 23, VTD: 24, VTD: 25, VTD: 26, VTD: 27, VTD: 28, VTD: 29, VTD: 30-1, VTD: 30-2, VTD: 31: Block(s) 0630010013034, 0630010013038, 0630010013039, 0630010013040, 0630010013043, 0630018071037, 0630018071038, 0630018091000, 0630018091001, 0630018091002, 0630018091003, 0630018091004, 0630018091005, 0630018091006, 0630018091007, 0630018091008, 0630018091009, 0630018091010, 0630018091011, 0630018091012, 0630018091013, 0630018091014, 0630018091015, 0630018091016, 0630018091017, 0630018091018, 0630018091019, 0630018091020, 0630018091021, 0630018091022, 0630018091023, 0630018091024, 0630018091025, 0630018091026, 0630018091027, 0630018091028, 0630018091029, 0630018091030, 0630018091031, 0630018091032, 0630018091033, 0630018091034, 0630018091035, 0630018091036, 0630018091037, 0630018091038, 0630018091041, 0630018091042, 0630018091043, 0630018091044, 0630018091045, 0630018091046, 0630018091062, 0630018091063, 0630018091064, 0630018091065, 0630018091066, 0630018091067, 0630018091071, 0630018091072, 0630018091073, 0630018091074, 0630018091077, 0630018091079, 0630018091080, 0630018092000, 0630018092001, 0630018092002, 0630018092003, 0630018092004, 0630018092005, 0630018092006, 0630018092007, 0630018092008, 0630018092009, 0630018092010, 0630018092011, 0630018092012, 0630018092013, 0630018092014, 0630018092015, 0630018092016, 0630018092017, 0630018092018, 0630018092019, 0630018092020, 0630018092021, 0630018092022, 0630018092023, 0630018092024, 0630018092027, 0630018092028, 0630018092029, 0630018092030, 0630018092031, 0630018092032, 0630018092033, 0630020271000, 0630020271001, 0630020271002, 0630020271003, 0630020271004, 0630020271005, 0630020271006, 0630020271007, 0630020271008, 0630020271009, 0630020271010, 0630020271011, 0630020271012, 0630020271013, 0630020271014, 0630020271015, 0630020271016, 0630020271017, 0630020271018,

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(17) District ~~18A:~~24A: Guilford County: VTD: FEN1, VTD: FEN2, VTD: G04, VTD: G05, VTD: G06, VTD: G46, VTD: G52, VTD: G67, VTD: G68, VTD: G69, VTD: G70, VTD: G71, VTD: G72, VTD: G73, VTD: G74, VTD: G75, VTD: NCLAY1, VTD: NCLAY2, VTD: PG1, VTD: PG2, VTD: SCLAY. It has one judge.

(18) District ~~18B:~~24B: Guilford County: VTD: H01, VTD: H02, VTD: H03, VTD: H04, VTD: H05, VTD: H06, VTD: H07, VTD: H08, VTD: H09, VTD: H10, VTD: H11, VTD: H12, VTD: H13, VTD: H14, VTD: H15, VTD: H16, VTD: H17, VTD: H18, VTD: H19A, VTD: H19B, VTD: H20A, VTD: H20B, VTD: H21, VTD: H22, VTD: H23, VTD: H24, VTD: H25, VTD: H26, VTD: H27, VTD: HP, VTD: JAM1, VTD: JAM5, VTD: NDRI, VTD: SDRI. It has one judge.

(19) District ~~18C:~~24C: Guilford County: VTD: CG1, VTD: CG2, VTD: CG3A, VTD: CG3B, VTD: FR1, VTD: FR2, VTD: FR3, VTD: FR4, VTD: FR5, VTD: G17, VTD: G30, VTD: G31, VTD: G32, VTD: G33, VTD: G34, VTD: G36, VTD: G37, VTD: G38, VTD: G39, VTD: G40A1, VTD: G40A2, VTD: G40B, VTD: G41, VTD: G42, VTD: G43, VTD: G64, VTD: G65, VTD: G66, VTD: JAM2, VTD: JAM3, VTD: JAM4, VTD: MON3, VTD: NCGR1, VTD: NCGR2, VTD: OR1, VTD: OR2, VTD: SF1, VTD: SF2, VTD: SF3, VTD: SF4, VTD: STOK. It has one judge.

(20) District ~~18D:~~24D: Guilford County: VTD: G01, VTD: G11, VTD: G12, VTD: G13, VTD: G14, VTD: G15, VTD: G16, VTD: G19, VTD: G35, VTD: G44, VTD: G45, VTD: G47, VTD: G48, VTD: G49, VTD: G50, VTD: G51, VTD: G53, VTD: G54, VTD: G55, VTD: G56, VTD: G57, VTD: G58, VTD: G59, VTD: G60, VTD: G61, VTD: G62, VTD: G63, VTD: SUM1, VTD: SUM2, VTD: SUM3, VTD: SUM4. It has one judge.

(21) District ~~18E:~~24E: Guilford County: VTD: G02, VTD: G03, VTD: G07, VTD: G08, VTD: G09, VTD: G10, VTD: G18, VTD: G20, VTD: G21, VTD: G22, VTD: G23, VTD: G24, VTD: G25, VTD: G26, VTD: G27, VTD: G28, VTD: G29, VTD: GIB, VTD: GR, VTD: JEF1, VTD: JEF2, VTD: JEF3, VTD: JEF4, VTD: MON1, VTD: MON2, VTD: NMAD, VTD: NWASH, VTD: RC1, VTD: RC2, VTD: SMAD, VTD: SWASH. It has one judge.

(22) District ~~21A:~~31A: Forsyth County: VTD: 051, VTD: 052, VTD: 053, VTD: 054, VTD: 055, VTD: 071, VTD: 072, VTD: 073, VTD: 074, VTD: 075, VTD: 091, VTD: 092, VTD: 122, VTD: 123, VTD: 131, VTD: 132, VTD: 133, VTD: 701, VTD: 702, VTD: 703, VTD: 704, VTD: 705, VTD: 706, VTD: 707, VTD: 708, VTD: 709, VTD: 806, VTD: 807, VTD: 808. It has one judge.

(23) District ~~21B:~~31B: Forsyth County: VTD: 042, VTD: 043, VTD: 501, VTD: 502, VTD: 503, VTD: 504, VTD: 505, VTD: 506, VTD: 507, VTD: 601, VTD: 602, VTD: 603, VTD: 604, VTD: 605, VTD: 606, VTD: 607, VTD: 901, VTD: 902, VTD: 903, VTD: 904, VTD: 905, VTD: 907. It has one judge.

(24) District ~~21C:~~31C: Forsyth County: VTD: 011, VTD: 012, VTD: 013, VTD: 014, VTD: 015, VTD: 021, VTD: 031, VTD: 032, VTD: 033, VTD: 034, VTD: 061, VTD: 062, VTD: 063, VTD: 064, VTD: 065, VTD: 066, VTD: 067, VTD: 068, VTD: 101, VTD: 111, VTD: 112, VTD: 801, VTD: 802, VTD: 803, VTD: 804, VTD: 805, VTD: 809, VTD: 906, VTD: 908, VTD: 909. It has one judge.

(25) District ~~21D:~~31D: Forsyth County: VTD: 081, VTD: 082, VTD: 083, VTD: 201, VTD: 203, VTD: 204, VTD: 205, VTD: 206, VTD: 207, VTD: 301, VTD: 302, VTD: 303, VTD: 304, VTD: 305, VTD: 306, VTD: 401, VTD: 402, VTD: 403, VTD: 404, VTD: 405. It has one judge.

...

(b1) The qualified voters of ~~District 4~~ District 5 shall elect all judges established for ~~District 4~~ District 5 in subsection (a) of this section, but only persons who reside in Onslow County may be candidates for one of the judgeships and only persons who reside in Duplin, Jones, or Sampson County may be candidates for the remaining judgeship.

...."

SECTION 1.(b) If House Bill 717, 2018 Regular Session, becomes law, then G.S. 7A-133, as amended by that act, S.L. 2018-5, and S.L. 2018-14, reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
~~3A~~3	5	Pitt
~~3B~~4	6	Craven
		Pamlico
		Carteret
4~~5~~	8	Sampson
		Duplin
		Jones
		Onslow
~~5~~6	9	New Hanover
		Pender
~~6~~7	4	Northampton
		Bertie
		Hertford
		Halifax
~~7~~8	7	Nash
		Edgecombe
		Wilson
~~8~~9	6	Wayne
		Greene
		Lenoir
~~9~~11A	5	Granville
		(part of Vance
		see subsection (b))
		Franklin
		Person
~~9B~~11B	2	Warren
		(part of Vance
		see subsection (b))
10A	3	(part of Wake
		see subsection (b))
10B	3	(part of Wake
		see subsection (b))
10C	3	(part of Wake
		see subsection (b))
10D	6	(part of Wake

		see subsection (b))
10E	3	(part of Wake
		see subsection (b))
10F	3	(part of Wake
		see subsection (b))
~~1~~12	11	Harnett
		Johnston
		Lee
~~12~~14	10	Cumberland
~~13~~15	6	Bladen
		Brunswick
		Columbus
~~14~~16	7	Durham
~~15A~~17	4	Alamance
~~15B~~18	5	Orange
		Chatham
~~16A~~21	4	Scotland
		Anson
		Richmond
~~16B~~20	5	Robeson
~~17A~~22	4	Caswell
		Rockingham
~~17B~~23	4	Stokes
		Surry
~~18~~24	14	Guilford
~~19A~~25	5	Cabarrus
~~19B~~37	5	Randolph
~~19C~~27	5	Rowan
~~19D~~29	4	Hoke, Moore
~~20A~~28	3	Montgomery, Stanly
~~20B~~30A	1	(part of Union
		see subsection (b))
~~20C~~30B	2	(part of Union
		see subsection (b))
~~20D~~30C	1	Union
~~21~~31	11	Forsyth
~~22A~~32	5	Alexander
		Iredell
~~22B~~33	6	Davidson
		Davie
~~23~~34	4	Alleghany
		Ashe
		Wilkes
		Yadkin
~~24~~35	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
~~25~~36	9	Burke
		Caldwell

		Catawba
26A	3	(part of Mecklenburg see subsection (b))
26B	3	(part of Mecklenburg see subsection (b))
26C	2	(part of Mecklenburg see subsection (b))
26D	2	(part of Mecklenburg see subsection (b))
26E	3	(part of Mecklenburg see subsection (b))
26F	3	(part of Mecklenburg see subsection (b))
26G	2	(part of Mecklenburg see subsection (b))
26H	3	(part of Mecklenburg see subsection (b))
~~27A~~38	7	Gaston
~~27B~~39	6	Cleveland
		Lincoln
~~28~~40	7	Buncombe
~~29A~~41	3	McDowell
		Rutherford
~~29B~~42	4	Henderson
		Polk
		Transylvania
~~30~~43	6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

(1) District Court ~~District 9~~District 11A consists of Person, Franklin and Granville Counties and the remainder of Vance County not in District Court ~~District 9B.~~District 11B.

(2) District Court ~~District 9B~~District 11B consists of Warren County and VTD EH1, VTD MIDD, VTD NH1, VTD NH2, VTD TWNS, VTD WMSB of Vance County.

(3) District Court ~~District 20C~~District 30B consists of the remainder of Union County not in District Court ~~District 20B.~~District 30A.

(4) District Court ~~District 20B~~District 30A consists of Precinct 01: Tract 204.01: Block Group 2: Block 2040, Block 2057, Block 2058, Block 2060, Block 2061, Block 2062, Block 2064, Block 2065; Tract 204.02: Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034;

Block Group 3: Block 3000, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047; Block Group 4: Block 4035, Block 4054, Block 4055; Precinct 02: Tract 205: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1037, Block 1038; Block Group 2: Block 2081, Block 2082, Block 2092, Block 2099, Block 2100, Block 2101, Block 2102; Tract 206: Block Group 3: Block 3036, Block 3038, Block 3039, Block 3040, Block 3048; Block Group 4: Block 4053; Precinct 03, Precinct 04, Precinct 06: Tract 202.02: Block Group 1: Block 1012, Block 1013, Block 1014, Block 1015, Block 1017, Block 1018, Block 1021, Block 1022, Block 1023; Tract 204.01: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2033, Block 2034, Block 2035, Block 2036, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2056, Block 2063, Block 2999; Precinct 08, Precinct 09, Precinct 10, Precinct 13, Precinct 23: Tract 206: Block Group 4: Block 4051; Precinct 25: Tract 206: Block Group 4: Block 4036; Precinct 34, Precinct 36, Precinct 43 of Union County.

...

(b1) The qualified voters of District Court ~~District 11~~District 12 shall elect all eight judges established for the District in subsection (a) of this section, but only persons who reside in Johnston County may be candidates for five of the judgeships, only persons who reside in Harnett County may be candidates for two of the judgeships, and only persons who reside in Lee County may be candidates for the remaining judgeship.

(b2) The qualified voters of District Court ~~District 13~~District 15 shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Bladen County may be candidates for one of those judgeships, only persons who reside in Columbus County may be candidates for two of those judgeships, and only persons who reside in Brunswick County may be candidates for three of those judgeships. These district court judgeships shall be numbered and assigned for residency purposes as follows:

(1) Seat number one, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Barefoot.

(2) Seat number two, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Fairley.

(3) Seat number three, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Warren.

(4) Seat number four, established for residents of Columbus County by this section, shall be the seat currently held by Judge Jolly.

(5) Seat number five, established for residents of Columbus County by this section, shall be the seat currently held by Judge Tyler.

(6) Seat number six, established for residents of Bladen County by this section, shall be the seat currently held by Judge Ussery.

(b3) The qualified voters of District Court ~~District 22A~~District 32 shall elect all five judges established for the District in subsection (a) of this section, but only persons who reside in

Alexander County may be candidates for two of the judgeships, and only persons who reside in Iredell County may be candidates for three of the judgeships.

(b4) The qualified voters of District Court ~~District 22B~~District 33 shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Davie County may be candidates for two of the judgeships, and only persons who reside in Davidson County may be candidates for four of the judgeships.

(b5) The qualified voters of ~~District 16A~~District 21 shall elect all judges established for ~~District 16A~~District 21 in subsection (a) of this section, but only persons who reside in Anson County may be candidates for one of the judgeships, only persons who reside in Scotland County may be candidates for one of the judgeships, and only persons who reside in Richmond County may be candidates for the remaining judgeships. In order to implement this section the following shall apply in order to transition from at large seats to residency requirements:

(1) In 2020, and every four years thereafter, the district court judgeship requiring a resident of Anson County shall be elected, and a district court judgeship requiring a resident of Richmond County shall be elected.

(2) In 2022, and every four years thereafter, the district court judgeship requiring a resident of Scotland County shall be elected, and a district court judgeship requiring a resident of Richmond County shall be elected.

(b6) The qualified voters of ~~District 20A~~District 28 shall elect all judges established for ~~District 20A~~District 28 in subsection (a) of this section, but only persons who reside in Montgomery County may be candidates for one of the judgeships, and only persons who reside in Montgomery or Stanly County may be candidates for the remaining judgeships.

(b7) Subject to the provisions of this subsection, the qualified voters of ~~District 25~~District 36 shall elect all judges established for ~~District 25~~District 36 in subsection (a) of this section, but only persons who reside in Catawba County may be candidates for five of the judgeships, and only persons who reside in Burke or Caldwell County may be candidates for the remaining judgeships. In order to implement this section the following shall apply in order to transition from at large seats to residency requirements:

(1) Transition of seats; regular elections. – For any district court judgeship that is held by a resident of Burke or Caldwell Counties on July 1, 2018, at the next general election after July 1, 2018, that district court judgeship shall be filled only by a person who is a resident of Burke or Caldwell Counties. Until such time as three district court judgeships transition under subdivision (2) of this subsection, for any district court judgeship that is held by a resident of Catawba County on July 1, 2018, that district court judgeship shall, at the next general election after July 1, 2018, be filled only by a person who is a resident of Burke, Caldwell, or Catawba County.

(2) Transition of seats; vacancies. – Upon each of the first three district court judgeship vacancies occurring in District Court ~~District 25~~District 36 after July 1, 2018, due to death, resignation, removal, or retirement of a person who is a resident of Catawba County holding a judgeship on July 1, 2018, that vacancy shall be filled according to law for the remainder of the unfilled term. At the next general election held for that district court judgeship, only persons who reside in Burke or Caldwell County may be candidates for that district court judgeship. Any primary associated with that general election for that district court judgeship after the completion of the term shall also be held accordingly, in accordance with this subsection.

(3) Notification to State Board. – Upon each of the first three district court judgeship vacancies occurring after July 1, 2018, in District Court ~~District 25~~District 36 due to the death, resignation, removal, or retirement of a person who is a resident of Catawba County holding a judgeship on July 1, 2018, the

Director of the Administrative Office of the Courts shall provide written notice of the vacancy to the State Board of Elections and Ethics Enforcement. During the filing period for that district court judgeship at the next general election held for that district court judgeship, the State Board of Elections and Ethics Enforcement shall ensure that only persons who reside in Burke or Caldwell County may file as candidates for that district court judgeship in accordance this subsection.

(4) Final transition. – If a total of three district court judgeships have not transferred under subdivision (2) of this subsection to be eligible to be held by only persons who are residents of Burke or Caldwell Counties by January 1, 2030, a sufficient number of district court judgeships to total three district court judgeships shall be transferred to be held by only persons who are residents of Burke or Caldwell Counties on January 1, 2031, and the 2030 elections shall be held accordingly.

...."

SECTION 1.(c) Effective January 1, 2019, if House Bill 717, 2018 Regular Session, becomes law, G.S. 7A-60(a1), as amended by S.L. 2018-5 and that act, reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	19
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
11	Franklin, Granville, Person Vance, Warren	15
10	Wake	42
12	Harnett, Lee	11
13	Johnston	10
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
20	Robeson	12
21	Anson, Richmond, Scotland	9
22	Caswell, Rockingham	8
23	Stokes, Surry	8

24	Guilford	34
25	Cabarrus	9
37	Randolph	10
27	Rowan	9
29	Hoke, Moore	9
28	Montgomery, Stanly	6
30	Union	11
31	Forsyth	27
32	Alexander, Iredell	12
33	Davidson, Davie	12
34	Alleghany, Ashe, Wilkes, Yadkin	9
35	Avery, Madison, Mitchell, Watauga, Yancey	8
36	Burke, Caldwell	9
26	Mecklenburg	58
38	Gaston	15
39	Cleveland, Lincoln	12
40	Buncombe	14
41	McDowell, Rutherford	8
42	Henderson, Polk, Transylvania	9
43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.	12
44~~,~~19	Catawba	~~10~~10."

SECTION 1.(d) This section becomes effective January 1, 2019.

SECTION 2.(a) If House Bill 717, 2018 Regular Session, becomes law, then Section 3(c) of that act reads as rewritten:

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

SECTION 2.(b) If House Bill 717, 2018 Regular Session, becomes law, then Section 3(d) of that act reads as rewritten:

"**SECTION 3.(d)** The office and term of the district attorney for Prosecutorial District 36 formerly consisting of Burke, Caldwell, and Catawba Counties is terminated upon the expiration of the term expiring December 31, 2022. Effective January 1, 2023, District 36 formerly consisting of Burke, Caldwell, and Catawba Counties is reassigned as provided in this section. All open investigations and pending cases for Prosecutorial District 36 formerly consisting of Burke, Caldwell, and Catawba Counties shall be transferred to either District 36 or District ~~44,~~19, as enacted by this section. Burke and Caldwell Counties remain in District 36, as enacted by this section, and the total number of ADAs in that district is nine. Catawba County is added to District ~~44,~~ 19, and the total number of ADAs in that district is 10."

SECTION 3.(a) If House Bill 717, 2018 Regular Session, does not become law, G.S. 7A-41, as amended by S.L. 2018-5 and S.L. 2018-14, reads as rewritten:

"**§ 7A-41. Superior court divisions and districts; judges.**

(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges

First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	~~3A~~3	Pitt	2
Second	~~3B~~4	Carteret, Craven, Pamlico	3
Second	~~4A~~5A	Duplin, Jones, Sampson	1
Second	~~4B~~5B	Onslow	1
Second	~~5A~~6A	(part of New Hanover, Pender see subsection (b))	1
Second	~~5B~~6B	(part of New Hanover, see subsection (b))	1
Second	~~5C~~6C	(part of New Hanover, see subsection (b))	1
First	~~6A~~7A	Halifax	1
First	~~6B~~7B	Bertie, Hertford, Northampton	1
First	~~7A~~8A	Nash	1
First	~~7B~~8B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	~~7C~~8C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	~~8A~~9A	Lenoir and Greene	1
Second	~~8B~~9B	Wayne	1
Third	~~9~~11	Franklin, Granville, Person, Vance, Warren	2
Third	10A	(part of Wake, see subsection (b))	1
Third	10B	(part of Wake, see subsection (b))	~~2~~1
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Third	10E	(part of Wake, see subsection (b))	1
Third	10F	(part of Wake, see subsection (b))	1
Fourth	~~11A~~12	Harnett,	1

			Lee	
	Fourth	~~11B~~13	Johnston	1
	Fourth	~~12A~~14A	(part of Cumberland, see subsection (b))	1
	Fourth	~~12B~~14B	(part of Cumberland, see subsection (b))	1
	Fourth	~~12C~~14C	(part of Cumberland, see subsection (b))	2
	Fourth	~~13A~~15A	Bladen, Columbus	1
	Fourth	~~13B~~15B	Brunswick	1
	Third	~~14A~~16A	(part of Durham, see subsection (b))	1
	Third	~~14B~~16B	(part of Durham, see subsection (b))	3
	Third	~~15A~~17	Alamance	2
	Third	~~15B~~18	Orange, Chatham	2
	Fourth	~~16A~~21	Anson, Richmond, Scotland, Hoke	2
	Fourth	~~16B~~20	Robeson	2
	Fifth	~~17A~~22	Caswell, Rockingham	2
	Fifth	~~17B~~23	Stokes, Surry	1
	Fifth	~~18A~~24A	(part of Guilford, see subsection (b))	1
	Fifth	~~18B~~24B	(part of Guilford, see subsection (b))	1
	Fifth	~~18C~~24C	(part of Guilford, see subsection (b))	1
	Fifth	~~18D~~*24D*	(part of Guilford, see subsection (b))	1
	Fifth	~~18E~~24E	(part of Guilford, see subsection (b))	1
	Sixth	~~19A~~25	Cabarrus	1
	Fifth	~~19B~~37	Montgomery, Randolph	2
	Sixth	~~19C~~27	Rowan	1
	Fourth	~~19D~~29	Moore	1
	Sixth	~~20A~~*28*	Stanly	1
	Sixth	~~20B~~*30*	Union	2
	Fifth	~~21A~~31A	(part of Forsyth, see subsection (b))	1
	Fifth	~~21B~~*31B*	(part of Forsyth, see subsection (b))	1
	Fifth	~~21C~~31C	(part of Forsyth, see subsection (b))	1
	Fifth	~~21D~~*31D*	(part of Forsyth, see subsection (b))	1
	Sixth	~~22A~~32	Alexander, Iredell	2
	Sixth	~~22B~~33	Davidson, Davie	2
	Fifth	~~23~~34	Alleghany, Ashe, Wilkes, Yadkin	1
	Eighth	~~24~~35	Avery, Madison, Mitchell,	2

		Watauga, Yancey	
Seventh	~~25A~~36	Burke, Caldwell	2
Seventh	~~25B~~19	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	1
Seventh	26B	(part of Mecklenburg, see subsection (b))	1
Seventh	26C	(part of Mecklenburg, see subsection (b))	1
Seventh	26D	(part of Mecklenburg, see subsection (b))	1
Seventh	26E	(part of Mecklenburg, see subsection (b))	1
Seventh	26F	(part of Mecklenburg, see subsection (b))	1
Seventh	26G	(part of Mecklenburg, see subsection (b))	1
Seventh	26H	(part of Mecklenburg, see subsection (b))	1
Seventh	~~27A~~38	Gaston	2
Seventh	~~27B~~39	Cleveland, Lincoln	2
Eighth	~~28~~40	Buncombe	2
Eighth	~~29A~~41	McDowell, Rutherford	1
Eighth	~~29B~~42	Henderson, Polk, Transylvania	1
Eighth	~~30A~~43A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	~~30B~~43B	Haywood, Jackson	1.

(b) For superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

(1) District ~~5A:~~6A: New Hanover County: VTD CF01, VTD CF02, VTD CF03, VTD H01, VTD W25, VTD W27; Pender County. It has one judge.

(2) District ~~5B:~~6B: New Hanover County: VTD H02, VTD H03, VTD H04, VTD H05, VTD H06, VTD H07, VTD H08, VTD H09, VTD M02, VTD M05, VTD W13, VTD W18, VTD W24, VTD W28, VTD WB. It has one judge.

(3) District ~~5C:~~6C: New Hanover County: VTD FP01, VTD FP02, VTD FP03, VTD FP04, VTD FP05, VTD M03, VTD M04, VTD W03, VTD W08, VTD W12, VTD W15, VTD W16, VTD W17, VTD W21, VTD W26, VTD W29, VTD W30, VTD W31. It has one judge.

(4) District ~~7B:~~8B: Edgecombe County: VTD: 1101: Block(s) 0650213001035; VTD: 1201, VTD: 1202, VTD: 1203, VTD: 1204, VTD: 1205: Block(s) 0650203001005, 0650203001006, 0650203001007, 0650203001008, 0650203001009, 0650203001010, 0650203001011, 0650203001012, 0650203001013, 0650203001014, 0650203001015, 0650203001016, 0650203001017, 0650204001000, 0650204001001, 0650204001002, 0650204001003, 0650204001004, 0650204001005, 0650204001006, 0650204001007, 0650204001008, 0650204001009, 0650204001010, 0650204001011, 0650204001012, 0650204001013, 0650204001014, 0650204001015, 0650204001016, 0650204001017, 0650204001018,

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(14) District ~~12C:~~14C: Cumberland County: VTD: AL51, VTD: CC04, VTD: CC06, VTD: CC07, VTD: CC08, VTD: CC10, VTD: CC12, VTD: CC13: Block(s) 0510009004000, 0510009004020; VTD: CC14, VTD: CC15: Block(s) 0510006001000, 0510006001001, 0510006001002, 0510006001003, 0510006001004, 0510006001005, 0510006001006, 0510006001007, 0510006001008, 0510006001009, 0510006001010, 0510006001011, 0510006001012, 0510006001013, 0510006001014, 0510006001015, 0510006001016, 0510006002000, 0510006002001, 0510006002002, 0510006002003, 0510006002004, 0510006002005, 0510006002006, 0510006002007, 0510006002008, 0510006002009, 0510018001000, 0510018001001, 0510018001002, 0510018001003, 0510018001004, 0510018001005, 0510018001006, 0510018001007, 0510018001008, 0510018001009, 0510018002000, 0510018002001, 0510018002002, 0510038003035; VTD: CC18: 0510007022006, 0510007022010, 0510007022011, 0510007022013, 0510007022014, 0510007022015, 0510007022016, 0510007022017, 0510007022018, 0510007022019, 0510007022020, 0510007022021, 0510007022022, 0510007022023, 0510007022024, 0510007022025, 0510007022026, 0510038003030, 0510038003031, 0510038003032, 0510038003055; VTD: CC21, VTD: CC24: Block(s) 0510020011006, 0510020011007, 0510020011008, 0510020011010, 0510020011011, 0510020011012, 0510020011013, 0510020011014, 0510020011015, 0510020011016, 0510020011025, 0510020011026, 0510020011030, 0510020011031, 0510020011032, 0510020011033, 0510020011034, 0510020011035, 0510020011036, 0510020011037, 0510020011038, 0510020011039, 0510020011040, 0510020011041, 0510020011042, 0510020011043, 0510020011044, 0510020011045, 0510020011046, 0510020011047, 0510020011048, 0510020011049, 0510020011050, 0510020011051, 0510020011052, 0510020011053, 0510020011055, 0510020011056, 0510020012000, 0510020012001, 0510020012002, 0510020012003, 0510020012006, 0510020012007, 0510020012008, 0510020012009, 0510020012010, 0510020012011, 0510020012012, 0510020012013, 0510020012014, 0510020012015, 0510020012016, 0510020012017, 0510020012018, 0510020012019, 0510020012021, 0510020012022, 0510020012023, 0510020012024, 0510020021001; VTD: CC26, VTD: EO61-1, VTD: EO61-2, VTD: G1, VTD: G10: Block(s) 0510031031000, 0510031031011, 0510031031012, 0510031031013, 0510031031014, 0510031031015, 0510031031017, 0510031031018, 0510031031019, 0510031031020, 0510031031021, 0510031031022, 0510031032000, 0510031032001, 0510031032002, 0510031032003, 0510031032016, 0510031032022, 0510031032025, 0510031032030, 0510031032031, 0510031032032, 0510031032033, 0510031032035, 0510031032037, 0510031032038, 0510031032039, 0510031032040, 0510031032045, 0510031032050, 0510031032051; VTD: G11: 0510036001000, 0510036001001, 0510036001002, 0510036001003, 0510036001004, 0510036001005, 0510036001006, 0510036001007, 0510036001008, 0510036001009, 0510036001010, 0510036001012, 0510036001013,

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(15) District ~~14A:~~16A: Durham County: VTD: 09, VTD: 12, VTD: 13, VTD: 14, VTD: 15, VTD: 18, VTD: 31: Block(s) 0630010013033, 0630018024009; VTD: 34, VTD: 35: Block(s) 0630020211023, 0630020212002, 0630020212003, 0630020212004, 0630020212005, 0630020212006, 0630020212007, 0630020212008, 0630020212009, 0630020212010, 0630020212013, 0630020212015, 0630020212016, 0630020212018, 0630020212020, 0630020212021, 0630020272052; VTD: 40, VTD: 41, VTD: 42, VTD: 48, VTD: 53-1, VTD: 54, VTD: 55. It has one judge.

(16) District ~~14B:~~16B: Durham County: VTD: 01, VTD: 02, VTD: 03, VTD: 04, VTD: 05, VTD: 06, VTD: 07, VTD: 08, VTD: 10, VTD: 16, VTD: 17, VTD: 19, VTD: 20, VTD: 21, VTD: 22, VTD: 23, VTD: 24, VTD: 25, VTD: 26, VTD: 27, VTD: 28, VTD: 29, VTD: 30-1, VTD: 30-2, VTD: 31: Block(s) 0630010013034, 0630010013038, 0630010013039, 0630010013040, 0630010013043, 0630018071037, 0630018071038, 0630018091000, 0630018091001, 0630018091002, 0630018091003, 0630018091004, 0630018091005, 0630018091006, 0630018091007, 0630018091008, 0630018091009, 0630018091010, 0630018091011, 0630018091012, 0630018091013, 0630018091014, 0630018091015, 0630018091016, 0630018091017, 0630018091018, 0630018091019, 0630018091020,

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(17) District ~~18A:~~24A Guilford County: VTD: FEN1, VTD: FEN2, VTD: G04, VTD: G05, VTD: G06, VTD: G46, VTD: G52, VTD: G67, VTD: G68, VTD: G69, VTD: G70, VTD: G71, VTD: G72, VTD: G73, VTD: G74, VTD: G75, VTD: NCLAY1, VTD: NCLAY2, VTD: PG1, VTD: PG2, VTD: SCLAY. It has one judge.

(18) District ~~18B:~~24B: Guilford County: VTD: H01, VTD: H02, VTD: H03, VTD: H04, VTD: H05, VTD: H06, VTD: H07, VTD: H08, VTD: H09, VTD: H10, VTD: H11, VTD: H12, VTD: H13, VTD: H14, VTD: H15, VTD: H16, VTD: H17, VTD: H18, VTD: H19A, VTD: H19B, VTD: H20A, VTD: H20B, VTD: H21, VTD: H22, VTD: H23, VTD: H24, VTD: H25, VTD: H26, VTD: H27, VTD: HP, VTD: JAM1, VTD: JAM5, VTD: NDRI, VTD: SDRI. It has one judge.

(19) District ~~18C:~~24C: Guilford County: VTD: CG1, VTD: CG2, VTD: CG3A, VTD: CG3B, VTD: FR1, VTD: FR2, VTD: FR3, VTD: FR4, VTD: FR5, VTD: G17, VTD: G30, VTD: G31, VTD: G32, VTD: G33, VTD: G34, VTD: G36, VTD: G37, VTD: G38, VTD: G39, VTD: G40A1, VTD: G40A2, VTD: G40B, VTD: G41, VTD: G42, VTD: G43, VTD: G64, VTD: G65, VTD: G66, VTD: JAM2, VTD: JAM3, VTD: JAM4, VTD: MON3, VTD: NCGR1, VTD: NCGR2, VTD: OR1, VTD: OR2, VTD: SF1, VTD: SF2, VTD: SF3, VTD: SF4, VTD: STOK. It has one judge.

(20) District ~~18D:~~24D: Guilford County: VTD: G01, VTD: G11, VTD: G12, VTD: G13, VTD: G14, VTD: G15, VTD: G16, VTD: G19, VTD: G35, VTD: G44, VTD: G45, VTD: G47, VTD: G48, VTD: G49, VTD: G50, VTD: G51, VTD: G53, VTD: G54, VTD: G55, VTD: G56, VTD: G57, VTD: G58, VTD: G59, VTD: G60, VTD: G61, VTD: G62, VTD: G63, VTD: SUM1, VTD: SUM2, VTD: SUM3, VTD: SUM4. It has one judge.

(21) District ~~18E:~~24E: Guilford County: VTD: G02, VTD: G03, VTD: G07, VTD: G08, VTD: G09, VTD: G10, VTD: G18, VTD: G20, VTD: G21, VTD: G22, VTD: G23, VTD: G24, VTD: G25, VTD: G26, VTD: G27, VTD: G28, VTD: G29, VTD: GIB, VTD: GR, VTD: JEF1, VTD: JEF2, VTD: JEF3, VTD: JEF4, VTD: MON1, VTD: MON2, VTD: NMAD, VTD: NWASH, VTD: RC1, VTD: RC2, VTD: SMAD, VTD: SWASH. It has one judge.

(22) District ~~21A:~~31A: Forsyth County: VTD: 051, VTD: 052, VTD: 053, VTD: 054, VTD: 055, VTD: 071, VTD: 072, VTD: 073, VTD: 074, VTD: 075, VTD: 091, VTD: 092, VTD: 122, VTD: 123, VTD: 131, VTD: 132, VTD: 133, VTD: 701, VTD: 702, VTD: 703, VTD: 704, VTD: 705, VTD: 706, VTD: 707, VTD: 708, VTD: 709, VTD: 806, VTD: 807, VTD: 808. It has one judge.

(23) District ~~21B:~~31B: Forsyth County: VTD: 042, VTD: 043, VTD: 501, VTD: 502, VTD: 503, VTD: 504, VTD: 505, VTD: 506, VTD: 507, VTD: 601, VTD: 602, VTD: 603, VTD: 604, VTD: 605, VTD: 606, VTD: 607, VTD: 901, VTD: 902, VTD: 903, VTD: 904, VTD: 905, VTD: 907. It has one judge.

(24) District ~~21C:~~31C: Forsyth County: VTD: 011, VTD: 012, VTD: 013, VTD: 014, VTD: 015, VTD: 021, VTD: 031, VTD: 032, VTD: 033, VTD: 034, VTD: 061, VTD: 062, VTD: 063, VTD: 064, VTD: 065, VTD: 066, VTD: 067, VTD: 068, VTD: 101, VTD: 111, VTD: 112, VTD: 801, VTD: 802, VTD: 803, VTD: 804, VTD: 805, VTD: 809, VTD: 906, VTD: 908, VTD: 909. It has one judge.

(25) District ~~21D:~~31D: Forsyth County: VTD: 081, VTD: 082, VTD: 083, VTD: 201, VTD: 203, VTD: 204, VTD: 205, VTD: 206, VTD: 207, VTD: 301, VTD: 302, VTD: 303, VTD: 304, VTD: 305, VTD: 306, VTD: 401, VTD: 402, VTD: 403, VTD: 404, VTD: 405. It has one judge.

...."

SECTION 3.(b) If House Bill 717, 2018 Regular Session, does not become law, G.S. 7A-133, as amended by S.L. 2018-14, reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
~~3A~~3	5	Pitt
~~3B~~4	6	Craven
		Pamlico
		Carteret
~~4~~5	8	Sampson
		Duplin
		Jones
		Onslow
~~5~~6	9	New Hanover
		Pender
~~6~~7	4	Northampton
		Bertie
		Hertford
		Halifax
~~7~~8	7	Nash
		Edgecombe
		Wilson
~~8~~9	6	Wayne
		Greene
		Lenoir

~~9~~11A	5	Granville (part of Vance see subsection (b)) Franklin Person
~~9B~~11B	2	Warren (part of Vance see subsection (b))
10A	3	(part of Wake see subsection (b))
10B	3	(part of Wake see subsection (b))
10C	3	(part of Wake see subsection (b))
10D	6	(part of Wake see subsection (b))
10E	3	(part of Wake see subsection (b))
10F	3	(part of Wake see subsection (b))
~~11~~12	11	Harnett Johnston Lee
~~12~~14	10	Cumberland
~~13~~15	6	Bladen Brunswick Columbus
~~14~~16	7	Durham
~~15A~~17	4	Alamance
~~15B~~18	5	Orange Chatham
~~16A~~21	6	Scotland Hoke Anson Richmond
~~16B~~20	5	Robeson
~~17A~~22	4	Caswell Rockingham
~~17B~~23	4	Stokes Surry
~~18~~24	14	Guilford
~~19A~~25	5	Cabarrus
~~19B~~37	7	Montgomery Moore Randolph
~~19C~~27	5	Rowan
~~20A~~28	2	Stanly
~~20B~~30A	1	(part of Union see subsection (b))
~~20C~~30B	2	(part of Union

		see subsection (b))
~~20D~~30C	1	Union
~~21~~31	11	Forsyth
~~22A~~32	5	Alexander
		Iredell
~~22B~~33	6	Davidson
		Davie
~~23~~34	4	Alleghany
		Ashe
		Wilkes
		Yadkin
~~24~~35	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
~~25~~36	9	Burke
		Caldwell
		Catawba
26A	3	(part of Mecklenburg
		see subsection (b))
26B	3	(part of Mecklenburg
		see subsection (b))
26C	2	(part of Mecklenburg
		see subsection (b))
26D	2	(part of Mecklenburg
		see subsection (b))
26E	3	(part of Mecklenburg
		see subsection (b))
26F	3	(part of Mecklenburg
		see subsection (b))
26G	2	(part of Mecklenburg
		see subsection (b))
26H	3	(part of Mecklenburg
		see subsection (b))
~~27A~~38	7	Gaston
~~27B~~39	6	Cleveland
		Lincoln
~~28~~40	7	Buncombe
~~29A~~41	3	McDowell
		Rutherford
~~29B~~42	4	Henderson
		Polk
		Transylvania
~~30~~43	6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

(1) District Court District ~~9~~ 11A consists of Person, Franklin and Granville Counties and the remainder of Vance County not in District Court District ~~9B.~~11B.

(2) District Court District ~~9B~~ 11B consists of Warren County and VTD EH1, VTD MIDD, VTD NH1, VTD NH2, VTD TWNS, VTD WMSB of Vance County.

(3) District Court District ~~20C~~ 30B consists of the remainder of Union County not in District Court District ~~20B.~~30A.

(4) District Court District ~~20B~~ 30A consists of Precinct 01: Tract 204.01: Block Group 2: Block 2040, Block 2057, Block 2058, Block 2060, Block 2061, Block 2062, Block 2064, Block 2065; Tract 204.02: Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034; Block Group 3: Block 3000, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047; Block Group 4: Block 4035, Block 4054, Block 4055; Precinct 02: Tract 205: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1037, Block 1038; Block Group 2: Block 2081, Block 2082, Block 2092, Block 2099, Block 2100, Block 2101, Block 2102; Tract 206: Block Group 3: Block 3036, Block 3038, Block 3039, Block 3040, Block 3048; Block Group 4: Block 4053; Precinct 03, Precinct 04, Precinct 06: Tract 202.02: Block Group 1: Block 1012, Block 1013, Block 1014, Block 1015, Block 1017, Block 1018, Block 1021, Block 1022, Block 1023; Tract 204.01: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2033, Block 2034, Block 2035, Block 2036, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2056, Block 2063, Block 2999; Precinct 08, Precinct 09, Precinct 10, Precinct 13, Precinct 23: Tract 206: Block Group 4: Block 4051; Precinct 25: Tract 206: Block Group 4: Block 4036; Precinct 34, Precinct 36, Precinct 43 of Union County.

...

(b1) The qualified voters of District Court District ~~11~~ 12 shall elect all eight judges established for the District in subsection (a) of this section, but only persons who reside in Johnston County may be candidates for five of the judgeships, only persons who reside in Harnett County may be candidates for two of the judgeships, and only persons who reside in Lee County may be candidates for the remaining judgeship.

(b2) The qualified voters of District Court District ~~13~~ 15 shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Bladen

County may be candidates for one of those judgeships, only persons who reside in Columbus County may be candidates for two of those judgeships, and only persons who reside in Brunswick County may be candidates for three of those judgeships. These district court judgeships shall be numbered and assigned for residency purposes as follows:

(1) Seat number one, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Barefoot.

(2) Seat number two, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Fairley.

(3) Seat number three, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Warren.

(4) Seat number four, established for residents of Columbus County by this section, shall be the seat currently held by Judge Jolly.

(5) Seat number five, established for residents of Columbus County by this section, shall be the seat currently held by Judge Tyler.

(6) Seat number six, established for residents of Bladen County by this section, shall be the seat currently held by Judge Ussery.

(b3) The qualified voters of District Court District ~~22A~~ 32 shall elect all five judges established for the District in subsection (a) of this section, but only persons who reside in Alexander County may be candidates for two of the judgeships, and only persons who reside in Iredell County may be candidates for three of the judgeships.

(b4) The qualified voters of District Court District ~~22B~~ 33 shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Davie County may be candidates for two of the judgeships, and only persons who reside in Davidson County may be candidates for four of the judgeships.

...."

SECTION 3.(c) If House Bill 717, 2018 Regular Session, and House Bill 374, 2018 Regular Session, do not become law, Section 18B.6 of S.L. 2018-5 reads as rewritten:

"**SECTION 18B.6.** Effective January 1, 2019, ~~G.S. 7A-41(a1)~~ G.S. 7A-60(a1) reads as rewritten:

(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

...."

SECTION 3.(d) If House Bill 717, 2018 Regular Session, does not become law, G.S. 7A-60, as amended by S.L. 2018-5 and this act, reads as rewritten:

"**§ 7A-60. District attorneys and prosecutorial districts.**

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided in subsections (b) and (c) of this section who shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution.

...

(a1) **(Effective January 1, 2019)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11

2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	19
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
~~10~~11	Franklin, Granville, Person Vance, Warren	14
~~11~~10	Wake	42
12	Harnett, Lee	11
13	Johnston	10
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
19	Scotland, Hoke	7
20	Robeson	12
21	Anson, Richmond	6
22	Caswell, Rockingham	9
23	Stokes, Surry	8
24	Guilford	34
25	Cabarrus	9
~~26~~37	Montgomery, Randolph	10
27	Rowan	9
~~28~~29	Moore	5
~~29~~28	Stanly	5
30	Union	11
31	Forsyth	27
32	Alexander, Iredell	12
33	Davidson, Davie	12
34	Alleghany, Ashe, Wilkes, Yadkin	9
35	Avery, Madison, Mitchell, Watauga, Yancey	8
36	Burke, Caldwell, Catawba	19
~~37~~26	Mecklenburg	58
38	Gaston	15
39	Cleveland, Lincoln	12
40	Buncombe	14
41	McDowell, Rutherford	8
42	Henderson, Polk, Transylvania	9
43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.	12

...."

SECTION 3.(e) This section becomes effective January 1, 2019.

SECTION 4. The Revisor of Statutes is authorized to reorder the Superior Court Districts in G.S. 7A-41, the District Court Districts in G.S. 7A-133, and the Prosecutorial Districts in G.S. 7A-60 to ensure that all districts are listed in alphabetical and numerical order.

SECTION 5. For purposes of certifying election results for the 2018 election, the Bipartisan State Board of Elections and Ethics Enforcement and the Administrative Office of the Courts shall ensure that certificates of elections are issued for district numbers as they exist on January 1, 2019, and shall ensure the oath of office for all elected officials are taken for the district numbers as they exist on January 1, 2019.

SECTION 6. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 346
Commerce and Insurance Committee Substitute Adopted 4/24/17
Third Edition Engrossed 4/25/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S346-PCS15327-BK-52

Short Title: Change Superior Ct & District Ct Numbers. (Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DISTRICT NUMBERS OF SUPERIOR AND DISTRICT COURTS TO ALIGN WITH THE DISTRICT NUMBERS OF THE PROSECUTORIAL DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) If House Bill 717, 2018 Regular Session, becomes law, then G.S. 7A-41, as amended by that act, S.L. 2018-5, and S.L. 2018-14, reads as rewritten:

"**§ 7A-41. Superior court divisions and districts; judges.**

(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	~~3A~~3	Pitt	2
Second	~~3B~~4	Carteret, Craven, Pamlico	3
Second	~~4~~5	Duplin, Jones, Onslow, Sampson	2
Second	~~5A~~6A	(part of New Hanover, Pender see subsection (b))	1
Second	~~5B~~6B	(part of New Hanover, see subsection (b))	1

Second	~~5C~~6C	(part of New Hanover, see subsection (b))	1
First	~~6A~~7A	Halifax	1
First	~~6B~~7B	Bertie, Hertford, Northampton	1
First	~~7A~~8A	Nash	1
First	~~7B~~8B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	~~7C~~8C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	~~8A~~9A	Lenoir and Greene	1
Second	~~8B~~9B	Wayne	1
First	~~9~~11	Franklin, Granville, Person, Vance, Warren	2
Third	10A	(part of Wake, see subsection (b))	1
Third	10B	(part of Wake, see subsection (b))	1
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Third	10E	(part of Wake, see subsection (b))	1
Third	10F	(part of Wake, see subsection (b))	1
Third	~~11A~~12	Harnett, Lee	1
Third	~~11B~~13	Johnston	1
Third	~~12A~~14A	(part of Cumberland, see subsection (b))	1
Third	~~12B~~14B	(part of Cumberland, see subsection (b))	1
Third	~~12C~~14C	(part of Cumberland, see subsection (b))	2
Second	~~13A~~15A	Bladen, Columbus	1
Second	~~13B~~15B	Brunswick	1
First	~~14A~~16A	(part of Durham, see subsection (b))	1
First	~~14B~~16B	(part of Durham, see subsection (b))	3
~~Third~~Fourth	~~15A~~17	Alamance	2
Fourth	~~15B~~18	Orange, Chatham	2
Third	~~16A~~21	Anson, Richmond, Scotland	2
Second	~~16B~~20	Robeson	2
Fourth	~~17A~~22	Caswell, Rockingham	2
Fourth	~~17B~~23	Stokes, Surry	1
Fourth	~~18A~~24A	(part of Guilford,	1

			see subsection (b))	
	Fourth	~~18B~~24B	(part of Guilford, see subsection (b))	1
	Fourth	~~18C~~24C	(part of Guilford, see subsection (b))	1
	Fourth	~~18D~~24D	(part of Guilford, see subsection (b))	1
	Fourth	~~18E~~24E	(part of Guilford, see subsection (b))	1
	Fourth	~~19A~~25	Cabarrus	1
	Third	~~19B~~37	Randolph	2
	Fourth	~~19C~~27	Rowan	1
	Third	~~19D~~29	Hoke, Moore	2
	Third	~~20A~~28	Montgomery, Stanly	2
	Third	~~20B~~30	Union	2
	Fourth	~~21A~~31A	(part of Forsyth, see subsection (b))	1
	Fourth	~~21B~~31B	(part of Forsyth, see subsection (b))	1
	Fourth	~~21C~~31C	(part of Forsyth, see subsection (b))	1
	Fourth	~~21D~~31D	(part of Forsyth, see subsection (b))	1
	Fourth	~~22A~~32	Alexander, Iredell	2
	Fourth	~~22B~~33	Davidson, Davie	2
	Fourth	~~23~~34	Alleghany, Ashe, Wilkes, Yadkin	1
	Fifth	~~24~~35	Avery, Madison, Mitchell, Watauga, Yancey	2
	Fifth	~~25A~~36	Burke, Caldwell	2
	Fifth	~~25B~~19	Catawba	2
	Fifth	26A	(part of Mecklenburg, see subsection (b))	1
	Fifth	26B	(part of Mecklenburg, see subsection (b))	1
	Fifth	26C	(part of Mecklenburg, see subsection (b))	1
	Fifth	26D	(part of Mecklenburg, see subsection (b))	1
	Fifth	26E	(part of Mecklenburg, see subsection (b))	1
	Fifth	26F	(part of Mecklenburg, see subsection (b))	1
	Fifth	26G	(part of Mecklenburg, see subsection (b))	1
	Fifth	26H	(part of Mecklenburg, see subsection (b))	1
	Fifth	~~27A~~38	Gaston	2
	Fifth	~~27B~~39	Cleveland, Lincoln	2
	Fifth	~~28~~40	Buncombe	2

Fifth	~~29A~~41	McDowell, Rutherford	1
Fifth	~~29B~~42	Henderson, Polk, Transylvania	1
Fifth	~~30A~~43A	Cherokee, Clay, Graham, Macon, Swain	1
Fifth	~~30B~~43B	Haywood, Jackson	1.

(b) For superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

(1) District ~~5A:~~6A: New Hanover County: VTD CF01, VTD CF02, VTD CF03, VTD H01, VTD W25, VTD W27; Pender County. It has one judge.

(2) District ~~5B:~~6B: New Hanover County: VTD H02, VTD H03, VTD H04, VTD H05, VTD H06, VTD H07, VTD H08, VTD H09, VTD M02, VTD M05, VTD W13, VTD W18, VTD W24, VTD W28, VTD WB. It has one judge.

(3) District ~~5C:~~6C: New Hanover County: VTD FP01, VTD FP02, VTD FP03, VTD FP04, VTD FP05, VTD M03, VTD M04, VTD W03, VTD W08, VTD W12, VTD W15, VTD W16, VTD W17, VTD W21, VTD W26, VTD W29, VTD W30, VTD W31. It has one judge.

(4) District ~~7B:~~8B: Edgecombe County: VTD: 1101: Block(s) 0650213001035; VTD: 1201, VTD: 1202, VTD: 1203, VTD: 1204, VTD: 1205: Block(s) 0650203001005, 0650203001006, 0650203001007, 0650203001008, 0650203001009, 0650203001010, 0650203001011, 0650203001012, 0650203001013, 0650203001014, 0650203001015, 0650203001016, 0650203001017, 0650204001000, 0650204001001, 0650204001002, 0650204001003, 0650204001004, 0650204001005, 0650204001006, 0650204001007, 0650204001008, 0650204001009, 0650204001010, 0650204001011, 0650204001012, 0650204001013, 0650204001014, 0650204001015, 0650204001016, 0650204001017, 0650204001018, 0650204001019, 0650204001020, 0650204001021, 0650204001022, 0650204001023, 0650204001024, 0650204001025, 0650204001026, 0650204001027, 0650204001028, 0650204001029, 0650204001030, 0650204001031, 0650204001032, 0650204001033, 0650204001034, 0650204001035, 0650204001036, 0650204001037, 0650204001038, 0650204001039, 0650204001040, 0650204001041, 0650204001042, 0650204001043, 0650204001044, 0650204001045, 0650204001046, 0650204001047, 0650204001048, 0650204001049, 0650204002000, 0650204002001, 0650204002002, 0650204002003, 0650204002004, 0650204002005, 0650204002006, 0650204002007, 0650204002008, 0650204002009, 0650204002010, 0650204002011, 0650204002012, 0650204002013, 0650204002014, 0650204002015, 0650204002016, 0650204002017, 0650204002018, 0650204002019, 0650204002020, 0650204002021, 0650204002022, 0650204002023, 0650204002024, 0650204002025; VTD: 1301: 0650214002017; VTD: 1401; Wilson County: VTD: PRBL: Block(s) 1950009001045, 1950009001046; VTD: PRGA: 1950007001065, 1950007001066, 1950007001067, 1950012001000, 1950012001001, 1950012001002, 1950012001003, 1950012001012, 1950012001013, 1950012001014, 1950012001015, 1950012001016, 1950012001017, 1950012001018, 1950012001019, 1950012001020, 1950012001021, 1950012001022, 1950012001023, 1950012001025, 1950012001026, 1950012001031, 1950012001032, 1950012001033,

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(5) District ~~7C:~~*8C:* Edgecombe County: VTD: 0101, VTD: 0102, VTD: 0103, VTD: 0104, VTD: 0201, VTD: 0301, VTD: 0401, VTD: 0501, VTD: 0601, VTD: 0701, VTD: 0801, VTD: 0901, VTD: 1001, VTD: 1101: Block(s) 0650213001009, 0650213001034, 0650213002000, 0650213002001, 0650213002002, 0650213002003, 0650213002004, 0650213002005, 0650213002006, 0650213002007, 0650213002008, 0650213002009, 0650213002010, 0650213002011, 0650213002012, 0650213002013, 0650213002014, 0650213002015, 0650213002016, 0650213002017, 0650213002018, 0650213002019, 0650213002022, 0650213002025, 0650213002026, 0650213002027, 0650213002028, 0650213002029, 0650213002035, 0650213002036, 0650213002037, 0650213002038, 0650213002039, 0650213002040, 0650213002041, 0650213002042, 0650213002043, 0650213002044, 0650213002045, 0650213002046, 0650213002048, 0650213002049, 0650213002050, 0650213002051, 0650213002052, 0650213002053, 0650213002054, 0650213002055, 0650213002056, 0650213002057, 0650213002058, 0650213002059, 0650213002060, 0650213002061, 0650213002062, 0650213002063, 0650213002064, 0650213002065, 0650213002066, 0650213002067, 0650213002068, 0650213002069, 0650213002070, 0650213002071,

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(15) District ~~14A:~~16A: Durham County: VTD: 09, VTD: 12, VTD: 13, VTD: 14, VTD: 15, VTD: 18, VTD: 31: Block(s) 0630010013033, 0630018024009; VTD: 34, VTD: 35: Block(s) 0630020211023, 0630020212002, 0630020212003, 0630020212004, 0630020212005, 0630020212006, 0630020212007, 0630020212008, 0630020212009, 0630020212010, 0630020212013, 0630020212015, 0630020212016, 0630020212018, 0630020212020, 0630020212021, 0630020272052; VTD: 40, VTD: 41, VTD: 42, VTD: 48, VTD: 53-1, VTD: 54, VTD: 55. It has one judge.

(16) District ~~14B:~~16B: Durham County: VTD: 01, VTD: 02, VTD: 03, VTD: 04, VTD: 05, VTD: 06, VTD: 07, VTD: 08, VTD: 10, VTD: 16, VTD: 17, VTD: 19, VTD: 20, VTD: 21, VTD: 22, VTD: 23, VTD: 24, VTD: 25, VTD: 26, VTD: 27, VTD: 28, VTD: 29, VTD: 30-1, VTD: 30-2, VTD: 31: Block(s) 0630010013034, 0630010013038, 0630010013039, 0630010013040, 0630010013043, 0630018071037, 0630018071038, 0630018091000, 0630018091001, 0630018091002, 0630018091003, 0630018091004, 0630018091005, 0630018091006, 0630018091007, 0630018091008, 0630018091009, 0630018091010, 0630018091011, 0630018091012, 0630018091013, 0630018091014, 0630018091015, 0630018091016, 0630018091017, 0630018091018, 0630018091019, 0630018091020, 0630018091021, 0630018091022, 0630018091023, 0630018091024, 0630018091025, 0630018091026, 0630018091027, 0630018091028, 0630018091029, 0630018091030, 0630018091031, 0630018091032, 0630018091033, 0630018091034, 0630018091035, 0630018091036, 0630018091037, 0630018091038, 0630018091041, 0630018091042, 0630018091043, 0630018091044, 0630018091045, 0630018091046, 0630018091062, 0630018091063, 0630018091064, 0630018091065, 0630018091066, 0630018091067, 0630018091071, 0630018091072, 0630018091073, 0630018091074, 0630018091077, 0630018091079, 0630018091080, 0630018092000, 0630018092001, 0630018092002, 0630018092003, 0630018092004, 0630018092005, 0630018092006, 0630018092007, 0630018092008, 0630018092009, 0630018092010, 0630018092011, 0630018092012, 0630018092013, 0630018092014, 0630018092015, 0630018092016, 0630018092017, 0630018092018, 0630018092019, 0630018092020, 0630018092021, 0630018092022, 0630018092023, 0630018092024, 0630018092027, 0630018092028, 0630018092029, 0630018092030, 0630018092031, 0630018092032, 0630018092033, 0630020271000, 0630020271001, 0630020271002, 0630020271003, 0630020271004, 0630020271005, 0630020271006, 0630020271007, 0630020271008, 0630020271009, 0630020271010, 0630020271011, 0630020271012, 0630020271013, 0630020271014, 0630020271015, 0630020271016, 0630020271017, 0630020271018,

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(17) District ~~18A:~~24A: Guilford County: VTD: FEN1, VTD: FEN2, VTD: G04, VTD: G05, VTD: G06, VTD: G46, VTD: G52, VTD: G67, VTD: G68, VTD: G69, VTD: G70, VTD: G71, VTD: G72, VTD: G73, VTD: G74, VTD: G75, VTD: NCLAY1, VTD: NCLAY2, VTD: PG1, VTD: PG2, VTD: SCLAY. It has one judge.

(18) District ~~18B:~~24B: Guilford County: VTD: H01, VTD: H02, VTD: H03, VTD: H04, VTD: H05, VTD: H06, VTD: H07, VTD: H08, VTD: H09, VTD: H10, VTD: H11, VTD: H12, VTD: H13, VTD: H14, VTD: H15, VTD: H16, VTD: H17, VTD: H18, VTD: H19A, VTD: H19B, VTD: H20A, VTD: H20B, VTD: H21, VTD: H22, VTD: H23, VTD: H24, VTD: H25, VTD: H26, VTD: H27, VTD: HP, VTD: JAM1, VTD: JAM5, VTD: NDRI, VTD: SDRI. It has one judge.

(19) District ~~18C:~~24C: Guilford County: VTD: CG1, VTD: CG2, VTD: CG3A, VTD: CG3B, VTD: FR1, VTD: FR2, VTD: FR3, VTD: FR4, VTD: FR5, VTD: G17, VTD: G30, VTD: G31, VTD: G32, VTD: G33, VTD: G34, VTD: G36, VTD: G37, VTD: G38, VTD: G39, VTD: G40A1, VTD: G40A2, VTD: G40B, VTD: G41, VTD: G42, VTD: G43, VTD: G64, VTD: G65, VTD: G66, VTD: JAM2, VTD: JAM3, VTD: JAM4, VTD: MON3, VTD: NCGR1, VTD: NCGR2, VTD: OR1, VTD: OR2, VTD: SF1, VTD: SF2, VTD: SF3, VTD: SF4, VTD: STOK. It has one judge.

(20) District ~~18D:~~24D: Guilford County: VTD: G01, VTD: G11, VTD: G12, VTD: G13, VTD: G14, VTD: G15, VTD: G16, VTD: G19, VTD: G35, VTD: G44, VTD: G45, VTD: G47, VTD: G48, VTD: G49, VTD: G50, VTD: G51, VTD: G53, VTD: G54, VTD: G55, VTD: G56, VTD: G57, VTD: G58, VTD: G59, VTD: G60, VTD: G61, VTD: G62, VTD: G63, VTD: SUM1, VTD: SUM2, VTD: SUM3, VTD: SUM4. It has one judge.

(21) District ~~18E:~~24E: Guilford County: VTD: G02, VTD: G03, VTD: G07, VTD: G08, VTD: G09, VTD: G10, VTD: G18, VTD: G20, VTD: G21, VTD: G22, VTD: G23, VTD: G24, VTD: G25, VTD: G26, VTD: G27, VTD: G28, VTD: G29, VTD: GIB, VTD: GR, VTD: JEF1, VTD: JEF2, VTD: JEF3, VTD: JEF4, VTD: MON1, VTD: MON2, VTD: NMAD, VTD: NWASH, VTD: RC1, VTD: RC2, VTD: SMAD, VTD: SWASH. It has one judge.

(22) District ~~21A:~~31A: Forsyth County: VTD: 051, VTD: 052, VTD: 053, VTD: 054, VTD: 055, VTD: 071, VTD: 072, VTD: 073, VTD: 074, VTD: 075, VTD: 091, VTD: 092, VTD: 122, VTD: 123, VTD: 131, VTD: 132, VTD: 133, VTD: 701, VTD: 702, VTD: 703, VTD: 704, VTD: 705, VTD: 706, VTD: 707, VTD: 708, VTD: 709, VTD: 806, VTD: 807, VTD: 808. It has one judge.

(23) District ~~21B:~~31B: Forsyth County: VTD: 042, VTD: 043, VTD: 501, VTD: 502, VTD: 503, VTD: 504, VTD: 505, VTD: 506, VTD: 507, VTD: 601, VTD: 602, VTD: 603, VTD: 604, VTD: 605, VTD: 606, VTD: 607, VTD: 901, VTD: 902, VTD: 903, VTD: 904, VTD: 905, VTD: 907. It has one judge.

(24) District ~~21C:~~31C: Forsyth County: VTD: 011, VTD: 012, VTD: 013, VTD: 014, VTD: 015, VTD: 021, VTD: 031, VTD: 032, VTD: 033, VTD: 034, VTD: 061, VTD: 062, VTD: 063, VTD: 064, VTD: 065, VTD: 066, VTD: 067, VTD: 068, VTD: 101, VTD: 111, VTD: 112, VTD: 801, VTD: 802, VTD: 803, VTD: 804, VTD: 805, VTD: 809, VTD: 906, VTD: 908, VTD: 909. It has one judge.

(25) District ~~21D:~~31D: Forsyth County: VTD: 081, VTD: 082, VTD: 083, VTD: 201, VTD: 203, VTD: 204, VTD: 205, VTD: 206, VTD: 207, VTD: 301, VTD: 302, VTD: 303, VTD: 304, VTD: 305, VTD: 306, VTD: 401, VTD: 402, VTD: 403, VTD: 404, VTD: 405. It has one judge.

...

(b1) The qualified voters of ~~District 4~~ District 5 shall elect all judges established for ~~District 4~~ District 5 in subsection (a) of this section, but only persons who reside in Onslow County may be candidates for one of the judgeships and only persons who reside in Duplin, Jones, or Sampson County may be candidates for the remaining judgeship.

...."

SECTION 1.(b) If House Bill 717, 2018 Regular Session, becomes law, then G.S. 7A-133, as amended by that act, S.L. 2018-5, and S.L. 2018-14, reads as rewritten:

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
~~3A~~3	5	Pitt
~~3B~~4	6	Craven
		Pamlico
		Carteret
~~4~~5	8	Sampson
		Duplin
		Jones
		Onslow
~~5~~6	9	New Hanover
		Pender
~~6~~7	4	Northampton
		Bertie
		Hertford
		Halifax
~~7~~8	7	Nash
		Edgecombe
		Wilson
~~8~~9	6	Wayne
		Greene
		Lenoir
~~9~~11A	5	Granville
		(part of Vance
		see subsection (b))
		Franklin
		Person
~~9B~~11B	2	Warren
		(part of Vance
		see subsection (b))
10A	3	(part of Wake
		see subsection (b))
10B	3	(part of Wake
		see subsection (b))
10C	3	(part of Wake
		see subsection (b))
10D	6	(part of Wake

		see subsection (b))
10E	3	(part of Wake
		see subsection (b))
10F	3	(part of Wake
		see subsection (b))
~~11~~12	11	Harnett
		Johnston
		Lee
~~12~~14	10	Cumberland
~~13~~15	6	Bladen
		Brunswick
		Columbus
~~14~~16	7	Durham
~~15A~~17	4	Alamance
~~15B~~18	5	Orange
		Chatham
~~16A~~21	4	Scotland
		Anson
		Richmond
~~16B~~20	5	Robeson
~~17A~~22	4	Caswell
		Rockingham
~~17B~~23	4	Stokes
		Surry
~~18~~24	14	Guilford
~~19A~~25	5	Cabarrus
~~19B~~37	5	Randolph
~~19C~~27	5	Rowan
~~19D~~29	4	Hoke, Moore
~~20A~~28	3	Montgomery, Stanly
~~20B~~30A	1	(part of Union
		see subsection (b))
~~20C~~30B	2	(part of Union
		see subsection (b))
~~20D~~30C	1	Union
~~21~~31	11	Forsyth
~~22A~~32	5	Alexander
		Iredell
~~22B~~33	6	Davidson
		Davie
~~23~~34	4	Alleghany
		Ashe
		Wilkes
		Yadkin
~~24~~35	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
~~25~~36	9	Burke
		Caldwell

		Catawba
26A	3	(part of Mecklenburg see subsection (b))
26B	3	(part of Mecklenburg see subsection (b))
26C	2	(part of Mecklenburg see subsection (b))
26D	2	(part of Mecklenburg see subsection (b))
26E	3	(part of Mecklenburg see subsection (b))
26F	3	(part of Mecklenburg see subsection (b))
26G	2	(part of Mecklenburg see subsection (b))
26H	3	(part of Mecklenburg see subsection (b))
~~27A~~38	7	Gaston
~~27B~~39	6	Cleveland
		Lincoln
~~28~~40	7	Buncombe
~~29A~~41	3	McDowell
		Rutherford
~~29B~~42	4	Henderson
		Polk
		Transylvania
~~30~~43	6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

(1) District Court ~~District 9~~District 11A consists of Person, Franklin and Granville Counties and the remainder of Vance County not in District Court ~~District 9B.~~District 11B.

(2) District Court ~~District 9B~~District 11B consists of Warren County and VTD EH1, VTD MIDD, VTD NH1, VTD NH2, VTD TWNS, VTD WMSB of Vance County.

(3) District Court ~~District 20C~~District 30B consists of the remainder of Union County not in District Court ~~District 20B.~~District 30A.

(4) District Court ~~District 20B~~District 30A consists of Precinct 01: Tract 204.01: Block Group 2: Block 2040, Block 2057, Block 2058, Block 2060, Block 2061, Block 2062, Block 2064, Block 2065; Tract 204.02: Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034;

Block Group 3: Block 3000, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047; Block Group 4: Block 4035, Block 4054, Block 4055; Precinct 02: Tract 205: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1037, Block 1038; Block Group 2: Block 2081, Block 2082, Block 2092, Block 2099, Block 2100, Block 2101, Block 2102; Tract 206: Block Group 3: Block 3036, Block 3038, Block 3039, Block 3040, Block 3048; Block Group 4: Block 4053; Precinct 03, Precinct 04, Precinct 06: Tract 202.02: Block Group 1: Block 1012, Block 1013, Block 1014, Block 1015, Block 1017, Block 1018, Block 1021, Block 1022, Block 1023; Tract 204.01: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2033, Block 2034, Block 2035, Block 2036, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2056, Block 2063, Block 2999; Precinct 08, Precinct 09, Precinct 10, Precinct 13, Precinct 23: Tract 206: Block Group 4: Block 4051; Precinct 25: Tract 206: Block Group 4: Block 4036; Precinct 34, Precinct 36, Precinct 43 of Union County.

...

(b1) The qualified voters of District Court ~~District 11~~District 12 shall elect all eight judges established for the District in subsection (a) of this section, but only persons who reside in Johnston County may be candidates for five of the judgeships, only persons who reside in Harnett County may be candidates for two of the judgeships, and only persons who reside in Lee County may be candidates for the remaining judgeship.

(b2) The qualified voters of District Court ~~District 13~~District 15 shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Bladen County may be candidates for one of those judgeships, only persons who reside in Columbus County may be candidates for two of those judgeships, and only persons who reside in Brunswick County may be candidates for three of those judgeships. These district court judgeships shall be numbered and assigned for residency purposes as follows:

(1) Seat number one, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Barefoot.

(2) Seat number two, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Fairley.

(3) Seat number three, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Warren.

(4) Seat number four, established for residents of Columbus County by this section, shall be the seat currently held by Judge Jolly.

(5) Seat number five, established for residents of Columbus County by this section, shall be the seat currently held by Judge Tyler.

(6) Seat number six, established for residents of Bladen County by this section, shall be the seat currently held by Judge Ussery.

(b3) The qualified voters of District Court ~~District 22A~~District 32 shall elect all five judges established for the District in subsection (a) of this section, but only persons who reside in

Alexander County may be candidates for two of the judgeships, and only persons who reside in Iredell County may be candidates for three of the judgeships.

(b4) The qualified voters of District Court ~~District 22B~~District 33 shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Davie County may be candidates for two of the judgeships, and only persons who reside in Davidson County may be candidates for four of the judgeships.

(b5) The qualified voters of ~~District 16A~~District 21 shall elect all judges established for ~~District 16A~~District 21 in subsection (a) of this section, but only persons who reside in Anson County may be candidates for one of the judgeships, only persons who reside in Scotland County may be candidates for one of the judgeships, and only persons who reside in Richmond County may be candidates for the remaining judgeships. In order to implement this section the following shall apply in order to transition from at large seats to residency requirements:

(1) In 2020, and every four years thereafter, the district court judgeship requiring a resident of Anson County shall be elected, and a district court judgeship requiring a resident of Richmond County shall be elected.

(2) In 2022, and every four years thereafter, the district court judgeship requiring a resident of Scotland County shall be elected, and a district court judgeship requiring a resident of Richmond County shall be elected.

(b6) The qualified voters of ~~District 20A~~District 28 shall elect all judges established for ~~District 20A~~District 28 in subsection (a) of this section, but only persons who reside in Montgomery County may be candidates for one of the judgeships, and only persons who reside in Montgomery or Stanly County may be candidates for the remaining judgeships.

(b7) Subject to the provisions of this subsection, the qualified voters of ~~District 25~~District 36 shall elect all judges established for ~~District 25~~District 36 in subsection (a) of this section, but only persons who reside in Catawba County may be candidates for five of the judgeships, and only persons who reside in Burke or Caldwell County may be candidates for the remaining judgeships. In order to implement this section the following shall apply in order to transition from at large seats to residency requirements:

(1) Transition of seats; regular elections. – For any district court judgeship that is held by a resident of Burke or Caldwell Counties on July 1, 2018, at the next general election after July 1, 2018, that district court judgeship shall be filled only by a person who is a resident of Burke or Caldwell Counties. Until such time as three district court judgeships transition under subdivision (2) of this subsection, for any district court judgeship that is held by a resident of Catawba County on July 1, 2018, that district court judgeship shall, at the next general election after July 1, 2018, be filled only by a person who is a resident of Burke, Caldwell, or Catawba County.

(2) Transition of seats; vacancies. – Upon each of the first three district court judgeship vacancies occurring in District Court ~~District 25~~District 36 after July 1, 2018, due to death, resignation, removal, or retirement of a person who is a resident of Catawba County holding a judgeship on July 1, 2018, that vacancy shall be filled according to law for the remainder of the unfilled term. At the next general election held for that district court judgeship, only persons who reside in Burke or Caldwell County may be candidates for that district court judgeship. Any primary associated with that general election for that district court judgeship after the completion of the term shall also be held accordingly, in accordance with this subsection.

(3) Notification to State Board. – Upon each of the first three district court judgeship vacancies occurring after July 1, 2018, in District Court ~~District 25~~District 36 due to the death, resignation, removal, or retirement of a person who is a resident of Catawba County holding a judgeship on July 1, 2018, the

Director of the Administrative Office of the Courts shall provide written notice of the vacancy to the State Board of Elections and Ethics Enforcement. During the filing period for that district court judgeship at the next general election held for that district court judgeship, the State Board of Elections and Ethics Enforcement shall ensure that only persons who reside in Burke or Caldwell County may file as candidates for that district court judgeship in accordance this subsection.

(4) Final transition. – If a total of three district court judgeships have not transferred under subdivision (2) of this subsection to be eligible to be held by only persons who are residents of Burke or Caldwell Counties by January 1, 2030, a sufficient number of district court judgeships to total three district court judgeships shall be transferred to be held by only persons who are residents of Burke or Caldwell Counties on January 1, 2031, and the 2030 elections shall be held accordingly.

...."

SECTION 1.(c) Effective January 1, 2019, if House Bill 717, 2018 Regular Session, becomes law, G.S. 7A-60(a1), as amended by S.L. 2018-5 and that act, reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	19
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
11	Franklin, Granville, Person Vance, Warren	15
10	Wake	42
12	Harnett, Lee	11
13	Johnston	10
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
20	Robeson	12
21	Anson, Richmond, Scotland	9
22	Caswell, Rockingham	8
23	Stokes, Surry	8

24	Guilford	34
25	Cabarrus	9
37	Randolph	10
27	Rowan	9
29	Hoke, Moore	9
28	Montgomery, Stanly	6
30	Union	11
31	Forsyth	27
32	Alexander, Iredell	12
33	Davidson, Davie	12
34	Alleghany, Ashe, Wilkes, Yadkin	9
35	Avery, Madison, Mitchell, Watauga, Yancey	8
36	Burke, Caldwell	9
26	Mecklenburg	58
38	Gaston	15
39	Cleveland, Lincoln	12
40	Buncombe	14
41	McDowell, Rutherford	8
42	Henderson, Polk, Transylvania	9
43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.	12
44~~1~~9	Catawba	~~1~~010."

SECTION 1.(d) This section becomes effective January 1, 2019.

SECTION 2.(a) If House Bill 717, 2018 Regular Session, becomes law, then Section 3(c) of that act reads as rewritten:

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

SECTION 2.(b) If House Bill 717, 2018 Regular Session, becomes law, then Section 3(d) of that act reads as rewritten:

"**SECTION 3.(d)** The office and term of the district attorney for Prosecutorial District 36 formerly consisting of Burke, Caldwell, and Catawba Counties is terminated upon the expiration of the term expiring December 31, 2022. Effective January 1, 2023, District 36 formerly consisting of Burke, Caldwell, and Catawba Counties is reassigned as provided in this section. All open investigations and pending cases for Prosecutorial District 36 formerly consisting of Burke, Caldwell, and Catawba Counties shall be transferred to either District 36 or District ~~44,~~19, as enacted by this section. Burke and Caldwell Counties remain in District 36, as enacted by this section, and the total number of ADAs in that district is nine. Catawba County is added to District ~~44,~~ 19, and the total number of ADAs in that district is 10."

SECTION 3.(a) If House Bill 717, 2018 Regular Session, does not become law, G.S. 7A-41, as amended by S.L. 2018-5 and S.L. 2018-14, reads as rewritten:

"**§ 7A-41. Superior court divisions and districts; judges.**

(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges

First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	~~3A~~3	Pitt	2
Second	~~3B~~4	Carteret, Craven, Pamlico	3
Second	~~4A~~5A	Duplin, Jones, Sampson	1
Second	~~4B~~5B	Onslow	1
Second	~~5A~~6A	(part of New Hanover, Pender see subsection (b))	1
Second	~~5B~~6B	(part of New Hanover, see subsection (b))	1
Second	~~5C~~6C	(part of New Hanover, see subsection (b))	1
First	~~6A~~7A	Halifax	1
First	~~6B~~7B	Bertie, Hertford, Northampton	1
First	~~7A~~8A	Nash	1
First	~~7B~~8B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	~~7C~~8C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	~~8A~~9A	Lenoir and Greene	1
Second	~~8B~~9B	Wayne	1
Third	~~9~~11	Franklin, Granville, Person, Vance, Warren	2
Third	10A	(part of Wake, see subsection (b))	1
Third	10B	(part of Wake, see subsection (b))	~~2~~1
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Third	10E	(part of Wake, see subsection (b))	1
Third	10F	(part of Wake, see subsection (b))	1
Fourth	~~11A~~12	Harnett,	1

			Lee	
	Fourth	~~11B~~13	Johnston	1
	Fourth	~~12A~~14A	(part of Cumberland, see subsection (b))	1
	Fourth	~~12B~~14B	(part of Cumberland, see subsection (b))	1
	Fourth	~~12C~~14C	(part of Cumberland, see subsection (b))	2
	Fourth	~~13A~~15A	Bladen, Columbus	1
	Fourth	~~13B~~15B	Brunswick	1
	Third	~~14A~~16A	(part of Durham, see subsection (b))	1
	Third	~~14B~~16B	(part of Durham, see subsection (b))	3
	Third	~~15A~~17	Alamance	2
	Third	~~15B~~18	Orange, Chatham	2
	Fourth	~~16A~~21	Anson, Richmond, Scotland, Hoke	2
	Fourth	~~16B~~20	Robeson	2
	Fifth	~~17A~~22	Caswell, Rockingham	2
	Fifth	~~17B~~23	Stokes, Surry	1
	Fifth	~~18A~~24A	(part of Guilford, see subsection (b))	1
	Fifth	~~18B~~24B	(part of Guilford, see subsection (b))	1
	Fifth	~~18C~~24C	(part of Guilford, see subsection (b))	1
	Fifth	~~18D~~24D	(part of Guilford, see subsection (b))	1
	Fifth	~~18E~~24E	(part of Guilford, see subsection (b))	1
	Sixth	~~19A~~25	Cabarrus	1
	Fifth	~~19B~~37	Montgomery, Randolph	2
	Sixth	~~19C~~27	Rowan	1
	Fourth	~~19D~~29	Moore	1
	Sixth	~~20A~~28	Stanly	1
	Sixth	~~20B~~30	Union	2
	Fifth	~~21A~~31A	(part of Forsyth, see subsection (b))	1
	Fifth	~~21B~~31B	(part of Forsyth, see subsection (b))	1
	Fifth	~~21C~~31C	(part of Forsyth, see subsection (b))	1
	Fifth	~~21D~~31D	(part of Forsyth, see subsection (b))	1
	Sixth	~~22A~~32	Alexander, Iredell	2
	Sixth	~~22B~~33	Davidson, Davie	2
	Fifth	~~23~~34	Alleghany, Ashe, Wilkes, Yadkin	1
	Eighth	~~24~~35	Avery, Madison, Mitchell,	2

			Watauga, Yancey	
	Seventh	~~25A~~36	Burke, Caldwell	2
	Seventh	~~25B~~19	Catawba	2
	Seventh	26A	(part of Mecklenburg, see subsection (b))	1
	Seventh	26B	(part of Mecklenburg, see subsection (b))	1
	Seventh	26C	(part of Mecklenburg, see subsection (b))	1
	Seventh	26D	(part of Mecklenburg, see subsection (b))	1
	Seventh	26E	(part of Mecklenburg, see subsection (b))	1
	Seventh	26F	(part of Mecklenburg, see subsection (b))	1
	Seventh	26G	(part of Mecklenburg, see subsection (b))	1
	Seventh	26H	(part of Mecklenburg, see subsection (b))	1
	Seventh	~~27A~~38	Gaston	2
	Seventh	~~27B~~39	Cleveland, Lincoln	2
	Eighth	~~28~~40	Buncombe	2
	Eighth	~~29A~~41	McDowell, Rutherford	1
	Eighth	~~29B~~42	Henderson, Polk, Transylvania	1
	Eighth	~~30A~~43A	Cherokee, Clay, Graham, Macon, Swain	1
	Eighth	~~30B~~43B	Haywood, Jackson	1.

(b) For superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

(1) District ~~5A:~~6A: New Hanover County: VTD CF01, VTD CF02, VTD CF03, VTD H01, VTD W25, VTD W27; Pender County. It has one judge.

(2) District ~~5B:~~6B: New Hanover County: VTD H02, VTD H03, VTD H04, VTD H05, VTD H06, VTD H07, VTD H08, VTD H09, VTD M02, VTD M05, VTD W13, VTD W18, VTD W24, VTD W28, VTD WB. It has one judge.

(3) District ~~5C:~~6C: New Hanover County: VTD FP01, VTD FP02, VTD FP03, VTD FP04, VTD FP05, VTD M03, VTD M04, VTD W03, VTD W08, VTD W12, VTD W15, VTD W16, VTD W17, VTD W21, VTD W26, VTD W29, VTD W30, VTD W31. It has one judge.

(4) District ~~7B:~~8B: Edgecombe County: VTD: 1101: Block(s) 0650213001035; VTD: 1201, VTD: 1202, VTD: 1203, VTD: 1204, VTD: 1205: Block(s) 0650203001005, 0650203001006, 0650203001007, 0650203001008, 0650203001009, 0650203001010, 0650203001011, 0650203001012, 0650203001013, 0650203001014, 0650203001015, 0650203001016, 0650203001017, 0650204001000, 0650204001001, 0650204001002, 0650204001003, 0650204001004, 0650204001005, 0650204001006, 0650204001007, 0650204001008, 0650204001009, 0650204001010, 0650204001011, 0650204001012, 0650204001013, 0650204001014, 0650204001015, 0650204001016, 0650204001017, 0650204001018,

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(14) District ~~12C:~~14C: Cumberland County: VTD: AL51, VTD: CC04, VTD: CC06, VTD: CC07, VTD: CC08, VTD: CC10, VTD: CC12, VTD: CC13: Block(s) 0510009004000, 0510009004020; VTD: CC14, VTD: CC15: Block(s) 0510006001000, 0510006001001, 0510006001002, 0510006001003, 0510006001004, 0510006001005, 0510006001006, 0510006001007, 0510006001008, 0510006001009, 0510006001010, 0510006001011, 0510006001012, 0510006001013, 0510006001014, 0510006001015, 0510006001016, 0510006002000, 0510006002001, 0510006002002, 0510006002003, 0510006002004, 0510006002005, 0510006002006, 0510006002007, 0510006002008, 0510006002009, 0510018001000, 0510018001001, 0510018001002, 0510018001003, 0510018001004, 0510018001005, 0510018001006, 0510018001007, 0510018001008, 0510018001009, 0510018002000, 0510018002001, 0510018002002, 0510038003035; VTD: CC18: 0510007022006, 0510007022010, 0510007022011, 0510007022013, 0510007022014, 0510007022015, 0510007022016, 0510007022017, 0510007022018, 0510007022019, 0510007022020, 0510007022021, 0510007022022, 0510007022023, 0510007022024, 0510007022025, 0510007022026, 0510038003030, 0510038003031, 0510038003032, 0510038003055; VTD: CC21, VTD: CC24: Block(s) 0510020011006, 0510020011007, 0510020011008, 0510020011010, 0510020011011, 0510020011012, 0510020011013, 0510020011014, 0510020011015, 0510020011016, 0510020011025, 0510020011026, 0510020011030, 0510020011031, 0510020011032, 0510020011033, 0510020011034, 0510020011035, 0510020011036, 0510020011037, 0510020011038, 0510020011039, 0510020011040, 0510020011041, 0510020011042, 0510020011043, 0510020011044, 0510020011045, 0510020011046, 0510020011047, 0510020011048, 0510020011049, 0510020011050, 0510020011051, 0510020011052, 0510020011053, 0510020011055, 0510020011056, 0510020012000, 0510020012001, 0510020012002, 0510020012003, 0510020012006, 0510020012007, 0510020012008, 0510020012009, 0510020012010, 0510020012011, 0510020012012, 0510020012013, 0510020012014, 0510020012015, 0510020012016, 0510020012017, 0510020012018, 0510020012019, 0510020012021, 0510020012022, 0510020012023, 0510020012024, 0510020021001; VTD: CC26, VTD: EO61-1, VTD: EO61-2, VTD: G1, VTD: G10: Block(s) 0510031031000, 0510031031011, 0510031031012, 0510031031013, 0510031031014, 0510031031015, 0510031031017, 0510031031018, 0510031031019, 0510031031020, 0510031031021, 0510031031022, 0510031032000, 0510031032001, 0510031032002, 0510031032003, 0510031032016, 0510031032022, 0510031032025, 0510031032030, 0510031032031, 0510031032032, 0510031032033, 0510031032035, 0510031032037, 0510031032038, 0510031032039, 0510031032040, 0510031032045, 0510031032050, 0510031032051; VTD: G11: 0510036001000, 0510036001001, 0510036001002, 0510036001003, 0510036001004, 0510036001005, 0510036001006, 0510036001007, 0510036001008, 0510036001009, 0510036001010, 0510036001012, 0510036001013,

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(15) District ~~14A:~~16A: Durham County: VTD: 09, VTD: 12, VTD: 13, VTD: 14, VTD: 15, VTD: 18, VTD: 31: Block(s) 0630010013033, 0630018024009; VTD: 34, VTD: 35: Block(s) 0630020211023, 0630020212002, 0630020212003, 0630020212004, 0630020212005, 0630020212006, 0630020212007, 0630020212008, 0630020212009, 0630020212010, 0630020212013, 0630020212015, 0630020212016, 0630020212018, 0630020212020, 0630020212021, 0630020272052; VTD: 40, VTD: 41, VTD: 42, VTD: 48, VTD: 53-1, VTD: 54, VTD: 55. It has one judge.

(16) District ~~14B:~~16B: Durham County: VTD: 01, VTD: 02, VTD: 03, VTD: 04, VTD: 05, VTD: 06, VTD: 07, VTD: 08, VTD: 10, VTD: 16, VTD: 17, VTD: 19, VTD: 20, VTD: 21, VTD: 22, VTD: 23, VTD: 24, VTD: 25, VTD: 26, VTD: 27, VTD: 28, VTD: 29, VTD: 30-1, VTD: 30-2, VTD: 31: Block(s) 0630010013034, 0630010013038, 0630010013039, 0630010013040, 0630010013043, 0630018071037, 0630018071038, 0630018091000, 0630018091001, 0630018091002, 0630018091003, 0630018091004, 0630018091005, 0630018091006, 0630018091007, 0630018091008, 0630018091009, 0630018091010, 0630018091011, 0630018091012, 0630018091013, 0630018091014, 0630018091015, 0630018091016, 0630018091017, 0630018091018, 0630018091019, 0630018091020,

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(17) District ~~18A:~~24A Guilford County: VTD: FEN1, VTD: FEN2, VTD: G04, VTD: G05, VTD: G06, VTD: G46, VTD: G52, VTD: G67, VTD: G68, VTD: G69, VTD: G70, VTD: G71, VTD: G72, VTD: G73, VTD: G74, VTD: G75, VTD: NCLAY1, VTD: NCLAY2, VTD: PG1, VTD: PG2, VTD: SCLAY. It has one judge.

(18) District ~~18B:~~24B: Guilford County: VTD: H01, VTD: H02, VTD: H03, VTD: H04, VTD: H05, VTD: H06, VTD: H07, VTD: H08, VTD: H09, VTD: H10, VTD: H11, VTD: H12, VTD: H13, VTD: H14, VTD: H15, VTD: H16, VTD: H17, VTD: H18, VTD: H19A, VTD: H19B, VTD: H20A, VTD: H20B, VTD: H21, VTD: H22, VTD: H23, VTD: H24, VTD: H25, VTD: H26, VTD: H27, VTD: HP, VTD: JAM1, VTD: JAM5, VTD: NDRI, VTD: SDRI. It has one judge.

(19) District ~~18C:~~24C: Guilford County: VTD: CG1, VTD: CG2, VTD: CG3A, VTD: CG3B, VTD: FR1, VTD: FR2, VTD: FR3, VTD: FR4, VTD: FR5, VTD: G17, VTD: G30, VTD: G31, VTD: G32, VTD: G33, VTD: G34, VTD: G36, VTD: G37, VTD: G38, VTD: G39, VTD: G40A1, VTD: G40A2, VTD: G40B, VTD: G41, VTD: G42, VTD: G43, VTD: G64, VTD: G65, VTD: G66, VTD: JAM2, VTD: JAM3, VTD: JAM4, VTD: MON3, VTD: NCGR1, VTD: NCGR2, VTD: OR1, VTD: OR2, VTD: SF1, VTD: SF2, VTD: SF3, VTD: SF4, VTD: STOK. It has one judge.

(20) District ~~18D:~~24D: Guilford County: VTD: G01, VTD: G11, VTD: G12, VTD: G13, VTD: G14, VTD: G15, VTD: G16, VTD: G19, VTD: G35, VTD: G44, VTD: G45, VTD: G47, VTD: G48, VTD: G49, VTD: G50, VTD: G51, VTD: G53, VTD: G54, VTD: G55, VTD: G56, VTD: G57, VTD: G58, VTD: G59, VTD: G60, VTD: G61, VTD: G62, VTD: G63, VTD: SUM1, VTD: SUM2, VTD: SUM3, VTD: SUM4. It has one judge.

(21) District ~~18E:~~24E: Guilford County: VTD: G02, VTD: G03, VTD: G07, VTD: G08, VTD: G09, VTD: G10, VTD: G18, VTD: G20, VTD: G21, VTD: G22, VTD: G23, VTD: G24, VTD: G25, VTD: G26, VTD: G27, VTD: G28, VTD: G29, VTD: GIB, VTD: GR, VTD: JEF1, VTD: JEF2, VTD: JEF3, VTD: JEF4, VTD: MON1, VTD: MON2, VTD: NMAD, VTD: NWASH, VTD: RC1, VTD: RC2, VTD: SMAD, VTD: SWASH. It has one judge.

(22) Distric~~t~~ ~~21A:~~31A: Forsyth County: VTD: 051, VTD: 052, VTD: 053, VTD: 054, VTD: 055, VTD: 071, VTD: 072, VTD: 073, VTD: 074, VTD: 075, VTD: 091, VTD: 092, VTD: 122, VTD: 123, VTD: 131, VTD: 132, VTD: 133, VTD: 701, VTD: 702, VTD: 703, VTD: 704, VTD: 705, VTD: 706, VTD: 707, VTD: 708, VTD: 709, VTD: 806, VTD: 807, VTD: 808. It has one judge.

(23) District ~~21B:~~31B: Forsyth County: VTD: 042, VTD: 043, VTD: 501, VTD: 502, VTD: 503, VTD: 504, VTD: 505, VTD: 506, VTD: 507, VTD: 601, VTD: 602, VTD: 603, VTD: 604, VTD: 605, VTD: 606, VTD: 607, VTD: 901, VTD: 902, VTD: 903, VTD: 904, VTD: 905, VTD: 907. It has one judge.

(24) District ~~21C:~~31C: Forsyth County: VTD: 011, VTD: 012, VTD: 013, VTD: 014, VTD: 015, VTD: 021, VTD: 031, VTD: 032, VTD: 033, VTD: 034, VTD: 061, VTD: 062, VTD: 063, VTD: 064, VTD: 065, VTD: 066, VTD: 067, VTD: 068, VTD: 101, VTD: 111, VTD: 112, VTD: 801, VTD: 802, VTD: 803, VTD: 804, VTD: 805, VTD: 809, VTD: 906, VTD: 908, VTD: 909. It has one judge.

(25) District ~~21D:~~31D: Forsyth County: VTD: 081, VTD: 082, VTD: 083, VTD: 201, VTD: 203, VTD: 204, VTD: 205, VTD: 206, VTD: 207, VTD: 301, VTD: 302, VTD: 303, VTD: 304, VTD: 305, VTD: 306, VTD: 401, VTD: 402, VTD: 403, VTD: 404, VTD: 405. It has one judge.

...."

SECTION 3.(b) If House Bill 717, 2018 Regular Session, does not become law, G.S. 7A-133, as amended by S.L. 2018-14, reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
~~3A~~3	5	Pitt
~~3B~~4	6	Craven
		Pamlico
		Carteret
~~4~~5	8	Sampson
		Duplin
		Jones
		Onslow
~~5~~6	9	New Hanover
		Pender
~~6~~7	4	Northampton
		Bertie
		Hertford
		Halifax
~~7~~8	7	Nash
		Edgecombe
		Wilson
~~8~~9	6	Wayne
		Greene
		Lenoir

~~9~~11A	5	Granville (part of Vance see subsection (b)) Franklin Person
~~9B~~11B	2	Warren (part of Vance see subsection (b))
10A	3	(part of Wake see subsection (b))
10B	3	(part of Wake see subsection (b))
10C	3	(part of Wake see subsection (b))
10D	6	(part of Wake see subsection (b))
10E	3	(part of Wake see subsection (b))
10F	3	(part of Wake see subsection (b))
~~11~~12	11	Harnett Johnston Lee
~~12~~14	10	Cumberland
~~13~~15	6	Bladen Brunswick Columbus
~~14~~16	7	Durham
~~15A~~17	4	Alamance
~~15B~~18	5	Orange Chatham
~~16A~~21	6	Scotland Hoke Anson Richmond
~~16B~~20	5	Robeson
~~17A~~22	4	Caswell Rockingham
~~17B~~23	4	Stokes Surry
~~18~~24	14	Guilford
~~19A~~25	5	Cabarrus
~~19B~~37	7	Montgomery Moore Randolph
~~19C~~27	5	Rowan
~~20A~~28	2	Stanly
~~20B~~30A	1	(part of Union see subsection (b))
~~20C~~30B	2	(part of Union

		see subsection (b))
~~20D~~30C	1	Union
~~21~~31	11	Forsyth
~~22A~~32	5	Alexander
		Iredell
~~22B~~33	6	Davidson
		Davie
~~23~~34	4	Alleghany
		Ashe
		Wilkes
		Yadkin
~~24~~35	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
~~25~~36	9	Burke
		Caldwell
		Catawba
26A	3	(part of Mecklenburg
		see subsection (b))
26B	3	(part of Mecklenburg
		see subsection (b))
26C	2	(part of Mecklenburg
		see subsection (b))
26D	2	(part of Mecklenburg
		see subsection (b))
26E	3	(part of Mecklenburg
		see subsection (b))
26F	3	(part of Mecklenburg
		see subsection (b))
26G	2	(part of Mecklenburg
		see subsection (b))
26H	3	(part of Mecklenburg
		see subsection (b))
~~27A~~38	7	Gaston
~~27B~~39	6	Cleveland
		Lincoln
~~28~~40	7	Buncombe
~~29A~~41	3	McDowell
		Rutherford
~~29B~~42	4	Henderson
		Polk
		Transylvania
~~30~~43	6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

(1) District Court District ~~9~~ 11A consists of Person, Franklin and Granville Counties and the remainder of Vance County not in District Court District ~~9B.~~ 11B.

(2) District Court District ~~9B~~ 11B consists of Warren County and VTD EH1, VTD MIDD, VTD NH1, VTD NH2, VTD TWNS, VTD WMSB of Vance County.

(3) District Court District ~~20C~~ 30B consists of the remainder of Union County not in District Court District ~~20B.~~ 30A.

(4) District Court District ~~20B~~ 30A consists of Precinct 01: Tract 204.01: Block Group 2: Block 2040, Block 2057, Block 2058, Block 2060, Block 2061, Block 2062, Block 2064, Block 2065; Tract 204.02: Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034; Block Group 3: Block 3000, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047; Block Group 4: Block 4035, Block 4054, Block 4055; Precinct 02: Tract 205: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1037, Block 1038; Block Group 2: Block 2081, Block 2082, Block 2092, Block 2099, Block 2100, Block 2101, Block 2102; Tract 206: Block Group 3: Block 3036, Block 3038, Block 3039, Block 3040, Block 3048; Block Group 4: Block 4053; Precinct 03, Precinct 04, Precinct 06: Tract 202.02: Block Group 1: Block 1012, Block 1013, Block 1014, Block 1015, Block 1017, Block 1018, Block 1021, Block 1022, Block 1023; Tract 204.01: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2033, Block 2034, Block 2035, Block 2036, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2056, Block 2063, Block 2999; Precinct 08, Precinct 09, Precinct 10, Precinct 13, Precinct 23: Tract 206: Block Group 4: Block 4051; Precinct 25: Tract 206: Block Group 4: Block 4036; Precinct 34, Precinct 36, Precinct 43 of Union County.

...

(b1) The qualified voters of District Court District ~~11~~ 12 shall elect all eight judges established for the District in subsection (a) of this section, but only persons who reside in Johnston County may be candidates for five of the judgeships, only persons who reside in Harnett County may be candidates for two of the judgeships, and only persons who reside in Lee County may be candidates for the remaining judgeship.

(b2) The qualified voters of District Court District ~~13~~ 15 shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Bladen

County may be candidates for one of those judgeships, only persons who reside in Columbus County may be candidates for two of those judgeships, and only persons who reside in Brunswick County may be candidates for three of those judgeships. These district court judgeships shall be numbered and assigned for residency purposes as follows:

(1) Seat number one, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Barefoot.

(2) Seat number two, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Fairley.

(3) Seat number three, established for residents of Brunswick County by this section, shall be the seat currently held by Judge Warren.

(4) Seat number four, established for residents of Columbus County by this section, shall be the seat currently held by Judge Jolly.

(5) Seat number five, established for residents of Columbus County by this section, shall be the seat currently held by Judge Tyler.

(6) Seat number six, established for residents of Bladen County by this section, shall be the seat currently held by Judge Ussery.

(b3) The qualified voters of District Court District ~~22A~~ 32 shall elect all five judges established for the District in subsection (a) of this section, but only persons who reside in Alexander County may be candidates for two of the judgeships, and only persons who reside in Iredell County may be candidates for three of the judgeships.

(b4) The qualified voters of District Court District ~~22B~~ 33 shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Davie County may be candidates for two of the judgeships, and only persons who reside in Davidson County may be candidates for four of the judgeships.

...."

SECTION 3.(c) If House Bill 717, 2018 Regular Session, and House Bill 374, 2018 Regular Session, do not become law, Section 18B.6 of S.L. 2018-5 reads as rewritten:

"**SECTION 18B.6.** Effective January 1, 2019, ~~G.S. 7A-41(a1)~~ G.S. 7A-60(a1) reads as rewritten:

(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

...."

SECTION 3.(d) If House Bill 717, 2018 Regular Session, does not become law, G.S. 7A-60, as amended by S.L. 2018-5 and this act, reads as rewritten:

"**§ 7A-60. District attorneys and prosecutorial districts.**

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided in subsections (b) and (c) of this section who shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution.

...

(a1) **(Effective January 1, 2019)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11

2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	19
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
~~10~~11	Franklin, Granville, Person Vance, Warren	14
~~11~~10	Wake	42
12	Harnett, Lee	11
13	Johnston	10
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
19	Scotland, Hoke	7
20	Robeson	12
21	Anson, Richmond	6
22	Caswell, Rockingham	9
23	Stokes, Surry	8
24	Guilford	34
25	Cabarrus	9
~~26~~37	Montgomery, Randolph	10
27	Rowan	9
~~28~~29	Moore	5
~~29~~28	Stanly	5
30	Union	11
31	Forsyth	27
32	Alexander, Iredell	12
33	Davidson, Davie	12
34	Alleghany, Ashe, Wilkes, Yadkin	9
35	Avery, Madison, Mitchell, Watauga, Yancey	8
36	Burke, Caldwell, Catawba	19
~~37~~26	Mecklenburg	58
38	Gaston	15
39	Cleveland, Lincoln	12
40	Buncombe	14
41	McDowell, Rutherford	8
42	Henderson, Polk, Transylvania	9
43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.	12

...."

SECTION 3.(e) This section becomes effective January 1, 2019.

SECTION 4. The Revisor of Statutes is authorized to reorder the Superior Court Districts in G.S. 7A-41, the District Court Districts in G.S. 7A-133, and the Prosecutorial Districts in G.S. 7A-60 to ensure that all districts are listed in alphabetical and numerical order.

SECTION 5. For purposes of certifying election results for the 2018 election, the Bipartisan State Board of Elections and Ethics Enforcement and the Administrative Office of the Courts shall ensure that certificates of elections are issued for district numbers as they exist on January 1, 2019, and shall ensure the oath of office for all elected officials are taken for the district numbers as they exist on January 1, 2019.

SECTION 6. Except as otherwise provided, this act is effective when it becomes law.

House Committee on Rules, Calendar, and Operations of the House
Tuesday, July 24, 2018

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 2:00pm on Tuesday, July 24, 2018 in room 643 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 3 Party Disclosure/2018 Judicial Races (Senator Hise)

Rep. Lewis moves for a favorable report. The motion carries.

The meeting adjourned.

David R. Lewis

Representative David R. Lewis, Chair
Presiding

Mark Coggins

Mark Coggins, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
FIRST EXTRA SESSION 2018

S 2

SENATE BILL 3
Second Edition Engrossed 7/24/18

Short Title:	Party Disclosure/2018 Judicial Races.	(Public)
Sponsors:	Senators Hise and Brown (Primary Sponsors).	
Referred to:	Select Committee on Elections	

July 24, 2018

A BILL TO BE ENTITLED

AN ACT TO CLARIFY POLITICAL PARTY DISCLOSURE ON THE BALLOT FOR JUDICIAL RACES IN 2018.

Whereas, the General Assembly finds that the purpose of listing partisan affiliation on the ballot in judicial races is to provide voters with information about candidates; and

Whereas, the General Assembly finds that political organizations and groups made efforts to recruit candidates that could confuse voters as to candidates long-held partisan affiliations; and

Whereas, the General Assembly finds that listing only partisan affiliations that a candidate has held for 90 days prior to filing would reduce the opportunity for voter confusion; and

Whereas, the General Assembly finds that a similar requirement exists for candidates to run in a party primary for legislative or other partisan office under G.S. 163A-973; and

Whereas, the General Assembly finds that listing party affiliations held for 90 days or more prior to the time of filing should apply to all judicial offices; and

Whereas, the General Assembly finds that it is possible a candidate who filed for judicial office may not desire to remain on the ballot knowing only party affiliation held for 90 days or more will be disclosed on the ballot; and

Whereas, the General Assembly finds that providing a period allowing candidates to withdraw from running for judicial office would provide opportunities for any judicial candidate to be taken off the ballot;

Now, therefore, the General Assembly of North Carolina enacts:

SECTION 1. Section 4(b) of S.L. 2017-214 reads as rewritten:

"**SECTION 4.(b)** Form of Notice. – Each person offering to be a candidate for election shall do so by filing a notice of candidacy with the State Board of Elections and Ethics Enforcement in the following form, inserting the words in parentheses when appropriate:

Date _____

I hereby file notice that I am a candidate for election to the office of _____ in the regular election to be held _____, _____.

Signed _____
(Name of Candidate)

Witness: _____

The notice of candidacy shall be either signed in the presence of the chair or secretary of the State Board of Elections and Ethics Enforcement or signed and acknowledged before an officer authorized to take acknowledgments who shall certify the notice under seal. An acknowledged and certified notice may be mailed to the State Board of Elections and Ethics

Enforcement. In signing a notice of candidacy, the candidate shall use only the candidate's legal name and, in the candidate's discretion, any nickname by which commonly known. A candidate may also, in lieu of that candidate's first name and legal middle initial or middle name, if any, sign that candidate's nickname, provided the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way the candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

A notice of candidacy signed by an agent or any person other than the candidate shall be invalid.

A candidate, at the time of filing the notice of candidacy under this section, shall indicate on the notice of candidacy the political party recognized under Article 18 of Chapter 163A of the General Statutes with which that candidate is affiliated or any unaffiliated status. ~~The certificate required by subsection (d) of this section shall verify the party designation or unaffiliated status, and the verified~~ If the candidate's political party affiliation or unaffiliated status is the same as on their voter registration at the time they filed to run for office and 90 days prior to that filing, the political party designation or unaffiliated status shall be included on the ballot."

SECTION 2. Section 2(a) of S.L. 2018-13 reads as rewritten:

"**SECTION 2.(a)** The General Assembly finds that both chambers of the General Assembly have carefully examined judicial redistricting and the forms of judicial selection with multiple committees considering various proposals of selection and new judicial district maps. The General Assembly finds that, to allow for more time to thoughtfully consider these changes, the General Assembly enacted S.L. 2017-214, the Electoral Freedom Act of 2017, which, among other items, provided for a one-time cancellation of partisan primaries for the offices of district court judge, superior court judge, judges of the Court of Appeals, and Supreme Court justices for the 2018 election cycle. The General Assembly finds that all elections for judges in 2018 were to be treated uniformly under S.L. 2017-214, the Electoral Freedom Act of 2017, while those changes were considered.

The General Assembly notes that election to these offices will be held under a plurality election system, with candidates running under a political party label on the ballot, without having gone through a party primary. The General Assembly finds that ballot language above the sections of 2018 general election ballots regarding these impacted offices setting forth ~~that~~ the listed party affiliation ~~is only the self-identified party~~ of a candidate at least 90 days prior to the time of ~~filing will~~filing, consistent with G.S. 163A-973, would aid voters' understanding of the 2018 judicial races."

SECTION 3. Section 2(c) of S.L. 2018-13 reads as rewritten:

"**SECTION 2.(c)** Notwithstanding G.S. 163A-1112, immediately prior to the placement of the judicial offices listed in subsection (b) of this section on the ballot, the following information shall be printed:

"No primaries for judicial office were held in 2018. The party information ~~listed~~ by each of the following candidates' names ~~indicates~~ is shown only if the candidates' party affiliation or unaffiliated status is the same as on their voter registration at the time they filed to run for ~~office.~~office and 90 days prior to that filing.""

SECTION 3.1. Section 4(c) of S.L. 2017-214 reads as rewritten:

"**SECTION 4.(c)** Withdrawal of Notice of Candidacy. – Any person who has filed a notice of candidacy for an office under this section shall have the right to withdraw it at any time prior to either of the following:

(1) ~~the~~The close of business on the third business day prior to the date on which the right to file for that office expires under the terms of subsection (b) of this section.

(2) The close of business August 8, 2018."

SECTION 3.2. The State Board of Elections and Ethics Enforcement shall notify, as expeditiously as possible, all candidates for Justices and judges of the General Court of Justice for the 2018 general election who have changed party affiliation or unaffiliated status during the period from 90 days prior the time the candidate filed to run for office and the date the candidate filed to run for office of the requirements of this act. The State Board of Elections and Ethics Enforcement may give notice under this section by written, telephonic, or e-mail or other electronic means.

SECTION 4. This act is effective when it becomes law and applies to the 2018 elections only.

House Committee on Rules, Calendar, and Operations of the House
Tuesday, July 24, 2018

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 8:00pm on Tuesday, July 24, 2018 in room 643 of the Legislative Building.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

SB 3 Party Disclosure/2018 Judicial Races (Senator Hise)

Rep. Lewis moves for a favorable report. The motion carries.

The meeting adjourned.

Representative David R. Lewis, Chair
Presiding

Mark Coggins, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
FIRST EXTRA SESSION 2018

S 1

SENATE BILL 3

Short Title:	Party Disclosure/2018 Judicial Races.	(Public)
Sponsors:	Senators Hise and Brown (Primary Sponsors).	
Referred to:	Select Committee on Elections	

July 24, 2018

A BILL TO BE ENTITLED

AN ACT TO CLARIFY POLITICAL PARTY DISCLOSURE ON THE BALLOT FOR JUDICIAL RACES IN 2018.

Whereas, the General Assembly finds that the purpose of listing partisan affiliation on the ballot in judicial races is to provide voters with information about candidates; and

Whereas, the General Assembly finds that political organizations and groups made efforts to recruit candidates that could confuse voters as to candidates long-held partisan affiliations; and

Whereas, the General Assembly finds that listing only partisan affiliations that a candidate has held for 90 days prior to filing would reduce the opportunity for voter confusion; and

Whereas, the General Assembly finds that a similar requirement exists for candidates to run in a party primary for legislative or other partisan office under G.S. 163A-973; and

Whereas, the General Assembly finds that listing party affiliations held for 90 days or more prior to the time of filing should apply to all judicial offices; and

Whereas, the General Assembly finds that it is possible a candidate who filed for judicial office may not desire to remain on the ballot knowing only party affiliation held for 90 days or more will be disclosed on the ballot; and

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Date _____

I hereby file notice that I am a candidate for election to the office of _____ in the regular election to be held _____, _____.

Signed _____

(Name of Candidate)

Witness: _____

The notice of candidacy shall be either signed in the presence of the chair or secretary of the State Board of Elections and Ethics Enforcement or signed and acknowledged before an officer authorized to take acknowledgments who shall certify the notice under seal. An acknowledged and certified notice may be mailed to the State Board of Elections and Ethics

Enforcement. In signing a notice of candidacy, the candidate shall use only the candidate's legal name and, in the candidate's discretion, any nickname by which commonly known. A candidate may also, in lieu of that candidate's first name and legal middle initial or middle name, if any, sign that candidate's nickname, provided the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way the candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

A notice of candidacy signed by an agent or any person other than the candidate shall be invalid.

A candidate, at the time of filing the notice of candidacy under this section, shall indicate on the notice of candidacy the political party recognized under Article 18 of Chapter 163A of the General Statutes with which that candidate is affiliated or any unaffiliated status. ~~The certificate required by subsection (d) of this section shall verify the party designation or unaffiliated status, and the verified~~ If the candidate's political party affiliation or unaffiliated status is the same as on their voter registration at the time they filed to run for office and 90 days prior to that filing, the political party designation or unaffiliated status shall be included on the ballot."

SECTION 2. Section 2(a) of S.L. 2018-13 reads as rewritten:

"**SECTION 2.(a)** The General Assembly finds that both chambers of the General Assembly have carefully examined judicial redistricting and the forms of judicial selection with multiple committees considering various proposals of selection and new judicial district maps. The General Assembly finds that, to allow for more time to thoughtfully consider these changes, the General Assembly enacted S.L. 2017-214, the Electoral Freedom Act of 2017, which, among other items, provided for a one-time cancellation of partisan primaries for the offices of district court judge, superior court judge, judges of the Court of Appeals, and Supreme Court justices for the 2018 election cycle. The General Assembly finds that all elections for judges in 2018 were to be treated uniformly under S.L. 2017-214, the Electoral Freedom Act of 2017, while those changes were considered.

The General Assembly notes that election to these offices will be held under a plurality election system, with candidates running under a political party label on the ballot, without having gone through a party primary. The General Assembly finds that ballot language above the sections of 2018 general election ballots regarding these impacted offices setting forth ~~that~~ the listed party affiliation ~~is only the self-identified party~~ of a candidate at least 90 days prior to the time of ~~filing will~~filing, consistent with G.S. 163A-973, would aid voters' understanding of the 2018 judicial races."

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"No primaries for judicial office were held in 2018. The party information ~~listed~~ by each of the following candidates' names ~~indicates~~ is shown only if the candidates' party affiliation or unaffiliated status is the same as on their voter registration at the time they filed to run for ~~office.~~office and 90 days prior to that filing.""

SECTION 3. Section 4(c) of S.L. 2017-214 reads as rewritten:

"**SECTION 4.(c)** Withdrawal of Notice of Candidacy. – Any person who has filed a notice of candidacy for an office under this section shall have the right to withdraw it at any time prior to either of the following:

(1) ~~the~~The close of business on the third business day prior to the date on which the right to file for that office expires under the terms of subsection (b) of this section.

(2) The close of business August 8, 2018."

SECTION 4. This act is effective when it becomes law and applies to the 2018 elections only.

House Committee on Rules, Calendar, and Operations of the House
Tuesday, November 28, 2018 at 3:30 PM
Room 1228

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 3:30 PM on November 28, 2018 in Room 1228. Representatives Bell, Blust, Boles, Brawley, Bumgardner, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hardister, Hastings, Jackson, Johnson, Lewis, Martin, McGrady, Montgomery, Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Rep. Torbett presided.

House Bill 1111 was placed before the committee. Representative Davis motioned for a favorable report of the bill. The motion carried.

The Yeas ruled by voice vote and without objection, the bill was reported favorable by the Committee.

The meeting adjourned at 3:45 PM.

Chairman David R. Lewis
Presiding

Neal Inman, Committee Clerk

House Committee on Rules, Calendar, and Operations of the House
Wednesday, November 28, 2018, 3:30 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Presentations

Other Business

Introduction and Discussion of Speaker's Appointments Bill

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

BILL DRAFT 2017-LG-199A [v.2]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
11/28/2018 11:17:27 AM

Short Title:	Additions & Corrections to 2018 Appointments.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE FURTHER MODIFICATIONS TO APPOINTMENTS MADE IN THE 2018 APPOINTMENTS BILL.

The General Assembly of North Carolina enacts:

PART I. SPEAKER'S RECOMMENDATIONS

SECTION 1.1. William R. Warner of Cumberland County is appointed to the Fayetteville State University Board of Trustees for a term expiring on June 30, 2021, to fill unexpired term of Dr. John G. McNeil.

SECTION 1.2. Bruce B. Friend of Wake County is appointed to the North Carolina Charter Schools Advisory Board for a term expiring on June 30, 2021, to fill unexpired term of Joseph Maimone.

SECTION 1.3.(a) Representative John Torbett is appointed to the Virginia-North Carolina Interstate High-Speed Rail Compact for a term expiring on June 30, 2020, to fill unexpired term of Representative Nelson Dollar.

SECTION 1.3.(b) Representative John Fraley is appointed to the Virginia-North Carolina Interstate High-Speed Rail Compact for a term expiring on June 30, 2020, to fill unexpired term of Representative William Brawley.

SECTION 1.4. Earl W. Willis, Jr., of Chowan County is appointed to the Board of Directors of the Roanoke Island Historical Association, Inc., for a term expiring on September 30, 2021.

SECTION 1.5. Matthew Peeler of Perquimans County is appointed to the North Carolina Emergency Medical Services Advisory Council for a term expiring on December 31, 2019, to fill the unexpired term of Dianne M. Layden.

SECTION 1.6. Representative Sarah Stevens of Surry County is appointed to the Permanency Innovation Initiative Oversight Committee for a term expiring on June 30, 2020, to fill the unexpired term of Representative Jonathan Jordan.

PART III. CORRECTIONS

SECTION 3.1. Section 1.1 of S.L. 2018-127 reads as rewritten:

"**SECTION 1.1.** Effective January 1, 2019, Michael Reitz of Chatham County, Cecil V. "Buddy" Martinette, Jr., of New Hanover County, and Sheriff J. D. Hartman of Davie County are appointed to the 911 Board for terms expiring on ~~December 31, 2021.~~December 31, 2022."

SECTION 3.2. Section 1.25 of S.L. 2018-127 reads as rewritten:

"**SECTION 1.25.** Effective ~~January 1, 2018.~~January 1, 2019, Michael A. Tramber of Forsyth County, Raymond Riordan of Wake County, ~~Tammy B. Owens of Wake~~ Dr. David B. Lesser of Pitt County, and Joe M. Cabaleiro, R.Ph., of Wake County are appointed to the License to Give Trust Fund Commission for terms expiring on December 31, 2020."

SECTION 3.3. Section 1.31 of S.L. 2018-127 reads as rewritten:

"**SECTION 1.31.** Effective January 1, 2019, Johnny Hutchins of Cleveland County is appointed to the North Carolina Mining Commission for a term expiring on ~~June 30, 2022.~~December 31, 2022."

SECTION 3.4. Section 1.43 of S.L. 2018-127 reads as rewritten:

"**SECTION 1.43.** Effective ~~July 1, 2018.~~September 1, 2018, Sheriff James "Alan" Norman of Cleveland County to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on ~~June 30, 2021.~~August 31, 2021."

SECTION 3.5. Section 1.45 of S.L. 2018-127 reads as rewritten:

"**SECTION 1.45.** Effective ~~January 1, 2018.~~January 1, 2019, Captain John C. Mozingo of Pitt County is appointed to the State Judicial Council for a term expiring on ~~December 31, 2021.~~December 31, 2022."

PART IV. EFFECTIVE DATE

SECTION 4. Unless otherwise provided, this act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Rules, Calendar, and Operations

DATE: 11/28/2018 Room: 1228/1327

House Sgt-At Arms:

1. Name: Joe Crook
2. Name: Russell Salisbury
3. Name: Will Crocker
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

House Committee on Rules,Calendar,and Operations 11/28/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rashaan Ayesh	News & Observer
Richard Paster	NCSBA
Adam Fiderman	NCABCC
Hugh Johnson	NCABCC

VISITOR REGISTRATION SHEET

House Committee on Rules,Calendar,and Operations 11/28/2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
James	OST
McClees	McClees
Rhiannon Jackson	Tacs Cantera
Demetrius Dortch	FJ
JV Ford	MWC
C. Feldman	SA

House Committee on Rules, Calendar, and Operations of the House
Tuesday, December 4, 2018 at 4:30 PM
Room 1228

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 4:30 PM on December 4, 2018 in Room 1228. Representatives Bell, Blust, Boles, Brawley, Bumgardner, Burr, Carney, Davis, Dollar, Dulin, Earle, Floyd, Fraley, Goodman, Hardister, Hastings, Jackson, Johnson, Lewis, Martin, McGrady, Montgomery, Moore, Reives, Ross, Saine, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Representative Lewis presided.

The proposed House Committee Substitute for Senate Bill 469 was placed before the committee. Representative Burr requested to be recused from debate and consideration. Chairman Lewis granted this request.

Representative Stevens presented an amendment. The amendment was adopted. Representative Stevens presented a 2nd amendment. The amendment was adopted. Representative Torbett presented a 3rd amendment. The amendment was adopted. Representative Torbett presented a 4th amendment. The amendment was adopted. Representative Brawley presented a 5th amendment. The amendment was adopted.

Representative Dollar motioned to approve the Committee Substitute for Senate Bill 469 as amended and report favorably to the House. The motion carried by voice vote.

The proposed House Committee Substitute for Senate Bill 824 was placed before the committee.

Representative Lewis presented an amendment. The amendment was adopted.

Representative Lewis motioned to approve the Committee Substitute for Senate Bill 824 as amended and report favorably to the House. The motion carried by voice vote.

The meeting adjourned at 5:45 PM.

Chairman David R. Lewis
Presiding

Neal Inman, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT

Representative David R. Lewis, Chair

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1

SB **824** **(HCS#1)** Implementation of Voter ID Const. Amendment.

Draft Number:	S824-PCS15340-BKf-54
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

FAVORABLE HOUSE COM SUB NO. 3, UNFAVORABLE HOUSE COM SUB NO. 2

SB **469** **(HCS#2)** Amend Environmental Laws - 4.

Draft Number:	S469-PCS35387-MLfa-25
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Dollar

TOTAL REPORTED: 2



Committee Bill Action Sheet

Committee: Rules Date: 12/4

Chair: Lewis

Bill #: SB 469

PCS: YES/NO ✓ Motion made PCS before the Committee ✓

Amendments: 1-5 adopted see attached

Serial referral to: _____

Representative/~~Senator~~ Dollar / ~~Clark~~ explained the bill.

Floor Manager: Dollar/Lewis?

Rep. Dollar motioned for:

____Favorable Report

____Favorable to PCS, unfavorable to original bill

✓ ____Favorable to new PCS with Amendments rolled in, unfavorable to original bill

____Adoption (Conference Report/House Resolution)

____Unfavorable Report

_____No vote or Bill sponsor pulled bill from consideration

Vote: ✓ (Voice Vote/Show of hands (Division called)/Roll Call)

Speakers: * Burn waived vote granted
Mr. Gill Watts
Sam Watts

Attached Handouts: YES/~~NO~~

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 469

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S469-ASU-56 [v.1]

Amends Title [NO]
S469-CSMLfa-25

Date 12/4 ,2018

Representative Stevens

moves to amend the bill on page 18, lines 35-36, by adding the following between the lines:

"**CERTIFICATES OF RELIEF**

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

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 469

AMENDMENT NO. 2
(to be filled in by Principal Clerk)

S469-ASU-55 [v.3]

Amends Title [NO]
S469-CSMLfa-25

Date 12/4 ,2018

Representative Stevens

moves to amend the bill on page 18, lines 35-36, by adding the following between the lines:

"**HUMAN TRAFFICKING VICTIM RECORDS**

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

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

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

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

...

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

SIGNED Sarah Stevens
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S469-ASU-55-V-3

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 469

AMENDMENT NO. 3
(to be filled in by Principal Clerk)

S469-ASU-54 [v.1]

Amends Title [NO]
S469-CSMLfa-25

Date 12/4 ,2018

Representative Torbett

moves to amend the bill on page 6, lines 50-51, by adding the following between the lines:

"**DMV DISCLOSURE OF SOCIAL SECURITY NUMBERS**

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

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

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

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 469

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S469-ASU-54 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 469

AMENDMENT NO. 4
(to be filled in by Principal Clerk)

S469-ASU-53 [v.1]

Amends Title [NO]
S469-CSMLfa-25

Date 12/4 ,2018

Representative Torbett

moves to amend the bill on page 6, lines 50-51, by adding the following between the lines:

"**ELECTRIC STANDUP SCOOTERS**

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

"**§ 20-4.01. Definitions.**

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

...

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

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

...

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

...

(27) Passenger Vehicles. –

...

j. Moped. – A vehicle, other than a motor-driven ~~bicycle or~~ bicycle, electric assisted bicycle, or electric standup scooter, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface.

The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

...

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

..."

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

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 469

AMENDMENT NO. 5
(to be filled in by Principal Clerk)

S469-ABEp-99 [v.2]

Amends Title [NO]
S469-CSMLfa-25 [v.7] v.6

Date 12/4 ,2018

Representative Brawley

moves to amend the bill on page 18, lines 35-36, by inserting between the lines a new section to read:

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

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

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

"(cc) Credit for Employment in a Charter School Operated by a Private Nonprofit ~~Corporation.~~Corporation or a Charter School Operated by a Municipality. – Any member may purchase creditable service for any employment as an employee of a charter school operated by a private nonprofit corporation or a charter school operated by a municipality whose board of directors did not elect to participate in the Retirement System under G.S. 135-5.3 upon completion of five years of membership service by making a lump-sum payment into the Annuity Savings Fund. The payment by the member shall be equal to the full liability of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the Retirement System's liabilities, taking into account the additional retirement allowance arising on account of the additional service credits commencing at the earliest age at which the member could retire with an unreduced retirement allowance, as determined by the Board of Trustees upon the advice of the actuary plus an administrative expense fee to be determined by the Board of Trustees. Creditable service purchased under this subsection shall not exceed a total of five years. Notwithstanding the foregoing provisions of this subsection that provide for the purchase of service credits, the terms "full cost", "full liability", and "full actuarial cost" include assumed annual postretirement allowance increases, as determined by the Board of Trustees, from the earliest age at which a member could retire on an unreduced service allowance."

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

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

...

(b1) The board of directors of a charter school operated by a private nonprofit corporation ~~and~~or a charter school operated by a municipality that has received State Board of Education

approval under G.S. 115C-218.5 may elect to become a participating employer in the Retirement System in accordance with this Article.

...."

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

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

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

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

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

...

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

...."

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

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 469
Second Edition Engrossed 4/25/17
House Committee Substitute Favorable 6/22/17
House Committee Substitute #2 Favorable 6/27/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S469-CSMLfa-25 [v.6]
12/04/2018 12:13:10 PM

Short Title: Technical Corrections. (Public)

Sponsors:

Referred to:

March 30, 2017

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

CABLE SERVICE FRANCHISES/REPEAL ANNUAL SERVICE REPORT

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

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

CLARIFY USE OF GRANT FUNDS

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

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

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

"**STATE BUDGET AND MANAGEMENT SPECIAL PROVISIONS**

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

...

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

...

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

...

...."

SECTION 2.(d) Section 15.9 of S.L. 2018-5, as amended by Section 4.6 of S.L. 2018-97 is amended by adding a new subsection to read:

"**SECTION 15.9.(f)** Notwithstanding any other provision of law or a provision of the Committee Report described in Section 39.2 of this act to the contrary, the grant-in-aid in the amount of seven hundred thousand dollars ($700,000) provided to the Town of Cedar Point for downtown revitalization in Section 15.8(a) of this act shall instead be provided to Carteret County for economic development purposes."

EXPAND PRINCIPAL BONUS MULTIPLIER ELIGIBILITY

SECTION 3.(a) Section 8.3(a) of S.L. 2018-5 reads as rewritten:

"**SECTION 8.3.(a)** The Department of Public Instruction shall administer a bonus in the 2018-2019 fiscal year to any principal who supervised a school as a principal for a majority of the previous school year if that school was in the top fifty percent (50%) of school growth in the State during the previous school year, calculated by the State Board pursuant to G.S. 115C-83.15(c), as follows:

2018-2019 Principal Bonus Schedule

Statewide Growth Percentage	Bonus
Top 5%	$10,000
Top 10%	$7,500
Top 15%	$5,000
Top 20%	$2,500
Top 50%	$1,000.

A principal who qualifies for a bonus pursuant to this subsection and supervised a school with an overall school performance grade, as calculated by the State Board pursuant to G.S. 115C-83.15(d), of D or F for a majority of ~~the 2017-2018 school year~~ either of the following school years shall qualify for a bonus of twice the amount listed in the 2018-2019 Principal Bonus ~~Schedule.~~Schedule:

(1) The 2016-2017 school year, if the principal supervised the same school for a majority of the 2016-2017 and 2017-2018 school years.

(2) The 2017-2018 school year.

A principal shall receive no more than one bonus pursuant to this subsection. The bonus shall be paid at the highest amount for which the principal qualifies."

SECTION 3.(b) A bonus payment provided in accordance with this section shall be considered an additional payment of the bonus the principal received pursuant to Section 8.3 of S.L. 2018-5 and not a new, separate, or second bonus under that section.

SECTION 3.(c) Notwithstanding Section 8.3(f) of S.L. 2018-5, bonus payments provided in accordance with this section shall be paid no later than December 31, 2018, to qualifying principals employed as of October 1, 2018.

SMALL WIRELESS FACILITIES/EXEMPT FROM CERTAIN FEES IMPOSED BY CITIES

SECTION 4.(a) G.S. 160A-400.54(e) reads as rewritten:

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

SECTION 4.(b) G.S. 160A-400.54(f) reads as rewritten:

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

(1) Travel expenses incurred in the review of a collocation application by an outside consultant or other third party.

(2) Direct payment or reimbursement for an outside consultant or other third party based on a contingent fee basis or results-based arrangement.

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

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

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

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

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

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

...

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

...

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

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

...."

LAW ENFORCEMENT OFFICERS/TECHNICAL CORRECTION TO RETIREMENT DATES

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

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

...."

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

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

...."

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

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

...."

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

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

...."

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

TECHNICAL CORRECTION/INCORRECT INTERNAL CROSS-REFERENCE

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

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

TECHNICAL CORRECTIONS/HUMAN TRAFFICKING RESTORATIVE JUSTICE EFFECTIVE DATES

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

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

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

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

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

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

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

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

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

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

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

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

...

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

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

GRANT-IN-AID TO VETERANS LIFE HOME/CLARIFICATION

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

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

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

SPECIAL ANNUAL LEAVE OFFSET CLARIFICATION

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

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

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

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

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

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

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

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

SPECIAL EVENT ONE-TIME PERMIT

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

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

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

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

INDUSTRIAL COMMISSION CASE MANAGEMENT SYSTEMS FUNDS

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

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

TECHNICAL CORRECTION/INCORRECT FACILITY NAME

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

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

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

OUTDOOR HERITAGE SALARY AUTHORIZATION

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

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

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

SALES UNDER POWER OF SALE/POSTPONEMENT OF SALE NOTICE TECHNICAL CORRECTION

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

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

...

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

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

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

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

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

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

...."

DERELICT AND ABANDONED VESSELS STUDY/REVISE DATE FOR SUBMISSION OF RECOMMENDATIONS

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

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

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

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

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

(1) The school is located in a county designated under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence.

(2) The school was closed for at least ~~15~~ 10 school days during the months of September 2018, October 2018, and November 2018 as a result of Hurricane Florence."

PUBLIC SCHOOL BUSES/TRAVEL OUTSIDE OF STATE

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

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

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

(1) A school bus may be used for the transportation of pupils enrolled in and employees in the operation of the school to which such bus is assigned by the superintendent of the local school administrative unit. Except as otherwise ~~herein provided,~~ provided in this section, such transportation shall be limited to transportation to and from such school for the regularly organized school

day, and from and to the points designated by the principal of the school to which such bus is assigned, for the receiving and discharging of passengers. Transportation may be outside of the State when the superintendent determines travel outside of the State provides the most direct route to and from the school.

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

a. ~~Provided, that children~~ Children enrolled in a Headstart program or any NC Pre-K program may be transported on public school buses, and any additional costs associated with such contractual arrangements shall be incurred by the benefitting Head Start or NC Pre-K ~~program:~~ program.

b. ~~Provided further, that children~~ Children with disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported are or have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide such children with a free appropriate public education.

...."

INNOVATIVE SCHOOL DISTRICT REVISIONS

SECTION 20.(a) Article 7A of Chapter 115C of the General Statutes reads as rewritten:

"Article 7A.

"North Carolina Innovative School District and Innovation Zones.

"**§ 115C-75.5. Definitions.**

The following definitions apply in this Article:

(1) Innovative school. – A qualifying school selected by the State Board of Education under the supervision of the North Carolina Innovative School District.

(2) Reserved.

(3) Innovative school operator or IS operator. – An entity selected by the State Board of Education upon the recommendation of the ISD Superintendent to operate an innovative school. Entities selected may include public or private institutions of higher education, nonprofit or for-profit corporations, partnerships, limited liability companies, or, as provided in G.S. 115C-75.7(c1), local boards of education. Except as otherwise provided in this Article, the Department of Public Instruction may not be selected as an IS operator.

...

...

"**§ 115C-75.7. Selection of innovative schools.**

...

(c1) Local Board Plan. – If a local board of education consents to transfer the selected qualifying school to the ISD as an innovative school, no later than January 1, the local board may submit to the ISD Superintendent a well-defined, credible, and specific five-year plan to dramatically improve student achievement. Any plan submitted shall include an implementation timeline supported by rigorous measurable benchmarks. If recommended by the ISD

Superintendent, and in accordance with G.S. 115C-75.8(b)(3), the State Board of Education may approve the plan and select the local board of education as IS operator of the qualifying school. The State Board may impose additional requirements as a condition of approving a plan.

...

"§ 115C-75.8. Selection of IS operators.

(a) The State Board of Education may select an IS operator for a prospective innovative school by January 15 and shall select an IS operator for a prospective school no later than February 15.

(b) Upon the recommendation of the ISD Superintendent, the State Board of Education shall only select an entity to ~~contract~~ operate as an IS operator if that entity demonstrates one of the following:

(1) The entity has a record of results in improving performance of persistently low-performing schools or improving performance of a substantial number of persistently low-performing students within a school or schools operated by the entity in this State or other states. An entity selected under this subdivision shall contract as an IS operator.

(2) The entity has a credible and specific plan for dramatically improving student achievement in a low-performing school and provides evidence that the entity, or a contractual affiliate of such an entity, is either currently operating a school or schools in this State that provide students a sound, basic education or demonstrating consistent and substantial growth toward providing students a sound, basic education in the prior three school years. An entity selected under this subdivision shall contract as an IS operator.

(3) The entity is the local board of education of the prospective innovative school and has a well-defined, credible, and specific plan for dramatically improving student performance in the school in accordance with G.S. 115C-75.7(c1). The State Board may impose additional requirements as a condition of approving the plan, and a local board selected as IS operator under this subdivision shall be subject to the conditions and requirements of the plan as approved by the State Board of Education. If a plan is not agreed to and approved by January 15, the State Board shall select another entity as IS operator in accordance with this Article.

...

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

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

...

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

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

(b) Role of IS Operator. – ~~The~~ Except as otherwise provided in this Article, the IS operator shall be authorized to have a direct role in making decisions about school finance, human

capital, and curriculum and instruction for the innovative school while developing the leadership capacity in such schools.

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

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

(1) In addition to the transfer of funds as provided in G.S. 115C-75.10, the local board of education shall be responsible for facility and capital expenditures at the qualifying school.

(2) All IS operators other than ~~and~~ local boards of education shall enter into an occupancy agreement with local boards of education establishing the terms of occupancy for the IS operator not otherwise addressed in statute. If the parties are unable to reach agreement, either party may petition the State Board of Education to resolve any issues in dispute.

...

...

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

(1) Facility and capital expenditures.

(2) Transportation services.

(3) Services for Children with Disabilities.

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

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

(h) Innovative School Employees. – The IS operator shall select and hire the school principal for an innovative school. Within the limits of the school budget, the IS operator or its designee shall select staff members in accordance with guidance from the ISD Superintendent. Before finalizing staffing recommendations, the IS operator and the ISD Superintendent or the Superintendent's designee shall interview all existing staff members at the qualifying school and review student growth and performance data for those staff members for whom it is available. Notwithstanding Article 21A of this Chapter, the IS operator and the ISD Superintendent shall

be permitted to examine personnel files of existing staff members for the qualifying school. The following requirements shall apply to employees of a school that is transferring to the ISD:

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

a. The IS operator shall have the authority to decide whether any administrator, teacher, or staff member previously assigned to a qualifying school selected to become an innovative school shall continue as an employee of the innovative school.

b. Any such employees retained shall become employees of the ISD. An employee hired to work in an innovative school shall be an employee of the ISD, and the employees shall be under the exclusive control of the ISD.

c. All employees of the ISD shall be eligible for enrollment in the Teachers' and State Employees' Retirement System of North Carolina, the State Health Plan, and other benefits available to State employees.

d. The IS operator shall provide funds to the ISD in an amount sufficient to provide salary and benefits for employees of the ISD working in the innovative school based on the terms of employment established by the IS operator.

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

a. The ISD Superintendent shall have authority to direct the local board of education, in its capacity as IS operator, as to whether any administrator, teacher, or staff member previously assigned to a qualifying school selected to become an innovative school shall continue as an employee of the innovative school. If an employee is not given the option to continue as an employee for the innovative school, the local board may exercise its discretion pursuant to subsection (j) of this section.

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

...

"§ 115C-75.10. Innovative schools funds.

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

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

(2) An additional amount for each child attending the innovative school who is a child with disabilities.

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

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

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

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

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

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

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

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

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

a. The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).

b. The student membership numbers used to calculate the per pupil share of the local current expense fund.

c. How the per pupil share of the local current expense fund was calculated.

d. Any additional records requested by the ISD from the local school administrative unit in order for the ISD to audit and verify the calculation and transfer of the per pupil share of the local current expense fund.

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

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

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

...

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

...

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

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

...

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

...

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

(1) Revocation of approval of the plan based on performance. – If, during the five-year plan, the innovative school's annual percentage growth does not

exceed the average annual percentage growth of other qualifying schools for three consecutive years, the State Board of Education, upon the recommendation of the ISD Superintendent, may revoke approval of the plan previously approved under 115C-75.7(c1) at the conclusion of the academic year and contract with an IS operator in accordance with G.S. 115C-75.8(b)(1) or G.S. 115C-75.8(b)(2) to assume the remainder of the five-year period.

(2) Nonrenewal of the approved plan based on performance. – If, by the end of the five-year period, the innovative school's average annual percentage growth over the period during which the approved plan has been implemented does not exceed the average annual percentage growth of other qualifying schools during the same period, the State Board of Education shall not renew the approved plan and shall close the school.

(3) State Board of Education optional extension of approved plan for three years. – If, by the end of the five-year period, the innovative school remains a qualifying school but has exceeded the average annual percentage growth of other qualifying schools and has shown growth over the period during which the approved plan has been implemented, the State Board of Education, upon the recommendation of the ISD Superintendent in his or her discretion, may continue the approved plan for an additional three-year period. The ISD Superintendent and IS operator shall engage the school and the school community in developing a transition plan for the school to leave the supervision of the ISD at the conclusion of the three-year extension of the approved plan. If the State Board of Education does not elect to continue the approved plan, the State Board of Education may do any of the following:

a. Select another IS operator for a three-year contract.

b. Close the school as provided in subdivision (2) of this subsection.

c. Develop a transition plan to return the school to the local school administrative unit for the next school year.

(4) IS operator option to extend approved plan for three years. – If, by the end of the five-year period, the innovative school receives a grade of C or higher under G.S. 115C-12(9)c1., the IS operator shall have the option to extend the approved plan for another three-year period. The ISD Superintendent and IS operator shall engage the school and the school community in developing a transition plan for the school to leave the supervision of the ISD at the conclusion of the three-year extension of the approved plan. If the IS operator does not elect to continue the approved plan, the State Board of Education may select another IS operator for a three-year contract or may develop a transition plan to return the school to the local school administrative unit for the next school year.

(5) Revocation of approved plan on other grounds. – The State Board of Education, upon the recommendation of the ISD Superintendent, may revoke an approved plan at any time during the plan period for failure to comply with the requirements of the approved plan. The State Board of Education shall select another IS operator in accordance with this Article for the remaining period of the plan. The ISD is authorized to act as a temporary IS operator during the transition period, if necessary.

(6) In the event that approval is revoked and another IS operator must be selected, the local board of education shall continue to be responsible for providing student services as specified in the approved plan.

(b) An innovative school shall remain under the supervision of the ISD for no more than eight years.

(c) The State Board of Education shall make all decisions related to contracts or approved plans for IS operators no later than May 1, except as provided in subdivision (5) of subsection (a) of this ~~section.~~section and subdivision (5) of subsection (a1) of this section.

…."

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

EXTEND AGRICULTURAL DISASTER PROGRAM DEADLINE

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

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

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

"**SECTION 5.11.(g)** A person seeking financial assistance for losses of livestock or poultry shall submit documentation of loss and indemnity received from the USDA Livestock Indemnity Program, along with any other documentation deemed appropriate by the Department, to the Department on or before ~~December 10, 2018.~~December 20, 2018. The Department may extend this deadline to March 1, 2019, upon written request by the person received on or before ~~December 10, 2018,~~December 20, 2018, and upon approval by the Department. A person receiving assistance under this program must provide a signed affidavit, under penalty of perjury, certifying that each fact of the loss presented by the person is accurate."

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

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

…

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

…."

MODIFY DISABILITY SCHOLARSHIP APPLICATION REQUIREMENTS AND TECHNICAL CHANGES FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM

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

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

…

f. Meets at least one of the following requirements:

1. Was enrolled in a North Carolina public school or a Department of Defense Elementary and Secondary School,

established pursuant to 10 U.S.C. § 2164 and located in North Carolina, during the ~~previous semester.~~spring semester prior to the school year for which the student is applying. The Authority shall not count actual days of attendance to determine whether a child was enrolled in a qualifying school for ~~the previous~~that semester for the purposes of eligibility under this sub-sub-subdivision.

2. Received special education or related services through the North Carolina public schools as a preschool child with a disability during the ~~previous semester.~~spring semester prior to the school year for which the student is applying.
3. ~~Was approved for~~Received a scholarship for the ~~previous semester.~~school year prior to the school year for which the student is applying.
4. Is a child who is identified as a child with a disability prior to the end of the year of initial enrollment in kindergarten or first grade. An award by the Authority based on eligibility under this sub-sub-subdivision shall be conditional. If documentation is not provided to the Authority that the child is a child with a disability prior to the end of the year of initial enrollment, (i) no reimbursement shall be awarded and (ii) the child shall not qualify the following year as an eligible student under sub-sub-subdivision 3. of this section.
5. Is a child whose parent or legal guardian is on full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. § 12301, et seq., and 10 U.S.C. § 12401, et seq.
6. Is a child who has been domiciled in the State for at least six months.
7. Is a child in foster care as defined in G.S. 131D-10.2(9).
8. Is a child whose adoption decree was entered not more than one year prior to submission of the scholarship application.
9. Is a child that meets both of the following:
   I. Was enrolled in a nonpublic school that meets the requirements of Article 39 of this Chapter during the spring semester prior to the school year for which the student is applying.
   II. Was enrolled for the entire school year immediately prior to the school year in which the student enrolled in the nonpublic school in one of the following:
      A. A North Carolina public school.
      B. A Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina."

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

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

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

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

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

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

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

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

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

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

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

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

"a. Meets one of the following criteria:

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

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

…."

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

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

EFFECTIVE DATE

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 469
Second Edition Engrossed 4/25/17
House Committee Substitute Favorable 6/22/17
House Committee Substitute #2 Favorable 6/27/17
House Committee Substitute #3 Favorable 12/4/18
Sixth Edition Engrossed 12/6/18
Proposed Conference Committee Substitute S469-CCSRB-2 [v.1]
12/12/2018 09:03:00 PM

Short Title: Technical Corrections. (Public)

Sponsors:

Referred to:

March 30, 2017

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

MODIFY THE REQUIREMENTS FOR APPLICATIONS FOR STUDENTS WITH DISABILITIES SCHOLARSHIP GRANTS AND MAKE TECHNICAL CHANGES TO THE OPPORTUNITY SCHOLARSHIP GRANT PROGRAM

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

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

...

f. Meets at least one of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

"a. Meets one of the following criteria:

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

...."

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

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

CHANGE THE ADMINISTRATOR OF THE TRANSFORMING PRINCIPAL PREPARATION PROGRAM TO THE NC PRINCIPAL FELLOWS COMMISSION

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

"Part 4. Transforming Principal Preparation Grant Program.

"§ 116-209.70. Purpose and definitions.

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

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

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

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

...

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

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

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

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

~~(1) The nonprofit corporation shall be a nonprofit corporation organized pursuant to Chapter 55A of the General Statutes and shall comply at all times with the provisions of section 501(c)(3) of the Internal Revenue Code.~~

~~(2) The nonprofit corporation shall employ sufficient staff who have demonstrated a capacity for the development and implementation of grant selection criteria and a selection process to promote innovative school leader education programs, including:~~

~~a. Focus on school leader talent.~~

~~b. Expertise supporting judgments about grant renewal based on achievement of or substantial school leader progress toward measurable results in student achievement.~~

~~c. Expectation of creating positive experiences working with the educational community in North Carolina to establish the foundation for successfully administering the programs set forth in this section.~~

~~(3) The nonprofit corporation shall comply with the limitations on lobbying set forth in section 501(c)(3) of the Internal Revenue Code.~~

~~(4) No State officer or employee may serve on the board of the nonprofit corporation.~~

~~(5) The board of the nonprofit corporation shall meet at least quarterly at the call of its chair.~~

"§ 116-209.72. Grant applications; priority.

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

…

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

(1) Improvement in student achievement.

(2) Placement as school leaders in eligible schools.

(3) A proposed focus on and, if applicable, a record of serving high-need schools, high-need local school administrative units, or both.

(4) A detailed plan and commitment to share lessons learned and to improve the capacity of other entities in reaching similar outcomes.

(5) A service area that is underserved by existing principal preparation programs or demonstrates unmet need despite current available programs.

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

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

…

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Student achievement in eligible schools.

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

(3) The percentage of program completers rated proficient or above on school leader evaluation and support systems.

(4) The percentage of program completers that are school leaders who have remained employed in a North Carolina public school for two or more years of initial placement.

"**§ 116-209.74. Reports.**

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

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

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

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

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

(1) ~~(i) its~~The Authority's Principal Fellows Program administrative costs, including recovery of funds advanced under the ~~program;~~program.

(2) ~~(ii) the~~The salary and benefits of the director of the Principal Fellows ~~program;~~Program.

(3) ~~(iii) the~~The expenses of the ~~Commission,~~Commission for the Principal Fellows Program, including applicant ~~recruitment; and~~recruitment.

(4) ~~(iv) funds~~Funds provided to the Commission for ~~program~~Principal Fellows Program monitoring and evaluation and extracurricular enhancement activities for program recipients.

(5) The expenses of the Commission to administer the Transforming Principal Preparation Grant Program in accordance with Part 4 of Article 23 of this Chapter."

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

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

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

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

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

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

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

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

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

MODIFIED USE OF DOROTHEA DIX HOSPITAL PROPERTY FUNDS TO PURCHASE ADDITIONAL BEHAVIORAL HEALTH BEDS

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

DELAY EFFECTIVE DATE FOR AUTOMOBILE TRANSFER OF TITLE AMENDMENTS

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

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

CABLE SERVICE FRANCHISES/REPEAL ANNUAL SERVICE REPORT

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

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

CLARIFY USE OF GRANT FUNDS

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

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

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

"**STATE BUDGET AND MANAGEMENT SPECIAL PROVISIONS**

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

...

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

...

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

...

...."

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

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

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

SMALL WIRELESS FACILITIES/EXEMPT FROM CERTAIN FEES IMPOSED BY CITIES

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

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

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

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

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

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

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

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

"**SECTION 3.(c)** The merging of Montgomery County into Prosecutorial District 28, as enacted by this section, becomes effective January 1, 2019. All open investigations and pending

cases in Montgomery County are transferred to Prosecutorial District 28, effective January 1, 2019. The total number of ADAs in District 28 is ~~nine.~~six."

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

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

...

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

...

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

...."

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

LAW ENFORCEMENT OFFICERS/TECHNICAL CORRECTION TO RETIREMENT DATES

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

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

…."

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

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

…."

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

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

…."

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

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

…."

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

TECHNICAL CORRECTION/INCORRECT INTERNAL CROSS-REFERENCE

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

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

TECHNICAL CORRECTIONS/HUMAN TRAFFICKING RESTORATIVE JUSTICE EFFECTIVE DATES

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

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

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

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

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

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

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

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

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

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

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

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

...

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

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

SPECIAL EVENT ONE-TIME PERMIT

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

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

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

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

DMV DISCLOSURE OF SOCIAL SECURITY NUMBERS

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

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

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

(1) For the purpose of administering the drivers license laws.

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

LEGACY MEDICAL CARE FACILITY EXEMPTION

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

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

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

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

SALES UNDER POWER OF SALE/POSTPONEMENT OF SALE NOTICE TECHNICAL CORRECTION

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

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

...

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

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

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

...."

DERELICT AND ABANDONED VESSELS STUDY/REVISE DATE FOR SUBMISSION OF RECOMMENDATIONS

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

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

PUBLIC SCHOOL BUSES/TRAVEL OUTSIDE OF STATE

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

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

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

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

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

a. ~~Provided, that children~~ Children enrolled in a Headstart program or any NC Pre-K program may be transported on public school buses, and any additional costs associated with such contractual arrangements shall be incurred by the benefitting Head Start or NC Pre-K ~~program:~~program.

b. ~~Provided further, that children~~ Children with disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported are or have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide such children with a free appropriate public education.

...."

CERTIFICATES OF RELIEF

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

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

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

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

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

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

"(cc) Credit for Employment in a Charter School Operated by a Private Nonprofit ~~Corporation.~~Corporation or a Charter School Operated by a Municipality. – Any member may purchase creditable service for any employment as an employee of a charter school operated by a private nonprofit corporation or a charter school operated by a municipality whose board of directors did not elect to participate in the Retirement System under G.S. 135-5.3 upon completion of five years of membership service by making a lump-sum payment into the Annuity Savings Fund. The payment by the member shall be equal to the full liability of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the Retirement System's liabilities, taking into account the additional retirement allowance arising on account of the additional service credits commencing at the earliest age at which the member could retire with an unreduced retirement allowance, as determined by the Board of Trustees upon the advice of the actuary plus an administrative expense fee to be determined by the Board of Trustees. Creditable service purchased under this subsection shall not exceed a total of five years. Notwithstanding the foregoing provisions of this subsection that provide for the purchase of service credits, the terms "full cost", "full liability", and "full actuarial cost" include assumed annual postretirement allowance increases, as determined by the Board of Trustees, from the earliest age at which a member could retire on an unreduced service allowance."

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

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

...

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

...."

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

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

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

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

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

...

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

...."

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

SPECIAL ANNUAL LEAVE OFFSET CLARIFICATION

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

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

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

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

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

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

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

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

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

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

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

(1) The school is located in a county designated under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence.

(2) The school was closed for at least ~~15~~ 10 school days during the months of September 2018, October 2018, and November 2018 as a result of Hurricane Florence."

HUMAN TRAFFICKING VICTIM RECORDS

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

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

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

(1) A victim.

(2) An alleged victim.

(3) An immediate family member of a victim or alleged victim. For purposes of this subdivision, the term "immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, or the spouse of an immediate family member. This term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

...

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

SAMARCAND TRAINING ACADEMY POSITION CLASSIFICATIONS

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

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

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

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

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

COUNTY BOARD OF ELECTION MEMBERSHIP

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

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

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

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

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

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

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

(4) Is a candidate for nomination or election.

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

(c) The State chair of ~~each political party~~ the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board shall have the right to recommend to the State Board three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the State Board 15 or more days before the last Tuesday in June 2019, and each two years thereafter, it shall be the duty of the State Board to appoint the county boards from the names thus recommended.

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

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

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

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

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

EFFECTIVE DATE AND SEVERABILITY

SECTION 29.(a) Except as otherwise provided, this act is effective when it becomes law.

SECTION 29.(b) If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

Committee Bill Action Sheet

Committee: Rules Date: 12/4

Chair: Lewis

Bill #: SB 824 Lewis will obj before Comm

PCS: YES/NO_____ Motion made PCS before the Committee ✓

Amendments: A1 - Lewis

Serial referral to: NO

Representative/~~Senator~~ Lewis explained the bill.

Floor Manager: _____

Rep. Lewis motioned for:

____Favorable Report

____Favorable to PCS, unfavorable to original bill

✓ Favorable to new PCS with Amendments rolled in, unfavorable to original bill

____Adoption (Conference Report/House Resolution)

____Unfavorable Report

_____No vote or Bill sponsor pulled bill from consideration

Vote: _____ (Voice Vote/Show of hands (Division called)/Roll Call)

Speakers:_____

_____

_____

_____

_____

Attached Handouts: YES/NO

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 824
Second Edition Engrossed 11/29/18
House Committee Substitute Favorable 12/4/18

Short Title: Implementation of Voter ID Const. Amendment. (Public)

Sponsors:

Referred to:

November 27, 2018

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE.

The General Assembly of North Carolina enacts:

PART I: IMPLEMENTATION OF THE CONSTITUTIONAL REQUIREMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE

SECTION 1.1(a) Article 17 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-869.1. Voter photo identification cards.**

(a) The county board of elections shall, in accordance with this section, issue without charge voter photo identification cards upon request to registered voters. The voter photo identification cards shall contain a photograph of the registered voter, the name of the registered voter, and the voter registration number for that registered voter. The voter photo identification card shall be used for voting purposes only and shall expire 10 years from the date of issuance.

(b) The State Board shall make available to county boards of elections the equipment necessary to print voter photo identification cards. County boards of elections shall operate and maintain the equipment necessary to print voter photo identification cards.

(c) County boards of elections shall maintain a secure database containing the photographs of registered voters taken for the purpose of issuing voter photo identification cards.

(d) The State Board shall adopt rules to ensure at a minimum, but not limited to, the following:

(1) A registered voter seeking to obtain a voter photo identification card shall provide the registered voter's name, the registered voter's date of birth, and the last four digits of the voter's social security number.

(2) Voter photo identification cards shall be issued at any time, except during the time period between the end of one-stop voting for a primary or election as provided in G.S. 163A-1300 and election day for each primary and election.

(3) If the registered voter loses or defaces the voter's photo identification card, the registered voter may obtain a duplicate card without charge from his or her county board of elections upon request in person, or by telephone or mail.

(4) If a registered voter has a change of name and has updated his or her voter registration to reflect the new name, the registered voter may request and obtain a replacement card from the registered voter's county board of elections

by providing the registered voter's date of birth and the last four digits of the registered voter's social security number in person, by telephone, or by mail.

(e) Ninety days prior to expiration, the county board of elections shall notify any registered voter issued a voter photographic identification card under this section of the impending expiration of the voter photographic identification card."

SECTION 1.1(b) Voter photo identification cards, as required by G.S 163A-869.1, as enacted by this act, shall be available on request no later than May 1, 2019. The State Board shall adopt temporary rules to implement G.S. 163A-869.1, as enacted by this act, no later than April 15, 2019.

SECTION 1.2(a) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.1. Requirement for photo identification to vote in person.**

(a) Photo Identification Required to Vote. – When a registered voter presents to vote in person, the registered voter shall produce any of the following forms of identification that contain a photograph of the registered voter:

(1) Any of the following that is valid and unexpired, or has been expired for one year or less:
   a. A North Carolina drivers license.
   b. A special identification card for nonoperators issued under G.S. 20-37.7 or other form of nontemporary identification issued by the Division of Motor Vehicles of the Department of Transportation.
   c. A United States passport.
   d. A North Carolina voter photo identification card of the registered voter issued pursuant to G.S. 163A-869.1.
   e. A tribal enrollment card issued by a federally recognized tribe.
   f. A tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria:
      1. Is issued in accordance with a process approved by the State Board that requires an application and proof of identity equivalent to the process for approving a college or university identification card in G.S. 163A-1145.2.
      2. Is signed by an elected official of the tribe.
   g. A student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3), provided that card is issued in accordance with G.S. 163A-1145.2.
   h. An employee identification card issued by a state or local government entity, including a charter school, provided that card is issued in accordance with G.S. 163A-1145.3.
   i. A drivers license or special identification card for nonoperators issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.

(2) Any of the following, regardless of whether the identification contains a printed expiration or issuance date:
   a. A military identification card issued by the United States government.
   b. A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities.

(3) Any expired form of identification allowed in this subsection presented by a registered voter having attained the age of 65 years at the time of presentation at the voting place, provided that the identification was unexpired on the registered voter's sixty-fifth birthday.

(b) Verification of Photo Identification. – After presentation of the required identification described in subsection (a) of this section, the precinct officials assigned to check registration shall compare the photograph contained on the required identification with the person presenting to vote. The precinct official shall verify that the photograph is that of the person seeking to vote. If the precinct official disputes that the photograph contained on the required identification is the person presenting to vote, a challenge shall be conducted in accordance with the procedures of G.S. 163A-914. A voter shall be permitted to vote unless the judges of election present unanimously agree that the photo identification presented does not bear any reasonable resemblance to that voter.

(c) Provisional Ballot Required Without Photo Identification. – If the registered voter cannot produce the identification as required in subsection (a) of this section, the registered voter may cast a provisional ballot that is counted only if the registered voter brings an acceptable form of photograph identification listed in subsection (a) of this section to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172. The State Board shall provide the registered voter casting a provisional ballot due to failure to provide photo identification an information sheet on the deadline to return to the county board of elections to present photo identification, and what forms of photo identification are acceptable, in order for the voter's provisional ballot to be counted.

(d) Exceptions. – The following exceptions are provided for a registered voter who does not produce an acceptable form of identification as required in subsection (a):

(1) Religious Objection. – If a registered voter does not produce an acceptable form of photograph identification due to a religious objection to being photographed, the registered voter may complete an affidavit under penalty of perjury at the voting place and affirm that the registered voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the registered voter may cast a provisional ballot.

(2) Reasonable Impediment. – If a registered voter does not produce an acceptable form of photograph identification because the registered voter suffers from a reasonable impediment that prevents the registered voter from presenting photograph identification, the registered voter may complete an affidavit under the penalty of perjury at the voting place and affirm that the registered voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the registered voter from presenting photograph identification. The registered voter also shall complete a reasonable impediment declaration form provided in subsection (d1) of this section, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the registered voter may cast a provisional ballot.

(3) Natural Disaster. – If a registered voter does not produce an acceptable form of photograph identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State, the registered voter may complete an affidavit under penalty of perjury at the voting place and affirm that the registered voter: (i) is the same

individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) was a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State. Upon completion of the affidavit, the registered voter may cast a provisional ballot.

(4) Witness Verification. – If a voter does not produce an acceptable form of photograph identification, the voter may cast a provisional ballot in the presence of two persons, complete a witness verification form as provided in subsection (d2) of this section, and require those two persons in whose presence the voter marked that voter's provisional ballot to sign the witness verification form as witnesses and to indicate those persons' addresses. The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance.

(d1) Reasonable Impediment Declaration Form. – The State Board shall adopt a reasonable impediment declaration form that, at a minimum, includes the following as separate boxes that a registered voter may check to identify the registered voter's reasonable impediment:

(1) Inability to obtain photo identification due to:
  a. Lack of transportation.
  b. Disability or illness.
  c. Lack of birth certificate or other underlying documents required.
  d. Work schedule.
  e. Family responsibilities.

(2) Lost or stolen photo identification.

(3) Photo identification applied for but not yet received by the registered voter voting in person.

(4) Other reasonable impediment. If the registered voter checks the "other reasonable impediment" box, a further brief written identification of the reasonable impediment shall be required, including the option to indicate that State or federal law prohibits listing the impediment.

(d2) Witness Verification Form. – The State Board shall adopt a witness verification form that contains a space for the identification of the two persons witnessing the casting of the ballot, those persons' signatures, and those persons' addresses. Failure to list a ZIP code does not invalidate the witness verification form.

(e) County Board Review of Exceptions. – If the county board of elections determines that the registered voter voted a provisional ballot only due to the inability to provide proof of identification and the required affidavit or witness verification form required in subsection (d) of this section is submitted, the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false.

(f) Purpose. – The purpose of the identification required pursuant to subsection (a) of this section is to confirm the person presenting to vote is the registered voter on the voter registration records. Any address listed on the identification is not determinative of a registered voter's residence for the purpose of voting. A registered voter's residence for the purpose of voting is determined pursuant to G.S. 163A-842."

SECTION 1.2(b) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.2. Approval of student identification cards for voting identification.**

(a) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in

G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The chancellor, president, or registrar of the university or college submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the university or college contain photographs of students taken by the university or college or its agents or contractors.

b. The identification cards are issued after an enrollment process that includes methods of confirming the identity of the student that include, but are not limited to, the social security number, citizenship status, and birthdate of the student.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for student discipline or termination of an employee.

e. University or college officials would report any misuse of student identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the university or college contain a date of expiration, effective January 1, 2021.

g. The university or college provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The university or college complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the student identification process.

(b) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) every four years.

(c) The State Board shall produce a list of participating universities and colleges every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections.

(d) If a participating college or university with a student identification card approved for use by the State Board as provided in subsection (b) of this section changes the design of the student identification card, that college or university shall provide copies of the new design of the student identification cards to the State Board to assist with training purposes."

SECTION 1.2(c) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.3. Approval of employee identification cards for voting identification.**

(a) The State Board shall approve the use of employee identification card issued by a state or local government entity, including a charter school, for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The head elected official or lead human resources employee of the state or local government entity or charter school submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the state or local government entity contain photographs of the employees taken by the employing entity or its agents or contractors.

b. The identification cards are issued after an employment application process that includes methods of confirming the identity of the employee that include, but are not limited to, the social security number, citizenship status, and birthdate of the employee.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for termination of an employee.

e. State or local officials would report any misuse of identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the state or local government entity contain a date of expiration, effective January 1, 2021.

g. The state or local government entity provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The state or local government entity complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the employee identification process.

(b) The State Board shall approve the use of employee identification cards issued by a state or local government entity, including a charter school, for voting identification under G.S. 163A-1145.1 every four years.

(c) The State Board shall produce a list of participating employing entities every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections."

SECTION 1.2(d) G.S. 163A-1307(b) reads as rewritten:

"(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board, providing for all of the following:

(1) The voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this Part.

(2) A space for identification of the envelope with the voter and the voter's signature.

(3) A space for the identification of the two persons witnessing the casting of the absentee ballot in accordance with G.S. 163A-1310, those persons' signatures, and those persons' addresses.

(4) A space for the name and address of any person who, as permitted under G.S. 163A-1298(a), assisted the voter if the voter is unable to complete and sign the certification and that individual's signature.

(5) A space for approval by the county board of elections.

(6) A space to allow reporting of a change of name as provided by G.S. 163A-880.

(7) A prominent display of the unlawful acts under G.S. 163A-1298 and G.S. 163A-1389, except if there is not room on the envelope, the State Board may provide for that disclosure to be made on a separate piece of paper to be included along with the container-return envelope.

(8) Instructions to include a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), or to

bring the required photo identification to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172, or to provide a completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3).

The container-return envelope shall be printed in accordance with the instructions of the State Board."

SECTION 1.2(e) G.S. 163A-1310 reads as rewritten:

"**§ 163A-1310. Voting absentee ballots and transmitting them to the county board of elections.**

(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163A-1298(a)(4) or G.S. 163A-1317(c), the voter shall do all of the following:

(1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.

(2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.

(3) Place the folded ~~ballots~~ballots, along with a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a) or the completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3), in the container-return envelope and securely seal it, or have this done in the voter's presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163A-1307(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163A-1307(b).

(5) Require those two persons in whose presence the voter marked that voter's ballots to sign the application and certificate as witnesses and to indicate those persons' addresses. Failure to list a ZIP code does not invalidate the application and certificate.

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots.

...

(d) If the registered voter does not include a completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3) or a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), the voter's ballot is counted only if the voter brings a photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a) to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172.

(e) Any readable photocopy of a registered voter's photo identification received by a county board shall be treated as a voted ballot under G.S. 163A-1105. The county board shall provide for secure storage of such personal identifying information."

SECTION 1.2(f) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, the State Board shall approve (i) tribal enrollment cards issued by a tribe

recognized by this State under Chapter 71A of the General Statutes; (ii) student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3); and (iii) employee identification cards issued by a state or local government entity, including a charter school, for use as voting identification under G.S. 163A-1145.1 no later than March 15, 2019, for use in primaries and elections held in 2019 and 2020, and again no later than May 15, 2021, for elections held on or after that date. The State Board shall adopt temporary rules on reasonable security measures for use of student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than February 1, 2019. The State Board shall adopt permanent rules on reasonable security measures for use of student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than May 15, 2021. The State Board shall produce the initial list of participating institutions and employing entities no later than April 1, 2019.

SECTION 1.2(g) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, a student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) or an employee identification card issued by state or local government entity that does not contain an expiration date shall be eligible for use in any election held before January 1, 2021.

SECTION 1.2(h) Notwithstanding G.S. 163A-1145.1(d)(2), for elections held in 2019, any voter who does not present a photograph identification listed as acceptable in G.S. 163A-1145.1(a) when presenting to vote in person shall be allowed to complete a reasonable impediment affidavit and cast a provisional ballot, listing as the impediment not being aware of the requirement to present photograph identification when voting in person or failing to bring photograph identification to the voting place.

SECTION 1.3 G.S. 20-37.7 reads as rewritten:

"**§ 20-37.7. Special identification card.**

...

(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State as follows:

(1) The applicant is legally blind.

(2) The applicant is at least ~~70~~ 17 years old.

(3) The applicant or who has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease.

(4) The applicant is homeless. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless.

~~(5) The applicant is registered to vote in this State and does not have photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, a registered voter shall sign a declaration stating the registered voter is registered and does not have other photo identification acceptable under G.S. 163A-1145. The Division shall verify that voter registration prior to issuing the special identification card.~~

~~Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

~~(6) The applicant is appearing before the Division for the purpose of registering to vote in accordance with G.S. 163A-883 and does not have other photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, that applicant shall sign a declaration stating that applicant is registering to vote and does not have other photo identification acceptable under G.S. 163A-1145. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

(7) The applicant has a developmental disability. To obtain a special identification card without paying a fee pursuant to this subdivision, an applicant must present a letter from his or her primary care provider certifying that the applicant has a developmental disability. For purposes of this subdivision, the term "developmental disability" has the same meaning as in G.S. 122C-3.

...

(d2) Notwithstanding subsection (b) of this section, for a person whose valid drivers license, permit, or endorsement, is required to be seized or surrendered due to cancellation, disqualification, suspension, or revocation under applicable State law, the Division shall issue a special identification card to that person without application, if eligible to receive a special identification card, upon receipt by the Division of the seized or surrendered document. The Division shall issue and mail, via first-class mail to that person's address on file, a special identification card pursuant to this subsection at no charge.

...."

SECTION 1.4(a) G.S. 163A-1137(a) reads as rewritten:

"(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address and presenting photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting."

SECTION 1.4(b) G.S. 163A-1300(b) reads as rewritten:

"(b) Not earlier than the third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 7:00 P.M. on the last Friday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board and present photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that

the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163A-1391. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 1.4A G.S. 163A-741 is amended by adding a new subsection to read:

"(o1) The State Board shall include in all forms prepared by the Board a prominent statement that submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163A of the General Statutes."

SECTION 1.5(a) The Bipartisan State Board of Elections and Ethics Enforcement (State Board) shall establish an aggressive voter education program concerning the provisions contained in this legislation. The State Board shall educate the public as follows:

(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of elections, the State Board's office, and their respective websites.

(2) Train precinct officials at training sessions required as provided in G.S. 163A-889 to answer questions by voters concerning the changes in this legislation.

(3) Require documentation describing the changes in this legislation to be disseminated by precinct officials at every election held following the effective date of this act.

(4) Coordinate with each county board of elections so that at least two seminars are conducted in each county prior to September 1, 2019.

(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

(6) Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public concerning the changes in this legislation. In executing these duties, the Board shall ensure that it makes necessary efforts to inform the public regarding the provisions of this act; the requirements to vote absentee, early, or on election day; a description of voting by provisional ballot; and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1 to rural, military, veteran, elderly, underserved, minority, or other communities as determined by local needs.

(7) In conducting the educational program under this section, the educational program shall, when appropriate, inform the public regarding the requirements of North Carolina residency to vote, including the requirement for intent to remain in the State, and the penalty for voting in multiple states.

(8) Notify each registered voter who does not have a North Carolina issued drivers license or identification card a notice of the provisions of this act by no later than September 1, 2019. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It must also state the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1.

(9) Mail information to all registered voters twice in 2019 and twice in 2020 that, at a minimum, describes forms of acceptable photo identification when presenting to vote in person, the options for provisional voting for registered voters who do not present the required photo identification, and a description of voting mail-in absentee.

(10) Prominently place the following statement in all voter education materials mailed to citizens and on informational posters displayed at one-stop voting sites and precincts on election day: "All registered voters will be allowed to vote with or without a photo ID card. When voting in person, you will be

asked to present a valid photo identification card. If you do not have a valid photo ID card, you may obtain one from your county board of elections prior to the election, through the end of the early voting period. If you do not have a valid photo ID card on election day, you may still vote and have your vote counted by signing an affidavit of reasonable impediment as to why you have not presented a valid photo ID."

(11) In addition to the items above, the State Board may implement additional educational programs in its discretion.

SECTION 1.5(b) The State Board is directed to create a list containing all registered voters of North Carolina who are otherwise qualified to vote but do not have a North Carolina drivers license or other form of identification containing a photograph issued by the Division of Motor Vehicles of the Department of Transportation, as of September 1, 2019. The list must be made available to any registered voter upon request. The State Board may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list. The Division of Motor Vehicles must provide the list of persons with a North Carolina drivers license or other form of identification containing a photograph issued by the Division of Motor Vehicles at no cost to the State Board.

SECTION 1.5(c) County boards of elections shall make available information describing the changes in this legislation, including acceptable forms of photograph identification, to all voters in the 2019 municipal primary and election and at the 2020 primary election.

SECTION 1.5(d) By September 1, 2019, the State Board of Elections and Ethics Enforcement shall review, update, and make further recommendations to the Joint Legislative Elections Oversight Committee on steps to implement the use of electronic and digital information in all polling places statewide. The review shall address all of the following:

(1) Obtaining digital photographs of registered voters and verifying identity of those voters, including transfer of digital photographs for registered voters held by the Department of Transportation, Division of Motor Vehicles.

(2) Maintaining information stored electronically in a secure fashion.

(3) Utilizing electronically stored information, including digital photographs and electronic signatures, to create electronic pollbooks.

(4) Using electronic pollbooks to assist in identifying individuals attempting to vote more than once in an election.

(5) A proposed plan for a pilot project to implement electronic pollbooks, including the taking of digital photographs at the polling place to supplement the electronic pollbooks.

(6) Any other related matter identified by the State Board impacting the use of digital and electronic information in the voting place.

PART II: REPEAL OF UNCODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT

SECTION 2.(a) Sections 1.1, 5.2, 5.4, and 5.5 of S.L. 2013-381 are repealed.

SECTION 2.(b) Section 5.3 of S.L. 2013-381, as amended by Section 8.(g) of S.L. 2015-103, is repealed.

PART III: REPEAL OF CODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT AND RELATED STATUTES

SECTION 3.1(a) G.S. 163A-868 is repealed.

SECTION 3.1(b) G.S. 163A-869(e) reads as rewritten:

"(e) Display of Card May Not Be Required to Vote. – No county board of elections may require that a voter registration card be displayed in order to vote. ~~A county board of elections~~

~~may notify a voter that the voter's registration card may be used for the required identification in conjunction with a reasonable impediment declaration in accordance with G.S. 163A-1147.~~"

SECTION 3.1(c) G.S. 163A-913 reads as rewritten:

"**§ 163A-913. Challenges allowed on day of primary or election.**

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the county may exercise the right of challenge, and when the voter does so may enter the voting enclosure to make the challenge, but the voter shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the county may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163A-911(c).

(2) That the person has already voted in that primary or election.

(3) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.

~~(4) Except as provided in G.S. 163A-1145(d) and G.S. 163A-1146, the voter does not present photo identification in accordance with G.S. 163A-1145.~~

(4a) The registered voter does not present photo identification in accordance with G.S. 163A-1145.1.

The chief judge, judge, or assistant appointed under G.S. 163A-815 or 163A-818 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163A-911(c)(3), the voter may still transfer that voter's registration under G.S. 163A-878(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163A-919(a) if the transfer is made. A person who has transferred that voter's registration under G.S. 163A-911(c)(3) may be challenged at the precinct to which the registration is being transferred."

SECTION 3.1(d) G.S. 163A-1140(b) is repealed.

SECTION 3.1(e) G.S. 163A-1145 is repealed.

SECTION 3.1(f) G.S. 163A-1146 is repealed.

SECTION 3.1(g) G.S. 163A-1147 is repealed.

SECTION 3.1(h) G.S. 163A-1167 is repealed.

SECTION 3.1(i) G.S. 163A-1168 is repealed.

SECTION 3.1(j) G.S. 163A-1301 is repealed.

SECTION 3.2(a) G.S. 130A-93.1(c) reads as rewritten:

"(c) Upon verification of voter registration, the State Registrar shall not charge any fee under subsection (a) of this section to a registered voter who signs a declaration stating the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(b) G.S. 161-10(a)(8) reads as rewritten:

"(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license ten dollars ($10.00). Provided however, a register of deeds, in accordance with G.S. 130A-93, may issue without charge a certified birth certificate to any person over the age of 62 years. Provided, however, upon verification of voter registration, a register of deeds, in accordance with G.S. 130A-93, shall issue without charge a certified copy of a birth certificate or a certified copy of a marriage license to any registered voter who declares the registered voter is registered to vote in this State and does not have a certified copy of that

registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(c) G.S. 163A-1389(13) reads as rewritten:

"(13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of voting, including declarations made under this ~~Subhapter, G.S. 20-37.7(d)(5), 20-37.7(d)(6), 130A-93.1(c),~~ Subchapter, G.S. 130A-93.1(c), and G.S. 161-10(a)(8)."

SECTION 3.2(d) G.S. 163A-1389 is amended by adding a new subdivision to read:

"(19) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled thereto, a form of photo identification provided in G.S. 163A-1145.1 for the purposes of voting."

SECTION 3.3 G.S. 163A-821 reads as rewritten:

"**§ 163A-821. Observers; appointment.**

(a) The chair of each political party in the county shall have the right to designate two observers to attend each voting place at each primary and election and such observers may, at the option of the designating party chair, be relieved during the day of the primary or election after serving no less than four hours and provided the list required by this section to be filed by each chair contains the names of all persons authorized to represent such chair's political party. The chair of each political party in the county shall have the right to designate 10 additional at-large observers who are residents of that county who may attend any voting place in that county. The chair of each political party in the State shall have the right to designate up to 100 additional at-large observers who are residents of the State who may attend any voting place in the State. The list submitted by the chair of the political party may be amended between the one-stop period under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 and general election day to substitute one or all at-large observers for election day. Not more than two observers from the same political party shall be permitted in the voting enclosure at any time, except that in addition one of the at-large observers from each party may also be in the voting enclosure. This right shall not extend to the chair of a political party during a primary unless that party is participating in the primary. In any election in which an unaffiliated candidate is named on the ballot, the candidate or the candidate's campaign manager shall have the right to appoint two observers for each voting place consistent with the provisions specified herein. Persons appointed as observers by the chair of a county political party must be registered voters of the county for which appointed and must have good moral character. Persons appointed as observers by the chair of a State political party must be registered voters of the State and must have good moral character. No person who is a candidate on the ballot in a primary or election may serve as an observer or runner in that primary or election. Observers shall take no oath of office.

(b) Individuals authorized to appoint observers must submit in writing to the chief judge of each precinct a signed list of the observers appointed for that precinct, except that the list of at-large observers authorized in subsection (a) of this section shall be submitted to the county director of elections. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections two signed copies of a list of observers appointed by them, designating the precinct or at-large status for which each observer is appointed. Before the opening of the voting place on the day of a primary or general election, the chair shall deliver one copy of the list to the chief judge for each affected precinct, except that the list of at-large observers shall be provided by the county director of elections to the chief judge. The chair shall retain the other copy. The chair, or the chief judge and judges for each affected precinct, may for good cause reject any appointee and require that another be appointed. The names of any persons appointed

in place of those persons rejected shall be furnished in writing to the chief judge of each affected precinct no later than the time for opening the voting place on the day of any primary or general election, either by the chair of the county board of elections or the person making the substitute appointment.

If party chairs appoint observers at one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, those party chairs shall provide a list of the observers appointed before 10:00 A.M. on the fifth day before the observer is to observe. At-large observers may serve at any one-stop site.

...."

SECTION 3.4(a) G.S. 163A-867(g)(2) reads as rewritten:

"(2) If the Postal Service has returned as undeliverable a notice sent within 25 days before the election to the applicant under subsection (c) of this section, then the applicant may vote only in person in that first election and may not vote by absentee ballot except in person under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. The county board of elections shall establish a procedure at the voting site for:

a. Obtaining the correct address of any person described in this subdivision who appears to vote in person; and

b. Assuring that the person votes in the proper place and in the proper contests.

If a notice mailed under subsection (c) or subsection (e) of this section is returned as undeliverable after a person has already voted by absentee ballot, then that person's ballot may be challenged in accordance with G.S. 163A-916."

SECTION 3.4(b) G.S. 163A-1133(b) reads as rewritten:

"(b) Photographing Voters Prohibited. – No person shall photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras used as a regular part of the security of the facility that is a voting place or one-stop site."

SECTION 3.4(c) G.S. 163A-1134(e) reads as rewritten:

"(e) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. – Except as modified in this subsection, the provisions of this section shall apply to one-stop voting sites in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

(1) Subsection (c) of this section shall not apply.

(2) The notice in subsection (d) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site."

SECTION 3.4(d) G.S. 163A-1298(a) reads as rewritten:

"(a) Any person who shall, in connection with absentee voting in any election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

(1) For any person except the voter's near relative or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance.

(2) For any person to assist a voter to vote an absentee ballot under the absentee voting procedure authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 except as provided in that section.

(3) For a voter who votes an absentee ballot under the procedures authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 to vote that voter's absentee ballot outside of the voting booth or private room provided to the voter for that purpose in or adjacent to the office of the county board of elections or at the additional site provided by G.S. 163A-1302, or to receive assistance except as provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

...."

SECTION 3.4(e) G.S. 163A-1300(a) reads as rewritten:

"(a) Any voter eligible to vote by absentee ballot under G.S. 163A-1295 may request an application for absentee ballots, complete the application, and vote under the provisions of this section and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304."

SECTION 3.4(f) G.S. 163A-1300(i) reads as rewritten:

"(i) Notwithstanding the provisions of G.S. 163A-916(a) and (b), a challenge may be entered against a voter at a one-stop site under G.S. 163A-1303 or during one-stop voting at the county board office. The challenge may be entered by a person conducting one-stop voting under this section and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304 or by another registered voter who resides in the same precinct as the voter being challenged. If challenged at the place where one-stop voting occurs, the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall be made on forms prescribed by the State Board. The challenge shall be heard by the county board of elections in accordance with the procedures set forth in G.S. 163A-916(e)."

SECTION 3.4(g) G.S. 163A-1303 reads as rewritten:

"**§ 163A-1303. Sites and hours for one-stop voting.**

(a) Notwithstanding any other provision of G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under these sections. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board as part of a Plan for Implementation approved by both the county board of elections and by the State Board which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163A-821 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county.

(b) The State Board shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a one-stop site in a building that the county board of elections is not entitled under G.S. 163A-1046 to demand and use as an election-day voting place, unless the State Board finds that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage

or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under these sections. The request shall clearly identify the building, or any specific portion thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board.

...."

SECTION 3.4(h) G.S. 163A-1306 reads as rewritten:

"**§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public record.**

The State Board shall approve an official register in which the county board of elections in each county of the State shall record the following information:

(1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.
(2) Number of assigned voter's application when issued.
(3) Precinct in which applicant is registered.
(4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, a notation of that fact.
(5) Date request for application for ballots is received by the county board of elections.
(6) The voter's party affiliation.
(7) The date the ballots were mailed or delivered to the voter.
(8) Whatever additional information and official action may be required by this Part.

The State Board may provide for the register to be kept by electronic data processing equipment, and a copy shall be printed out each business day or a supplement printed out each business day of new information.

The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection."

SECTION 3.4(i) G.S. 163A-1308(c) reads as rewritten:

"(c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When the county board of elections receives a completed request form for applications and absentee ballots, the board shall promptly issue and transmit them to the voter in accordance with the following instructions:

(1) On the top margin of each ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the board of elections shall write or type the

words "Absentee Ballot No. ____ " or an abbreviation approved by the State Board and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and ballots issued. That person shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter. Alternatively, the board of elections may cause to be barcoded on the ballot the voter's application number, if that barcoding system is approved by the State Board.

(2) The chair, member, officer, or employee of the board of elections shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the ballots in the envelopes shall leave the container-return envelope holding the ballots unsealed.

(3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections: Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (b) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to a near relative or verifiable legal guardian of the voter.

The county board of elections may receive completed written request forms for applications at any time prior to the election but shall not mail applications and ballots to the voter or issue applications and ballots in person earlier than 60 days prior to the statewide general election in an even-numbered year, or earlier than 50 days prior to any other election, except as provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. No election official shall issue applications for absentee ballots except in compliance with this Part."

SECTION 3.4(j) G.S. 163A-1310(c) reads as rewritten:

"(c) For purposes of this section, "Delivered in person" includes delivering the ballot to an election official at a one-stop voting site under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 during any time that site is open for voting. The ballots shall be kept securely and delivered by election officials at that site to the county board of elections office for processing."

SECTION 3.4(k) G.S. 163A-1315 reads as rewritten:

"**§ 163A-1315. Counting absentee ballots by county board of elections.**

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

...

(6) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter, or if the pollbook is computer-generated, the board shall check off the name. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot. The "Pollbook of Absentee Voters" shall also contain the names of all persons who

voted under G.S. 163A-1300, ~~163A-1301,~~163A-1302, 163A-1303, and 163A-1304, but those names may be printed by computer for inclusion in the pollbook.

After all ballots have been placed in the boxes, the counting process shall begin.

If one-stop ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 are counted electronically, that count shall commence at the time the polls close. If one-stop ballots are paper ballots counted manually, that count shall commence at the same time as other absentee ballots are counted.

If a challenge transmitted to the board on canvass day by a chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163A-916(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required herein, the board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered therein. The county board of elections shall be responsible for the safekeeping of the pollbook of absentee voters.

(7) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board. The county board of elections may have a separate count on the abstract for one-stop absentee ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

...."

SECTION 3.4(*l*) G.S. 163A-1368 reads as rewritten:

"**§ 163A-1368. Absentee voting at office of board of elections.**

Notwithstanding any other provisions of this Subchapter, any covered voter under this Part shall be permitted to vote an absentee ballot pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 if the covered voter has not already voted an absentee ballot which has been returned to the board of elections, and if the covered voter will not be in the county on the day of the primary or election.

In the event an absentee application or ballot has already been mailed to the covered voter applying to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, the board of elections shall void the application and ballot unless the voted absentee ballot has been received by the board of elections. The covered voter shall be eligible to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 no later than 5:00 P.M. on the day next preceding the primary, second primary or election."

SECTION 3.4(m) G.S. 163A-1411(41) reads as rewritten:

"(41) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted after September 7 of that year, and in the case of any other election is aired or transmitted within 60 days of the time set for absentee voting to begin pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 in an election for that office.

c. May be received by either:
1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.
2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

SECTION 3.4(n) G.S. 163A-1520(a) reads as rewritten:

"(a) Judicial Voter Guide. – The State Board shall publish a Judicial Voter Guide that explains the functions of the appellate courts and the laws concerning the election of appellate judges, the purpose and function of the Public Campaign Fund, and the laws concerning voter registration. The State Board shall distribute the Guide to as many voting-age individuals in the State as practical, through a mailing to all residences or other means it deems effective. The distribution shall occur no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the primary and no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the general election."

PART IV. APPROPRIATION

SECTION 4. The Bipartisan State Board of Elections and Ethics Enforcement may spend the entirety of the Voter Education Fund for the implementation of this act.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

SENATE BILL 824:
Implementation of Voter ID Const. Amendment.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	December 3, 2018
Introduced by:	Sens. Krawiec, Ford, Daniel	**Prepared by:**	Jessica Sammons Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 824 would do the following:

- ***Implement the constitutional requirement requiring voters offering to vote in person to present photographic identification before voting.***
- ***Require county boards of elections to issue free voter photo identification cards to registered voters upon request.***
- ***Waive the fee for a special identification card issued by the DMV for all applications who are at least 17 years old, and provide for an automatic special identification card issued to individuals whose drivers license is seized or surrendered.***
- ***Create a new Class I felony for any person to counterfeit, sell, lend to, or knowingly permit the unauthorized use of a form of photo identification for the purpose of voting.***
- ***Allow the chair of each political party to designate up to 100 additional at-large observers who may attend any voting place in the State.***

CURRENT LAW: For each voter in the State, when appearing at the polls, that voter must state his or her name and residence address to the election official. The individual, if verified by the election official as a registered voter, must then sign his or her name to the poll book, other voting record, or voter authorization document prior to voting. G.S. 163A-1137. County boards may not require voters to show voter registration cards to vote. G.S. 163A-869.

Showing of ID – Certain First Time Voters: A voter registering by mail, who has not previously voted in an election with a federal ballot item, must provide one of the following forms of Help America Vote Act (HAVA) identification prior to voting in person:

- A current and valid photo ID.
- A copy of one of the following documents that shows the name and address of the voter: current utility bill, bank statement, government check, paycheck, or other government document.

A voter is exempted from showing identification if that individual included as part of his or her voter registration one of the forms of ID listed above, or his or her drivers license number or the last four digits of his or her social security number which matched an existing State identification record. Also exempt are overseas and military voters entitled to vote by absentee ballot under the Uniform Military and Overseas Voter Act (Part 2 of Article 21 of Chapter 163A) and voters entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act. G.S. 163A-1144.

Special Identification Cards – Individuals may obtain a special identification card for nonoperators from the Division of Motor Vehicles (DMV) which requires the same documentation of identity and residence

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

as a NC drivers license. The fee for a special ID card is currently $13. The fee is waived for those who are legally blind, older than 70, homeless, or who have had a license canceled due to physical or mental disability or disease. The fee is also waived if the individual signs a declaration that the voter is: (i) registered or registering to vote, and (ii) does not have other photo ID to vote. False or fraudulent statements on these declarations are a Class I felony. G.S. 20-37.7.

Voters in the November 2018 election approved amendments to the North Carolina Constitution to require voters offering to vote in person to present photographic identification before voting.

BILL ANALYSIS:

Part I would implement the constitutional requirement requiring voters offering to vote in person to present photographic identification before voting.

- **Photo Identification Requirement (Section 1.2)** – Would establish G.S. 163A-1145.1, requiring all voters voting in person to present photo ID, subject to the exceptions noted below.

  The precinct official would verify that the photograph is that of the person seeking to vote. If the precinct official disputes that the photograph is that of the person seeking to vote, a challenge would be heard and decided by the judges of the precinct. Voters without photo ID would vote a provisional ballot. If the voter brings an acceptable form of photo ID to the county board of elections no later than the end of business of the business day before canvass, the ballot would be counted.

- **Acceptable Forms of Photo Identification for Voting Identification (Section 1.2)**
  - Any of the following that contains a photograph of the voter and is valid and unexpired, or has been expired for one year or less:
    - NC drivers license.
    - NC special identification card or other form of non-temporary ID issued by the DMV.
    - US passport.
    - NC voter photo identification card.
    - Tribal enrollment card issued by a federally recognized tribe.
    - Tribal enrollment card issued by a tribe recognized by NC under Chapter 71A that is (i) issued in accordance with a process approved by the State Board requiring an application and proof of identity equivalent to the process for approving a college or university identification card, and (ii) signed by an elected official of the tribe.
    - Student identification card issued by a constituent institution of The University of North Carolina, a community college, or eligible private postsecondary institutions, if approved by the State Board.
    - Employee identification card issued by a state or local government entity, including a charter school, if approved by the State Board.
    - Drivers license or special identification card issued by another state, D.C., or a territory or commonwealth of the US, only if the voter's voter registration was within 90 days of the election.
  - Any of the following that contain a photograph of the voter, regardless of whether the card contains an expiration or issuance date:
    - US military identification card.
    - Veterans Identification Card issued by the US Department of Veterans Affairs for use at Veterans Administration medical facilities.

- For voters over the age of 65, any of the identification cards above that bear a date of expiration that was not expired on the day that the voter reached the age of 65.

For any election held before January 1, 2021, any approved student identification card or employee identification card that does not contain an expiration date would be deemed an acceptable form of photo identification.

- **Approval of Student and Employee Identification Cards for Voting Identification (Section 1.2)**

The State Board would be required to approve the use of: (i) student identification cards issued by a constituent institution of The University of North Carolina, a community college, or eligible private postsecondary institutions, and (ii) employee identification cards issued by a state or local government entity, including a charter school, if the following criteria is met:

- 1) The chancellor, president or registrar of the university or college, or the head elected official or lead human resources employee of the state or local government entity, submits a letter signed under penalty of perjury that the following are true:
  - The ID cards contain photos of the individual taken by the university, college, or government employer.
  - The ID cards are issued after confirming the identity of the individual, including the individual's social security number, citizenship status, and birthdate.
  - The equipment that produces the cards is kept in a secure location.
  - Misuse of the equipment producing the cards is grounds for discipline of a student or termination of an employee.
  - Any misuse of equipment is reported to law enforcement.
  - The cards issued have an expiration date, effective January 1, 2021.
  - Copies of the cards are provided to the State Board to assist with training purposes.
- 2) The university, college, or government employer complies with any other reasonable security measures deemed necessary by the State Board.

The State Board would be required to approve use of ID cards from any universities, colleges, or government employers submitting the required criteria no later than March 15, 2019 for primaries and elections held in 2019 and 2020, no later than May 15, 2021 for elections beginning after that date, and every four years thereafter.

The State Board would be required to produce a list of participating universities, colleges, and government employers every four years, publish the list on the State Board's website, and distribute the list to every county board of elections, with the initial list produced no later than April 1, 2019.

The State Board would adopt temporary rules on reasonable security measures for the use of student or employee identification cards for voting identification no later than February 1, 2019, and permanent rules no later than May 15, 2021.

- **Exceptions to the Photo Identification Requirement (Section 1.2)**
  - **Religious Objection** – A voter who does not produce a photo ID due to a religious objection to being photographed may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same person personally appearing at the voting place, (ii) will cast a provisional ballot, and (iii) has a religious objection to being photographed.

- **Reasonable Impediment** – A voter who suffers from a reasonable impediment that prevents the voter from presenting photo ID may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same person personally appearing at the voting place, (ii) will cast a provisional ballot, and (iii) suffers from a reasonable impediment that prevents the voter from presenting photo ID. The voter must complete a reasonable impediment declaration form, checking a box to identify his or her reasonable impediment from the following:
  - Inability to obtain photo ID due to lack of transportation, disability or illness, lack of birth certificate or underlying documents required, work schedule, or family responsibilities.
  - Lost or stolen photo ID.
  - Photo ID applies for but not yet received by the voter voting in person.
  - Other reasonable impediment, which would require a brief written identification of the reasonable impediment by the voter.
- **Natural Disaster** – A voter who does not produce a photo ID due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and Governor of this State may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same person personally appearing at the voting place, (ii) will cast a provisional ballot, and (iii) was a victim of the natural disaster.

A voter completing the affidavit for religious objection, reasonable impediment, or natural disaster will cast a provisional ballot. If the county board of elections determines that the voter voted a provisional ballot only due to the inability to provide proof of ID and the required affidavit is submitted, the county board must count the provisional ballot, unless the county board has grounds to believe the affidavit is false.

For the 2019 municipal elections, a voter who does not produce photo ID when presenting to vote in person would be allowed to complete a reasonable impediment affidavit and vote a provisional ballot, listing as the impediment not being aware of the photo ID requirement or failing to bring photo ID to the voting place.

- **Voter Photo Identification Cards (Section 1.1)** – The county board of elections would be required to issue free voter photo identification cards upon request to registered voters. This card would contain the voter's photo and voter registration number, and expire 10 years from the date of issuance.

  The State Board would provide necessary equipment to the county boards to print the cards, and the county boards would operate and maintain the equipment. County boards would also be required to maintain a secure database containing the photographs of the registered voters. The State Board would adopt rules for implementation, with temporary rules required no later than April 15, 2019, ensuring, at a minimum, the following:
  - Voters must provide their date of birth and last four digits of social security number to obtain the card.
  - The cards must be issued upon request at all times, except during the time between the end of one-stop voting and election day for each primary and election.
  - Voters may obtain a free duplicate card upon request in person or by telephone or mail.

The State Board would be required to notify any voter issued a voter photo identification card 90 days before his or her card is to expire of the impending expiration.

- **Special Identification Cards (Section 1.3)** – The fee for special identification cards for nonoperators would be waived for applicants who are at least 17 years old. The requirement that the voter sign a declaration stating that the voter is registered or registering to vote and does not have a photo ID needed to vote would be repealed.

  For any person whose drivers license, permit, or endorsement is seized or surrendered due to cancellation, disqualification, suspension, or revocation, the DMV would be required to automatically issue a special identification card to the individual, mailed to the individual's address on file, at no charge.

- **Voter Education Program (Section 1.5)** – The State Board would be required to educate the public on the voter ID provisions through the following:
  - Post information at the State Board, county boards of elections, and their respective websites.
  - Train precinct officials at training sessions on how to answer questions by voters.
  - Disseminate information by precinct officials at each election.
  - Conduct at least two seminars in each county prior to September 1, 2019.
  - Coordinate with local and service organizations to provide informational seminars.
  - Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public, including in Spanish and other languages deemed necessary.
  - Provide educational materials to underserved and minority communities.
  - Notify each registered voter who does not have a NC issued drivers license or special ID card of the voter ID provisions, the requirements to vote absentee, early, and on election day, a description of voting by provisional ballot, and the availability of a free NC voter photo identification card no later than September 1, 2019.
  - Mail information on presenting photo ID, the options for provisional voting, and a description of voting mail-in absentee to all registered voters twice in 2019 and twice in 2020.
  - Prominently place a statement on all voter education materials mailed to citizens and on information posters displayed at voting sites stating that all registered voters will be allowed to vote, how to obtain a valid photo ID card, and the availability to vote by signing an affidavit of reasonable impediment.

  County boards of elections would be required to make available information on photo ID to all voters in the 2019 municipal and primary and election and at the 2020 primary election.

Part II would repeal uncodified sections of Session Law 2013-381 and Session Law 2015-103 requiring photo IDs that were enjoined by federal courts.

Part III would repeal codified sections of Session Law 2013-381 and Session Law 2015-103 requiring photo IDs that were enjoined by federal courts, and would make the following changes:

- Allow any other registered voter to issue a challenge on the day of a primary or election for a voter failing to present photo ID.

- Create a new Class I felony for any person to counterfeit, sell, lend to, or knowingly permit the use of, by one not otherwise entitled, a form of photo identification for the purpose of voting.
- Allow the chair of each political party in the State to designate up to 100 additional at-large observers, provided they are registered voters of the State and of good moral character, who may attend any voting place in the State.

EFFECTIVE DATE: County board of elections would be required to issue voter photo identification cards no later than May 1, 2019. The remainder of this act is effective when it becomes law.

BACKGROUND: In NAACP v. McCrory, the defendants were enjoined from implementing certain portions of Session Laws 2013-381 and Session Laws 2015-103, relating to photo IDs and changes to early voting, same-day registration, out-of-precinct voting, and preregistration, and the pertinent statutory provisions in effect prior to those amendments were declared to be in full force.

SENATE BILL 824
Second Edition Engrossed 11/29/18

Short Title:	Implementation of Voter ID Const. Amendment.	(Public)
Sponsors:	Senators Krawiec, Ford, and Daniel (Primary Sponsors).	
Referred to:	Select Committee on Elections	

November 27, 2018

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE.

The General Assembly of North Carolina enacts:

PART I: IMPLEMENTATION OF THE CONSTITUTIONAL REQUIREMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE

SECTION 1.1(a) Article 17 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-869.1. Voter photo identification cards.**

(a) The county board of elections shall, in accordance with this section, issue without charge voter photo identification cards upon request to registered voters. The voter photo identification cards shall contain a photograph of the voter and the voter registration number for that voter. The voter photo identification card shall be used for voting purposes only and shall expire 10 years from the date of issuance.

(b) The State Board shall make available to county boards of elections the equipment necessary to print voter photo identification cards. County boards of elections shall operate and maintain the equipment necessary to print voter photo identification cards.

(c) County boards of elections shall maintain a secure database containing the photographs of registered voters taken for the purpose of issuing voter photo identification cards.

(d) The State Board shall adopt rules to ensure at a minimum, but not limited to, the following:

(1) A registered voter seeking to obtain a voter photo identification card shall provide the voter's date of birth and the last four digits of the voter's social security number.

(2) Voter photo identification cards shall be issued at any time, except during the time period between the end of one-stop voting for a primary or election as provided in G.S. 163A-1300 and election day for each primary and election.

(3) If the registered voter loses or defaces the voter's photo identification card, the voter may obtain a duplicate card without charge from his or her county board of elections upon request in person, or by telephone or mail.

(e) Ninety days prior to expiration, the county board of elections shall notify any voter issued a voter photographic identification card under this section of the impending expiration of the voter photographic identification card."

SECTION 1.1(b) Voter photo identification cards, as required by G.S 163A-869.1, as enacted by this act, shall be available on request no later than May 1, 2019. The State Board

shall adopt temporary rules to implement G.S. 163A-869.1, as enacted by this act, no later than April 15, 2019.

SECTION 1.2(a) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.1. Requirement for photo identification to vote in person.**

(a) Photo Identification Required to Vote. – When a voter presents to vote in person, the voter shall produce any of the following forms of identification that contain a photograph of the voter:

(1) Any of the following that is valid and unexpired, or has been expired for one year or less:
- a. A North Carolina drivers license.
- b. A special identification card for nonoperators issued under G.S. 20-37.7 or other form of nontemporary identification issued by the Division of Motor Vehicles of the Department of Transportation.
- c. A United States passport.
- d. A North Carolina voter photo identification card of the voter issued pursuant to G.S. 163A-869.1.
- e. A tribal enrollment card issued by a federally recognized tribe.
- f. A tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria:
  1. Is issued in accordance with a process approved by the State Board that requires an application and proof of identity equivalent to the process for approving a college or university identification card in G.S. 163A-1145.2.
  2. Is signed by an elected official of the tribe.
- g. A student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3), provided that card is issued in accordance with G.S. 163A-1145.2.
- h. An employee identification card issued by a state or local government entity, including a charter school, provided that card is issued in accordance with G.S. 163A-1145.3.
- i. A drivers license or special identification card for nonoperators issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.

(2) Any of the following, regardless of whether the identification contains a printed expiration or issuance date:
- a. A military identification card issued by the United States government.
- b. A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities.

(3) Any expired form of identification allowed in this subsection presented by a voter having attained the age of 65 years at the time of presentation at the voting place, provided that the identification was unexpired on the voter's sixty-fifth birthday.

(b) Verification of Photo Identification. – After presentation of the required identification described in subsection (a) of this section, the precinct officials assigned to check registration shall compare the photograph contained on the required identification with the person presenting

to vote. The precinct official shall verify that the photograph is that of the person seeking to vote. If the precinct official disputes that the photograph contained on the required identification is the person presenting to vote, a challenge shall be conducted in accordance with the procedures of G.S. 163A-914.

(c) Provisional Ballot Required Without Photo Identification. – If the registered voter cannot produce the identification as required in subsection (a) of this section, the voter may cast a provisional ballot that is counted only if the voter brings an acceptable form of photograph identification listed in subsection (a) of this section to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172.

(d) Exceptions. – The following exceptions are provided for a voter who does not produce a valid and current photograph identification as required in subsection (a):

(1) Religious Objection. – If a voter does not produce an acceptable form of photograph identification due to a religious objection to being photographed, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the voter may cast a provisional ballot.

(2) Reasonable Impediment. – If a voter does not produce an acceptable form of photograph identification because the voter suffers from a reasonable impediment that prevents the voter from presenting photograph identification, the voter may complete an affidavit under the penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the voter from presenting photograph identification. The voter also shall complete a reasonable impediment declaration form provided in subsection (d1) of this section, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the voter may cast a provisional ballot.

(3) Natural Disaster. – If a voter does not produce an acceptable form of photograph identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) was a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State. Upon completion of the affidavit, the voter may cast a provisional ballot.

(d1) Reasonable Impediment Declaration Form. – The State Board shall adopt a reasonable impediment declaration form that, at a minimum, includes the following as separate boxes that a voter may check to identify the voter's reasonable impediment:

(1) Inability to obtain photo identification due to:
   a. Lack of transportation.
   b. Disability or illness.
   c. Lack of birth certificate or other underlying documents required.
   d. Work schedule.
   e. Family responsibilities.

(2) Lost or stolen photo identification.

(3) Photo identification applied for but not yet received by the voter voting in person.

(4) Other reasonable impediment. If the voter checks the "other reasonable impediment" box, a further brief written identification of the reasonable impediment shall be required, including the option to indicate that State or federal law prohibits listing the impediment.

(e) County Board Review of Exceptions. – If the county board of elections determines that the voter voted a provisional ballot only due to the inability to provide proof of identification and the required affidavit required in subsection (d) of this section is submitted, the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false.

(f) Purpose. – The purpose of the identification required pursuant to subsection (a) of this section is to confirm the person presenting to vote is the voter on the voter registration records. Any address listed on the identification is not determinative of a voter's residence for the purpose of voting. A voter's residence for the purpose of voting is determined pursuant to G.S. 163A-842."

SECTION 1.2(b) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.2. Approval of student identification cards for voting identification.**

(a) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The chancellor, president, or registrar of the university or college submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the university or college contain photographs of students taken by the university or college or its agents or contractors.

b. The identification cards are issued after an enrollment process that includes methods of confirming the identity of the student that include, but are not limited to, the social security number, citizenship status, and birthdate of the student.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for student discipline or termination of an employee.

e. University or college officials would report any misuse of student identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the university or college contain a date of expiration, effective January 1, 2021.

g. The university or college provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The university or college complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the student identification process.

(b) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) every four years.

(c) The State Board shall produce a list of participating universities and colleges every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections."

SECTION 1.2(c) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.3. Approval of employee identification cards for voting identification.**

(a) The State Board shall approve the use of employee identification card issued by a state or local government entity, including a charter school, for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The head elected official or lead human resources employee of the state or local government entity or charter school submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the state or local government entity contain photographs of the employees taken by the employing entity or its agents or contractors.

b. The identification cards are issued after an employment application process that includes methods of confirming the identity of the employee that include, but are not limited to, the social security number, citizenship status, and birthdate of the employee.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for termination of an employee.

e. State or local officials would report any misuse of identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the state or local government entity contain a date of expiration, effective January 1, 2021.

g. The state or local government entity provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The state or local government entity complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the employee identification process.

(b) The State Board shall approve the use of employee identification cards issued by a state or local government entity, including a charter school, every four years.

(c) The State Board shall produce a list of participating employing entities every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections."

SECTION 1.2(d) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, the State Board shall approve (i) tribal enrollment cards issued by a tribe recognized by this State under Chapter 71A of the General Statutes; (ii) student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3); and (iii) employee identification cards issued by a state or local government entity, including a charter school, for use as voting identification under G.S. 163A-1145.1 no later than March 15, 2019, for use in primaries and elections held in 2019 and 2020, and again no later than May 15, 2021, for elections held on or after that date. The State Board shall adopt temporary rules on reasonable security measures for use of student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than February 1, 2019. The State Board shall adopt permanent rules on reasonable security measures for use of

student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than May 15, 2021. The State Board shall produce the initial list of participating institutions and employing entities no later than April 1, 2019.

SECTION 1.2(e) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, a student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) or an employee identification card issued by state or local government entity that does not contain an expiration date shall be eligible for use in any election held before January 1, 2021.

SECTION 1.2(f) Notwithstanding G.S. 163A-1145.1(d)(2), for elections held in 2019, any voter who does not present a photograph identification listed as acceptable in G.S. 163A-1145.1(a) when presenting to vote in person shall be allowed to complete a reasonable impediment affidavit and cast a provisional ballot, listing as the impediment not being aware of the requirement to present photograph identification when voting in person or failing to bring photograph identification to the voting place.

SECTION 1.3 G.S. 20-37.7 reads as rewritten:

"**§ 20-37.7. Special identification card.**

...

(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State as follows:

(1) The applicant is legally blind.

(2) The applicant is at least ~~70~~ 17 years old.

(3) The applicant or who has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease.

(4) The applicant is homeless. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless.

~~(5) The applicant is registered to vote in this State and does not have photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, a registered voter shall sign a declaration stating the registered voter is registered and does not have other photo identification acceptable under G.S. 163A-1145. The Division shall verify that voter registration prior to issuing the special identification card. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

~~(6) The applicant is appearing before the Division for the purpose of registering to vote in accordance with G.S. 163A-883 and does not have other photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, that applicant shall sign a declaration stating that applicant is registering to vote and does not have other photo identification acceptable under G.S. 163A-1145. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

(7) The applicant has a developmental disability. To obtain a special identification card without paying a fee pursuant to this subdivision, an applicant must present a letter from his or her primary care provider certifying that the applicant has a developmental disability. For purposes of this subdivision, the term "developmental disability" has the same meaning as in G.S. 122C-3.

...

(d2) Notwithstanding subsection (b) of this section, for a person whose valid drivers license, permit, or endorsement, is required to be seized or surrendered due to cancellation, disqualification, suspension, or revocation under applicable State law, the Division shall issue a special identification card to that person without application, if eligible to receive a special identification card, upon receipt of the seized or surrendered document. The Division shall issue and mail, via first-class mail to that person's address on file, a special identification card pursuant to this subsection at no charge.

...."

SECTION 1.4(a) G.S. 163A-1137(a) reads as rewritten:

"(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address and presenting photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting."

SECTION 1.4(b) G.S. 163A-1300(b) reads as rewritten:

"(b) Not earlier than the third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 7:00 P.M. on the last Friday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board and present photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163A-1391. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 1.5(a) The Bipartisan State Board of Elections and Ethics Enforcement (State Board) shall establish an aggressive voter education program concerning the provisions contained in this legislation. The State Board shall educate the public as follows:

(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of elections, the State Board's office, and their respective websites.

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(2) Train precinct officials at training sessions required as provided in G.S. 163A-889 to answer questions by voters concerning the changes in this legislation.

(3) Require documentation describing the changes in this legislation to be disseminated by precinct officials at every election held following the effective date of this act.

(4) Coordinate with each county board of elections so that at least two seminars are conducted in each county prior to September 1, 2019.

(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

(6) Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public concerning the changes in this legislation, including disseminating the information in Spanish and other languages deemed necessary.

(7) Provide educational materials regarding the provisions of this act, the requirements to vote absentee, early, or on election day, a description of voting by provisional ballot, and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1 to underserved and minority communities.

(8) Notify each registered voter who does not have a North Carolina issued drivers license or identification card a notice of the provisions of this act by no later than September 1, 2019. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It must also state the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1.

(9) Mail information to all registered voters twice in 2019 and twice in 2020 that, at a minimum, describes forms of acceptable photo identification when presenting to vote in person, the options for provisional voting for registered voters who do not present the required photo identification, and a description of voting mail-in absentee.

(10) Prominently place the following statement in all voter education materials mailed to citizens and on informational posters displayed at one-stop voting sites and precincts on election day: "All registered voters will be allowed to vote with or without a photo ID card. When voting in person, you will be asked to present a valid photo identification card. If you do not have a valid photo ID card, you may obtain one from your county board of elections prior to the election, through the end of the early voting period. If you do not have a valid photo ID card on election day, you may still vote and have your vote counted by signing an affidavit of reasonable impediment as to why you have not presented a valid photo ID."

(11) In addition to the items above, the State Board may implement additional educational programs in its discretion.

SECTION 1.5(b) The State Board is directed to create a list containing all registered voters of North Carolina who are otherwise qualified to vote but do not have a North Carolina drivers license or other form of identification containing a photograph issued by the Division of Motor Vehicles of the Department of Transportation, as of September 1, 2019. The list must be made available to any registered voter upon request. The State Board may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list. The Division of Motor Vehicles must provide the list of persons with a North Carolina drivers license

or other form of identification containing a photograph issued by the Division of Motor Vehicles at no cost to the State Board.

SECTION 1.5(c) County boards of elections shall make available information describing the changes in this legislation, including acceptable forms of photograph identification, to all voters in the 2019 municipal primary and election and at the 2020 primary election.

PART II: REPEAL OF UNCODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT

SECTION 2.(a) Sections 1.1, 5.2, 5.4, and 5.5 of S.L. 2013-381 are repealed.

SECTION 2.(b) Section 5.3 of S.L. 2013-381, as amended by Section 8.(g) of S.L. 2015-103, is repealed.

PART III: REPEAL OF CODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT AND RELATED STATUTES

SECTION 3.1(a) G.S. 163A-868 is repealed.

SECTION 3.1(b) G.S. 163A-869(e) reads as rewritten:

"(e) Display of Card May Not Be Required to Vote. – No county board of elections may require that a voter registration card be displayed in order to vote. ~~A county board of elections may notify a voter that the voter's registration card may be used for the required identification in conjunction with a reasonable impediment declaration in accordance with G.S. 163A-1147.~~"

SECTION 3.1(c) G.S. 163A-913 reads as rewritten:

"**§ 163A-913. Challenges allowed on day of primary or election.**

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the county may exercise the right of challenge, and when the voter does so may enter the voting enclosure to make the challenge, but the voter shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the county may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163A-911(c).

(2) That the person has already voted in that primary or election.

(3) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.

~~(4) Except as provided in G.S. 163A-1145(d) and G.S. 163A-1146, the voter does not present photo identification in accordance with G.S. 163A-1145.~~

(4a) The voter does not present photo identification in accordance with G.S. 163A-1145.1.

The chief judge, judge, or assistant appointed under G.S. 163A-815 or 163A-818 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163A-911(c)(3), the voter may still transfer that voter's registration under G.S. 163A-878(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163A-919(a) if the transfer is made. A person who has transferred that voter's registration under G.S. 163A-911(c)(3) may be challenged at the precinct to which the registration is being transferred."

SECTION 3.1(d) G.S. 163A-1140(b) is repealed.

SECTION 3.1(e) G.S. 163A-1145 is repealed.

SECTION 3.1(f) G.S. 163A-1146 is repealed.

SECTION 3.1(g) G.S. 163A-1147 is repealed.

SECTION 3.1(h) G.S. 163A-1167 is repealed.

SECTION 3.1(i) G.S. 163A-1168 is repealed.

SECTION 3.1(j) G.S. 163A-1301 is repealed.

SECTION 3.2(a) G.S. 130A-93.1(c) reads as rewritten:

"(c) Upon verification of voter registration, the State Registrar shall not charge any fee under subsection (a) of this section to a registered voter who signs a declaration stating the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(b) G.S. 161-10(a)(8) reads as rewritten:

"(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license ten dollars ($10.00). Provided however, a register of deeds, in accordance with G.S. 130A-93, may issue without charge a certified birth certificate to any person over the age of 62 years. Provided, however, upon verification of voter registration, a register of deeds, in accordance with G.S. 130A-93, shall issue without charge a certified copy of a birth certificate or a certified copy of a marriage license to any registered voter who declares the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(c) G.S. 163A-1389(13) reads as rewritten:

"(13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of voting, including declarations made under this ~~Subhapter, G.S. 20-37.7(d)(5), 20-37.7(d)(6), 130A-93.1(c),~~ Subchapter, G.S. 130A-93.1(c), and G.S. 161-10(a)(8)."

SECTION 3.2(d) G.S. 163A-1389 is amended by adding a new subdivision to read:

"(19) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled thereto, a form of photo identification provided in G.S. 163A-1145.1 for the purposes of voting."

SECTION 3.3 G.S. 163A-821 reads as rewritten:

"**§ 163A-821. Observers; appointment.**

(a) The chair of each political party in the county shall have the right to designate two observers to attend each voting place at each primary and election and such observers may, at the option of the designating party chair, be relieved during the day of the primary or election after serving no less than four hours and provided the list required by this section to be filed by each chair contains the names of all persons authorized to represent such chair's political party. The chair of each political party in the county shall have the right to designate 10 additional at-large observers who are residents of that county who may attend any voting place in that county. The chair of each political party in the State shall have the right to designate up to 100 additional at-large observers who are residents of the State who may attend any voting place in the State. The list submitted by the chair of the political party may be amended between the one-stop period under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 and general election day to substitute one or all at-large observers for election day. Not more than two observers from the same political party shall be permitted in the voting enclosure at any time, except that in addition one of the at-large observers from each party may also be in the voting enclosure. This right shall not extend to the chair of a political party during a primary unless that party is participating in the primary. In any election in which an unaffiliated candidate is named

on the ballot, the candidate or the candidate's campaign manager shall have the right to appoint two observers for each voting place consistent with the provisions specified herein. Persons appointed as observers by the chair of a county political party must be registered voters of the county for which appointed and must have good moral character. Persons appointed as observers by the chair of a State political party must be registered voters of the State and must have good moral character. No person who is a candidate on the ballot in a primary or election may serve as an observer or runner in that primary or election. Observers shall take no oath of office.

(b) Individuals authorized to appoint observers must submit in writing to the chief judge of each precinct a signed list of the observers appointed for that precinct, except that the list of at-large observers authorized in subsection (a) of this section shall be submitted to the county director of elections. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections two signed copies of a list of observers appointed by them, designating the precinct or at-large status for which each observer is appointed. Before the opening of the voting place on the day of a primary or general election, the chair shall deliver one copy of the list to the chief judge for each affected precinct, except that the list of at-large observers shall be provided by the county director of elections to the chief judge. The chair shall retain the other copy. The chair, or the chief judge and judges for each affected precinct, may for good cause reject any appointee and require that another be appointed. The names of any persons appointed in place of those persons rejected shall be furnished in writing to the chief judge of each affected precinct no later than the time for opening the voting place on the day of any primary or general election, either by the chair of the county board of elections or the person making the substitute appointment.

If party chairs appoint observers at one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, those party chairs shall provide a list of the observers appointed before 10:00 A.M. on the fifth day before the observer is to observe. At-large observers may serve at any one-stop site.

...."

SECTION 3.4(a) G.S. 163A-867(g)(2) reads as rewritten:

"(2) If the Postal Service has returned as undeliverable a notice sent within 25 days before the election to the applicant under subsection (c) of this section, then the applicant may vote only in person in that first election and may not vote by absentee ballot except in person under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. The county board of elections shall establish a procedure at the voting site for:

a. Obtaining the correct address of any person described in this subdivision who appears to vote in person; and

b. Assuring that the person votes in the proper place and in the proper contests.

If a notice mailed under subsection (c) or subsection (e) of this section is returned as undeliverable after a person has already voted by absentee ballot, then that person's ballot may be challenged in accordance with G.S. 163A-916."

SECTION 3.4(b) G.S. 163A-1133(b) reads as rewritten:

"(b) Photographing Voters Prohibited. – No person shall photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras used as a regular part of the security of the facility that is a voting place or one-stop site."

SECTION 3.4(c) G.S. 163A-1134(e) reads as rewritten:

"(e) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. – Except as modified in this subsection, the provisions of this section shall apply to one-stop voting sites in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

(1) Subsection (c) of this section shall not apply.

(2) The notice in subsection (d) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site."

SECTION 3.4(d) G.S. 163A-1298(a) reads as rewritten:

"(a) Any person who shall, in connection with absentee voting in any election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

(1) For any person except the voter's near relative or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance.

(2) For any person to assist a voter to vote an absentee ballot under the absentee voting procedure authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 except as provided in that section.

(3) For a voter who votes an absentee ballot under the procedures authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 to vote that voter's absentee ballot outside of the voting booth or private room provided to the voter for that purpose in or adjacent to the office of the county board of elections or at the additional site provided by G.S. 163A-1302, or to receive assistance except as provided in G.S. 163A-1300, ~~163A-1~~301, 163A-1302, 163A-1303, and 163A-1304.

…."

SECTION 3.4(e) G.S. 163A-1300(a) reads as rewritten:

"(a) Any voter eligible to vote by absentee ballot under G.S. 163A-1295 may request an application for absentee ballots, complete the application, and vote under the provisions of this section and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304."

SECTION 3.4(f) G.S. 163A-1300(i) reads as rewritten:

"(i) Notwithstanding the provisions of G.S. 163A-916(a) and (b), a challenge may be entered against a voter at a one-stop site under G.S. 163A-1303 or during one-stop voting at the county board office. The challenge may be entered by a person conducting one-stop voting under this section and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304 or by another registered voter who resides in the same precinct as the voter being challenged. If challenged at the place where one-stop voting occurs, the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall be made on forms prescribed by the State Board. The challenge shall be heard by the county board of elections in accordance with the procedures set forth in G.S. 163A-916(e)."

SECTION 3.4(g) G.S. 163A-1303 reads as rewritten:

"**§ 163A-1303. Sites and hours for one-stop voting.**

(a) Notwithstanding any other provision of G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under these sections. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board as part of a Plan for Implementation approved by both the county board of elections and by the State Board which shall also provide adequate security

of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163A-821 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county.

(b) The State Board shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a one-stop site in a building that the county board of elections is not entitled under G.S. 163A-1046 to demand and use as an election-day voting place, unless the State Board finds that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under these sections. The request shall clearly identify the building, or any specific portion thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board.

...."

SECTION 3.4(h) G.S. 163A-1306 reads as rewritten:

"**§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public record.**

The State Board shall approve an official register in which the county board of elections in each county of the State shall record the following information:

(1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.

(2) Number of assigned voter's application when issued.

(3) Precinct in which applicant is registered.

(4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, a notation of that fact.

(5) Date request for application for ballots is received by the county board of elections.
(6) The voter's party affiliation.
(7) The date the ballots were mailed or delivered to the voter.
(8) Whatever additional information and official action may be required by this Part.

The State Board may provide for the register to be kept by electronic data processing equipment, and a copy shall be printed out each business day or a supplement printed out each business day of new information.

The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection."

SECTION 3.4(i) G.S. 163A-1308(c) reads as rewritten:

"(c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When the county board of elections receives a completed request form for applications and absentee ballots, the board shall promptly issue and transmit them to the voter in accordance with the following instructions:

(1) On the top margin of each ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the board of elections shall write or type the words "Absentee Ballot No. ____ " or an abbreviation approved by the State Board and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and ballots issued. That person shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter. Alternatively, the board of elections may cause to be barcoded on the ballot the voter's application number, if that barcoding system is approved by the State Board.
(2) The chair, member, officer, or employee of the board of elections shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the ballots in the envelopes shall leave the container-return envelope holding the ballots unsealed.
(3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections: Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (b) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to a near relative or verifiable legal guardian of the voter.

The county board of elections may receive completed written request forms for applications at any time prior to the election but shall not mail applications and ballots to the voter or issue applications and ballots in person earlier than 60 days prior to the statewide general election in an even-numbered year, or earlier than 50 days prior to any other election, except as provided in

G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. No election official shall issue applications for absentee ballots except in compliance with this Part."

SECTION 3.4(j) G.S. 163A-1310(c) reads as rewritten:

"(c) For purposes of this section, "Delivered in person" includes delivering the ballot to an election official at a one-stop voting site under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 during any time that site is open for voting. The ballots shall be kept securely and delivered by election officials at that site to the county board of elections office for processing."

SECTION 3.4(k) G.S. 163A-1315 reads as rewritten:

"**§ 163A-1315. Counting absentee ballots by county board of elections.**

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

...

(6) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter, or if the pollbook is computer-generated, the board shall check off the name. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot. The "Pollbook of Absentee Voters" shall also contain the names of all persons who voted under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, but those names may be printed by computer for inclusion in the pollbook.

After all ballots have been placed in the boxes, the counting process shall begin.

If one-stop ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 are counted electronically, that count shall commence at the time the polls close. If one-stop ballots are paper ballots counted manually, that count shall commence at the same time as other absentee ballots are counted.

If a challenge transmitted to the board on canvass day by a chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163A-916(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required herein, the board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered therein. The county board of elections shall be responsible for the safekeeping of the pollbook of absentee voters.

(7) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board. The county board of elections may have a separate count on the abstract for one-stop absentee ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

...."

SECTION 3.4(*l*) G.S. 163A-1368 reads as rewritten:

"**§ 163A-1368. Absentee voting at office of board of elections.**

Notwithstanding any other provisions of this Subchapter, any covered voter under this Part shall be permitted to vote an absentee ballot pursuant to G.S. 163A-1300, ~~163A-1301,~~

163A-1302, 163A-1303, and 163A-1304 if the covered voter has not already voted an absentee ballot which has been returned to the board of elections, and if the covered voter will not be in the county on the day of the primary or election.

In the event an absentee application or ballot has already been mailed to the covered voter applying to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, the board of elections shall void the application and ballot unless the voted absentee ballot has been received by the board of elections. The covered voter shall be eligible to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 no later than 5:00 P.M. on the day next preceding the primary, second primary or election."

SECTION 3.4(m) G.S. 163A-1411(41) reads as rewritten:

"(41) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted after September 7 of that year, and in the case of any other election is aired or transmitted within 60 days of the time set for absentee voting to begin pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 in an election for that office.

c. May be received by either:

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.

2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

SECTION 3.4(n) G.S. 163A-1520(a) reads as rewritten:

"(a) Judicial Voter Guide. – The State Board shall publish a Judicial Voter Guide that explains the functions of the appellate courts and the laws concerning the election of appellate judges, the purpose and function of the Public Campaign Fund, and the laws concerning voter registration. The State Board shall distribute the Guide to as many voting-age individuals in the State as practical, through a mailing to all residences or other means it deems effective. The distribution shall occur no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the primary and no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the general election."

PART IV. APPROPRIATION

SECTION 4. The Bipartisan State Board of Elections and Ethics Enforcement may spend the entirety of the Voter Education Fund for the implementation of this act.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY

Session 2017

Legislative Fiscal Note

Short Title: Implementation of Voter ID Const. Amendment.
Bill Number: Senate Bill 824 (Second Edition)
Sponsor(s): **Senators Krawiec, Ford, and Daniel**

SUMMARY TABLE

FISCAL IMPACT OF S.B. 824, V.2 ($ in millions)

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
State Impact					
General Fund Revenue	-	-	-	-	-
Less Expenditures					
County Equipment	0.11	-	-	-	-
SBEEE Education	0.40	0.93	0.23	0.23	0.23
SBEEE Positions	0.20	0.20	0.20	0.20	0.10
Photograph Database	0.04	0.04	0.04	0.04	0.04
General Fund Impact	**(0.75)**	**(1.17)**	**(0.47)**	**(0.47)**	**(0.37)**
Highway Fund Revenue	(1.50)	(3.00)	(3.00)	(3.00)	(3.00)
Less Expenditures	Likely Budget Cost - Refer to Fiscal Analysis Section				
Highway Fund Impact	**(1.50)**	**(3.00)**	**(3.00)**	**(3.00)**	**(3.00)**
NET STATE IMPACT	**($2.25)**	**($4.17)**	**($3.47)**	**($3.47)**	**($3.37)**
Local Impact					
Local Revenue	-	-	-	-	-
Less Local Expenditures	-	-	-	-	-
NET LOCAL IMPACT	**Likely Budget Cost - Refer to Fiscal Analysis Section**				
STATE POSITIONS	**3.00**	**3.00**	**3.00**	**3.00**	**1.50**

TECHNICAL CONSIDERATIONS: **See Technical Considerations Section**

FISCAL IMPACT SUMMARY

Section 1.1 creates G.S. 163A-869.1 to require county boards of elections to issue free voter photo identification (ID) cards upon request to registered voters. A registered voter seeking a photo ID must provide his or her date of birth and the last four digits of his or her social security number. The ID card must contain a photograph of the voter and the individual's voter registration

number. The card is only valid for voting purposes and expires after ten years. Voters may request duplicate cards in person, by telephone, or by mail, free of charge. Each county board of elections is required to begin making ID cards available to voters no later than May 1, 2019. The State Board of Elections and Ethics Enforcement (SBEEE) must provide printing equipment for the ID cards to each county board of elections, which is then responsible for ongoing operations and maintenance of the printer. ID cards must be made available by a county board of elections at any time, except during the time period between the end of one-stop voting for a primary or general election and election day. Ninety days before the expiration of an ID, a county board of elections must notify the voter that has been issued an ID within its jurisdiction of the impending expiration. Each county board of elections must maintain a secure database of the photographs taken for the ID cards issued within its jurisdiction. SBEEE is directed to adopt rules pursuant to these changes. Temporary rules must be adopted by April 15, 2019.

Section 1.2(a) establishes G.S. 163A-1145.1, which details the acceptable forms of photo ID for voting purposes. This section also directs a precinct official checking voter registration to compare a voter's photograph on his or her ID with the person presenting to vote, details the procedures to follow if a voter does not have a valid photo ID, and explains exceptions to the ID requirement.

Sections 1.2(b) and 1.2(c) detail the approval process by SBEEE for postsecondary student IDs and government employee IDs. SBEEE is directed to approve the use of these IDs for voting purposes and produce a list of eligible entities every four years. The list of eligible entities is to be published on the SBEEE website and distributed to each county board of elections. IDs issued by these entities must meet the requirements detailed in these sections in order to be approved for use for voting purposes.

Section 1.2(d) directs SBEEE to approve qualifying tribal enrollment cards, student ID cards, and government employee ID cards for voting purposes by March 15, 2019, for the use in primaries and general elections in 2019 and 2020, and again by May 15, 2021, for elections held on or after that date. SBEEE is to adopt temporary rules on security measures for the use of student and government employee IDs by February 1, 2019, and must adopt permanent rules on these items by May 15, 2021. The initial list of eligible entities must be produced by April 1, 2019.

Section 1.3 amends G.S. 20-37.7(d) to allow any North Carolina resident age 17 or older to receive a special ID card from the Division of Motor Vehicles (DMV) at no cost to the recipient. Section 1.3 repeals the requirement that DMV issue a free special ID to applicants who are obtaining one for the purpose of voting. It also requires DMV to mail a special ID at no cost to any person who se valid driver's license, permit, or endorsement is seized or surrendered due to cancellation, disqualification, suspension, or revocation. DMV must mail the special ID to the person without application, via first class mail.

Section 1.5(a) requires SBEEE to establish an aggressive voter education program related to the changes in this bill. SBEEE must:

- Post information at the SBEEE office, each county board of elections, and on all respective websites.
- Train precinct officials on how to answer voters' questions about ID requirements.

- Require documentation about the bill to be disseminated by precinct officials at every election held after the bill's effective date.
- Conduct at least two seminars with each county board of elections by September 1, 2019.
- Coordinate with local organizations and service organizations for additional informational seminars.
- Coordinate with media outlets, county boards of commissions, and county boards of elections to inform the public about this bill and provide information in Spanish and other languages as deemed necessary.
- Provide educational materials to underserved and minority communities.
- Notify each registered voter who does not have a North Carolina driver's license or ID card by September 1, 2019 about the ID requirements.
- Mail information about ID requirements to all registered voters twice in 2019 and twice in 2020.
- Place a statement about the process for voting without a photo ID in all voter education materials mailed to citizens and on informational posters at one-stop voting sites and precincts on election day.
- Implement additional education programs at its discretion.

Section 1.5(b) directs SBEEE to create a list of all registered voters who do not have a North Carolina driver's license or other photo ID from the DMV as of September 1, 2019. The list must be made available to any registered voter upon request, and SBEEE may charge a reasonable fee to cover the costs of producing the list. DMV must provide a list of people with a driver's license or other form of DMV-issued ID free of charge to SBEEE.

Section 1.5(c) directs each county board of elections to make voter ID information available to voters in the 2019 and 2020 primaries and elections.

Section 4 allows SBEEE to use the entirety of the Voter Education Fund to implement this bill.

FISCAL ANALYSIS

STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT IMPACT

The main fiscal impacts on SBEEE include the printers for county boards of elections, education efforts (and related positions), and a photograph database. Chart 1 details these impacts.

Chart 1

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Printers	112,500	-	-	-	-
Education	400,000	925,000	225,000	225,000	225,000
Positions	201,087	201,087	201,087	201,087	100,544
Database	40,000	40,000	40,000	40,000	40,000
Total	**$753,587**	**$1,166,087**	**$466,087**	**$466,087**	**$365,544**

1. **Printers**

Section 1.1 requires SBEEE to make available printing equipment for county boards of elections. This analysis assumes that SBEEE will provide funding for one ID printer at each county board of elections, resulting in 100 machines (one machine per county in North Carolina). No estimate is available on the number of IDs that will be requested at a county board of elections site, therefore this is a baseline needs assumption. The cost for 100 printers, ink, and ID cards is estimated at $112,500.

Chart 2, below, shows the cost estimate for the purchase of printers, per data from SBEEE. The chart assumes each printer includes two-sided printing capabilities, a camera, necessary software, and technological support. The ID cards come in bundles of 100, and this calculation includes 5 bundles per printer, for a total of 500 ID cards per printer.

Chart 2

Item	Quantity	Cost per unit	Total
Printer	100	$1,000	$100,000
Color Ribbon	100	$50	$5,000
ID Cards	500	$15	$7,500
Total	**700**	**$1,065**	**$112,500**

2. **Education**

This analysis assumes that SBEEE will spend approximately $2 million over a period of five fiscal years on education and outreach. In addition, the education efforts will require three new time-limited full time equivalents (FTEs).

From FY 2013-14 to FY 2016-17, SBEEE expended $2.5 million for outreach activities related to S.L. 2013-381, Voter Information Verification Act (VIVA)/Election Reform. This figure includes costs related to salary and benefits for employees and travel. Section 1.5 of the bill directs SBEEE to establish an aggressive education campaign to inform voters of photo ID requirements. Based on the requirements in the bill and assuming SBEEE conducts similar outreach activities, the FY 2018-19 costs are expected to be higher than subsequent years due to initial outreach requirements, and FY 2019-20 expenditures account for the increase in activity due to the lead-up to the general election. Beginning in 2019, SBEEE efforts will include: a) identifying and contacting individual voters who may lack appropriate ID for voting purposes, b) raising the general awareness of the photo ID requirements, and c) targeting populations such as the elderly, disabled, and economically disadvantaged residents to provide additional information on voter ID options.

SBEEE will require three additional time-limited staff to meet the education requirements in this bill. This estimate is based on the SBEEE staffing levels during the implementation of VIVA. The chart below details the new positions, assumed to be funded at the mid-point of the salary range. These positions are time-limited for a total of four and a half fiscal years, beginning in FY 2018-19. These staff will provide extensive training and outreach from the 2019 through the 2022 elections, with the position funding ending January 1, 2023. It is

assumed that after this time, education efforts will have been successful in increasing public awareness of the photo ID requirements and the additional staff will no longer be needed.

Chart 3

Position Title	Salary Grade	Mid-Point Salary	Benefits	Total Annual Position Cost
Elections Specialist I	68	$48,319	$18,710	$67,029
Elections Specialist I	68	$48,319	$18,710	$67,029
Elections Specialist I	68	$48,319	$18,710	$67,029
TOTAL	-	**$144,957**	**$56,130**	**$201,087**

3. **Photograph Database**
   County boards of elections are required to maintain a secure database containing the photographs of registered voters taken for the purpose of issuing ID cards. This analysis assumes that a statewide database would be established by SBEEE in order to provide increased security, as well as to allow for consistency between counties. According to the North Carolina Department of Information Technology (DIT), a secure, cloud-based database could be set up and maintained by DIT. County boards of elections will therefore be able to integrate photograph data without the need for additional hardware or software. The cost for a DIT-managed solution is approximately $40,000 annually, per DIT's estimates. This analysis assumes that SBEEE would either pay DIT to run the solution or develop a similar product in-house.

DIVISION OF MOTOR VEHICLES (DMV) IMPACT

G.S. 20-37.7(d) sets the fee for a special ID equal to the fee for a duplicate driver's license. That fee is currently $13. According to data received from the DMV, DMV collects approximately $3 million per year in revenue from fees paid by adults receiving a special ID. Because the bill allows any resident aged 17 years or older to obtain a special ID without paying the fee, the bill will result in a revenue loss of approximately $3 million annually.

The requirement that DMV send special IDs via first class mail to all individuals whose credential is cancelled, disqualified, suspended, or revoked (after that credential is seized or surrendered) will increase state expenditures by an unknown amount. The direct cost to produce a special ID is $2.28. The cost to mail an ID via first class mail is $.44. Approximately 300,000 individuals have their credentials cancelled, disqualified, suspended, or revoked each year. There is no estimate available for the increase in expenditures, because it is unknown how many cancelled, disqualified, suspended, or revoked credentials are seized or surrendered. In some cases, an individual may acknowledge in court that his or her license has been revoked, invalidating all driving privileges, but may keep the license on his or her person to use as proof of age or identity.

In addition to the direct costs shown above, there will be indirect costs associated with the automatic issuance of special IDs. Currently, there are no processes at DMV for issuing special IDs

automatically upon the change in status of an existing credential. This provision will require DMV to make changes to the State Automated Driver License System (SADLS) in order to fully automate this process. DMV estimates approximately 5,800 hours of programming and testing at a cost of $524,360 to update SADLS, with estimated ongoing costs of $52,000 per year for maintenance. In the short term, DMV will require additional personnel to manually process seized or surrendered credentials. No estimate for the increase in FTE is available until DMV determines how to structure this manual process.

LOCAL IMPACT

Although the ID printers will be purchased by the State initially, ongoing maintenance and operations will be funded by county boards of elections. There is no estimate included in this analysis for the ongoing costs to counties for the printers because the total number of ID cards that will be requested are unknown. According to the North Carolina Association of County Commissioners, ongoing costs may include the purchase of supplies for printing, routine maintenance of the printer, whether additional physical space will be needed for housing printing equipment, and related staff time.

County boards of elections are directed to make information available about photo ID to all voters in the 2019 and 2020 primaries and elections. This implementation will likely vary between counties, and expenses will depend on the steps counties take. Therefore, no exact cost estimate is included in this analysis.

County boards of elections are also required to maintain a secure database containing the photographs of registered voters taken for the purpose of issuing ID cards. This analysis assumes that a statewide database would be established and funded by SBEEE and therefore would have no fiscal impact to counties for the purchase of software or hardware related to this requirement. Further detail on this is provided in the SBEEE fiscal impact analysis (item 3). Additional training of county boards of elections staff and precinct officials on how to input information into the database may be necessary.

TECHNICAL CONSIDERATIONS

SBEEE is directed to spend the entirety of the Voter Education Fund for implementing this bill. There is no budget code or fund code by this name within SBEEE.

DATA SOURCES

NC STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT, NC DIVISION OF MOTOR VEHICLES, NC DEPARTMENT OF INFORMATION TECHNOLOGY, NC OFFICE OF STATE HUMAN RESOURCES, NC ASSOCIATION OF COUNTY COMMISSIONERS

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

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December 4, 2018



Signed copy located in the NCGA Principal Clerk's Offices

SENATE BILL 824
Second Edition Engrossed 11/29/18

Short Title:	Implementation of Voter ID Const. Amendment.	(Public)
Sponsors:	Senators Krawiec, Ford, and Daniel (Primary Sponsors).	
Referred to:	Select Committee on Elections	

November 27, 2018

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE.

The General Assembly of North Carolina enacts:

PART I: IMPLEMENTATION OF THE CONSTITUTIONAL REQUIREMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE

SECTION 1.1(a) Article 17 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-869.1. Voter photo identification cards.**

(a) The county board of elections shall, in accordance with this section, issue without charge voter photo identification cards upon request to registered voters. The voter photo identification cards shall contain a photograph of the voter and the voter registration number for that voter. The voter photo identification card shall be used for voting purposes only and shall expire 10 years from the date of issuance.

(b) The State Board shall make available to county boards of elections the equipment necessary to print voter photo identification cards. County boards of elections shall operate and maintain the equipment necessary to print voter photo identification cards.

(c) County boards of elections shall maintain a secure database containing the photographs of registered voters taken for the purpose of issuing voter photo identification cards.

(d) The State Board shall adopt rules to ensure at a minimum, but not limited to, the following:

(1) A registered voter seeking to obtain a voter photo identification card shall provide the voter's date of birth and the last four digits of the voter's social security number.

(2) Voter photo identification cards shall be issued at any time, except during the time period between the end of one-stop voting for a primary or election as provided in G.S. 163A-1300 and election day for each primary and election.

(3) If the registered voter loses or defaces the voter's photo identification card, the voter may obtain a duplicate card without charge from his or her county board of elections upon request in person, or by telephone or mail.

(e) Ninety days prior to expiration, the county board of elections shall notify any voter issued a voter photographic identification card under this section of the impending expiration of the voter photographic identification card."

SECTION 1.1(b) Voter photo identification cards, as required by G.S 163A-869.1, as enacted by this act, shall be available on request no later than May 1, 2019. The State Board

shall adopt temporary rules to implement G.S. 163A-869.1, as enacted by this act, no later than April 15, 2019.

SECTION 1.2(a) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.1. Requirement for photo identification to vote in person.**

(a) Photo Identification Required to Vote. – When a voter presents to vote in person, the voter shall produce any of the following forms of identification that contain a photograph of the voter:

(1) Any of the following that is valid and unexpired, or has been expired for one year or less:

a. A North Carolina drivers license.

b. A special identification card for nonoperators issued under G.S. 20-37.7 or other form of nontemporary identification issued by the Division of Motor Vehicles of the Department of Transportation.

c. A United States passport.

d. A North Carolina voter photo identification card of the voter issued pursuant to G.S. 163A-869.1.

e. A tribal enrollment card issued by a federally recognized tribe.

f. A tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria:

1. Is issued in accordance with a process approved by the State Board that requires an application and proof of identity equivalent to the process for approving a college or university identification card in G.S. 163A-1145.2.

2. Is signed by an elected official of the tribe.

g. A student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3), provided that card is issued in accordance with G.S. 163A-1145.2.

h. An employee identification card issued by a state or local government entity, including a charter school, provided that card is issued in accordance with G.S. 163A-1145.3.

i. A drivers license or special identification card for nonoperators issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.

(2) Any of the following, regardless of whether the identification contains a printed expiration or issuance date:

a. A military identification card issued by the United States government.

b. A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities.

(3) Any expired form of identification allowed in this subsection presented by a voter having attained the age of 65 years at the time of presentation at the voting place, provided that the identification was unexpired on the voter's sixty-fifth birthday.

(b) Verification of Photo Identification. – After presentation of the required identification described in subsection (a) of this section, the precinct officials assigned to check registration shall compare the photograph contained on the required identification with the person presenting

to vote. The precinct official shall verify that the photograph is that of the person seeking to vote. If the precinct official disputes that the photograph contained on the required identification is the person presenting to vote, a challenge shall be conducted in accordance with the procedures of G.S. 163A-914.

(c) Provisional Ballot Required Without Photo Identification. – If the registered voter cannot produce the identification as required in subsection (a) of this section, the voter may cast a provisional ballot that is counted only if the voter brings an acceptable form of photograph identification listed in subsection (a) of this section to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172.

(d) Exceptions. – The following exceptions are provided for a voter who does not produce a valid and current photograph identification as required in subsection (a):

(1) Religious Objection. – If a voter does not produce an acceptable form of photograph identification due to a religious objection to being photographed, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the voter may cast a provisional ballot.

(2) Reasonable Impediment. – If a voter does not produce an acceptable form of photograph identification because the voter suffers from a reasonable impediment that prevents the voter from presenting photograph identification, the voter may complete an affidavit under the penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the voter from presenting photograph identification. The voter also shall complete a reasonable impediment declaration form provided in subsection (d1) of this section, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the voter may cast a provisional ballot.

(3) Natural Disaster. – If a voter does not produce an acceptable form of photograph identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) was a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State. Upon completion of the affidavit, the voter may cast a provisional ballot.

(d1) Reasonable Impediment Declaration Form. – The State Board shall adopt a reasonable impediment declaration form that, at a minimum, includes the following as separate boxes that a voter may check to identify the voter's reasonable impediment:

(1) Inability to obtain photo identification due to:
  a. Lack of transportation.
  b. Disability or illness.
  c. Lack of birth certificate or other underlying documents required.
  d. Work schedule.
  e. Family responsibilities.

(2) Lost or stolen photo identification.

(3) Photo identification applied for but not yet received by the voter voting in person.

(4) Other reasonable impediment. If the voter checks the "other reasonable impediment" box, a further brief written identification of the reasonable impediment shall be required, including the option to indicate that State or federal law prohibits listing the impediment.

(e) County Board Review of Exceptions. – If the county board of elections determines that the voter voted a provisional ballot only due to the inability to provide proof of identification and the required affidavit required in subsection (d) of this section is submitted, the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false.

(f) Purpose. – The purpose of the identification required pursuant to subsection (a) of this section is to confirm the person presenting to vote is the voter on the voter registration records. Any address listed on the identification is not determinative of a voter's residence for the purpose of voting. A voter's residence for the purpose of voting is determined pursuant to G.S. 163A-842."

SECTION 1.2(b) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.2. Approval of student identification cards for voting identification.**

(a) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The chancellor, president, or registrar of the university or college submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the university or college contain photographs of students taken by the university or college or its agents or contractors.

b. The identification cards are issued after an enrollment process that includes methods of confirming the identity of the student that include, but are not limited to, the social security number, citizenship status, and birthdate of the student.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for student discipline or termination of an employee.

e. University or college officials would report any misuse of student identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the university or college contain a date of expiration, effective January 1, 2021.

g. The university or college provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The university or college complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the student identification process.

(b) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) every four years.

(c) The State Board shall produce a list of participating universities and colleges every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections."

SECTION 1.2(c) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.3. Approval of employee identification cards for voting identification.**

(a) The State Board shall approve the use of employee identification card issued by a state or local government entity, including a charter school, for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The head elected official or lead human resources employee of the state or local government entity or charter school submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the state or local government entity contain photographs of the employees taken by the employing entity or its agents or contractors.

b. The identification cards are issued after an employment application process that includes methods of confirming the identity of the employee that include, but are not limited to, the social security number, citizenship status, and birthdate of the employee.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for termination of an employee.

e. State or local officials would report any misuse of identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the state or local government entity contain a date of expiration, effective January 1, 2021.

g. The state or local government entity provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The state or local government entity complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the employee identification process.

(b) The State Board shall approve the use of employee identification cards issued by a state or local government entity, including a charter school, every four years.

(c) The State Board shall produce a list of participating employing entities every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections."

SECTION 1.2(d) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, the State Board shall approve (i) tribal enrollment cards issued by a tribe recognized by this State under Chapter 71A of the General Statutes; (ii) student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3); and (iii) employee identification cards issued by a state or local government entity, including a charter school, for use as voting identification under G.S. 163A-1145.1 no later than March 15, 2019, for use in primaries and elections held in 2019 and 2020, and again no later than May 15, 2021, for elections held on or after that date. The State Board shall adopt temporary rules on reasonable security measures for use of student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than February 1, 2019. The State Board shall adopt permanent rules on reasonable security measures for use of

student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than May 15, 2021. The State Board shall produce the initial list of participating institutions and employing entities no later than April 1, 2019.

SECTION 1.2(e) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, a student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) or an employee identification card issued by state or local government entity that does not contain an expiration date shall be eligible for use in any election held before January 1, 2021.

SECTION 1.2(f) Notwithstanding G.S. 163A-1145.1(d)(2), for elections held in 2019, any voter who does not present a photograph identification listed as acceptable in G.S. 163A-1145.1(a) when presenting to vote in person shall be allowed to complete a reasonable impediment affidavit and cast a provisional ballot, listing as the impediment not being aware of the requirement to present photograph identification when voting in person or failing to bring photograph identification to the voting place.

SECTION 1.3 G.S. 20-37.7 reads as rewritten:

"§ 20-37.7. Special identification card.

...

(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State as follows:

(1) The applicant is legally blind.

(2) The applicant is at least ~~70~~ 17 years old.

(3) The applicant or who has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease.

(4) The applicant is homeless. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless.

~~(5) The applicant is registered to vote in this State and does not have photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, a registered voter shall sign a declaration stating the registered voter is registered and does not have other photo identification acceptable under G.S. 163A-1145. The Division shall verify that voter registration prior to issuing the special identification card. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

~~(6) The applicant is appearing before the Division for the purpose of registering to vote in accordance with G.S. 163A-883 and does not have other photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, that applicant shall sign a declaration stating that applicant is registering to vote and does not have other photo identification acceptable under G.S. 163A-1145. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

(7) The applicant has a developmental disability. To obtain a special identification card without paying a fee pursuant to this subdivision, an applicant must present a letter from his or her primary care provider certifying that the applicant has a developmental disability. For purposes of this subdivision, the term "developmental disability" has the same meaning as in G.S. 122C-3.

...

(d2) Notwithstanding subsection (b) of this section, for a person whose valid drivers license, permit, or endorsement, is required to be seized or surrendered due to cancellation, disqualification, suspension, or revocation under applicable State law, the Division shall issue a special identification card to that person without application, if eligible to receive a special identification card, upon receipt of the seized or surrendered document. The Division shall issue and mail, via first-class mail to that person's address on file, a special identification card pursuant to this subsection at no charge.

...."

SECTION 1.4(a) G.S. 163A-1137(a) reads as rewritten:

"(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address and presenting photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting."

SECTION 1.4(b) G.S. 163A-1300(b) reads as rewritten:

"(b) Not earlier than the third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 7:00 P.M. on the last Friday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board and present photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163A-1391. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 1.5(a) The Bipartisan State Board of Elections and Ethics Enforcement (State Board) shall establish an aggressive voter education program concerning the provisions contained in this legislation. The State Board shall educate the public as follows:

(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of elections, the State Board's office, and their respective websites.

(2) Train precinct officials at training sessions required as provided in G.S. 163A-889 to answer questions by voters concerning the changes in this legislation.

(3) Require documentation describing the changes in this legislation to be disseminated by precinct officials at every election held following the effective date of this act.

(4) Coordinate with each county board of elections so that at least two seminars are conducted in each county prior to September 1, 2019.

(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

(6) Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public concerning the changes in this legislation, including disseminating the information in Spanish and other languages deemed necessary.

(7) Provide educational materials regarding the provisions of this act, the requirements to vote absentee, early, or on election day, a description of voting by provisional ballot, and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1 to underserved and minority communities.

(8) Notify each registered voter who does not have a North Carolina issued drivers license or identification card a notice of the provisions of this act by no later than September 1, 2019. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It must also state the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1.

(9) Mail information to all registered voters twice in 2019 and twice in 2020 that, at a minimum, describes forms of acceptable photo identification when presenting to vote in person, the options for provisional voting for registered voters who do not present the required photo identification, and a description of voting mail-in absentee.

(10) Prominently place the following statement in all voter education materials mailed to citizens and on informational posters displayed at one-stop voting sites and precincts on election day: "All registered voters will be allowed to vote with or without a photo ID card. When voting in person, you will be asked to present a valid photo identification card. If you do not have a valid photo ID card, you may obtain one from your county board of elections prior to the election, through the end of the early voting period. If you do not have a valid photo ID card on election day, you may still vote and have your vote counted by signing an affidavit of reasonable impediment as to why you have not presented a valid photo ID."

(11) In addition to the items above, the State Board may implement additional educational programs in its discretion.

SECTION 1.5(b) The State Board is directed to create a list containing all registered voters of North Carolina who are otherwise qualified to vote but do not have a North Carolina drivers license or other form of identification containing a photograph issued by the Division of Motor Vehicles of the Department of Transportation, as of September 1, 2019. The list must be made available to any registered voter upon request. The State Board may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list. The Division of Motor Vehicles must provide the list of persons with a North Carolina drivers license

or other form of identification containing a photograph issued by the Division of Motor Vehicles at no cost to the State Board.

SECTION 1.5(c) County boards of elections shall make available information describing the changes in this legislation, including acceptable forms of photograph identification, to all voters in the 2019 municipal primary and election and at the 2020 primary election.

PART II: REPEAL OF UNCODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT

SECTION 2.(a) Sections 1.1, 5.2, 5.4, and 5.5 of S.L. 2013-381 are repealed.

SECTION 2.(b) Section 5.3 of S.L. 2013-381, as amended by Section 8.(g) of S.L. 2015-103, is repealed.

PART III: REPEAL OF CODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT AND RELATED STATUTES

SECTION 3.1(a) G.S. 163A-868 is repealed.

SECTION 3.1(b) G.S. 163A-869(e) reads as rewritten:

"(e) Display of Card May Not Be Required to Vote. – No county board of elections may require that a voter registration card be displayed in order to vote. ~~A county board of elections may notify a voter that the voter's registration card may be used for the required identification in conjunction with a reasonable impediment declaration in accordance with G.S. 163A-1147.~~"

SECTION 3.1(c) G.S. 163A-913 reads as rewritten:

"**§ 163A-913. Challenges allowed on day of primary or election.**

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the county may exercise the right of challenge, and when the voter does so may enter the voting enclosure to make the challenge, but the voter shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the county may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163A-911(c).

(2) That the person has already voted in that primary or election.

(3) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.

~~(4) Except as provided in G.S. 163A-1145(d) and G.S. 163A-1146, the voter does not present photo identification in accordance with G.S. 163A-1145.~~

(4a) The voter does not present photo identification in accordance with G.S. 163A-1145.1.

The chief judge, judge, or assistant appointed under G.S. 163A-815 or 163A-818 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163A-911(c)(3), the voter may still transfer that voter's registration under G.S. 163A-878(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163A-919(a) if the transfer is made. A person who has transferred that voter's registration under G.S. 163A-911(c)(3) may be challenged at the precinct to which the registration is being transferred."

SECTION 3.1(d) G.S. 163A-1140(b) is repealed.

SECTION 3.1(e) G.S. 163A-1145 is repealed.

SECTION 3.1(f) G.S. 163A-1146 is repealed.

SECTION 3.1(g) G.S. 163A-1147 is repealed.

SECTION 3.1(h) G.S. 163A-1167 is repealed.

SECTION 3.1(i) G.S. 163A-1168 is repealed.

SECTION 3.1(j) G.S. 163A-1301 is repealed.

SECTION 3.2(a) G.S. 130A-93.1(c) reads as rewritten:

"(c) Upon verification of voter registration, the State Registrar shall not charge any fee under subsection (a) of this section to a registered voter who signs a declaration stating the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(b) G.S. 161-10(a)(8) reads as rewritten:

"(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license ten dollars ($10.00). Provided however, a register of deeds, in accordance with G.S. 130A-93, may issue without charge a certified birth certificate to any person over the age of 62 years. Provided, however, upon verification of voter registration, a register of deeds, in accordance with G.S. 130A-93, shall issue without charge a certified copy of a birth certificate or a certified copy of a marriage license to any registered voter who declares the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(c) G.S. 163A-1389(13) reads as rewritten:

"(13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of voting, including declarations made under this ~~Subhapter, G.S. 20-37.7(d)(5), 20-37.7(d)(6), 130A-93.1(c),~~ Subchapter, G.S. 130A-93.1(c), and G.S. 161-10(a)(8)."

SECTION 3.2(d) G.S. 163A-1389 is amended by adding a new subdivision to read:

"(19) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled thereto, a form of photo identification provided in G.S. 163A-1145.1 for the purposes of voting."

SECTION 3.3 G.S. 163A-821 reads as rewritten:

"§ 163A-821. Observers; appointment.

(a) The chair of each political party in the county shall have the right to designate two observers to attend each voting place at each primary and election and such observers may, at the option of the designating party chair, be relieved during the day of the primary or election after serving no less than four hours and provided the list required by this section to be filed by each chair contains the names of all persons authorized to represent such chair's political party. The chair of each political party in the county shall have the right to designate 10 additional at-large observers who are residents of that county who may attend any voting place in that county. The chair of each political party in the State shall have the right to designate up to 100 additional at-large observers who are residents of the State who may attend any voting place in the State. The list submitted by the chair of the political party may be amended between the one-stop period under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 and general election day to substitute one or all at-large observers for election day. Not more than two observers from the same political party shall be permitted in the voting enclosure at any time, except that in addition one of the at-large observers from each party may also be in the voting enclosure. This right shall not extend to the chair of a political party during a primary unless that party is participating in the primary. In any election in which an unaffiliated candidate is named

on the ballot, the candidate or the candidate's campaign manager shall have the right to appoint two observers for each voting place consistent with the provisions specified herein. Persons appointed as observers by the chair of a county political party must be registered voters of the county for which appointed and must have good moral character. Persons appointed as observers by the chair of a State political party must be registered voters of the State and must have good moral character. No person who is a candidate on the ballot in a primary or election may serve as an observer or runner in that primary or election. Observers shall take no oath of office.

(b) Individuals authorized to appoint observers must submit in writing to the chief judge of each precinct a signed list of the observers appointed for that precinct, except that the list of at-large observers authorized in subsection (a) of this section shall be submitted to the county director of elections. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections two signed copies of a list of observers appointed by them, designating the precinct or at-large status for which each observer is appointed. Before the opening of the voting place on the day of a primary or general election, the chair shall deliver one copy of the list to the chief judge for each affected precinct, except that the list of at-large observers shall be provided by the county director of elections to the chief judge. The chair shall retain the other copy. The chair, or the chief judge and judges for each affected precinct, may for good cause reject any appointee and require that another be appointed. The names of any persons appointed in place of those persons rejected shall be furnished in writing to the chief judge of each affected precinct no later than the time for opening the voting place on the day of any primary or general election, either by the chair of the county board of elections or the person making the substitute appointment.

If party chairs appoint observers at one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, those party chairs shall provide a list of the observers appointed before 10:00 A.M. on the fifth day before the observer is to observe. At-large observers may serve at any one-stop site.

...."

SECTION 3.4(a) G.S. 163A-867(g)(2) reads as rewritten:

"(2) If the Postal Service has returned as undeliverable a notice sent within 25 days before the election to the applicant under subsection (c) of this section, then the applicant may vote only in person in that first election and may not vote by absentee ballot except in person under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. The county board of elections shall establish a procedure at the voting site for:

a. Obtaining the correct address of any person described in this subdivision who appears to vote in person; and

b. Assuring that the person votes in the proper place and in the proper contests.

If a notice mailed under subsection (c) or subsection (e) of this section is returned as undeliverable after a person has already voted by absentee ballot, then that person's ballot may be challenged in accordance with G.S. 163A-916."

SECTION 3.4(b) G.S. 163A-1133(b) reads as rewritten:

"(b) Photographing Voters Prohibited. – No person shall photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras used as a regular part of the security of the facility that is a voting place or one-stop site."

SECTION 3.4(c) G.S. 163A-1134(e) reads as rewritten:

"(e) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. – Except as modified in this subsection, the provisions of this section shall apply to one-stop voting sites in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

(1) Subsection (c) of this section shall not apply.

(2) The notice in subsection (d) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site."

SECTION 3.4(d) G.S. 163A-1298(a) reads as rewritten:

"(a) Any person who shall, in connection with absentee voting in any election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

(1) For any person except the voter's near relative or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance.

(2) For any person to assist a voter to vote an absentee ballot under the absentee voting procedure authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 except as provided in that section.

(3) For a voter who votes an absentee ballot under the procedures authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 to vote that voter's absentee ballot outside of the voting booth or private room provided to the voter for that purpose in or adjacent to the office of the county board of elections or at the additional site provided by G.S. 163A-1302, or to receive assistance except as provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

…."

SECTION 3.4(e) G.S. 163A-1300(a) reads as rewritten:

"(a) Any voter eligible to vote by absentee ballot under G.S. 163A-1295 may request an application for absentee ballots, complete the application, and vote under the provisions of this section and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304."

SECTION 3.4(f) G.S. 163A-1300(i) reads as rewritten:

"(i) Notwithstanding the provisions of G.S. 163A-916(a) and (b), a challenge may be entered against a voter at a one-stop site under G.S. 163A-1303 or during one-stop voting at the county board office. The challenge may be entered by a person conducting one-stop voting under this section and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304 or by another registered voter who resides in the same precinct as the voter being challenged. If challenged at the place where one-stop voting occurs, the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall be made on forms prescribed by the State Board. The challenge shall be heard by the county board of elections in accordance with the procedures set forth in G.S. 163A-916(e)."

SECTION 3.4(g) G.S. 163A-1303 reads as rewritten:

"§ 163A-1303. Sites and hours for one-stop voting.

(a) Notwithstanding any other provision of G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under these sections. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board as part of a Plan for Implementation approved by both the county board of elections and by the State Board which shall also provide adequate security

of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163A-821 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county.

(b) The State Board shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a one-stop site in a building that the county board of elections is not entitled under G.S. 163A-1046 to demand and use as an election-day voting place, unless the State Board finds that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under these sections. The request shall clearly identify the building, or any specific portion thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board.

...."

SECTION 3.4(h) G.S. 163A-1306 reads as rewritten:

"**§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public record.**

The State Board shall approve an official register in which the county board of elections in each county of the State shall record the following information:

(1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.

(2) Number of assigned voter's application when issued.

(3) Precinct in which applicant is registered.

(4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, a notation of that fact.

(5) Date request for application for ballots is received by the county board of elections.
(6) The voter's party affiliation.
(7) The date the ballots were mailed or delivered to the voter.
(8) Whatever additional information and official action may be required by this Part.

The State Board may provide for the register to be kept by electronic data processing equipment, and a copy shall be printed out each business day or a supplement printed out each business day of new information.

The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection."

SECTION 3.4(i) G.S. 163A-1308(c) reads as rewritten:

"(c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When the county board of elections receives a completed request form for applications and absentee ballots, the board shall promptly issue and transmit them to the voter in accordance with the following instructions:

(1) On the top margin of each ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the board of elections shall write or type the words "Absentee Ballot No. ____ " or an abbreviation approved by the State Board and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and ballots issued. That person shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter. Alternatively, the board of elections may cause to be barcoded on the ballot the voter's application number, if that barcoding system is approved by the State Board.
(2) The chair, member, officer, or employee of the board of elections shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the ballots in the envelopes shall leave the container-return envelope holding the ballots unsealed.
(3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections: Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (b) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to a near relative or verifiable legal guardian of the voter.

The county board of elections may receive completed written request forms for applications at any time prior to the election but shall not mail applications and ballots to the voter or issue applications and ballots in person earlier than 60 days prior to the statewide general election in an even-numbered year, or earlier than 50 days prior to any other election, except as provided in

G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. No election official shall issue applications for absentee ballots except in compliance with this Part."

SECTION 3.4(j) G.S. 163A-1310(c) reads as rewritten:

"(c) For purposes of this section, "Delivered in person" includes delivering the ballot to an election official at a one-stop voting site under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 during any time that site is open for voting. The ballots shall be kept securely and delivered by election officials at that site to the county board of elections office for processing."

SECTION 3.4(k) G.S. 163A-1315 reads as rewritten:

"**§ 163A-1315. Counting absentee ballots by county board of elections.**

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

...

(6) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter, or if the pollbook is computer-generated, the board shall check off the name. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot. The "Pollbook of Absentee Voters" shall also contain the names of all persons who voted under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, but those names may be printed by computer for inclusion in the pollbook.

After all ballots have been placed in the boxes, the counting process shall begin.

If one-stop ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 are counted electronically, that count shall commence at the time the polls close. If one-stop ballots are paper ballots counted manually, that count shall commence at the same time as other absentee ballots are counted.

If a challenge transmitted to the board on canvass day by a chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163A-916(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required herein, the board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered therein. The county board of elections shall be responsible for the safekeeping of the pollbook of absentee voters.

(7) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board. The county board of elections may have a separate count on the abstract for one-stop absentee ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

...."

SECTION 3.4(*l*) G.S. 163A-1368 reads as rewritten:

"**§ 163A-1368. Absentee voting at office of board of elections.**

Notwithstanding any other provisions of this Subchapter, any covered voter under this Part shall be permitted to vote an absentee ballot pursuant to G.S. 163A-1300, ~~163A-1301,~~

163A-1302, 163A-1303, and 163A-1304 if the covered voter has not already voted an absentee ballot which has been returned to the board of elections, and if the covered voter will not be in the county on the day of the primary or election.

In the event an absentee application or ballot has already been mailed to the covered voter applying to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, the board of elections shall void the application and ballot unless the voted absentee ballot has been received by the board of elections. The covered voter shall be eligible to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 no later than 5:00 P.M. on the day next preceding the primary, second primary or election."

SECTION 3.4(m) G.S. 163A-1411(41) reads as rewritten:

"(41) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted after September 7 of that year, and in the case of any other election is aired or transmitted within 60 days of the time set for absentee voting to begin pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 in an election for that office.

c. May be received by either:

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.

2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

SECTION 3.4(n) G.S. 163A-1520(a) reads as rewritten:

"(a) Judicial Voter Guide. – The State Board shall publish a Judicial Voter Guide that explains the functions of the appellate courts and the laws concerning the election of appellate judges, the purpose and function of the Public Campaign Fund, and the laws concerning voter registration. The State Board shall distribute the Guide to as many voting-age individuals in the State as practical, through a mailing to all residences or other means it deems effective. The distribution shall occur no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the primary and no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the general election."

PART IV. APPROPRIATION

SECTION 4. The Bipartisan State Board of Elections and Ethics Enforcement may spend the entirety of the Voter Education Fund for the implementation of this act.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-154 [v.4]

Amends Title [NO]
Third Edition

Date 12/4 ,2018

Representative Lewis

moves to amend the bill on page 19, lines 23-24, by rewriting the lines to read:

"**SECTION 4.(a)** There is appropriated from the General Fund to the State Board of Elections and Ethics Enforcement the sum of two million, two hundred-fifty thousand dollars ($2,250,000) for the 2018-2019 fiscal year. Of the funds appropriated, the sum of seven hundred fifty thousand dollars ($750,000) shall be used to implement the provisions of this act and may be used to create temporary positions at the State Board of Elections and Ethics Enforcement. The State Board of Elections and Ethics Enforcement shall transfer to the Division of Motor Vehicles, Department of Transportation, up to one million five hundred thousand dollars ($1,500,000) for the 2018-2019 fiscal year to address the loss of revenues resulting from implementation of this act.

SECTION 4.(b) There is appropriated from the General Fund to the North Carolina Public Campaign Fund the sum of eight hundred fifty thousand dollars ($850,000) for the 2018-2019 fiscal year. Notwithstanding any other law to the contrary, the State Board of Elections and Ethics Enforcement shall allocate these funds to county boards of elections for maintenance grants for printing equipment.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-154 [v.4]

Amends Title [NO]
Third Edition

Date _____,2018

Representative _____

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABG-42 [v.3]

Amends Title [NO]
Fourth Edition

Date _____,2018

Representative _____

moves to amend the bill on page 2, line 20, by deleting the word "nontemporary";

and on page 8, line 26, by deleting the phrase "**SECTION 1.3**" and substituting the phrase "**SECTION 1.3(a)**";

and on page 9, lines 24-25, by inserting the following between those lines:

"**SECTION 1.3(c)** G.S. 20-7(f)(5) reads as rewritten:

"(5) License to be sent by mail. – The Division shall issue to the applicant a temporary driving certificate valid for 60 days, unless the applicant is applying for renewal by mail under subdivision (4) of this subsection. The temporary driving certificate shall be valid for driving purposes and shall not be valid for identification purposes, except for voting identification pursuant to G.S. 163A-1145.1, or when conducting business with the Division and not otherwise prohibited by federal law. The Division shall produce the applicant's drivers license at a central location and send it to the applicant by first-class mail at the residence address provided by the applicant, unless the applicant is ineligible for mail delivery by the United States Postal Service at the applicant's residence. If the United States Postal Service documents that it does not deliver to the residential address provided by the applicant, and the Division has verified the applicant's residential address by other means, the Division may mail the drivers license to the post office box provided by the applicant. Applicants whose only mailing address prior to July 1, 2008, was a post office box in this State may continue to receive their license at that post office box, provided the applicant's residential address has been verified by the Division."".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABG-42 [v.3]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-138 [v.2]

Amends Title [NO]
Second Edition

Date _____,2018

Representative _____

moves to amend the bill on page 1, line 13, page 2, line 16, page 3, lines 6, 7, 15, 16, 19, 21, 22, 23, 24, 26, 30, 34, 36, and 41, and page 4, lines 1, 3, 8, and 13, by inserting "registered" in between "the" and "voter";

and on page 1, line 14, by inserting "registered" in between "that" and "voter";

and on page 1, line 24, and page 2, line 47, by inserting "registered" in between "the" and "voter's";

and on page 1, line 30, and page 2, lines 7, 8, and 46, by inserting "registered" at the beginning of those lines;

and on page 1, line 32, by inserting "registered" in between "any" and "voter";

and on page 2, line 6, and page 3, lines 11, 13, 20, 31, and 44, by inserting "registered" in between "a" and "voter";

and on page 3, line 27, and page 9, line 36, by inserting "registered" in between "The" and "voter";

and on page 3, line 12, by deleting "a valid and current" and substituting "an acceptable form of";

and on page 4, line 14, by inserting "registered" in between "a" and "voter's";

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-138 [v.2]

and on page 4, line 15, by inserting "registered" in between "A" and "voter's";

and on page 7, line 11, by inserting "by the Division" in between "receipt" and "of".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-131 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Floyd

moves to amend the bill on page 3, line 10, by inserting at the end of the line the following:

"The State Board shall provide the registered voter casting a provisional ballot due to failure to provide photo identification an information sheet on the deadline to return to the county board of elections to present photo identification, and what forms of photo identification are acceptable, in order for the voter's provisional ballot to be counted.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-AST-167 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative _____

moves to amend the bill on page 3, line 49, by inserting "or school" in between "Work" and "schedule".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-132 [v.2]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Jackson

moves to amend the bill on page 3, lines 41-42, by inserting the following between the lines:

"(4) Witness Verification. – If a voter does not produce an acceptable form of photograph identification, the voter may cast a provisional ballot in the presence of two persons, complete a witness verification form as provided in subsection (d2) of this section, and require those two persons in whose presence the voter marked that voter's provisional ballot to sign the witness verification form as witnesses and to indicate those persons' addresses. The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance.";

and on page 4, lines 6-7, by inserting the following between the lines:

"(d2) Witness Verification Form. – The State Board shall adopt a witness verification form that contains a space for the identification of the two persons witnessing the casting of the ballot, those persons' signatures, and those persons' addresses. Failure to list a ZIP code does not invalidate the witness verification form.";

and on page 4, line 9, by inserting "or witness verification form" between "affidavit" and "required".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-137 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Floyd

moves to amend the bill on page 5, lines 39-40, by inserting the following between the lines:

"**SECTION 1.2(d)** G.S. 163A-1307(b) reads as rewritten:

"(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board, providing for all of the following:

(1) The voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this Part.

(2) A space for identification of the envelope with the voter and the voter's signature.

(3) A space for the identification of the two persons witnessing the casting of the absentee ballot in accordance with G.S. 163A-1310, those persons' signatures, and those persons' addresses.

(4) A space for the name and address of any person who, as permitted under G.S. 163A-1298(a), assisted the voter if the voter is unable to complete and sign the certification and that individual's signature.

(5) A space for approval by the county board of elections.

(6) A space to allow reporting of a change of name as provided by G.S. 163A-880.

(7) A prominent display of the unlawful acts under G.S. 163A-1298 and G.S. 163A-1389, except if there is not room on the envelope, the State Board may provide for that disclosure to be made on a separate piece of paper to be included along with the container-return envelope.

(8) Instructions to include a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), or to bring a the required photo identification to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172.

The container-return envelope shall be printed in accordance with the instructions of the State Board."

SECTION 1.2(e) G.S. 163A-1310 reads as rewritten:

"**§ 163A-1310. Voting absentee ballots and transmitting them to the county board of elections.**

(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163A-1298(a)(4) or G.S. 163A-1317(c), the voter shall do all of the following:

(1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.

(2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.

(3) Place the folded ~~ballots~~ballots, along with a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), in the container-return envelope and securely seal it, or have this done in the voter's presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163A-1307(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163A-1307(b).

(5) Require those two persons in whose presence the voter marked that voter's ballots to sign the application and certificate as witnesses and to indicate those persons' addresses. Failure to list a ZIP code does not invalidate the application and certificate.

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots.

...

(d) If the registered voter does not include a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), the voter's ballot is counted only if the voter brings a photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a) to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172."";

and on page 5, line 40, by deleting "**SECTION 1.2(d)**" and substituting "**SECTION 1.2(f)**";

and on page 6, line 4, by deleting "**SECTION 1.2(e)**" and substituting "**SECTION 1.2(g)**";

and on page 6, line 10, by deleting "**SECTION 1.2(f)**" and substituting "**SECTION 1.2(h)**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ATC-194 [v.3]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Warren

moves to amend the bill on page 9, lines 6-7, by inserting the following between those lines:

"**SECTION 1.5(e)** By September 1, 2019, the State Board of Elections and Ethics Enforcement shall review, update, and make further recommendations to the Joint Legislative Elections Oversight Committee on steps to implement the use of electronic and digital information in all polling places statewide. The review shall address all of the following:

(1) Obtaining digital photographs of registered voters and verifying identity of those voters, including transfer of digital photographs for registered voters held by the Department of Transportation, Division of Motor Vehicles.
(2) Maintaining information stored electronically in a secure fashion.
(3) Utilizing electronically stored information, including digital photographs and electronic signatures, to create electronic pollbooks.
(4) Using electronic pollbooks to assist in identifying individuals attempting to vote more than once in an election.
(5) A proposed plan for a pilot project to implement electronic pollbooks, including the taking of digital photographs at the polling place to supplement the electronic pollbooks.
(6) Any other related matter identified by the State Board impacting the use of digital and electronic information in the voting place.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-AST-180 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative _____

moves to amend the bill on page 5, lines 39-40, by inserting the following between the lines:

"**SECTION 1.2(d)** G.S. 163A-1307(b) reads as rewritten:

"(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board, providing for all of the following:

(1) The voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this Part.

(2) A space for identification of the envelope with the voter and the voter's signature.

(3) A space for the identification of the two persons witnessing the casting of the absentee ballot in accordance with G.S. 163A-1310, those persons' signatures, and those persons' addresses.

(4) A space for the name and address of any person who, as permitted under G.S. 163A-1298(a), assisted the voter if the voter is unable to complete and sign the certification and that individual's signature.

(5) A space for approval by the county board of elections.

(6) A space to allow reporting of a change of name as provided by G.S. 163A-880.

(7) A prominent display of the unlawful acts under G.S. 163A-1298 and G.S. 163A-1389, except if there is not room on the envelope, the State Board may provide for that disclosure to be made on a separate piece of paper to be included along with the container-return envelope.

(8) Instructions to include a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), or to bring a the required photo identification to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172, or to provide a

completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3).

The container-return envelope shall be printed in accordance with the instructions of the State Board."

SECTION 1.2(e) G.S. 163A-1310 reads as rewritten:

"**§ 163A-1310. Voting absentee ballots and transmitting them to the county board of elections.**

(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163A-1298(a)(4) or G.S. 163A-1317(c), the voter shall do all of the following:

(1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.

(2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.

(3) Place the folded ~~ballots~~ballots, along with a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a) or the completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3), in the container-return envelope and securely seal it, or have this done in the voter's presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163A-1307(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163A-1307(b).

(5) Require those two persons in whose presence the voter marked that voter's ballots to sign the application and certificate as witnesses and to indicate those persons' addresses. Failure to list a ZIP code does not invalidate the application and certificate.

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots.

...

(d) If the registered voter does not include a completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3) or a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), the voter's ballot is counted only if the voter brings a photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a) to the county board of elections no later than the end

of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172.

(e) Any readable photocopy of a registered voter's photo identification received by a county board shall be treated as a voted ballot under G.S. 163A-1105. The county board shall provide for secure storage of such personal identifying information."";

and on page 5, line 40, by deleting "**SECTION 1.2(d)**" and substituting "**SECTION 1.2(f)**";

and on page 6, line 4, by deleting "**SECTION 1.2(e)**" and substituting "**SECTION 1.2(g)**";

and on page 6, line 10, by deleting "**SECTION 1.2(f)**" and substituting "**SECTION 1.2(h)**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ATC-195 [v.4]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Warren

moves to amend the bill on page 3, lines 13-41, by rewriting those lines to read:

"(1) Religious Objection. – If a voter does not produce an acceptable form of photograph identification due to a religious objection to being photographed, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the voter may cast a provisional ballot, and shall include as part of the provisional ballot the voter's date of birth and the last four digits of the Social Security number.

(2) Reasonable Impediment. – If a voter does not produce an acceptable form of photograph identification because the voter suffers from a reasonable impediment that prevents the voter from presenting photograph identification, the voter may complete an affidavit under the penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the voter from presenting photograph identification. The voter also shall complete a reasonable impediment declaration form provided in subsection (d1) of this section, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the voter may cast a provisional ballot, and shall include as part of the provisional ballot the voter's date of birth and either the last four digits of the Social Security number or drivers license.

(3) Natural Disaster. – If a voter does not produce an acceptable form of photograph identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) was a victim of a natural disaster occurring within 100 days before

election day that resulted in a disaster declaration by the President of the United States and the Governor of this State. Upon completion of the affidavit, the voter may cast a provisional ballot, and shall include as part of the provisional ballot the voter's date of birth and either the last four digits of the Social Security number or drivers license.";

and on page 4, lines 7-11, by deleting those lines and substituting the following:

"(e) County Board Review of Exceptions. – The county board of elections shall find that a voter's provisional official ballot cast following completion of an affidavit, as provided in subsection (d) of this section, is valid and direct that the provisional ballot be opened and counted in accordance with this Subchapter, unless any of the following apply:

(1) The county board of elections has grounds to believe the declaration is factually false, merely denigrated the photo identification requirement, or made obviously nonsensical statements.

(2) The voter failed to provide the voter's date of birth and either the last four digits of the Social Security number or drivers license as part of the provisional ballot.

(3) The voter provided the date of birth and either the last four digits of the voter's Social Security number or drivers license and the county board of elections could not confirm the voter's registration using that information.

(4) The voter is disqualified for some other reason provided by law.

(f) Provisional Ballot for Other Cause. – If the county board of elections determines that a voter has also cast a provisional official ballot for a cause other than the voter's failure to provide photo identification in accordance with this section, the county board shall do all of the following:

(1) Note on the envelope containing the provisional official ballot that the voter has complied with subsection (d) of this section and has completed an affidavit reviewed as provided in subsection (e) of this section.

(2) Proceed to determine any other reasons for which the provisional official ballot was cast provisionally before ruling on the validity of the voter's provisional official ballot.";

and on page 4, line 12, by deleting "(f)" and substituting "(g)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ATC-193 [v.3]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Warren

moves to amend the bill on page 7, lines 44-45, by inserting the following between those lines:

"**SECTION 1.4A** G.S. 163A-741 is amended by adding a new subsection to read:

"(o1) The State Board shall include in all forms prepared by the Board a prominent statement that submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163A of the General Statutes."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-144 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Blust

moves to amend the bill on page 7, lines 44-45, by inserting the following between the lines:

SECTION 1.4(e) G.S. 163A-1142 reads as rewritten:

"**§ 163A-1142. Provisional voting requirements.**

(a) If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163A-860 and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official ballot as follows:

(1) An election official at the voting place shall notify the individual that the individual may cast a provisional official ballot in that election.

(2) The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before an election official at the voting place, stating that the individual is a registered voter in the jurisdiction as provided in G.S. 163A-860 in which the individual seeks to vote and is eligible to vote in that election.

(3) A voter who has moved within the county more than 30 days before election day but has not reported the move to the board of elections shall not be required on that account to vote a provisional ballot at the one-stop site, as long as the one-stop site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other one-stop voters as provided in G.S. 163A-1300.

(4) At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted. The State Board or the county board of elections shall establish a system for so informing a provisional voter. It shall make the system available to every provisional voter without charge, and it shall build into it reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote.

(5) The cast provisional official ballot and the written affirmation shall be secured by election officials at the voting place according to guidelines and procedures adopted by the State Board. At the close of the polls, election officials shall transmit the provisional official ballots cast at that voting place to the county board of elections for prompt verification according to guidelines and procedures adopted by the State Board.

(b) An individual casting a provisional official ballot, including a registered voter casting a provisional official ballot due to not producing an acceptable form of voter identification as provided in G.S. 163A-1145.1, shall provide a fingerprint of the voter. At the time the individual casts the provisional official ballot, the election officials shall obtain the individual's fingerprint and include the fingerprint with the provisional official ballot.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ATC-199 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Warren

moves to amend the bill on page 5, lines 35-36, by rewriting those lines to read:

"(b) The State Board shall approve the use of employee identification cards issued by a state or local government entity, including a charter school, for voting identification under G.S. 163A-1145.1, every four years.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-139 [v.2]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Warren

moves to amend the bill on page 1, line 13, by rewriting the line to read:

"identification cards shall contain a photograph of the registered voter, the name of the registered voter, and the voter registration number for";

and on page 1, line 24, by rewriting the line to read:

"provide the registered voter's name, the registered voter's date of birth, and the last four digits of the registered voter's social";

and on page 1, lines 31-32, by inserting the following between those lines:

"(4) If a registered voter has a change of name and has updated his or her voter registration to reflect the new name, the registered voter may request and obtain a replacement card from the registered voter's county board of elections by providing the registered voter's date of birth and the last four digits of the registered voter's social security number in person, by telephone, or by mail.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ATC-195 [v.4]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Warren

moves to amend the bill on page 3, lines 13-41, by rewriting those lines to read:

"(1) Religious Objection. – If a voter does not produce an acceptable form of photograph identification due to a religious objection to being photographed, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the voter may cast a provisional ballot, and shall include as part of the provisional ballot the voter's date of birth and the last four digits of the Social Security number.

(2) Reasonable Impediment. – If a voter does not produce an acceptable form of photograph identification because the voter suffers from a reasonable impediment that prevents the voter from presenting photograph identification, the voter may complete an affidavit under the penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the voter from presenting photograph identification. The voter also shall complete a reasonable impediment declaration form provided in subsection (d1) of this section, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the voter may cast a provisional ballot, and shall include as part of the provisional ballot the voter's date of birth and either the last four digits of the Social Security number or drivers license.

(3) Natural Disaster. – If a voter does not produce an acceptable form of photograph identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) was a victim of a natural disaster occurring within 100 days before

election day that resulted in a disaster declaration by the President of the United States and the Governor of this State. Upon completion of the affidavit, the voter may cast a provisional ballot, and shall include as part of the provisional ballot the voter's date of birth and either the last four digits of the Social Security number or drivers license.";

and on page 4, lines 7-11, by deleting those lines and substituting the following:

"(e) County Board Review of Exceptions. – The county board of elections shall find that a voter's provisional official ballot cast following completion of an affidavit, as provided in subsection (d) of this section, is valid and direct that the provisional ballot be opened and counted in accordance with this Subchapter, unless any of the following apply:

(1) The county board of elections has grounds to believe the declaration is factually false, merely denigrated the photo identification requirement, or made obviously nonsensical statements.

(2) The voter failed to provide the voter's date of birth and either the last four digits of the Social Security number or drivers license as part of the provisional ballot.

(3) The voter provided the date of birth and either the last four digits of the voter's Social Security number or drivers license and the county board of elections could not confirm the voter's registration using that information.

(4) The voter is disqualified for some other reason provided by law.

(f) Provisional Ballot for Other Cause. – If the county board of elections determines that a voter has also cast a provisional official ballot for a cause other than the voter's failure to provide photo identification in accordance with this section, the county board shall do all of the following:

(1) Note on the envelope containing the provisional official ballot that the voter has complied with subsection (d) of this section and has completed an affidavit reviewed as provided in subsection (e) of this section.

(2) Proceed to determine any other reasons for which the provisional official ballot was cast provisionally before ruling on the validity of the voter's provisional official ballot.";

and on page 4, line 12, by deleting "(f)" and substituting "(g)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ATC-198 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Warren

moves to amend the bill on page 5, line 3, by rewriting that line to read:

"county board of elections.

(d) If a participating college or university with a student identification card approved for use by the State Board as provided in subsection (b) of this section changes the design of the student identification card, that college or university shall provide copies of the new design of the student identification cards to the State Board to assist with training purposes."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-153 [v.2]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Conrad

moves to amend the bill on page 8, lines 11-20, by rewriting the lines to read:

"(6) Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public concerning the changes in this legislation. In executing these duties, the Board shall ensure that it makes necessary efforts to inform the public regarding the provisions of this act, the requirements to vote absentee, early, or on election day, a description of voting by provisional ballot, and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1 to rural, military, veteran, elderly, underserved, minority, or other communities as determined by local needs.

(7) In conducting the educational program under this section, the educational program shall, when appropriate, inform the public regarding about the requirements of North Carolina residency to vote, including the requirement for intent to remain in the state, and the penalty for voting in multiple states.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABG-41 [v.3]

Amends Title [NO]
Second Edition

Date _____, 2018

Representative Harrison

moves to amend the bill on page 2, line 13, by deleting the word "nontemporary";

and on page 6, line 16, by deleting the phrase "**SECTION 1.3**" and substituting the phrase "**SECTION 1.3(a)**";

and on page 7, lines 14-15, by inserting the following between those lines:

"**SECTION 1.3(b)** G.S. 20-7(f)(5) reads as rewritten:

"(5) License to be sent by mail. – The Division shall issue to the applicant a temporary driving certificate valid for 60 days, unless the applicant is applying for renewal by mail under subdivision (4) of this subsection. The temporary driving certificate shall be valid for driving purposes and shall not be valid for identification purposes, except for voting identification pursuant to G.S. 163A-1145.1, or when conducting business with the Division and not otherwise prohibited by federal law. The Division shall produce the applicant's drivers license at a central location and send it to the applicant by first-class mail at the residence address provided by the applicant, unless the applicant is ineligible for mail delivery by the United States Postal Service at the applicant's residence. If the United States Postal Service documents that it does not deliver to the residential address provided by the applicant, and the Division has verified the applicant's residential address by other means, the Division may mail the drivers license to the post office box provided by the applicant. Applicants whose only mailing address prior to July 1, 2008, was a post office box in this State may continue to receive their license at that post

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABG-41 [v.3]

office box, provided the applicant's residential address has been verified by the Division."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-150 [v.2]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Harrison

moves to amend the bill on page 3, line 2, by deleting "official disputes" and substituting "officials present unanimously dispute".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ATC-201 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Harrison

moves to amend the bill on page 3, line 4, by rewriting that line to read:

"G.S. 163A-914. A voter shall be permitted to vote unless the judges of election present unanimously agree that the photo identification presented does not bear any reasonable resemblance to that voter.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ATC-200 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Warren

moves to amend the bill on page 4, lines 44-45, by inserting the following between those lines:

"h. The college or university will provide written notice to students, when issuing the student identification card, on the requirements for voter registration and determination of residency for students provided in G.S. 163A-842, the options and requirements for absentee and in-person voting provided in this Chapter, and a statement that it is a Class I felony to fraudulently cause a person's name to be placed upon the registration books in more than one election precinct, to fraudulently cause that person's name to be placed on the registration books in any precinct when registration in that precinct does not qualify the person to legally vote, or to impersonate falsely another registered voter for the purpose of voting in the stead of the other voter. The college or university shall require written acknowledgement of the notification by the student prior to issuance of the student identification card.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S824-AST-180 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Floyd

moves to amend the bill on page 5, lines 39-40, by inserting the following between the lines:

"**SECTION 1.2(d)** G.S. 163A-1307(b) reads as rewritten:

"(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board, providing for all of the following:

(1) The voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this Part.

(2) A space for identification of the envelope with the voter and the voter's signature.

(3) A space for the identification of the two persons witnessing the casting of the absentee ballot in accordance with G.S. 163A-1310, those persons' signatures, and those persons' addresses.

(4) A space for the name and address of any person who, as permitted under G.S. 163A-1298(a), assisted the voter if the voter is unable to complete and sign the certification and that individual's signature.

(5) A space for approval by the county board of elections.

(6) A space to allow reporting of a change of name as provided by G.S. 163A-880.

(7) A prominent display of the unlawful acts under G.S. 163A-1298 and G.S. 163A-1389, except if there is not room on the envelope, the State Board may provide for that disclosure to be made on a separate piece of paper to be included along with the container-return envelope.

(8) Instructions to include a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), or to bring a the required photo identification to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172, or to provide a

completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3).

The container-return envelope shall be printed in accordance with the instructions of the State Board."

SECTION 1.2(e) G.S. 163A-1310 reads as rewritten:

"**§ 163A-1310. Voting absentee ballots and transmitting them to the county board of elections.**

(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163A-1298(a)(4) or G.S. 163A-1317(c), the voter shall do all of the following:

(1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.

(2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.

(3) Place the folded ~~ballots~~ballots, along with a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a) or the completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3), in the container-return envelope and securely seal it, or have this done in the voter's presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163A-1307(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163A-1307(b).

(5) Require those two persons in whose presence the voter marked that voter's ballots to sign the application and certificate as witnesses and to indicate those persons' addresses. Failure to list a ZIP code does not invalidate the application and certificate.

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots.

...

(d) If the registered voter does not include a completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3) or a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), the voter's ballot is counted only if the voter brings a photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a) to the county board of elections no later than the end

of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172.

(e) Any readable photocopy of a registered voter's photo identification received by a county board shall be treated as a voted ballot under G.S. 163A-1105. The county board shall provide for secure storage of such personal identifying information."";

and on page 5, line 40, by deleting "**SECTION 1.2(d)**" and substituting "**SECTION 1.2(f)**";

and on page 6, line 4, by deleting "**SECTION 1.2(e)**" and substituting "**SECTION 1.2(g)**";

and on page 6, line 10, by deleting "**SECTION 1.2(f)**" and substituting "**SECTION 1.2(h)**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-147 [v.3]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Fisher

moves to amend the bill on page 2, lines 29-31, by rewriting the lines to read:

"G.S. 115D-2(2), an eligible private postsecondary institution as defined in G.S. 116-280(3), or a K-12 school unit, as defined in G.S. 163A-1145.2, provided that card is issued in accordance with G.S. 163A-1145.2.";

and on page 4, lines 20-22, by rewriting the lines to read:

"(a) The State Board shall approve the use of student identification cards issued by an academic institution for";

and on page 4, line 24, by inserting "or the superintendent of the K-12 school unit" in between "college" and "submits";

and on page 4, lines 27, 28, 41, 43, 45 by deleting "university or college" and substituting "academic institution";

and on page 4, line 33, by deleting "student." and substituting "student for a college or university, and the social security number and birthdate of the student for a K-12 school unit.";

and on page 4, line 38, by deleting "University or college" and substituting "Academic institution";

and on page 4, lines 48-50, by rewriting the line to read:

"(b) The State Board shall approve the use of student identification cards issued by an academic institution every"

and on page 5, line 1, by deleting "universities and colleges" and substituting "academic institutions";

and on page 5, line 3, by rewriting the line to read:

"county board of elections.

(d) For purposes of this section, the following definitions apply:

(1) Academic institution. – A constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D 2(2), an eligible private postsecondary institution as defined in G.S. 116 280(3), or a K-12 school unit, as defined in subdivision (2) of this subsection.

(2) K-12 school unit. – Any of the following:

a. A local school administrative unit.

b. A regional school authorized under Part 10 of Article 16 of Chapter 115C of the General Statutes.

c. A charter school authorized under Article 14C of Chapter 115C of the General Statutes.

d. A school providing secondary instruction operated by the State Board of Education, including schools operated under Article 9C of Chapter 115C of the General Statutes.

e. A nonpublic school authorized under Part 1 of Part 2 of Article 39 of Chapter 115C of the General Statutes.

(3) Superintendent. – The superintendent of a local school administrative unit or, for a K-12 school unit with no superintendent, the staff member with the highest decision making authority."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S824-ABK-153 [v.2]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Conrad

moves to amend the bill on page 8, lines 11-20, by rewriting the lines to read:

"(6) Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public concerning the changes in this legislation. In executing these duties, the Board shall ensure that it makes necessary efforts to inform the public regarding the provisions of this act, the requirements to vote absentee, early, or on election day, a description of voting by provisional ballot, and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1 to rural, military, veteran, elderly, underserved, minority, or other communities as determined by local needs.

(7) In conducting the educational program under this section, the educational program shall, when appropriate, inform the public regarding about the requirements of North Carolina residency to vote, including the requirement for intent to remain in the state, and the penalty for voting in multiple states.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

House Rules, Calendar and Operations of the House — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LaTeesa Allen	NC DPI
Tom Beacon	EDF, DEWF, NCSEA
Ryan Boyce	AOC
(Philip Isley)	[His own firm]
Nelson Freeman	Kilpatrick
Collins	CSH
Ashton Hudson	WRC
John Lucey	NCDEQ
Bruce Muldowney	~~NCSEA~~ NCSEA

VISITOR REGISTRATION SHEET

House Rules, Calendar and Operations of the House — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matt Gross	DHHS
[illegible]	ACLU-NC
Lee Lilley	Governor's Office
Resha Fortson	SEANC
Flint Benson	SEANC
Ardis Watkins	SEANC
Marge Foreman	NCAE
Jane Royall	NCFPC

VISITOR REGISTRATION SHEET

House Rules, Calendar and Operations of the House — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cecile Heden	SBE/PPL
Josh Lanier	CSH
Lexi Arthur	JLF
Amy Martin	UNC-CH
Sue Ann Forest	NCMS
Tobin Hazel	NFS
Tonya Horton	OSHR
Amanda Donovan	KTS
Kelly Tornow	CRL
[illegible]	NLC

VISITOR REGISTRATION SHEET

House Rules, Calendar and Operations of the House — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lisa Martin	Capitol Advocacy
Cody Thomas	FC
[illegible]	Cornerstone
Laura Krian	NCDOT & CJ
[illegible]	Duke Energy
Kara Wurdaan	SA
Josh Grad	SA
Korey Kiger	NCRMA
Elizabeth Robinson	NCRMA
Andy Eller	NCRMA
Mary Dempsey	NCCCS

VISITOR REGISTRATION SHEET

House Rules, Calendar and Operations of the House — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sam Watts	DST
starnes	DST
Zachary	House Member
Craig Horn	NC Leg
C Ball	NC House
D Bratcher	NC House
[illegible]	NAWC
Richard Bostic	NC SBA
Demetrius Deloatch	TS
Rhaegan Jackson	Focus Carolina
Brendan Riley	NC Justice Center

VISITOR REGISTRATION SHEET

House Rules, Calendar and Operations of the House — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Johanna Reese	NCACC
Hogin Johnson	NCACC
Tom Holt	NCICU
[illegible]	NCAHU
Kathy Kirksey	BP
[illegible]	Holland Group Inc
Elizabeth Culverton	NCASA
Rose Williams	NCLM
David Tillis	NP
Sarah Patterson	UNC
Rob Lamm	

VISITOR REGISTRATION SHEET

House Rules, Calendar and Operations of the House — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Weldon Jones	Jordan Price
Nathan Batts	NC Bankers
Bradford Sneeden	NC DOJ
Leo John	Secy of State
Rachel Bailie	PBL
Leigh Kokenes	NCSPA
Mia Bailey	Charter/Spectrum
LA Harris	Caroline Strategic
Eric Hall	DPI
Erin Wynia	NCLM

House Committee on Rules, Calendar, and Operations of the House
Tuesday, December 7, 2018 at 9:30 AM
Room 1228

MINUTES

The House Committee on Rules, Calendar, and Operations of the House meeting scheduled at 9:30 AM on December 7, 2018 in Room 1228 was cancelled.

Chairman David R. Lewis
Presiding

Neal Inman, Committee Clerk

House Committee on Rules, Calendar, and Operations of the House
Tuesday, December 11, 2018 at 4:00 PM
Room 1228

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 4:00 PM on December 11, 2018 in Room 1228. Representatives Bell, Boles, Brawley, Burr, Carney, Dollar, Dulin, Floyd, Fraley, Hardister, Hastings, Jackson, Lewis, McGrady, Montgomery, Moore, Reives, Sauls, Stevens, Szoka, Torbett, Willingham, and Wray attended.

Rep. Lewis presided.

The Conference Report for House Bill 1029 was placed before the committee. Representative Dollar motioned to approve the conference report. The motion carried.

The Yeas ruled by voice vote and without objection, the conference report was approved by the Committee.

The meeting adjourned at 6:30 PM.

Chairman David R. Lewis
Presiding

Neal Inman, Committee Clerk

Ann Luck (House Legislative Assistant Director)

From: Neal Inman (Rep. David Lewis)
Sent: Monday, December 10, 2018 05:02 PM
To: Neal Inman (Rep. David Lewis)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tuesday, December 11, 2018 at 3:00 PM
Attachments: Add Meeting to Calendar_LINC_.ics

1029CCS

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, December 11, 2018
TIME: **3:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **The Committee will discuss a conference report.**

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:02 PM on Monday, December 10, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 1029
Committee Substitute Favorable 6/5/18
Committee Substitute #2 Favorable 6/7/18
Fourth Edition Engrossed 6/13/18
Proposed Conference Committee Substitute H1029-PCCS10546-BKf-4

Short Title: Bipartisan State Board Changes. (Public)

Sponsors:

Referred to:

May 30, 2018

A BILL TO BE ENTITLED

AN ACT TO RETURN THE ADMINISTRATIVE STRUCTURE OF ELECTIONS, ETHICS, AND LOBBYING TO THE 2016 STRUCTURE AND TO MAKE OTHER CHANGES TO THE ELECTIONS, ETHICS, AND LOBBYING LAWS.

The General Assembly of North Carolina enacts:

PART I. DELAY EFFECTIVE DATE PART I OF SB 824, 2017 REGULAR SESSION

SECTION 1. If Senate Bill 824, 2017 Regular Session, becomes law, then Part I of that act shall not apply to any new election ordered under G.S. 163A-1181 in a 2018 election contest.

provided

PART II. ELECTIONS, ETHICS, AND LOBBYING

SECTION 2.1.(a) The Revisor of Statutes is authorized to re-recodify Chapter 163A of the General Statutes back into Chapters 163, 138A, and 120C of the General Statutes. In preparing the re-recodified chapters, the Revisor of Statutes shall revert the changes made by the Revisor pursuant to Section 3 of S.L. 2017-6, except that after consultation with the appropriate agency staff, the Revisor may separate subsections of statutory sections that existed in the former Chapters into new sections and, when necessary to organize relevant law into its proper place in the re-recodified chapters, may rearrange sentences that appeared within those subsections. The Revisor shall also incorporate into the re-recodified chapters all amendments to Chapters 163, 163A, 138A, and 120C that became effective on or after April 25, 2017, other than those made by S.L. 2017-6 or by Part VIII of S.L. 2018-2.

SECTION 2.1.(b) Sections 3 through 21 of S.L. 2017-6 are repealed.

SECTION 2.1.(c) Part VIII of S.L. 2018-2 is repealed.

SECTION 2.1.(d) G.S. 163A-2 is repealed.

SECTION 2.2.(a) G.S. 163-19, as re-recodified by this act, is rewritten to read:

"**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

(a) There is established the State Board of Elections, which may be referred to as the "State Board" in this Chapter.

(b) The State Board of Elections shall consist of five registered voters whose terms of office shall begin on May 1, 2019, and shall continue for four years, and until their successors are appointed and qualified. The Governor shall appoint the members of the State Board and likewise shall appoint their successors every four years at the expiration of each four-year term.

Not more than three members of the State Board shall be members of the same political party. The Governor shall appoint the members from a list of nominees submitted to the Governor by the State party chair of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board. Each party chair shall submit a list of four nominees who are affiliated with that political party. No person may serve more than two consecutive four-year terms.

(c) Any vacancy occurring in the State Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of three nominees submitted to the Governor by the State party chair of the political party that nominated the vacating member as provided in subsection (b) of this section. The three nominees must be affiliated with that political party.

(d) At the first meeting held after new appointments are made, the members of the State Board shall take the following oath:

"I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution of said State, and that I will well and truly execute the duties of the office of member of the State Board of Elections according to the best of my knowledge and ability, according to law, so help me God."

(e) After taking the prescribed oath, the State Board shall organize by electing one of its members chair and another secretary.

(f) No person shall be eligible to serve as a member of the State Board who:

(1) Holds any elective or appointive office under the government of the United States, the State of North Carolina, or any political subdivision thereof.
(2) Is a candidate for nomination or election to any office.
(3) Holds any office in a political party or organization.
(4) Is a campaign manager or treasurer of any candidate in a primary or election.
(5) Is currently an employee of the State, a community college, or a local school administrative unit.
(6) Within the 48 months prior to appointment, has held any of the following positions with an organization that has engaged in electioneering in those 48 months:
a. Director, officer, or governing board member.
b. Employee.
c. Lobbyist registered under Chapter 120C of the General Statutes.
d. Independent contractor.
e. Legal counsel of record.

(g) No person while serving on the State Board shall:

(1) Make a reportable contribution to a candidate for a public office over which the State Board would have jurisdiction or authority.
(2) Register as a lobbyist under Chapter 120C of the General Statutes.
(3) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office.
(4) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the passage of one or more clearly identified referendum or ballot issue proposals.
(5) Solicit contributions for a candidate, political committee, or referendum committee.
(6) Serve as a member of any other State board, as defined in G.S. 138A-3."

SECTION 2.2.(b) G.S. 163-21, as re-recodified by this act, is rewritten to read:

"**§ 163-21. Compensation of Board members.**

Members of the State Board shall receive per diem, subsistence, and travel, as provided in G.S. 138-5 and G.S. 138-6."

SECTION 2.2.(c) G.S. 163-23, as re-recodified by this act, is rewritten to read:

"**§ 163-23. Powers of chair in execution of Board duties.**

In the performance of the duties enumerated in this Chapter, the Chair of the State Board shall have power to administer oaths, issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. Upon the written request or requests of two or more members of the State Board, the Chair shall issue subpoenas for designated witnesses or identified papers, books, records, and other evidence. In the absence of the Chair or upon the Chair's refusal to act, any two members of the State Board may issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. In the absence of the Chair or upon the Chair's refusal to act, any member of the State Board may administer oaths."

SECTION 2.2.(d) G.S. 163-26, as re-recodified by this act, is rewritten to read:

"**§ 163-26. Executive Director of State Board of Elections.**

There is hereby created the position of Executive Director of the State Board, who shall perform all duties imposed by statute and such duties as may be assigned by the State Board."

SECTION 2.2.(e) G.S. 163-27, as re-recodified by this act, is rewritten to read:

"**§ 163-27. Executive Director to be appointed by State Board.**

(a) The State Board shall appoint an Executive Director for a term of two years with compensation to be determined by the Office of State Human Resources.

(b) The Executive Director shall serve beginning May 15 after the first meeting held after new appointments to the State Board are made, unless removed for cause, until a successor is appointed.

(c) The Executive Director shall be responsible for staffing, administration, and execution of the State Board's decisions and orders and shall perform such other responsibilities as may be assigned by the State Board.

(d) The Executive Director shall be the chief State elections official."

SECTION 2.2.(f) G.S. 163-28, as re-recodified by this act, reads as rewritten:

"**§ 163-28. State Board of Elections independent agency.**

The State Board of Elections ~~shall be and remain an independent regulatory and quasi-judicial agency and~~ shall not be placed within any principal administrative department. The State Board shall exercise its statutory powers, duties, functions, and authority and shall have all powers and duties conferred upon the heads of principal departments under G.S. 143B-10."

SECTION 2.3.(a) G.S. 138A-6, as re-recodified by this act, is rewritten to read:

"**§ 138A-6. State Ethics Commission established.**

There is established the State Ethics Commission."

SECTION 2.3.(b) G.S. 138A-7, as re-recodified by this act, is rewritten to read:

"**§ 138A-7. Membership.**

(a) The Commission shall consist of eight members. Four members shall be appointed by the Governor, of whom no more than two shall be of the same political party. Four members shall be appointed by the General Assembly, two upon the recommendation of the Speaker of the House of Representatives, neither of whom shall be of the same political party, and two upon the recommendation of the President Pro Tempore of the Senate, neither of whom shall be of the same political party. Members shall serve for four-year terms, beginning January 1, 2019, except for the initial terms that shall be as follows:

(1) Two members appointed by the Governor shall serve an initial term of one year.

(2) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of two years.

(3) Two members appointed by the Governor shall serve initial terms of three years.

(4) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one member upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of four years.

(b) Members shall be removed from the Commission only for misfeasance, malfeasance, or nonfeasance. Members appointed by the Governor may be removed by the Governor. Members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be removed by the Governor upon the recommendation of the Speaker. Members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall be removed by the Governor upon the recommendation of the President Pro Tempore of the Senate.

(c) Vacancies in appointments made by the Governor shall be filled by the Governor for the remainder of any unfulfilled term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122 for the remainder of any unfulfilled term.

(d) No member while serving on the Commission or employee while employed by the Commission shall:

(1) Hold or be a candidate for any other office or place of trust or profit under the United States, the State, or a political subdivision of the State.

(2) Hold office in any political party above the precinct level.

(3) Participate in or contribute to the political campaign of any covered person or any candidate for a public office as a covered person over which the Commission would have jurisdiction or authority.

(4) Otherwise be an employee of the State, a community college, or a local school administrative unit, or serve as a member of any other State board.

(e) No individual is eligible to serve on the Commission who, within the 48 months prior to appointment, has held any of the following positions with an organization that has engaged in electioneering in those 48 months:

(1) Director, officer, or governing board member.

(2) Employee.

(3) Lobbyist registered under Chapter 120C of the General Statutes.

(4) Independent contractor.

(5) Legal counsel of record.

(f) The Governor shall annually appoint a member of the Commission to serve as chair of the Commission. The Commission shall elect a vice-chair annually from its membership. The vice-chair shall act as the chair in the chair's absence or if there is a vacancy in that position.

(g) Members of the Commission shall receive no compensation for service on the Commission but shall be reimbursed for subsistence, travel, and convention registration fees as provided under G.S. 138-5 or G.S. 138-7, as applicable.

(h) No individual may serve more than two consecutive four-year terms."

SECTION 2.3.(c) G.S. 138A-8, as re-recodified by this act, is rewritten to read:

"**§ 138A-8. Meetings and quorum.**

The Commission shall meet at least quarterly and at other times as called by its chair or by four of its members. In the case of a vacancy in the chair, meetings may be called by the vice-chair. Five members of the Commission constitute a quorum."

SECTION 2.3.(d) G.S. 138A-9, as re-recodified by this act, is rewritten to read:

"**§ 138A-9. Staff and offices.**

(a) The Commission may employ professional and clerical staff, including an executive director.

(b) The Commission shall be located within the Department of Administration for administrative purposes only, but shall exercise all of its powers, including the power to employ, direct, and supervise all personnel, independently of the Secretary of Administration, and is subject to the direction and supervision of the Secretary of Administration only with respect to the management functions of coordinating and reporting. The Department shall provide administrative support to the Commission free of charge."

SECTION 2.3.(e) G.S. 138A-12(r), as re-recodified by this act, is rewritten to read:

"(r) Subpoena Authority. – The Commission may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of alleged violations of this Chapter. The court shall authorize subpoenas under this subsection when the court determines the subpoenas are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any person or governmental unit covered by this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4."

SECTION 2.4.(a) The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the ethics compliance and enforcement functions of the Bipartisan State Board of Elections and Ethics Enforcement are transferred as a Type II transfer to the State Ethics Commission as re-recodified in this act. Specifically, the following positions shall be transferred: Administrative Assistant III (Position 60088563), Attorney Supervisor I (Position 60088564), Office Assistant V (Position 60088565), Administrative Assistant II (Position 60088566), Attorney II (Position 60088567), Administrative Assistant II (Position 60088568), Attorney II (Position 60088570), Disclosure Manager (Position 65012029), Compliance Analyst I (Position 65012032), and Compliance Analyst I (Position 65019901).

SECTION 2.4.(b) The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the lobbying registration and lobbying enforcement functions of the Bipartisan State Board of Elections and Ethics Enforcement are transferred as a Type I transfer to the Secretary of State as re-recodified in this act. Specifically, the following positions shall be transferred: Administrative Assistant II (Position 60088203), Administrative Assistant II (Position 60088204), Administrative Assistant II (Position 60088218), Attorney II (Position 60008800), and Administrative Specialist II (Position 60008803).

SECTION 2.4.(c) The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the elections and campaign finance functions of the Bipartisan State Board of Elections and Ethics Enforcement are transferred as a Type II transfer to the State Board of Elections as re-recodified in this act. Specifically, the following positions shall be transferred: Executive Director (Position 60088197), Elections Investigator (Position 60088201), Senior Elections Specialist (Position 60088207), Director of Election Operations (Position 60088209), Associate General Counsel, Elections (Position 60088211), Elections Support Technician (Position 60088212), Auditor (Position 60088199), Deputy Director/Chief Operating Officer (Position 60088200), Compliance and Disclosure Manager (Position 60088205), Elections Specialist (Position 60088206), Office Assistant III (Position 60088215), Business And Technology Applic Tech (Position 60088232), Auditor (Position 60088252), Auditor (Position 60088254), Elections Specialist III (Position 60088256), Elections Specialist III (Position 60088257), Chief Investigator (Position 60088259), Accounting and HR Specialist (Position 65005659), Auditor (Position 65005661), HR Director (Position 65005663), Senior

Elections Investigator (Position 65022162), Elections Investigator (Position 65022163), Elections Investigator (Position 65022164), Agency General Counsel (Position 60088198), Software Tester (Position 60088202), Elections Specialist I (Position 60088208), Disclosure Specialist (Position 60088213), Software Tester (Position 60088216), Auditor (Position 60088217), Information Technology Director (Position 60088219), Database Administrator (Position 60088220), Senior Business System Analyst (Position 60088221), Business And Technology Applic Tech (Position 60088222), Business And Technology Applic Tech (Position 60088223), Business And Technology Applic Tech (Position 60088224), Operations Analyst (Position 60088227), Senior Elections Specialist (Position 60088228), Elections Systems Specialist (Position 60088229), Business And Technology Applic Analyst (Position 60088233), Database Administrator (Position 60088234), Business And Technology Applic Analyst (Position 60088235), Systems Program Analyst (Position 60088237), Elections Systems Specialist (Position 60088239), Elections Systems Specialist (Position 60088240), Information Technology Manager (Position 60088241), Information Technology Manager (Position 60088242), GIS Specialist (Position 65005664), Elections Systems Specialist (Position 65005665), Software Lead Developer (Position 65021730), Systems/Programmer Analyst (Position 65021731), Public Information Officer (Position 65020532), Chief Learning Officer (Position 65020533), Elections Specialist I (Position 65020534), Elections Specialist I (Position 65020535), Elections Specialist I (Position 65020536), Deputy General Counsel (Position 65021570), Chief Data Officer (Position 65021571), Administrative Specialist II (Position 60008801), Administrative Specialist II (Position 60008802), Executive Assistant (Position 60008806), Attorney II (Position 60088571), Attorney II (Position 65005579), Compliance Analyst I (Position 65012030), Voting Systems Manager (Position 65019619), Advanced Data Analyst (Position 65027807), Advanced Data Analyst (Position 65027808), and Chief Information Security Officer (Position 65027809).

SECTION 2.4.(d) The Director of the Budget shall resolve any disputes arising out of the transfers provided for in this section.

SECTION 2.5.(a) Any previous assignment of duties of a quasi-legislative or quasi-judicial nature by the Governor or General Assembly to the agencies or functions transferred by this act shall have continued validity with the transfer under this act. Except as otherwise specifically provided in this act, each enumerated commission, board, or other function of State government transferred from the Bipartisan State Board of Elections and Ethics Enforcement, as created in S.L. 2017-6 and S.L. 2018-2, is a continuation of the former entity for purposes of succession to all the rights, powers, duties, and obligations of the former. Where the Bipartisan State Board of Elections and Ethics Enforcement is referred to by law, contract, or other document in lieu of the former entities, as re-recodified in this act, the former entity, as re-recodified by this act, is charged with exercising the functions of the former named entity.

SECTION 2.5.(b) No action or proceeding pending on January 31, 2019, brought by or against the Bipartisan State Board of Elections and Ethics Enforcement shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the Secretary of State regarding the lobbyist registration and lobbying enforcement of the Secretary of State, the State Board of Elections, or the State Ethics Commission, as re-recodified in this act. In these actions and proceedings, the former entity, as re-recodified by this act, as appropriate, shall be substituted as a party upon proper application to the courts or other administrative or quasi-judicial bodies.

Any business or other matter undertaken or commanded by any State program or office or contract transferred by this act to the former entity, as re-recodified by this act, pertaining to or connected with the functions, powers, obligations, and duties set forth herein, which is pending on January 31, 2019, may be conducted and completed by the former entity, as re-recodified by this act, in the same manner and under the same terms and conditions and with

the same effect as if conducted and completed by the Bipartisan State Board of Elections and Ethics Enforcement.

SECTION 2.5.(c) The reorganization provided for under this act shall not affect any ongoing investigation or audit. Any ongoing hearing or other proceeding before the Bipartisan State Board of Elections and Ethics Enforcement on January 31, 2019, shall be transferred to the former entity, as re-recodified by this act, on January 31, 2019. Prosecutions for offenses or violations committed before January 31, 2019, are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 2.5.(d) Rules adopted by the Bipartisan State Board of Elections and Ethics Enforcement shall remain in effect as provided in G.S. 150B-21.7. Policies, procedures, and guidance shall remain in effect until amended or repealed by the appropriate former entity, as re-recodified by this act. The list of covered boards adopted by the State Ethics Commission under G.S. 138A-11 as of December 31, 2016, as amended by the Bipartisan State Board of Elections and Ethics Enforcement, shall continue in effect until amended or repealed by the former entity, as re-recodified by this act.

SECTION 2.5.(e) Any evaluation of a statement of economic interest issued by the Bipartisan State Board of Elections and Ethics Enforcement pursuant to Article 6 of Chapter 163A of the General Statutes in 2017 or 2018 shall remain in effect until amended or repealed by the former entity, as re-recodified by this act.

SECTION 2.6. This Part becomes effective January 31, 2019.

PART III. CHANGES

SECTION 3.1.(a) G.S. 120C-100(a)(13) is repealed.

SECTION 3.1.(b) G.S. 120C-215 is repealed.

SECTION 3.1.(c) G.S. 120C-401(f) and (h), as re-recodified by this act, reads as rewritten:

"(f) Failure to file a required report in one of the manners prescribed in this section shall void any and all registrations of the ~~lobbyist, lobbyist principal, or solicitor.~~lobbyist or lobbyist principal. No ~~lobbyist, lobbyist principal, or solicitor~~lobbyist or lobbyist principal may register or reregister until full compliance with this section has occurred.

...

(h) The Secretary of State may adopt rules to facilitate complete and timely disclosure of required reporting, including additional categories of information, and to protect the addresses of payees under protective order issued pursuant to Chapter 50B of the General Statutes or participating in the Address Confidentiality Program pursuant to Chapter 15C of the General Statutes. The Secretary of State shall not impose any penalties or late filing fees upon a ~~lobbyist, lobbyist principal, or solicitor~~lobbyist or lobbyist principal for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide the required notification under subsection (e) of this section."

SECTION 3.1.(d) G.S. 120C-402(b)(2) is repealed.

SECTION 3.1.(e) G.S. 120C-403(b)(2) is repealed.

SECTION 3.1.(f) G.S. 120C-404 is repealed.

SECTION 3.2.(a) G.S. 138A-12(b), as re-recodified by this act, reads as rewritten:

"(b) Institution of Proceedings. – On its own motion, in response to a signed and ~~sworn~~ sworn, under oath or affirmation, complaint of any ~~individual~~ registered voter filed with the State Board, or upon the written request of any public servant or those responsible for the hiring, appointing, or supervising of a public servant, the State Board shall conduct an inquiry into any of the following:

(1) The application or alleged violation of this Subchapter.

(2) For legislators, the application or alleged violations of Part 1 of Article 14 of Chapter 120 of the General Statutes.

(3) An alleged violation of the criminal law by a covered person in the performance of that individual's official duties.

(4) An alleged violation of G.S. 126-14.

Upon receipt of a referral under G.S. 147-64.6B or a report under G.S. 147-64.6(c)(19), the State Board may conduct an inquiry under this section on its own motion. Allegations of violations of the Code of Judicial Conduct shall be referred to the Judicial Standards Commission without investigation."

SECTION 3.2.(b) G.S. 163-278.22(7), as re-recodified by this act, reads as rewritten:

"(7) To make investigations to the extent the State Board deems necessary with respect to statements filed under the provisions of this Article and with respect to alleged failures to file any statement required under the provisions of this Article or Article 26 of ~~[of this Chapter]~~this Chapter of the General Statutes and, upon ~~complaint~~ complaint, signed and sworn under oath or affirmation, by any registered voter, with respect to alleged violations of any part of this Article or Article 26 ~~[this Chapter of]~~of this Chapter of the General Statutes. All investigations shall be confidential, and no investigation shall be initiated more than four years from the earliest of the following dates:

a. The facts constituting the violation are known to the State Board or county board with jurisdiction.

b. The facts constituting the violation can be determined from the public record.

c. The complainant knew or should have known of the conduct upon which the complaint is based."

SECTION 3.2.(c) G.S. 120-103.1(a) reads as rewritten:

"(a) Institution of Proceedings. – On its own motion, upon receipt by the Committee of a signed ~~and sworn~~ sworn, under oath or affirmation, allegation of unethical conduct by a ~~legislator,~~legislator from a registered voter or upon receipt of a referral of a complaint from the Bipartisan ~~State Board of~~ Elections and Ethics Enforcement under Articles 5, 6, 7, and 9 of Chapter 163A of the General Statutes, the Committee shall conduct an investigation into any of the following:

(1) The application or alleged violation of Articles 5, 6, 7, and 9 of Chapter 163A of the General Statutes and of this Article.

(2) Repealed by Session Laws 2007-348, s. 2, effective August 9, 2007.

(3) The alleged violation of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process."

SECTION 3.3.(a) G.S. 163-30, as re-recodified by this act, reads as rewritten:

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

(a) In every county of the State there shall be a county board of elections, to consist of ~~three~~ five persons of good moral character who are registered voters in the county in which they are to act. Members of county boards of elections shall be appointed by the State Board of Elections on the last Tuesday in ~~June 1985,~~June, and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. Four members of county boards of elections shall be appointed by the State Board on the last Tuesday in June and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. One member of the county boards of elections shall be appointed by the Governor to be the chair of the county board on the last Tuesday in June and every two years thereafter, and that member's term of office shall continue for two years from the specified date of appointment and until a successor is appointed and qualified. ~~Not~~Of the

appointments by the State Board, not more than two members of the county board of elections shall belong to the same political party.

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

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

(2) ~~No person who holds~~Holds any office in a state, congressional district, county or precinct political party or ~~organization,~~organization. ~~*~~Provided, however, that the position of delegate to a political party convention shall not be considered an office for the purpose of this subdivsion.

(3) ~~or who is~~Is a campaign manager or treasurer of any candidate or political party in a primary or ~~election,~~election. ~~shall be eligible to serve as a member of a county board of elections, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this section.~~

(4) ~~No person shall be eligible to serve as a member of a county board of elections who is~~ Is a candidate for nomination or election.

(5) ~~No person shall be eligible to serve as a member of a county board of elections who is~~Is the wife, husband, son, son in law, daughter, daughter in law, mother, mother in law, father, father in law, sister, sister in law, brother, brother in law, aunt, uncle, niece, or nephew of any candidate for nomination or election. Upon any member of the board of elections becoming ineligible, that member's seat shall be declared vacant. This ~~paragraph~~ subdivision only applies if the county board of elections is conducting the election for which the relative is a candidate.

(c) The State ~~chairman~~ chair of each political party shall have the right to recommend to the State Board ~~of Elections~~ three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the State Board 15 or more days before the last Tuesday in ~~June 1985,~~June 2019, and each two years thereafter, it shall be the duty of the State Board ~~of Elections~~ to appoint the county boards from the names thus recommended.

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

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

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

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

SECTION 3.3.(b) G.S. 163-31, as re-recodified by this act, reads as rewritten:

"**§ 163-31. Meetings of county boards of elections; quorum; minutes.**

clearance language

(a) In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the third Monday in July in the year of their appointment ~~by the State Board of Elections~~ and, after taking the oath of office provided in G.S. 163-30, they shall organize by electing one member ~~chairman and another member~~ secretary of the county board of elections.

(b) On the Tuesday following the third Monday in August of the year in which they are appointed the county board of elections shall meet and appoint precinct chief judges and judges of elections.

(c) The board may hold other meetings at such times as the ~~chairman~~ chair of the board, or any ~~two~~ three members thereof, may direct, for the performance of duties prescribed by law.

(d) A majority of the members shall constitute a quorum for the transaction of board business. The ~~chairman~~ chair shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

(e) The county board of elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the director of elections to record and maintain the minutes under ~~his~~ the secretary's supervision."

SECTION 3.4.(a) G.S. 163-278.34(f), as re-recodified by this act, reads as rewritten:

"(f) ~~Notifying and Consulting With District Attorney.~~OAH Review. – ~~Before~~ After assessing a civil penalty under subsection (b) of this section or imposing a civil remedy under subsection (c) of this section, appeal of the decision of the State Board under this section shall ~~notify and consult with the district attorney who would be responsible under G.S. 163A-1445 for bringing a criminal prosecution concerning the violation.~~be in accordance with Article 3 of Chapter 150B of the General Statutes."

SECTION 3.4.(b) G.S. 150B-38(a)(6) is repealed.

SECTION 3.5.(a) G.S. 150B-1(c) and (d) read as rewritten:

"(c) Full Exemptions. – This Chapter applies to every agency except:

(1) The North Carolina National Guard in exercising its court-martial jurisdiction.

(2) The Department of Health and Human Services in exercising its authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the General Statutes.

(3) The Utilities Commission.

(4) Repealed by Session Laws 2011-287, s. 21(a), effective June 24, 2011, and applicable to rules adopted on or after that date.

(5) Repealed by Session Laws 2011-401, s. 1.10(a), effective November 1, 2011.

~~(6) The Bipartisan State Board of Elections and Ethics Enforcement in administering the HAVA Administrative Complaint Procedure of Part 4 of Article 17 of Chapter 163A of the General Statutes.~~

(7) The North Carolina State Lottery.

(8) [Expired June 30, 2012.]

(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

...

~~(16) The Bipartisan State Board of Elections and Ethics Enforcement with respect to Subchapter II of Chapter 163A of the General Statutes.~~

...."

SECTION 3.5.(b) G.S. 150B-2(8a) reads as rewritten:

"(8a) "Rule" means any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that

describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or repeal of a prior rule. The term does not include the following:

a. Statements concerning only the internal management of an agency or group of agencies within the same principal office or department enumerated in G.S. 143A-11 or 143B-6, including policies and procedures manuals, if the statement does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by the agency or group of agencies.

b. Budgets and budget policies and procedures issued by the Director of the Budget, by the head of a department, as defined by G.S. 143A-2 or G.S. 143B-3, by an occupational licensing board, as defined by ~~G.S. 93B-1, or by the Bipartisan State Board of Elections and Ethics Enforcement.~~G.S. 93B-1.

c. Nonbinding interpretative statements within the delegated authority of an agency that merely define, interpret, or explain the meaning of a statute or rule.

d. A form, the contents or substantive requirements of which are prescribed by rule or statute.

e. Statements of agency policy made in the context of another proceeding, including:

1. Declaratory rulings under G.S. 150B-4.
2. Orders establishing or fixing rates or tariffs.

f. Requirements, communicated to the public by the use of signs or symbols, concerning the use of public roads, bridges, ferries, buildings, or facilities.

g. Statements that set forth criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections; in settling financial disputes or negotiating financial arrangements; or in the defense, prosecution, or settlement of cases.

h. Scientific, architectural, or engineering standards, forms, or procedures, including design criteria and construction standards used to construct or maintain highways, bridges, or ferries.

i. Job classification standards, job qualifications, and salaries established for positions under the jurisdiction of the State Human Resources Commission.

j. Establishment of the interest rate that applies to tax assessments under G.S. 105-241.21.

k. The State Medical Facilities Plan, if the Plan has been prepared with public notice and hearing as provided in G.S. 131E-176(25), reviewed by the Commission for compliance with G.S. 131E-176(25), and approved by the Governor.

l. Standards adopted by the Department of Information Technology applied to information technology as defined by G.S. 147-33.81."

SECTION 3.5.(c) G.S 163-82.12, as recodified by this act, reads as rewritten:

"**§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.**

The State Board of Elections shall make all guidelines necessary to administer the statewide voter registration system established by this Article. All county boards of elections shall follow these guidelines and cooperate with the State Board of Elections in implementing guidelines. These guidelines shall include provisions for all of the following:

(1) Establishing, developing, and maintaining a computerized central voter registration file.
(2) Linking the central file through a network with computerized voter registration files in each of the counties.
(3) Interacting with the computerized drivers license records of the Division of Motor Vehicles and with the computerized records of other public agencies authorized to accept voter registration applications.
(4) Protecting and securing the data.
(5) Converting current voter registration records in the counties in computer files that can be used on the statewide computerized registration system.
(6) Enabling the statewide system to determine whether the voter identification information provided by an individual is valid.
(7) Enabling the statewide system to interact electronically with the Division of Motor Vehicles system to validate identification information.
(8) Enabling the Division of Motor Vehicles to provide real-time interface for the validation of the drivers license number and last four digits of the social security number.
(8b) Notifying voter-registration applicants whose drivers license or last four digits of social security number does not result in a validation, attempting to resolve the discrepancy, initiating investigations under G.S. 163-33(3) or challenges under Article 8 of this Chapter where warranted, and notifying any voters of the requirement under G.S. 163-166.12(b2) to present identification when voting.
(9) Enabling the statewide system to assign a unique identifier to each legally registered voter in the State.
(10) Enabling the State Board of Elections to assist the Division of Motor Vehicles in providing to the jury commission of each county, as required by G.S. 20-43.4, a list of all registered voters in the county and all persons in the county with drivers license records.

~~These guidelines shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the guidelines and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those guidelines shall be made available to the public upon request or otherwise by the State Board.~~"

SECTION 3.5.(d) G.S 163-91, as recodified by this act, reads as rewritten:

"**§ 163-91. Complaint procedure.**

(a) The State Board of Elections shall establish a complaint procedure as required by section 402 of Title IV of the Help America Vote Act of 2002 for the resolution of complaints alleging violations of Title III of that Act.

~~(b) With respect to the adoption of the complaint procedure under this section, the State Board of Elections is exempt from the requirements of Article 2A of Chapter 150B of the General Statutes. Prior to adoption or amendment of the complaint procedure under this section, the State Board of Elections shall complete all of the following:~~

~~(1) Publish the proposed plan in the North Carolina Register at least 30 days prior to the adoption of the final complaint procedure.~~
~~(2) Accept oral and written comments on the proposed complaint procedure.~~
~~(3) Hold at least one public hearing on the proposed complaint procedure.~~

~~(c) Hearings and final determinations of complaints filed under the procedure adopted pursuant to this section are not subject to Articles 3 and 4 of Chapter 150B of the General Statutes.~~"

SECTION 3.5.(e) G.S 163-132.5B, as recodified by this act, is repealed.

SECTION 3.5.(f) G.S 163-165.7(d), as recodified by this act, reads as rewritten:

"(d) **(Effective until January 1, 2018 or September 1, 2019 – see note)** Subject to the provisions of this Chapter, the State Board of Elections shall prescribe rules for the adoption, handling, operation, and honest use of certified voting systems, including all of the following:

(1) Procedures for county boards of elections to utilize when recommending the purchase of a certified voting system for use in that county.
(2) Form of official ballot labels to be used on voting systems.
(3) Operation and manner of voting on voting systems.
(4) Instruction of precinct officials in the use of voting systems.
(5) Instruction of voters in the use of voting systems.
(6) Assistance to voters using voting systems.
(7) Duties of custodians of voting systems.
(8) Examination and testing of voting systems in a public forum in the county before and after use in an election.
(9) Notwithstanding G.S. 132-1.2, procedures for the review and examination of any information placed in escrow by a vendor pursuant to G.S. 163-165.9A by only the following persons:
    a. State Board of Elections.
    b. Department of Information Technology.
    c. The State chairs of each political party recognized under G.S. 163-96.
    d. The purchasing county.

    Each person listed in sub-subdivisions a. through d. of this subdivision may designate up to three persons as that person's agents to review and examine the information. No person shall designate under this subdivision a business competitor of the vendor whose proprietary information is being reviewed and examined. For purposes of this review and examination, any designees under this subdivision and the State party chairs shall be treated as public officials under G.S. 132-2.
(10) With respect to electronic voting systems, procedures to maintain the integrity of both the electronic vote count and the paper record. Those procedures shall at a minimum include procedures to protect against the alteration of the paper record after a machine vote has been recorded and procedures to prevent removal by the voter from the voting enclosure of any paper record or copy of an individually voted ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper record.
(11) Compliance with section 301 of the Help America Vote Act of 2002.

~~Any rules adopted under this subsection shall be in conjunction with procedures and standards adopted under G.S. 163-182.1, are exempt from Chapter 150B of the General Statutes, and are subject to the same procedures for notice and publication set forth in G.S. 163-182.1.~~

(d) **(Effective January 1, 2018 or September 1, 2019 – see note)** Subject to the provisions of this Chapter, the State Board of Elections shall prescribe rules for the adoption, handling, operation, and honest use of certified voting systems, including all of the following:

(1) Procedures for county boards of elections to utilize when recommending the purchase of a certified voting system for use in that county.
(2) Form of official ballot labels to be used on voting systems.
(3) Operation and manner of voting on voting systems.
(4) Instruction of precinct officials in the use of voting systems.
(5) Instruction of voters in the use of voting systems.
(6) Assistance to voters using voting systems.
(7) Duties of custodians of voting systems.

(8) Examination and testing of voting systems in a public forum in the county before and after use in an election.

(9) Notwithstanding G.S. 132-1.2, procedures for the review and examination of any information placed in escrow by a vendor pursuant to G.S. 163-165.9A by only the following persons:

a. State Board of Elections.

b. Department of Information Technology.

c. The State chairs of each political party recognized under G.S. 163-96.

d. The purchasing county

Each person listed in sub-subdivisions a. through d. of this subdivision may designate up to three persons as that person's agents to review and examine the information. No person shall designate under this subdivision a business competitor of the vendor whose proprietary information is being reviewed and examined. For purposes of this review and examination, any designees under this subdivision and the State party chairs shall be treated as public officials under G.S. 132-2.

(10) With respect to electronic voting systems, procedures to maintain the integrity of both the electronic vote count and the paper ballot. Those procedures shall at a minimum include procedures to protect against the alteration of the paper ballot after a machine vote has been recorded and procedures to prevent removal by the voter from the voting enclosure of any individually voted paper ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper ballot.

(11) Compliance with section 301 of the Help America Vote Act of 2002.

~~Any rules adopted under this subsection shall be in conjunction with procedures and standards adopted under G.S. 163-182.1, are exempt from Chapter 150B of the General Statutes, and are subject to the same procedures for notice and publication set forth in G.S. 163-182.1.~~"

SECTION 3.5.(g) G.S. 163-258.30(a), as re-recodified by this act, reads as rewritten:

"(a) The State Board of Elections shall adopt rules and regulations to carry out the intent and purpose of G.S. 163-258.28 and G.S. 163-258.29 and to ensure that a proper list of persons voting under said sections shall be maintained by the boards of elections, and to ensure proper registration ~~records, and such rules and regulations shall not be subject to the provisions of Article 2A of Chapter 150B of the General Statutes.~~records."

SECTION 3.5.(h) G.S. 120C-101, as re-recodified by this act, is repealed.

SECTION 3.6. G.S. 163-278.6(8j), as re-recodified by this act, reads as rewritten:

"(8j) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone bank that has all the following characteristics:

More focus for disclosure

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted ~~after September 7 of that year, and in the case of any other election is aired or transmitted~~ within ~~60~~ 30 days of the ~~time set for absentee voting to begin pursuant to G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304 in an~~ election for that office.

law wasn't being enforced well

c. May be received by either:

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.

2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

SECTION 3.7. G.S. 120-2.4 reads as rewritten:

"**§ 120-2.4. Opportunity for General Assembly to remedy defects.**

(a) If the General Assembly enacts a plan apportioning or redistricting State legislative or congressional districts, in no event may a court impose its own substitute plan unless the court first gives the General Assembly a period of time to remedy any defects identified by the court in its findings of fact and conclusions of law. That period of time shall not be less than two ~~weeks.~~weeks, provided, however, that if the General Assembly is scheduled to convene legislative session within 45 days of the date of the court order that period of time shall not be less than two weeks from the convening of that legislative session.

(a1) In the event the General Assembly does not act to remedy any identified defects to its plan within that period of time, the court may impose an interim districting plan for use in the next general election only, but that interim districting plan may differ from the districting plan enacted by the General Assembly only to the extent necessary to remedy any defects identified by the court.

(b) Notwithstanding any other provision of law or authority of the Bipartisan State Board of Elections and Ethics Enforcement under Subchapter III of Chapter 163A of the General Statutes, the Bipartisan State Board of Elections and Ethics Enforcement shall have no authority to alter, amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or congressional districts other than a plan imposed by a court under this section or a plan enacted by the General Assembly."

SECTION 3.8. G.S. 163-231(a), as re-recodified by this act, reads as rewritten:

"(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(b1), the voter shall do all of the following:

(1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.

(2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.

(3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter's presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163-229(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

(5) Require those two persons in whose presence the voter marked that voter's ballots to sign the application and certificate as witnesses and to indicate those persons' addresses. Failure to list a ZIP code does not invalidate the application and certificate.

(6) Do one of the following:

a. Have the application notarized. The notary public may be the person in whose presence the voter marked that voter's ballot.

b. Have the two persons in whose presence the voter marked that voter's ballots to certify that the voter is the registered voter submitting the marked ballots.

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots."

SECTION 3.9. G.S. 163-228, as re-recodified by this act, reads as rewritten:

"**§ 163-228. Register of absentee requests, applications, and ballots issued; a public record.**

(a) The State Board of Elections shall approve an official register in which the county board of elections in each county of the State shall record the following information:

(1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.
(2) Number of assigned voter's application when issued.
(3) Precinct in which applicant is registered.
(4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163-227.2, a notation of that fact.
(5) Repealed by Session Laws 2009-537, s. 3, effective January 1, 2010, and applicable with respect to elections held on or after that date.
(6) Date request for application for ballots is received by the county board of elections.
(7) The voter's party affiliation.
(8) The date the ballots were mailed or delivered to the voter.
(9) Whatever additional information and official action may be required by this Article.

(b) The State Board of Elections may provide for the register to be kept by electronic data processing equipment, and a copy shall be printed out each business day or a supplement printed out each business day of new information.

(c) The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection.

(d) The State Board shall require the information in the official register provided for in this section and the list required by G.S. 163-232 to be transmitted to the State Board. The State Board shall adopt rules to implement this subsection, including frequency of transmittal."

SECTION 3.10.(a) G.S. 1-267.1 reads as rewritten:

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

...

(b) Whenever any person files in the Superior Court of Wake County any action challenging the validity of any act of the General Assembly that apportions or redistricts State legislative or congressional districts, a copy of the complaint shall be served upon the senior resident superior court judge of Wake County, who shall be the presiding judge of the three-judge panel required by subsection (a) of this section. Upon receipt of that complaint, the senior resident superior court judge of Wake County shall notify the Chief Justice, who shall appoint two additional resident superior court judges to the three-judge panel of the Superior Court of Wake County to hear and determine the action. Before making those appointments, the Chief Justice shall consult with the North Carolina Conference of Superior Court Judges, which shall provide the Chief Justice with a list of recommended appointments. To ensure that members of the three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint to

the three-judge panel one resident superior court judge from the First through ~~Fourth~~ Third Judicial Divisions and one resident superior court judge from the ~~Fifth~~ Fourth through ~~Eighth~~ Fifth Judicial Divisions. In order to ensure fairness, to avoid the appearance of impropriety, and to avoid political bias, no member of the panel, including the senior resident superior court judge of Wake County, may be a former member of the General Assembly. Should the senior resident superior court judge of Wake County be disqualified or otherwise unable to serve on the three-judge panel, the Chief Justice shall appoint another resident superior court judge of Wake County as the presiding judge of the three-judge panel. Should any other member of the three-judge panel be disqualified or otherwise unable to serve on the three-judge panel, the Chief Justice shall appoint as a replacement another resident superior court judge from the same group of judicial divisions as the resident superior court judge being replaced.

...

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

...."

SECTION 3.10.(b) This section becomes effective January 1, 2019.

SECTION 3.11.(a) G.S. 138A-10(a), as re-recodified by this act, reads as rewritten:

"**§ 138A-10. Powers and duties.**

(a) In addition to other powers and duties specified in this Chapter, the Commission shall:

...

(6a) Issue confidential recommendations to the State Board of Elections regarding the appropriateness of a criminal referral of campaign finance violations.

...."

SECTION 3.11.(b) Article 2 of Chapter 138A of the General Statutes, as re-recodified by this act, is amended by adding a new section to read:

"**§ 138A-13.5. Recommendations Regarding Criminal Referrals of Campaign Finance Violations.**

Upon request by the State Board of Elections, the Commission shall offer confidential recommendations regarding the appropriateness of a criminal referral for campaign finance violations. The Commission shall employ staff to conduct an investigation. The investigation and vote of the Commission on the recommendation shall be completed within 90 days of receipt of the request from the State Board of Elections."

SECTION 3.11.(c) G.S. 163-278.22, as re-recodified by this act, reads as rewritten:

"**§ 163-278.22. Duties of State Board.**

It shall be the duty and power of the State Board:

...

(7a) To request and receive confidential recommendations from the State Ethics Commission regarding the appropriateness of a criminal referral of campaign finance violations.

(8) After ~~investigation,~~ investigation and receipt of the confidential recommendations regarding the appropriateness of a criminal referral for campaign finance violations, to report apparent violations by candidates, political committees, referendum committees, legal expense funds, individuals or persons to the proper district attorney as provided in G.S. 163-278.27.

...."

SECTION 3.11.(d) G.S. 163-278.27, as re-recodified by this act, reads as rewritten:

"**§ 163-278.27. Criminal penalties; duty to report and prosecute.**

(a) Any individual, candidate, political committee, referendum committee, treasurer, person or media who intentionally violates the applicable provisions of G.S. 163-278.7, 163-278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.13, 163-278.13B, 163-278.14, 163-278.16, 163-278.16B, 163-278.17, 163-278.18, 163-278.19, 163-278.20, 163-278.39, 163-278.40A, 163-278.40B, 163-278.40C, 163-278.40D, 163-278.40E, or 163-278.40J is guilty of a Class 2 misdemeanor. The statute of limitations as stated in G.S. 15-1 shall run from the day the last report is due to be filed with the appropriate board of elections for the election cycle for which the violation occurred.

(a1) A violation of G.S. 163-278.32 by making a certification knowing the information to be untrue is a Class I felony.

(a2) A person or individual who intentionally violates G.S. 163-278.14(a) or G.S. 163-278.19(a) and the unlawful contributions total more than ten thousand dollars ($10,000) per election is guilty of a Class I felony.

(a3) The Board shall refer apparent violations under this section to the State Ethics Commission. The State Ethics Commission shall investigate and make confidential recommendations to the Board regarding the appropriateness of a criminal referral for those alleged violations, as provided in G.S. 138A-13.5. The Board shall not take action under subsection (b) of this section for 90 days after the referral to the State Ethics Commission.

(b) ~~Whenever~~ Following receipt and consideration of the confidential recommendation from the State Ethics Commission as provided in subsection (a3) of this section, if the Board has knowledge of or has reason to believe there has been a violation of any section of this Article, it shall report that fact, together with accompanying ~~details,~~details and a copy of the recommendation issued by the State Ethics Commission, to the following prosecuting authorities:

(1) In the case of a candidate for nomination or election to the State Senate or State House of Representatives: report to the district attorney of the prosecutorial district in which the candidate for nomination or election resides;

(2) In the case of a candidate for nomination or election to the office of Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, State Superintendent of Public Instruction, State Attorney General, State Commissioner of Agriculture, State Commissioner of Labor, State Commissioner of Insurance, and all other State elective offices, Justice of the Supreme Court, Judge of the Court of Appeals, judge of a superior court, judge of a district court, and district attorney of the superior court: report to the district attorney of the prosecutorial district in which Wake County is located;

(3) In the case of an individual other than a candidate, including, without limitation, violations by members of political committees, referendum committees or treasurers: report to the district attorney of the prosecutorial district in which the individual resides; and

(4) In the case of a person or any group of individuals: report to the district attorney or district attorneys of the prosecutorial district or districts in which

any of the officers, directors, agents, employees or members of the person or group reside.

(c) Upon receipt of such a report from the Board, the appropriate district attorney shall prosecute the individual or persons alleged to have violated a section or sections of this Article.

(d) As a condition of probation, a sentencing judge may order that the costs incurred by the State Board of Elections in investigating and aiding the prosecution of a case be paid to the State Board of Elections by the defendant on such terms and conditions as set by the judge."

SECTION 3.11.(e) This section is effective January 31, 2019, and applies to referrals of violations made on or after that date by the State Board of Elections to prosecuting authorities pursuant to G.S. 163-278.27, as re-recodified by this act and amended by this section.

PART IV. REPORT ON ABSENTEE BALLOT FRAUD INVESTIGATIONS

SECTION 4. By April 1, 2019, the State Board of Elections shall report and make recommendations to the Joint Legislative Elections and Ethics Oversight Committee on absentee ballot fraud. The report shall address all of the following:

(1) Efforts to identify and investigate instances of potential mail-in ballot harvesting.

(2) Data and statistics on the number of requests for mail-in absentee ballots, the number of returned mail-in absentee ballots for the past five election cycles, and any trends or patterns that appear analyzing those data and statistics.

(3) Any other related matter identified by the State Board impacting voting absentee ballot.

PART V. EFFECTIVE DATE

SECTION 5.1. Consistent with this act, when re-recodifying as directed under this act, the Revisor is authorized to change all references to the Bipartisan State Board of Elections and Ethics Enforcement to instead be references to the State Board of Elections, State Ethics Commission, or Secretary of State, as appropriate. The Revisor may modify statutory citations throughout the General Statutes, as appropriate, and may modify any references to statutory divisions, such as "Chapter," "Subchapter," "Article," "Part," "section," and "subsection"; adjust the order of lists of multiple statutes to maintain statutory order; correct terms and conform names and titles changed by this act; eliminate duplicative references to the State Boards that result from the changes authorized by this section; and make conforming changes to catch lines and references to catch lines. The Revisor may also adjust subject and verb agreement and the placement of conjunctions. The Revisor shall consult with the Bipartisan State Board of Elections and Ethics Enforcement, the State Board of Elections, the State Ethics Commission, and the Secretary of State, as appropriate, on this recodification.

SECTION 5.2.(a) Notwithstanding G.S. 163-19, 163-30, and 138A-7, as re-recodified by this act, appointments to the State Board of Elections, county boards of elections, and State Ethics Commission shall be made as soon as possible upon enactment of this act, and no further appointments shall be required in 2019, other than to fill vacancies as may occur. The requirements of G.S. 163-19(f)(5) shall not apply to any member of the Bipartisan State Board of Elections and Ethics Enforcement serving on the effective date of this act who is appointed to the State Board of Elections in 2019. In making appointments to the State Board of Elections and State Ethics Commission, any service on the Bipartisan State Board of Elections and Ethics Enforcement shall be considered service for purposes of consecutive terms.

SECTION 5.2.(b) Notwithstanding G.S. 163-27, the term of office of the Executive Director of the State Board of Elections shall begin upon appointment, which shall be made as soon as possible after the State Board of Elections' initial meeting, and expire in May 2021.

SECTION 5.3. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 1029
Committee Substitute Favorable 6/5/18
Committee Substitute #2 Favorable 6/7/18
Fourth Edition Engrossed 6/13/18
Proposed Conference Committee Substitute H1029-PCCS10546-BKf-4

Short Title: Bipartisan State Board Changes. (Public)

Sponsors:

Referred to:

May 30, 2018

A BILL TO BE ENTITLED

AN ACT TO RETURN THE ADMINISTRATIVE STRUCTURE OF ELECTIONS, ETHICS, AND LOBBYING TO THE 2016 STRUCTURE AND TO MAKE OTHER CHANGES TO THE ELECTIONS, ETHICS, AND LOBBYING LAWS.

The General Assembly of North Carolina enacts:

PART I. DELAY EFFECTIVE DATE PART I OF SB 824, 2017 REGULAR SESSION

SECTION 1. If Senate Bill 824, 2017 Regular Session, becomes law, then Part I of that act shall not apply to any new election ordered under G.S. 163A-1181 in a 2018 election contest.

PART II. ELECTIONS, ETHICS, AND LOBBYING

SECTION 2.1.(a) The Revisor of Statutes is authorized to re-recodify Chapter 163A of the General Statutes back into Chapters 163, 138A, and 120C of the General Statutes. In preparing the re-recodified chapters, the Revisor of Statutes shall revert the changes made by the Revisor pursuant to Section 3 of S.L. 2017-6, except that after consultation with the appropriate agency staff, the Revisor may separate subsections of statutory sections that existed in the former Chapters into new sections and, when necessary to organize relevant law into its proper place in the re-recodified chapters, may rearrange sentences that appeared within those subsections. The Revisor shall also incorporate into the re-recodified chapters all amendments to Chapters 163, 163A, 138A, and 120C that became effective on or after April 25, 2017, other than those made by S.L. 2017-6 or by Part VIII of S.L. 2018-2.

SECTION 2.1.(b) Sections 3 through 21 of S.L. 2017-6 are repealed.

SECTION 2.1.(c) Part VIII of S.L. 2018-2 is repealed.

SECTION 2.1.(d) G.S. 163A-2 is repealed.

SECTION 2.2.(a) G.S. 163-19, as re-recodified by this act, is rewritten to read:

"**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

(a) There is established the State Board of Elections, which may be referred to as the "State Board" in this Chapter.

(b) The State Board of Elections shall consist of five registered voters whose terms of office shall begin on May 1, 2019, and shall continue for four years, and until their successors are appointed and qualified. The Governor shall appoint the members of the State Board and likewise shall appoint their successors every four years at the expiration of each four-year term.

Not more than three members of the State Board shall be members of the same political party. The Governor shall appoint the members from a list of nominees submitted to the Governor by the State party chair of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board. Each party chair shall submit a list of four nominees who are affiliated with that political party. No person may serve more than two consecutive four-year terms.

(c) Any vacancy occurring in the State Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of three nominees submitted to the Governor by the State party chair of the political party that nominated the vacating member as provided in subsection (b) of this section. The three nominees must be affiliated with that political party.

(d) At the first meeting held after new appointments are made, the members of the State Board shall take the following oath:

"I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution of said State, and that I will well and truly execute the duties of the office of member of the State Board of Elections according to the best of my knowledge and ability, according to law, so help me God."

(e) After taking the prescribed oath, the State Board shall organize by electing one of its members chair and another secretary.

(f) No person shall be eligible to serve as a member of the State Board who:

(1) Holds any elective or appointive office under the government of the United States, the State of North Carolina, or any political subdivision thereof.
(2) Is a candidate for nomination or election to any office.
(3) Holds any office in a political party or organization.
(4) Is a campaign manager or treasurer of any candidate in a primary or election.
(5) Is currently an employee of the State, a community college, or a local school administrative unit.
(6) Within the 48 months prior to appointment, has held any of the following positions with an organization that has engaged in electioneering in those 48 months:
    a. Director, officer, or governing board member.
    b. Employee.
    c. Lobbyist registered under Chapter 120C of the General Statutes.
    d. Independent contractor.
    e. Legal counsel of record.

(g) No person while serving on the State Board shall:

(1) Make a reportable contribution to a candidate for a public office over which the State Board would have jurisdiction or authority.
(2) Register as a lobbyist under Chapter 120C of the General Statutes.
(3) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office.
(4) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the passage of one or more clearly identified referendum or ballot issue proposals.
(5) Solicit contributions for a candidate, political committee, or referendum committee.
(6) Serve as a member of any other State board, as defined in G.S. 138A-3."

SECTION 2.2.(b) G.S. 163-21, as re-recodified by this act, is rewritten to read:

"**§ 163-21. Compensation of Board members.**

Members of the State Board shall receive per diem, subsistence, and travel, as provided in G.S. 138-5 and G.S. 138-6."

SECTION 2.2.(c) G.S. 163-23, as re-recodified by this act, is rewritten to read:

"**§ 163-23. Powers of chair in execution of Board duties.**

In the performance of the duties enumerated in this Chapter, the Chair of the State Board shall have power to administer oaths, issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. Upon the written request or requests of two or more members of the State Board, the Chair shall issue subpoenas for designated witnesses or identified papers, books, records, and other evidence. In the absence of the Chair or upon the Chair's refusal to act, any two members of the State Board may issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. In the absence of the Chair or upon the Chair's refusal to act, any member of the State Board may administer oaths."

SECTION 2.2.(d) G.S. 163-26, as re-recodified by this act, is rewritten to read:

"**§ 163-26. Executive Director of State Board of Elections.**

There is hereby created the position of Executive Director of the State Board, who shall perform all duties imposed by statute and such duties as may be assigned by the State Board."

SECTION 2.2.(e) G.S. 163-27, as re-recodified by this act, is rewritten to read:

"**§ 163-27. Executive Director to be appointed by State Board.**

(a) The State Board shall appoint an Executive Director for a term of two years with compensation to be determined by the Office of State Human Resources.

(b) The Executive Director shall serve beginning May 15 after the first meeting held after new appointments to the State Board are made, unless removed for cause, until a successor is appointed.

(c) The Executive Director shall be responsible for staffing, administration, and execution of the State Board's decisions and orders and shall perform such other responsibilities as may be assigned by the State Board.

(d) The Executive Director shall be the chief State elections official."

SECTION 2.2.(f) G.S. 163-28, as re-recodified by this act, reads as rewritten:

"**§ 163-28. State Board of Elections independent agency.**

The State Board of Elections ~~shall be and remain an independent regulatory and quasi-judicial agency and~~ shall not be placed within any principal administrative department. The State Board shall exercise its statutory powers, duties, functions, and authority and shall have all powers and duties conferred upon the heads of principal departments under G.S. 143B-10."

SECTION 2.3.(a) G.S. 138A-6, as re-recodified by this act, is rewritten to read:

"**§ 138A-6. State Ethics Commission established.**

There is established the State Ethics Commission."

SECTION 2.3.(b) G.S. 138A-7, as re-recodified by this act, is rewritten to read:

"**§ 138A-7. Membership.**

(a) The Commission shall consist of eight members. Four members shall be appointed by the Governor, of whom no more than two shall be of the same political party. Four members shall be appointed by the General Assembly, two upon the recommendation of the Speaker of the House of Representatives, neither of whom shall be of the same political party, and two upon the recommendation of the President Pro Tempore of the Senate, neither of whom shall be of the same political party. Members shall serve for four-year terms, beginning January 1, 2019, except for the initial terms that shall be as follows:

(1) Two members appointed by the Governor shall serve an initial term of one year.

(2) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of two years.

(3) Two members appointed by the Governor shall serve initial terms of three years.

(4) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one member upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of four years.

(b) Members shall be removed from the Commission only for misfeasance, malfeasance, or nonfeasance. Members appointed by the Governor may be removed by the Governor. Members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be removed by the Governor upon the recommendation of the Speaker. Members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall be removed by the Governor upon the recommendation of the President Pro Tempore of the Senate.

(c) Vacancies in appointments made by the Governor shall be filled by the Governor for the remainder of any unfulfilled term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122 for the remainder of any unfulfilled term.

(d) No member while serving on the Commission or employee while employed by the Commission shall:

(1) Hold or be a candidate for any other office or place of trust or profit under the United States, the State, or a political subdivision of the State.

(2) Hold office in any political party above the precinct level.

(3) Participate in or contribute to the political campaign of any covered person or any candidate for a public office as a covered person over which the Commission would have jurisdiction or authority.

(4) Otherwise be an employee of the State, a community college, or a local school administrative unit, or serve as a member of any other State board.

(e) No individual is eligible to serve on the Commission who, within the 48 months prior to appointment, has held any of the following positions with an organization that has engaged in electioneering in those 48 months:

(1) Director, officer, or governing board member.

(2) Employee.

(3) Lobbyist registered under Chapter 120C of the General Statutes.

(4) Independent contractor.

(5) Legal counsel of record.

(f) The Governor shall annually appoint a member of the Commission to serve as chair of the Commission. The Commission shall elect a vice-chair annually from its membership. The vice-chair shall act as the chair in the chair's absence or if there is a vacancy in that position.

(g) Members of the Commission shall receive no compensation for service on the Commission but shall be reimbursed for subsistence, travel, and convention registration fees as provided under G.S. 138-5 or G.S. 138-7, as applicable.

(h) No individual may serve more than two consecutive four-year terms."

SECTION 2.3.(c) G.S. 138A-8, as re-recodified by this act, is rewritten to read:

"**§ 138A-8. Meetings and quorum.**

The Commission shall meet at least quarterly and at other times as called by its chair or by four of its members. In the case of a vacancy in the chair, meetings may be called by the vice-chair. Five members of the Commission constitute a quorum."

SECTION 2.3.(d) G.S. 138A-9, as re-recodified by this act, is rewritten to read:

"**§ 138A-9. Staff and offices.**

(a) The Commission may employ professional and clerical staff, including an executive director.

(b) The Commission shall be located within the Department of Administration for administrative purposes only, but shall exercise all of its powers, including the power to employ, direct, and supervise all personnel, independently of the Secretary of Administration, and is subject to the direction and supervision of the Secretary of Administration only with respect to the management functions of coordinating and reporting. The Department shall provide administrative support to the Commission free of charge."

SECTION 2.3.(e) G.S. 138A-12(r), as re-recodified by this act, is rewritten to read:

"(r) Subpoena Authority. – The Commission may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of alleged violations of this Chapter. The court shall authorize subpoenas under this subsection when the court determines the subpoenas are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any person or governmental unit covered by this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4."

SECTION 2.4.(a) The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the ethics compliance and enforcement functions of the Bipartisan State Board of Elections and Ethics Enforcement are transferred as a Type II transfer to the State Ethics Commission as re-recodified in this act. Specifically, the following positions shall be transferred: Administrative Assistant III (Position 60088563), Attorney Supervisor I (Position 60088564), Office Assistant V (Position 60088565), Administrative Assistant II (Position 60088566), Attorney II (Position 60088567), Administrative Assistant II (Position 60088568), Attorney II (Position 60088570), Disclosure Manager (Position 65012029), Compliance Analyst I (Position 65012032), and Compliance Analyst I (Position 65019901).

SECTION 2.4.(b) The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the lobbying registration and lobbying enforcement functions of the Bipartisan State Board of Elections and Ethics Enforcement are transferred as a Type I transfer to the Secretary of State as re-recodified in this act. Specifically, the following positions shall be transferred: Administrative Assistant II (Position 60088203), Administrative Assistant II (Position 60088204), Administrative Assistant II (Position 60088218), Attorney II (Position 60008800), and Administrative Specialist II (Position 60008803).

SECTION 2.4.(c) The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the elections and campaign finance functions of the Bipartisan State Board of Elections and Ethics Enforcement are transferred as a Type II transfer to the State Board of Elections as re-recodified in this act. Specifically, the following positions shall be transferred: Executive Director (Position 60088197), Elections Investigator (Position 60088201), Senior Elections Specialist (Position 60088207), Director of Election Operations (Position 60088209), Associate General Counsel, Elections (Position 60088211), Elections Support Technician (Position 60088212), Auditor (Position 60088199), Deputy Director/Chief Operating Officer (Position 60088200), Compliance and Disclosure Manager (Position 60088205), Elections Specialist (Position 60088206), Office Assistant III (Position 60088215), Business And Technology Applic Tech (Position 60088232), Auditor (Position 60088252), Auditor (Position 60088254), Elections Specialist III (Position 60088256), Elections Specialist III (Position 60088257), Chief Investigator (Position 60088259), Accounting and HR Specialist (Position 65005659), Auditor (Position 65005661), HR Director (Position 65005663), Senior

Elections Investigator (Position 65022162), Elections Investigator (Position 65022163), Elections Investigator (Position 65022164), Agency General Counsel (Position 60088198), Software Tester (Position 60088202), Elections Specialist I (Position 60088208), Disclosure Specialist (Position 60088213), Software Tester (Position 60088216), Auditor (Position 60088217), Information Technology Director (Position 60088219), Database Administrator (Position 60088220), Senior Business System Analyst (Position 60088221), Business And Technology Applic Tech (Position 60088222), Business And Technology Applic Tech (Position 60088223), Business And Technology Applic Tech (Position 60088224), Operations Analyst (Position 60088227), Senior Elections Specialist (Position 60088228), Elections Systems Specialist (Position 60088229), Business And Technology Applic Analyst (Position 60088233), Database Administrator (Position 60088234), Business And Technology Applic Analyst (Position 60088235), Systems Program Analyst (Position 60088237), Elections Systems Specialist (Position 60088239), Elections Systems Specialist (Position 60088240), Information Technology Manager (Position 60088241), Information Technology Manager (Position 60088242), GIS Specialist (Position 65005664), Elections Systems Specialist (Position 65005665), Software Lead Developer (Position 65021730), Systems/Programmer Analyst (Position 65021731), Public Information Officer (Position 65020532), Chief Learning Officer (Position 65020533), Elections Specialist I (Position 65020534), Elections Specialist I (Position 65020535), Elections Specialist I (Position 65020536), Deputy General Counsel (Position 65021570), Chief Data Officer (Position 65021571), Administrative Specialist II (Position 60008801), Administrative Specialist II (Position 60008802), Executive Assistant (Position 60008806), Attorney II (Position 60088571), Attorney II (Position 65005579), Compliance Analyst I (Position 65012030), Voting Systems Manager (Position 65019619), Advanced Data Analyst (Position 65027807), Advanced Data Analyst (Position 65027808), and Chief Information Security Officer (Position 65027809).

SECTION 2.4.(d) The Director of the Budget shall resolve any disputes arising out of the transfers provided for in this section.

SECTION 2.5.(a) Any previous assignment of duties of a quasi-legislative or quasi-judicial nature by the Governor or General Assembly to the agencies or functions transferred by this act shall have continued validity with the transfer under this act. Except as otherwise specifically provided in this act, each enumerated commission, board, or other function of State government transferred from the Bipartisan State Board of Elections and Ethics Enforcement, as created in S.L. 2017-6 and S.L. 2018-2, is a continuation of the former entity for purposes of succession to all the rights, powers, duties, and obligations of the former. Where the Bipartisan State Board of Elections and Ethics Enforcement is referred to by law, contract, or other document in lieu of the former entities, as re-recodified in this act, the former entity, as re-recodified by this act, is charged with exercising the functions of the former named entity.

SECTION 2.5.(b) No action or proceeding pending on January 31, 2019, brought by or against the Bipartisan State Board of Elections and Ethics Enforcement shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the Secretary of State regarding the lobbyist registration and lobbying enforcement of the Secretary of State, the State Board of Elections, or the State Ethics Commission, as re-recodified in this act. In these actions and proceedings, the former entity, as re-recodified by this act, as appropriate, shall be substituted as a party upon proper application to the courts or other administrative or quasi-judicial bodies.

Any business or other matter undertaken or commanded by any State program or office or contract transferred by this act to the former entity, as re-recodified by this act, pertaining to or connected with the functions, powers, obligations, and duties set forth herein, which is pending on January 31, 2019, may be conducted and completed by the former entity, as re-recodified by this act, in the same manner and under the same terms and conditions and with

the same effect as if conducted and completed by the Bipartisan State Board of Elections and Ethics Enforcement.

SECTION 2.5.(c) The reorganization provided for under this act shall not affect any ongoing investigation or audit. Any ongoing hearing or other proceeding before the Bipartisan State Board of Elections and Ethics Enforcement on January 31, 2019, shall be transferred to the former entity, as re-recodified by this act, on January 31, 2019. Prosecutions for offenses or violations committed before January 31, 2019, are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 2.5.(d) Rules adopted by the Bipartisan State Board of Elections and Ethics Enforcement shall remain in effect as provided in G.S. 150B-21.7. Policies, procedures, and guidance shall remain in effect until amended or repealed by the appropriate former entity, as re-recodified by this act. The list of covered boards adopted by the State Ethics Commission under G.S. 138A-11 as of December 31, 2016, as amended by the Bipartisan State Board of Elections and Ethics Enforcement, shall continue in effect until amended or repealed by the former entity, as re-recodified by this act.

SECTION 2.5.(e) Any evaluation of a statement of economic interest issued by the Bipartisan State Board of Elections and Ethics Enforcement pursuant to Article 6 of Chapter 163A of the General Statutes in 2017 or 2018 shall remain in effect until amended or repealed by the former entity, as re-recodified by this act.

SECTION 2.6. This Part becomes effective January 31, 2019.

PART III. CHANGES

SECTION 3.1.(a) G.S. 120C-100(a)(13) is repealed.

SECTION 3.1.(b) G.S. 120C-215 is repealed.

SECTION 3.1.(c) G.S. 120C-401(f) and (h), as re-recodified by this act, reads as rewritten:

"(f) Failure to file a required report in one of the manners prescribed in this section shall void any and all registrations of the ~~lobbyist, lobbyist principal, or solicitor.~~lobbyist or lobbyist principal. No ~~lobbyist, lobbyist principal, or solicitor~~lobbyist or lobbyist principal may register or reregister until full compliance with this section has occurred.

...

(h) The Secretary of State may adopt rules to facilitate complete and timely disclosure of required reporting, including additional categories of information, and to protect the addresses of payees under protective order issued pursuant to Chapter 50B of the General Statutes or participating in the Address Confidentiality Program pursuant to Chapter 15C of the General Statutes. The Secretary of State shall not impose any penalties or late filing fees upon a ~~lobbyist, lobbyist principal, or solicitor~~lobbyist or lobbyist principal for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide the required notification under subsection (e) of this section."

SECTION 3.1.(d) G.S. 120C-402(b)(2) is repealed.

SECTION 3.1.(e) G.S. 120C-403(b)(2) is repealed.

SECTION 3.1.(f) G.S. 120C-404 is repealed.

SECTION 3.2.(a) G.S. 138A-12(b), as re-recodified by this act, reads as rewritten:

"(b) Institution of Proceedings. -- On its own motion, in response to a signed and ~~sworn~~ sworn, under oath or affirmation, complaint of any ~~individual~~ registered voter filed with the State Board, or upon the written request of any public servant or those responsible for the hiring, appointing, or supervising of a public servant, the State Board shall conduct an inquiry into any of the following:

(1) The application or alleged violation of this Subchapter.

(2) For legislators, the application or alleged violations of Part 1 of Article 14 of Chapter 120 of the General Statutes.

(3) An alleged violation of the criminal law by a covered person in the performance of that individual's official duties.

(4) An alleged violation of G.S. 126-14.

Upon receipt of a referral under G.S. 147-64.6B or a report under G.S. 147-64.6(c)(19), the State Board may conduct an inquiry under this section on its own motion. Allegations of violations of the Code of Judicial Conduct shall be referred to the Judicial Standards Commission without investigation."

SECTION 3.2.(b) G.S. 163-278.22(7), as re-recodified by this act, reads as rewritten:

"(7) To make investigations to the extent the State Board deems necessary with respect to statements filed under the provisions of this Article and with respect to alleged failures to file any statement required under the provisions of this Article or Article 26 of ~~[of this Chapter]~~this Chapter of the General Statutes and, upon ~~complaint~~ complaint, signed and sworn under oath or affirmation, by any registered voter, with respect to alleged violations of any part of this Article or Article 26 ~~[this Chapter of]~~of this Chapter of the General Statutes. All investigations shall be confidential, and no investigation shall be initiated more than four years from the earliest of the following dates:

a. The facts constituting the violation are known to the State Board or county board with jurisdiction.

b. The facts constituting the violation can be determined from the public record.

c. The complainant knew or should have known of the conduct upon which the complaint is based."

SECTION 3.2.(c) G.S. 120-103.1(a) reads as rewritten:

"(a) Institution of Proceedings. – On its own motion, upon receipt by the Committee of a signed and ~~sworn~~ sworn, under oath or affirmation, allegation of unethical conduct by a ~~legislator,~~legislator from a registered voter or upon receipt of a referral of a complaint from the Bipartisan State Board of Elections and Ethics Enforcement under Articles 5, 6, 7, and 9 of Chapter 163A of the General Statutes, the Committee shall conduct an investigation into any of the following:

(1) The application or alleged violation of Articles 5, 6, 7, and 9 of Chapter 163A of the General Statutes and of this Article.

(2) Repealed by Session Laws 2007-348, s. 2, effective August 9, 2007.

(3) The alleged violation of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process."

SECTION 3.3.(a) G.S. 163-30, as re-recodified by this act, reads as rewritten:

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

(a) In every county of the State there shall be a county board of elections, to consist of ~~three~~ five persons of good moral character who are registered voters in the county in which they are to act. Members of county boards of elections shall be appointed by the State Board of Elections on the last Tuesday in ~~June 1985,~~June, and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. Four members of county boards of elections shall be appointed by the State Board on the last Tuesday in June and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. One member of the county boards of elections shall be appointed by the Governor to be the chair of the county board on the last Tuesday in June and every two years thereafter, and that member's term of office shall continue for two years from the specified date of appointment and until a successor is appointed and qualified. ~~Not~~Of the

appointments by the State Board, not more than two members of the county board of elections shall belong to the same political party.

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

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

(2) ~~No person who holds~~Holds any office in a state, congressional district, county or precinct political party or ~~organization,~~organization. Provided, however, that the position of delegate to a political party convention shall not be considered an office for the purpose of this subdivsion.

(3) ~~or who is~~Is a campaign manager or treasurer of any candidate or political party in a primary or ~~election,~~election. ~~shall be eligible to serve as a member of a county board of elections, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this section.~~

(4) ~~No person shall be eligible to serve as a member of a county board of elections who is~~ Is a candidate for nomination or election.

(5) ~~No person shall be eligible to serve as a member of a county board of elections who is~~Is the wife, husband, son, son in law, daughter, daughter in law, mother, mother in law, father, father in law, sister, sister in law, brother, brother in law, aunt, uncle, niece, or nephew of any candidate for nomination or election. Upon any member of the board of elections becoming ineligible, that member's seat shall be declared vacant. This ~~paragraph~~ subdivision only applies if the county board of elections is conducting the election for which the relative is a candidate.

(c) The State ~~chairman~~ chair of each political party shall have the right to recommend to the State Board ~~of Elections~~ three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the State Board 15 or more days before the last Tuesday in ~~June 1985,~~June 2019, and each two years thereafter, it shall be the duty of the State Board ~~of Elections~~ to appoint the county boards from the names thus recommended.

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

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

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

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

SECTION 3.3.(b) G.S. 163-31, as re-recodified by this act, reads as rewritten:

"**§ 163-31. Meetings of county boards of elections; quorum; minutes.**

(a) In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the third Monday in July in the year of their appointment ~~by the State Board of Elections~~ and, after taking the oath of office provided in G.S. 163-30, they shall organize by electing one member ~~chairman and another member~~ secretary of the county board of elections.

(b) On the Tuesday following the third Monday in August of the year in which they are appointed the county board of elections shall meet and appoint precinct chief judges and judges of elections.

(c) The board may hold other meetings at such times as the ~~chairman~~ chair of the board, or any ~~two~~ three members thereof, may direct, for the performance of duties prescribed by law.

(d) A majority of the members shall constitute a quorum for the transaction of board business. The ~~chairman~~ chair shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

(e) The county board of elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the director of elections to record and maintain the minutes under ~~his~~ the secretary's supervision."

SECTION 3.4.(a) G.S. 163-278.34(f), as re-recodified by this act, reads as rewritten:

"(f) ~~Notifying and Consulting With District Attorney.~~OAH Review. – ~~Before~~ After assessing a civil penalty under subsection (b) of this section or imposing a civil remedy under subsection (c) of this section, appeal of the decision of the State Board under this section shall ~~notify and consult with the district attorney who would be responsible under G.S. 163A-1445 for bringing a criminal prosecution concerning the violation.~~be in accordance with Article 3 of Chapter 150B of the General Statutes."

SECTION 3.4.(b) G.S. 150B-38(a)(6) is repealed.

SECTION 3.5.(a) G.S. 150B-1(c) and (d) read as rewritten:

"(c) Full Exemptions. – This Chapter applies to every agency except:

(1) The North Carolina National Guard in exercising its court-martial jurisdiction.

(2) The Department of Health and Human Services in exercising its authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the General Statutes.

(3) The Utilities Commission.

(4) Repealed by Session Laws 2011-287, s. 21(a), effective June 24, 2011, and applicable to rules adopted on or after that date.

(5) Repealed by Session Laws 2011-401, s. 1.10(a), effective November 1, 2011.

~~(6) The Bipartisan State Board of Elections and Ethics Enforcement in administering the HAVA Administrative Complaint Procedure of Part 4 of Article 17 of Chapter 163A of the General Statutes.~~

(7) The North Carolina State Lottery.

(8) [Expired June 30, 2012.]

(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

...

~~(16) The Bipartisan State Board of Elections and Ethics Enforcement with respect to Subchapter II of Chapter 163A of the General Statutes.~~

...."

SECTION 3.5.(b) G.S. 150B-2(8a) reads as rewritten:

"(8a) "Rule" means any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that

describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or repeal of a prior rule. The term does not include the following:

a. Statements concerning only the internal management of an agency or group of agencies within the same principal office or department enumerated in G.S. 143A-11 or 143B-6, including policies and procedures manuals, if the statement does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by the agency or group of agencies.

b. Budgets and budget policies and procedures issued by the Director of the Budget, by the head of a department, as defined by G.S. 143A-2 or G.S. 143B-3, by an occupational licensing board, as defined by ~~G.S. 93B-1, or by the Bipartisan State Board of Elections and Ethics Enforcement.~~G.S. 93B-1.

c. Nonbinding interpretative statements within the delegated authority of an agency that merely define, interpret, or explain the meaning of a statute or rule.

d. A form, the contents or substantive requirements of which are prescribed by rule or statute.

e. Statements of agency policy made in the context of another proceeding, including:

1. Declaratory rulings under G.S. 150B-4.
2. Orders establishing or fixing rates or tariffs.

f. Requirements, communicated to the public by the use of signs or symbols, concerning the use of public roads, bridges, ferries, buildings, or facilities.

g. Statements that set forth criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections; in settling financial disputes or negotiating financial arrangements; or in the defense, prosecution, or settlement of cases.

h. Scientific, architectural, or engineering standards, forms, or procedures, including design criteria and construction standards used to construct or maintain highways, bridges, or ferries.

i. Job classification standards, job qualifications, and salaries established for positions under the jurisdiction of the State Human Resources Commission.

j. Establishment of the interest rate that applies to tax assessments under G.S. 105-241.21.

k. The State Medical Facilities Plan, if the Plan has been prepared with public notice and hearing as provided in G.S. 131E-176(25), reviewed by the Commission for compliance with G.S. 131E-176(25), and approved by the Governor.

l. Standards adopted by the Department of Information Technology applied to information technology as defined by G.S. 147-33.81."

SECTION 3.5.(c) G.S 163-82.12, as recodified by this act, reads as rewritten:

"**§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.**

The State Board of Elections shall make all guidelines necessary to administer the statewide voter registration system established by this Article. All county boards of elections shall follow these guidelines and cooperate with the State Board of Elections in implementing guidelines. These guidelines shall include provisions for all of the following:

(1) Establishing, developing, and maintaining a computerized central voter registration file.
(2) Linking the central file through a network with computerized voter registration files in each of the counties.
(3) Interacting with the computerized drivers license records of the Division of Motor Vehicles and with the computerized records of other public agencies authorized to accept voter registration applications.
(4) Protecting and securing the data.
(5) Converting current voter registration records in the counties in computer files that can be used on the statewide computerized registration system.
(6) Enabling the statewide system to determine whether the voter identification information provided by an individual is valid.
(7) Enabling the statewide system to interact electronically with the Division of Motor Vehicles system to validate identification information.
(8) Enabling the Division of Motor Vehicles to provide real-time interface for the validation of the drivers license number and last four digits of the social security number.
(8b) Notifying voter-registration applicants whose drivers license or last four digits of social security number does not result in a validation, attempting to resolve the discrepancy, initiating investigations under G.S. 163-33(3) or challenges under Article 8 of this Chapter where warranted, and notifying any voters of the requirement under G.S. 163-166.12(b2) to present identification when voting.
(9) Enabling the statewide system to assign a unique identifier to each legally registered voter in the State.
(10) Enabling the State Board of Elections to assist the Division of Motor Vehicles in providing to the jury commission of each county, as required by G.S. 20-43.4, a list of all registered voters in the county and all persons in the county with drivers license records.

~~These guidelines shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the guidelines and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those guidelines shall be made available to the public upon request or otherwise by the State Board.~~"

SECTION 3.5.(d) G.S 163-91, as recodified by this act, reads as rewritten:

"**§ 163-91. Complaint procedure.**

(a) The State Board of Elections shall establish a complaint procedure as required by section 402 of Title IV of the Help America Vote Act of 2002 for the resolution of complaints alleging violations of Title III of that Act.

~~(b) With respect to the adoption of the complaint procedure under this section, the State Board of Elections is exempt from the requirements of Article 2A of Chapter 150B of the General Statutes. Prior to adoption or amendment of the complaint procedure under this section, the State Board of Elections shall complete all of the following:~~

~~(1) Publish the proposed plan in the North Carolina Register at least 30 days prior to the adoption of the final complaint procedure.~~
~~(2) Accept oral and written comments on the proposed complaint procedure.~~
~~(3) Hold at least one public hearing on the proposed complaint procedure.~~

~~(c) Hearings and final determinations of complaints filed under the procedure adopted pursuant to this section are not subject to Articles 3 and 4 of Chapter 150B of the General Statutes.~~"

SECTION 3.5.(e) G.S 163-132.5B, as recodified by this act, is repealed.

SECTION 3.5.(f) G.S 163-165.7(d), as recodified by this act, reads as rewritten:

"(d) **(Effective until January 1, 2018 or September 1, 2019 – see note)** Subject to the provisions of this Chapter, the State Board of Elections shall prescribe rules for the adoption, handling, operation, and honest use of certified voting systems, including all of the following:

(1) Procedures for county boards of elections to utilize when recommending the purchase of a certified voting system for use in that county.
(2) Form of official ballot labels to be used on voting systems.
(3) Operation and manner of voting on voting systems.
(4) Instruction of precinct officials in the use of voting systems.
(5) Instruction of voters in the use of voting systems.
(6) Assistance to voters using voting systems.
(7) Duties of custodians of voting systems.
(8) Examination and testing of voting systems in a public forum in the county before and after use in an election.
(9) Notwithstanding G.S. 132-1.2, procedures for the review and examination of any information placed in escrow by a vendor pursuant to G.S. 163-165.9A by only the following persons:
    a. State Board of Elections.
    b. Department of Information Technology.
    c. The State chairs of each political party recognized under G.S. 163-96.
    d. The purchasing county.

    Each person listed in sub-subdivisions a. through d. of this subdivision may designate up to three persons as that person's agents to review and examine the information. No person shall designate under this subdivision a business competitor of the vendor whose proprietary information is being reviewed and examined. For purposes of this review and examination, any designees under this subdivision and the State party chairs shall be treated as public officials under G.S. 132-2.
(10) With respect to electronic voting systems, procedures to maintain the integrity of both the electronic vote count and the paper record. Those procedures shall at a minimum include procedures to protect against the alteration of the paper record after a machine vote has been recorded and procedures to prevent removal by the voter from the voting enclosure of any paper record or copy of an individually voted ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper record.
(11) Compliance with section 301 of the Help America Vote Act of 2002.

~~Any rules adopted under this subsection shall be in conjunction with procedures and standards adopted under G.S. 163-182.1, are exempt from Chapter 150B of the General Statutes, and are subject to the same procedures for notice and publication set forth in G.S. 163-182.1.~~

(d) **(Effective January 1, 2018 or September 1, 2019 – see note)** Subject to the provisions of this Chapter, the State Board of Elections shall prescribe rules for the adoption, handling, operation, and honest use of certified voting systems, including all of the following:

(1) Procedures for county boards of elections to utilize when recommending the purchase of a certified voting system for use in that county.
(2) Form of official ballot labels to be used on voting systems.
(3) Operation and manner of voting on voting systems.
(4) Instruction of precinct officials in the use of voting systems.
(5) Instruction of voters in the use of voting systems.
(6) Assistance to voters using voting systems.
(7) Duties of custodians of voting systems.

(8) Examination and testing of voting systems in a public forum in the county before and after use in an election.

(9) Notwithstanding G.S. 132-1.2, procedures for the review and examination of any information placed in escrow by a vendor pursuant to G.S. 163-165.9A by only the following persons:

a. State Board of Elections.

b. Department of Information Technology.

c. The State chairs of each political party recognized under G.S. 163-96.

d. The purchasing county

Each person listed in sub-subdivisions a. through d. of this subdivision may designate up to three persons as that person's agents to review and examine the information. No person shall designate under this subdivision a business competitor of the vendor whose proprietary information is being reviewed and examined. For purposes of this review and examination, any designees under this subdivision and the State party chairs shall be treated as public officials under G.S. 132-2.

(10) With respect to electronic voting systems, procedures to maintain the integrity of both the electronic vote count and the paper ballot. Those procedures shall at a minimum include procedures to protect against the alteration of the paper ballot after a machine vote has been recorded and procedures to prevent removal by the voter from the voting enclosure of any individually voted paper ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper ballot.

(11) Compliance with section 301 of the Help America Vote Act of 2002.

~~Any rules adopted under this subsection shall be in conjunction with procedures and standards adopted under G.S. 163-182.1, are exempt from Chapter 150B of the General Statutes, and are subject to the same procedures for notice and publication set forth in G.S. 163-182.1.~~"

SECTION 3.5.(g) G.S. 163-258.30(a), as re-recodified by this act, reads as rewritten:

"(a) The State Board of Elections shall adopt rules and regulations to carry out the intent and purpose of G.S. 163-258.28 and G.S. 163-258.29 and to ensure that a proper list of persons voting under said sections shall be maintained by the boards of elections, and to ensure proper registration ~~records, and such rules and regulations shall not be subject to the provisions of Article 2A of Chapter 150B of the General Statutes.~~records."

SECTION 3.5.(h) G.S. 120C-101, as re-recodified by this act, is repealed.

SECTION 3.6. G.S. 163-278.6(8j), as re-recodified by this act, reads as rewritten:

"(8j) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted ~~after September 7 of that year, and in the case of any other election is aired or transmitted~~ within ~~60~~ 30 days of the ~~time set for absentee voting to begin pursuant to G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304 in an~~ election for that office.

c. May be received by either:

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.

2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

SECTION 3.7. G.S. 120-2.4 reads as rewritten:

"**§ 120-2.4. Opportunity for General Assembly to remedy defects.**

(a) If the General Assembly enacts a plan apportioning or redistricting State legislative or congressional districts, in no event may a court impose its own substitute plan unless the court first gives the General Assembly a period of time to remedy any defects identified by the court in its findings of fact and conclusions of law. That period of time shall not be less than two ~~weeks.~~weeks, provided, however, that if the General Assembly is scheduled to convene legislative session within 45 days of the date of the court order that period of time shall not be less than two weeks from the convening of that legislative session.

(a1) In the event the General Assembly does not act to remedy any identified defects to its plan within that period of time, the court may impose an interim districting plan for use in the next general election only, but that interim districting plan may differ from the districting plan enacted by the General Assembly only to the extent necessary to remedy any defects identified by the court.

(b) Notwithstanding any other provision of law or authority of the Bipartisan State Board of Elections and Ethics Enforcement under Subchapter III of Chapter 163A of the General Statutes, the Bipartisan State Board of Elections and Ethics Enforcement shall have no authority to alter, amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or congressional districts other than a plan imposed by a court under this section or a plan enacted by the General Assembly."

SECTION 3.8. G.S. 163-231(a), as re-recodified by this act, reads as rewritten:

"(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(b1), the voter shall do all of the following:

(1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.

(2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.

(3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter's presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163-229(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

(5) Require those two persons in whose presence the voter marked that voter's ballots to sign the application and certificate as witnesses and to indicate those persons' addresses. Failure to list a ZIP code does not invalidate the application and certificate.

(6) Do one of the following:

a. Have the application notarized. The notary public may be the person in whose presence the voter marked that voter's ballot.

b. Have the two persons in whose presence the voter marked that voter's ballots to certify that the voter is the registered voter submitting the marked ballots.

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots."

SECTION 3.9. G.S. 163-228, as re-recodified by this act, reads as rewritten:

"**§ 163-228. Register of absentee requests, applications, and ballots issued; a public record.**

(a) The State Board of Elections shall approve an official register in which the county board of elections in each county of the State shall record the following information:

(1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.
(2) Number of assigned voter's application when issued.
(3) Precinct in which applicant is registered.
(4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163-227.2, a notation of that fact.
(5) Repealed by Session Laws 2009-537, s. 3, effective January 1, 2010, and applicable with respect to elections held on or after that date.
(6) Date request for application for ballots is received by the county board of elections.
(7) The voter's party affiliation.
(8) The date the ballots were mailed or delivered to the voter.
(9) Whatever additional information and official action may be required by this Article.

(b) The State Board of Elections may provide for the register to be kept by electronic data processing equipment, and a copy shall be printed out each business day or a supplement printed out each business day of new information.

(c) The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection.

(d) The State Board shall require the information in the official register provided for in this section and the list required by G.S. 163-232 to be transmitted to the State Board. The State Board shall adopt rules to implement this subsection, including frequency of transmittal."

SECTION 3.10.(a) G.S. 1-267.1 reads as rewritten:

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

...

(b) Whenever any person files in the Superior Court of Wake County any action challenging the validity of any act of the General Assembly that apportions or redistricts State legislative or congressional districts, a copy of the complaint shall be served upon the senior resident superior court judge of Wake County, who shall be the presiding judge of the three-judge panel required by subsection (a) of this section. Upon receipt of that complaint, the senior resident superior court judge of Wake County shall notify the Chief Justice, who shall appoint two additional resident superior court judges to the three-judge panel of the Superior Court of Wake County to hear and determine the action. Before making those appointments, the Chief Justice shall consult with the North Carolina Conference of Superior Court Judges, which shall provide the Chief Justice with a list of recommended appointments. To ensure that members of the three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint to

the three-judge panel one resident superior court judge from the First through ~~Fourth~~ Third Judicial Divisions and one resident superior court judge from the ~~Fifth~~ Fourth through ~~Eighth~~ Fifth Judicial Divisions. In order to ensure fairness, to avoid the appearance of impropriety, and to avoid political bias, no member of the panel, including the senior resident superior court judge of Wake County, may be a former member of the General Assembly. Should the senior resident superior court judge of Wake County be disqualified or otherwise unable to serve on the three-judge panel, the Chief Justice shall appoint another resident superior court judge of Wake County as the presiding judge of the three-judge panel. Should any other member of the three-judge panel be disqualified or otherwise unable to serve on the three-judge panel, the Chief Justice shall appoint as a replacement another resident superior court judge from the same group of judicial divisions as the resident superior court judge being replaced.

...

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

...."

SECTION 3.10.(b) This section becomes effective January 1, 2019.

SECTION 3.11.(a) G.S. 138A-10(a), as re-recodified by this act, reads as rewritten:

"**§ 138A-10. Powers and duties.**

(a) In addition to other powers and duties specified in this Chapter, the Commission shall:

...

(6a) Issue confidential recommendations to the State Board of Elections regarding the appropriateness of a criminal referral of campaign finance violations.

...."

SECTION 3.11.(b) Article 2 of Chapter 138A of the General Statutes, as re-recodified by this act, is amended by adding a new section to read:

"**§ 138A-13.5. Recommendations Regarding Criminal Referrals of Campaign Finance Violations.**

Upon request by the State Board of Elections, the Commission shall offer confidential recommendations regarding the appropriateness of a criminal referral for campaign finance violations. The Commission shall employ staff to conduct an investigation. The investigation and vote of the Commission on the recommendation shall be completed within 90 days of receipt of the request from the State Board of Elections."

SECTION 3.11.(c) G.S. 163-278.22, as re-recodified by this act, reads as rewritten:

"**§ 163-278.22. Duties of State Board.**

It shall be the duty and power of the State Board:

...

(7a) To request and receive confidential recommendations from the State Ethics Commission regarding the appropriateness of a criminal referral of campaign finance violations.

(8) After ~~investigation,~~ investigation and receipt of the confidential recommendations regarding the appropriateness of a criminal referral for campaign finance violations, to report apparent violations by candidates, political committees, referendum committees, legal expense funds, individuals or persons to the proper district attorney as provided in G.S. 163-278.27.

...."

SECTION 3.11.(d) G.S. 163-278.27, as re-recodified by this act, reads as rewritten:

"**§ 163-278.27. Criminal penalties; duty to report and prosecute.**

(a) Any individual, candidate, political committee, referendum committee, treasurer, person or media who intentionally violates the applicable provisions of G.S. 163-278.7, 163-278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.13, 163-278.13B, 163-278.14, 163-278.16, 163-278.16B, 163-278.17, 163-278.18, 163-278.19, 163-278.20, 163-278.39, 163-278.40A, 163-278.40B, 163-278.40C, 163-278.40D, 163-278.40E, or 163-278.40J is guilty of a Class 2 misdemeanor. The statute of limitations as stated in G.S. 15-1 shall run from the day the last report is due to be filed with the appropriate board of elections for the election cycle for which the violation occurred.

(a1) A violation of G.S. 163-278.32 by making a certification knowing the information to be untrue is a Class I felony.

(a2) A person or individual who intentionally violates G.S. 163-278.14(a) or G.S. 163-278.19(a) and the unlawful contributions total more than ten thousand dollars ($10,000) per election is guilty of a Class I felony.

(a3) The Board shall refer apparent violations under this section to the State Ethics Commission. The State Ethics Commission shall investigate and make confidential recommendations to the Board regarding the appropriateness of a criminal referral for those alleged violations, as provided in G.S. 138A-13.5. The Board shall not take action under subsection (b) of this section for 90 days after the referral to the State Ethics Commission.

(b) ~~Whenever~~ Following receipt and consideration of the confidential recommendation from the State Ethics Commission as provided in subsection (a3) of this section, if the Board has knowledge of or has reason to believe there has been a violation of any section of this Article, it shall report that fact, together with accompanying ~~details,~~details and a copy of the recommendation issued by the State Ethics Commission, to the following prosecuting authorities:

(1) In the case of a candidate for nomination or election to the State Senate or State House of Representatives: report to the district attorney of the prosecutorial district in which the candidate for nomination or election resides;

(2) In the case of a candidate for nomination or election to the office of Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, State Superintendent of Public Instruction, State Attorney General, State Commissioner of Agriculture, State Commissioner of Labor, State Commissioner of Insurance, and all other State elective offices, Justice of the Supreme Court, Judge of the Court of Appeals, judge of a superior court, judge of a district court, and district attorney of the superior court: report to the district attorney of the prosecutorial district in which Wake County is located;

(3) In the case of an individual other than a candidate, including, without limitation, violations by members of political committees, referendum committees or treasurers: report to the district attorney of the prosecutorial district in which the individual resides; and

(4) In the case of a person or any group of individuals: report to the district attorney or district attorneys of the prosecutorial district or districts in which

any of the officers, directors, agents, employees or members of the person or group reside.

(c) Upon receipt of such a report from the Board, the appropriate district attorney shall prosecute the individual or persons alleged to have violated a section or sections of this Article.

(d) As a condition of probation, a sentencing judge may order that the costs incurred by the State Board of Elections in investigating and aiding the prosecution of a case be paid to the State Board of Elections by the defendant on such terms and conditions as set by the judge."

SECTION 3.11.(e) This section is effective January 31, 2019, and applies to referrals of violations made on or after that date by the State Board of Elections to prosecuting authorities pursuant to G.S. 163-278.27, as re-recodified by this act and amended by this section.

PART IV. REPORT ON ABSENTEE BALLOT FRAUD INVESTIGATIONS

SECTION 4. By April 1, 2019, the State Board of Elections shall report and make recommendations to the Joint Legislative Elections and Ethics Oversight Committee on absentee ballot fraud. The report shall address all of the following:

(1) Efforts to identify and investigate instances of potential mail-in ballot harvesting.

(2) Data and statistics on the number of requests for mail-in absentee ballots, the number of returned mail-in absentee ballots for the past five election cycles, and any trends or patterns that appear analyzing those data and statistics.

(3) Any other related matter identified by the State Board impacting voting absentee ballot.

PART V. EFFECTIVE DATE

SECTION 5.1. Consistent with this act, when re-recodifying as directed under this act, the Revisor is authorized to change all references to the Bipartisan State Board of Elections and Ethics Enforcement to instead be references to the State Board of Elections, State Ethics Commission, or Secretary of State, as appropriate. The Revisor may modify statutory citations throughout the General Statutes, as appropriate, and may modify any references to statutory divisions, such as "Chapter," "Subchapter," "Article," "Part," "section," and "subsection"; adjust the order of lists of multiple statutes to maintain statutory order; correct terms and conform names and titles changed by this act; eliminate duplicative references to the State Boards that result from the changes authorized by this section; and make conforming changes to catch lines and references to catch lines. The Revisor may also adjust subject and verb agreement and the placement of conjunctions. The Revisor shall consult with the Bipartisan State Board of Elections and Ethics Enforcement, the State Board of Elections, the State Ethics Commission, and the Secretary of State, as appropriate, on this recodification.

SECTION 5.2.(a) Notwithstanding G.S. 163-19, 163-30, and 138A-7, as re-recodified by this act, appointments to the State Board of Elections, county boards of elections, and State Ethics Commission shall be made as soon as possible upon enactment of this act, and no further appointments shall be required in 2019, other than to fill vacancies as may occur. The requirements of G.S. 163-19(f)(5) shall not apply to any member of the Bipartisan State Board of Elections and Ethics Enforcement serving on the effective date of this act who is appointed to the State Board of Elections in 2019. In making appointments to the State Board of Elections and State Ethics Commission, any service on the Bipartisan State Board of Elections and Ethics Enforcement shall be considered service for purposes of consecutive terms.

SECTION 5.2.(b) Notwithstanding G.S. 163-27, the term of office of the Executive Director of the State Board of Elections shall begin upon appointment, which shall be made as soon as possible after the State Board of Elections' initial meeting, and expire in May 2021.

SECTION 5.3. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 1029:
Bipartisan State Board Changes.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	December 11, 2018
Introduced by:	Reps. Torbett, Iler	**Prepared by:**	Brad Krehely, Jessica Sammons, and R. Erika Churchill Staff Attorneys
Analysis of:	Conference Committee Substitute (H1029-CCSST-10)		

OVERVIEW: The Conference Committee Substitute for House Bill 1029 requires a new primary if a new election is ordered in any election contest, returns the law to the 2016 structure for elections, ethics, and lobbying and makes other modification to the elections, ethics, and lobbying laws.

BILL ANALYSIS:

Part I. Require Primary for New Election

Section 1 provides that for any new general election ordered by the State Board of Elections, a primary for that election must be conducted. The State Board must determine when the primary is to be held and must take all other actions to conduct the primary.

Part II. Delay Effective Date for Part I of SB 824, 2017 Regular Session

Section 2 provides that if the Senate Bill 824- Implementation of Voter ID Const. Amendment becomes law, then the provisions dealing with photo identification for voting do not apply to any new election ordered in a 2018 election contest.

Part III. Elections, Ethics, and Lobbying. Part III returns the law to the 2016 structure for elections, ethics, and lobbying, subject to some modifications.

Section 3.1 gives the Revisor of Statutes authority to re-recodify Chapter 163A back into the former statutes governing the State Board of Elections, the State Ethics Commission, and the Secretary of State's authority over registrations and reporting by lobbyists and lobbyist principals. This section also repeals Sections 3-21 of S.L. 2017-6 and Part VIII of S.L. 2018-2 which were declared unconstitutional by the court.

Section 3.2 reestablishes the former State Board of Elections and deletes language providing that it is an independent regulatory and quasi-judicial agency.

Section 3.3 reestablishes the former State Ethics Commission.

Sections 3.4-3.5 outline the transfer of authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds from the Bipartisan State Board of Ethics and Elections Enforcements to (1) the State Ethics Commission for ethics compliance and enforcement functions, (2) the Secretary of State for lobbying registration and enforcement functions, and (3) to the State Board of Elections for elections and campaign finance functions. These sections ensure that the newly reenacted entities will have continuity with respect to pending actions, investigations, audits, and previously adopted rules.

This Part becomes effective January 31, 2019.

Part IV. Changes. Part IV makes changes to the elections, ethics, and lobbying laws.

Sections 4.1 eliminates the required registration and reporting for certain 'solicitors' under the lobbying laws.

Section 4.2 specifies that complaints before the State Ethics Commission and the Legislative Ethics Committee and complaints related to campaign finance matters, are signed and sworn under oath or affirmation to ensure that the filing of these complaints are subject to the penalty of perjury. Complaints before the State Ethics Commission and the Legislative Ethics Committee must be made by a registered voter. Complaints before the State Board of Elections must not be initiated more than four years from the earliest of the following dates: (1) the facts constituting the violation are known to the State Board or county board with jurisdiction, (2) the facts constituting the violation can be determined from the public record, and (3) the complainant knew or should have known of the conduct upon which the complaint is based.

Section 4.3 modifies the composition of county boards of elections to consist of five persons, with four members appointed by the State Board of Elections and one member appointed by the Governor who also serves as chair. It also provides that serving a delegate to a political party convention does not make someone ineligible to serve on a county board of elections and provides that any three members of a county board of elections may hold a meeting.

Section 4.4 removes a requirement that the State Board of Elections, before assessing a civil penalty, notify and consult with the district attorney who would be responsible for bringing a criminal prosecution for the violation. Instead, it provides that after the assessment of a civil penalty, an appeal of the decision of the State Board is to be made to the Office of Administrative Hearings as a contested case under the Administrative Procedure Act.

Section 4.5 removes exemptions from rulemaking for rules adopted by the State Board of Elections, the State Ethics Commission, and rules related to lobbying so that new rules will have to go through the rulemaking process.

Section 4.6 modifies the definition for "electioneering communications," to provide that the window of applicability is 30 days prior to the election, rather than after September 7 through the General Election in even-numbered years and 60 days prior to the time set for absentee balloting for all other elections.

Section 4.7 amends the statute which requires the court to allow the General Assembly to remedy districts in the redistricting of legislative or Congressional districts before the court imposes substitute plans. This section provides that the period of time for the General Assembly to remedy those defects must not be less than two weeks. However, if the General Assembly is scheduled to convene legislative session within 45 days of the date of the court order that period of time shall not be less than two weeks from the convening of that legislative session.

Section 4.8 amends the procedure for voting an absentee ballot to require the voter to do one of the following: (1) have the application notarized or (2) have the two persons in whose presence the voter marked that voter's ballot to certify that the voter is the registered voter submitting the marked ballots.

Section 4.9 provides that the State Board must require that the information from the register of absentee ballot requests and the certified list of executed absentee ballots be transmitted to the State Board. The State Board must adopt rules to implement this provision, including rules addressing the frequency of transmittal.

Section 4.10 does the following: S.L. 2018-121 reduced the number of judicial divisions from eight to five, effective January 1, 2019. G.S. 1-267.1, providing for a three-judge panel to hear certain constitutional challenges, specifically references the judicial divisions by number. This subsection updates that statute to reflect the reduction in the number of judicial divisions. This section becomes effective January 1, 2019.

Part V. Report on Absentee Ballot Fraud Investigations

Section 5 provides that the State Board of Elections must report and make recommendations on absentee ballot fraud to the Joint Legislative Elections and Ethics Oversight Committee by April 1, 2019. The report must identify instances of potential mail-in ballot harvesting and data on for mail-in absentee ballots for the past five election cycles.

Part VI. Effective date.

Section 6.1 authorizes the Revisor of Statutes to make nomenclature changes and modifications of citations to effectuate this act.

Section 6.2(a) provides that appointments to the State Board of Elections, county boards of elections, and the State Ethics Commission must be made as soon as possible and that no further appointments are required in 2019 except to fill vacancies that arise. It also provides that in making appointments to the State Board of Elections and State Ethics Commission, any service on the Bipartisan State Board of Elections and Ethics Enforcement is considered "service" for purposes of consecutive terms.

Section 6.2(b) provides that the term of office for the Executive Director of the State Board of Elections begins upon appointment and must be made as soon as possible after the State Board's initial meeting. This term of office expires in May 2021.

Section 6.3 provides that except as otherwise provided, the act is effective when it becomes law.

CURRENT LAW:

Status of the Ethics and Election Administration Prior to 2016

Prior to 2016, the State Ethics Commission (SEC) administered the State Government Ethics Act and Lobbying Laws, including providing ethics and lobbying guidance, through formal written advisory opinions and informal advice, and education to legislators, public servants, and legislative employees, and all persons affected by the lobbying laws.

The SEC:

- Consisted of eight members, four appointed by the Governor and four appointed by the General Assembly.
- Had to be registered voters in this State.
- No more than one half of the membership could be associated with the same political party.
- The Governor appointed the chair of the SEC annually.
- Served four year terms.
- Could be reappointed.

Prior to 2016, the State Board of Elections (SBE) administered elections and campaign finance and provided guidance, advice, and training for elections and campaign finance to the county boards of elections.

The SBE:

- Consisted of five members, all of whom were appointed by the Governor from a list of nominees submitted to the Governor by the State party chairman of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the SBE.
- Had to be registered voters in this State.
- No more than three members could be of the same political party.
- Elected its chair from its membership.
- Served four year terms.
- Could serve no more than two consecutive terms.

County boards of elections consisted of three registered voters of each county. No more than two members of the county board of elections could belong to the same political party.

The Secretary of State was responsible for registrations, reporting, and audits with respect to lobbyists and lobbyist principals in North Carolina.

Consolidation of the functions of elections, ethics, and lobbying

S.L. 2017-6 reorganized the State Board of Elections and the State Ethics Commission into the Bipartisan State Board of Ethics and Elections Enforcement (State Board). Under the 2017 law, the State Board was to consist of eight members appointed by the Governor, four from each of the two largest political parties. The members were to be selected from lists provided by the two largest State political parties. The Governor could remove members only for misfeasance, malfeasance, or nonfeasance.[1] The North Carolina Supreme Court found that this merger was a constitutional exercise of authority, but that the

[1] S.L. 2017-6 also repealed Part I of S.L. 2016-125, an earlier effort to merge the Board of Elections and the State Ethics Commission. A three judge panel found that structure to be unconstitutional. An appeal was dismissed as moot upon the passage of S.L. 2017-6.

provision relating to membership and appointment were unconstitutional. *Cooper v. Berger,* 370 N.C. 392, 809 S.E.2d 98 (2017).

S.L. 2018-2 amended the establishment of the State Board to provide that the State Board would consist of nine members, with the Governor appointing four members from each of the State's largest two political parties from lists provided by the two largest State political parties. The ninth member was not to be affiliated with either of the two largest State political parties, and was appointed by the Governor from a list of two nominees submitted by the other eight members of the State Board. The Governor had discretion to remove any member of the State Board. When challenged in court, a three-judge superior court permanently enjoined Sections 3-22 of S.L. 2017-6 and Part VII of S.L. 2018-2 in their entirety.

The Court suspended its injunction over portions of the law to allow the current State Board, composed of nine members, to continue its service during the November 2018 elections. The suspension of the injunction was to remain in place until the November 2018 elections are certified by the State Board. The Court has extended the stay until December 12, 2018 at noon.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 1029

Committee Substitute Favorable 6/5/18
Committee Substitute #2 Favorable 6/7/18
Fourth Edition Engrossed 6/13/18
Proposed Conference Committee Substitute H1029-CCSSTf-10 [v.5]
12/11/2018 03:06:38 PM

Short Title: Bipartisan State Board Changes. (Public)

Sponsors:

Referred to:

May 30, 2018

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A PRIMARY IF A NEW ELECTION IS ORDERED IN ANY ELECTION CONTEST; TO RETURN THE ADMINISTRATIVE STRUCTURE OF ELECTIONS, ETHICS, AND LOBBYING TO THE 2016 STRUCTURE; AND TO MAKE OTHER CHANGES TO THE ELECTIONS, ETHICS, AND LOBBYING LAWS.

The General Assembly of North Carolina enacts:

PART I. REQUIRE PRIMARY FOR NEW ELECTION

SECTION 1. G.S. 163-182.13 is amended by adding a new subsection to read:

"(g) Primary Required for a New Election. – For any new general election ordered under subsection (a) of this section, a primary for that election shall be conducted. The State Board shall determine when the primary shall be held, and shall set the schedule for publication of the notice, preparation of absentee official ballots, and the other actions necessary to conduct the primary." "We mirrored language to meet HR House vacancy requirements"
"intent as of last year..."

PART II. DELAY EFFECTIVE DATE PART I OF SB 824, 2017 REGULAR SESSION

SECTION 2. If Senate Bill 824, 2017 Regular Session, becomes law, then Part I of that act shall not apply to any new election ordered under G.S. 163A-1181 in a 2018 election contest.

PART III. ELECTIONS, ETHICS, AND LOBBYING

SECTION 3.1.(a) The Revisor of Statutes is authorized to re-recodify Chapter 163A of the General Statutes back into Chapters 163, 138A, and 120C of the General Statutes. In preparing the re-recodified chapters, the Revisor of Statutes shall revert the changes made by the Revisor pursuant to Section 3 of S.L. 2017-6, except that after consultation with the appropriate agency staff, the Revisor may separate subsections of statutory sections that existed in the former Chapters into new sections and, when necessary to organize relevant law into its proper place in the re-recodified chapters, may rearrange sentences that appeared within those subsections. The Revisor shall also incorporate into the re-recodified chapters all amendments to Chapters 163, 163A, 138A, and 120C that became effective on or after April 25, 2017, other than those made by S.L. 2017-6 or by Part VIII of S.L. 2018-2.

SECTION 3.1.(b) Sections 3 through 21 of S.L. 2017-6 are repealed.

SECTION 3.1.(c) Part VIII of S.L. 2018-2 is repealed.

SECTION 3.1.(d) G.S. 163A-2 is repealed.

SECTION 3.2.(a) G.S. 163-19, as re-recodified by this act, is rewritten to read:

"**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

(a) There is established the State Board of Elections, which may be referred to as the "State Board" in this Chapter.

(b) The State Board of Elections shall consist of five registered voters whose terms of office shall begin on May 1, 2019, and shall continue for four years, and until their successors are appointed and qualified. The Governor shall appoint the members of the State Board and likewise shall appoint their successors every four years at the expiration of each four-year term. Not more than three members of the State Board shall be members of the same political party. The Governor shall appoint the members from a list of nominees submitted to the Governor by the State party chair of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board. Each party chair shall submit a list of four nominees who are affiliated with that political party. No person may serve more than two consecutive four-year terms.

(c) Any vacancy occurring in the State Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of three nominees submitted to the Governor by the State party chair of the political party that nominated the vacating member as provided in subsection (b) of this section. The three nominees must be affiliated with that political party.

(d) At the first meeting held after new appointments are made, the members of the State Board shall take the following oath:

> "I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution of said State, and that I will well and truly execute the duties of the office of member of the State Board of Elections according to the best of my knowledge and ability, according to law, so help me, God."

(e) After taking the prescribed oath, the State Board shall organize by electing one of its members chair and another secretary.

(f) No person shall be eligible to serve as a member of the State Board who:

- (1) Holds any elective or appointive office under the government of the United States, the State of North Carolina, or any political subdivision thereof.
- (2) Is a candidate for nomination or election to any office.
- (3) Holds any office in a political party or organization.
- (4) Is a campaign manager or treasurer of any candidate in a primary or election.
- (5) Is currently an employee of the State, a community college, or a local school administrative unit. University employee? → "if considered state emp... "yes"
- (6) Within the 48 months prior to appointment, has held any of the following positions with an organization that has engaged in electioneering in those 48 months: - Contd
  - a. Director, officer, or governing board member.
  - b. Employee.
  - c. Lobbyist registered under Chapter 120C of the General Statutes.
  - d. Independent contractor.
  - e. Legal counsel of record.

Univ. are State employees

(g) No person while serving on the State Board shall:

Coaches?

(1) Make a reportable contribution to a candidate for a public office over which the State Board would have jurisdiction or authority.
(2) Register as a lobbyist under Chapter 120C of the General Statutes.
(3) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office.
(4) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the passage of one or more clearly identified referendum or ballot issue proposals.
(5) Solicit contributions for a candidate, political committee, or referendum committee.
(6) Serve as a member of any other State board, as defined in G.S. 138A-3."

SECTION 3.2.(b) G.S. 163-21, as re-recodified by this act, is rewritten to read:

"**§ 163-21. Compensation of Board members.**

Members of the State Board shall receive per diem, subsistence, and travel, as provided in G.S. 138-5 and G.S. 138-6."

SECTION 3.2.(c) G.S. 163-23, as re-recodified by this act, is rewritten to read:

"**§ 163-23. Powers of chair in execution of Board duties.**

In the performance of the duties enumerated in this Chapter, the Chair of the State Board shall have power to administer oaths, issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. Upon the written request or requests of two or more members of the State Board, the Chair shall issue subpoenas for designated witnesses or identified papers, books, records, and other evidence. In the absence of the Chair or upon the Chair's refusal to act, any two members of the State Board may issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. In the absence of the Chair or upon the Chair's refusal to act, any member of the State Board may administer oaths."

SECTION 3.2.(d) G.S. 163-26, as re-recodified by this act, is rewritten to read:

"**§ 163-26. Executive Director of State Board of Elections.**

There is hereby created the position of Executive Director of the State Board, who shall perform all duties imposed by statute and such duties as may be assigned by the State Board."

SECTION 3.2.(e) G.S. 163-27, as re-recodified by this act, is rewritten to read:

"**§ 163-27. Executive Director to be appointed by State Board.**

(a) The State Board shall appoint an Executive Director for a term of two years with compensation to be determined by the Office of State Human Resources.

(b) The Executive Director shall serve beginning May 15 after the first meeting held after new appointments to the State Board are made, unless removed for cause, until a successor is appointed.

(c) The Executive Director shall be responsible for staffing, administration, and execution of the State Board's decisions and orders and shall perform such other responsibilities as may be assigned by the State Board.

(d) The Executive Director shall be the chief State elections official."

SECTION 3.2.(f) G.S. 163-28, as re-recodified by this act, reads as rewritten:

"**§ 163-28. State Board of Elections independent agency.**

The State Board of Elections ~~shall be and remain an independent regulatory and quasi-judicial agency and~~ shall not be placed within any principal administrative department. The State Board shall exercise its statutory powers, duties, functions, and authority and shall have all powers and duties conferred upon the heads of principal departments under G.S. 143B-10."

SECTION 3.3.(a) G.S. 138A-6, as re-recodified by this act, is rewritten to read:

"**§ 138A-6. State Ethics Commission established.**

There is established the State Ethics Commission."

SECTION 3.3.(b) G.S. 138A-7, as re-recodified by this act, is rewritten to read:

"**§ 138A-7. Membership.**

(a) The Commission shall consist of eight members. Four members shall be appointed by the Governor, of whom no more than two shall be of the same political party. Four members shall be appointed by the General Assembly, two upon the recommendation of the Speaker of the House of Representatives, neither of whom shall be of the same political party, and two upon the recommendation of the President Pro Tempore of the Senate, neither of whom shall be of the same political party. Members shall serve for four-year terms, beginning January 1, 2019, except for the initial terms that shall be as follows:

(1) Two members appointed by the Governor shall serve an initial term of one year.

(2) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of two years.

(3) Two members appointed by the Governor shall serve initial terms of three years.

(4) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one member upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of four years.

(b) Members shall be removed from the Commission only for misfeasance, malfeasance, or nonfeasance. Members appointed by the Governor may be removed by the Governor. Members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be removed by the Governor upon the recommendation of the Speaker. Members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall be removed by the Governor upon the recommendation of the President Pro Tempore of the Senate.

(c) Vacancies in appointments made by the Governor shall be filled by the Governor for the remainder of any unfulfilled term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122 for the remainder of any unfulfilled term.

(d) No member while serving on the Commission or employee while employed by the Commission shall:

(1) Hold or be a candidate for any other office or place of trust or profit under the United States, the State, or a political subdivision of the State.

(2) Hold office in any political party above the precinct level.

(3) Participate in or contribute to the political campaign of any covered person or any candidate for a public office as a covered person over which the Commission would have jurisdiction or authority.

(4) Otherwise be an employee of the State, a community college, or a local school administrative unit, or serve as a member of any other State board.

(e) No individual is eligible to serve on the Commission who, within the 48 months prior to appointment, has held any of the following positions with an organization that has engaged in electioneering in those 48 months:

(1) Director, officer, or governing board member.

(2) Employee.

(3) Lobbyist registered under Chapter 120C of the General Statutes.

(4) Independent contractor.

(5) Legal counsel of record.

(f) The Governor shall annually appoint a member of the Commission to serve as chair of the Commission. The Commission shall elect a vice-chair annually from its membership. The vice-chair shall act as the chair in the chair's absence or if there is a vacancy in that position.

(g) Members of the Commission shall receive no compensation for service on the Commission but shall be reimbursed for subsistence, travel, and convention registration fees as provided under G.S. 138-5 or G.S. 138-7, as applicable.

(h) No individual may serve more than two consecutive four-year terms."

SECTION 3.3.(c) G.S. 138A-8, as re-recodified by this act, is rewritten to read:

"**§ 138A-8. Meetings and quorum.**

The Commission shall meet at least quarterly and at other times as called by its chair or by four of its members. In the case of a vacancy in the chair, meetings may be called by the vice-chair. Five members of the Commission constitute a quorum."

SECTION 3.3.(d) G.S. 138A-9, as re-recodified by this act, is rewritten to read:

"**§ 138A-9. Staff and offices.**

(a) The Commission may employ professional and clerical staff, including an executive director.

(b) The Commission shall be located within the Department of Administration for administrative purposes only, but shall exercise all of its powers, including the power to employ, direct, and supervise all personnel, independently of the Secretary of Administration, and is subject to the direction and supervision of the Secretary of Administration only with respect to the management functions of coordinating and reporting. The Department shall provide administrative support to the Commission free of charge."

SECTION 3.3.(e) G.S. 138A-12(r), as re-recodified by this act, is rewritten to read:

"(r) Subpoena Authority. – The Commission may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of alleged violations of this Chapter. The court shall authorize subpoenas under this subsection when the court determines the subpoenas are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any person or governmental unit covered by this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4."

SECTION 3.4. The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the ethics compliance and enforcement functions of the Bipartisan State Board of Elections and Ethics Enforcement are transferred as a Type II transfer to the State Ethics Commission as re-recodified in this act. The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the lobbying registration and lobbying enforcement functions of the Bipartisan State Board of Elections and Ethics Enforcement are transferred as a Type I transfer to the Secretary of State as re-recodified in this act. The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the elections and campaign finance functions of the Bipartisan State Board of Elections and Ethics Enforcement are transferred as a Type II transfer to the State Board of Elections as re-recodified in this act. The Director of the Budget shall resolve any disputes arising out of these transfers.

SECTION 3.5.(a) Any previous assignment of duties of a quasi-legislative or quasi-judicial nature by the Governor or General Assembly to the agencies or functions transferred by this act shall have continued validity with the transfer under this act. Except as otherwise specifically provided in this act, each enumerated commission, board, or other function of State government transferred from the Bipartisan State Board of Elections and Ethics

Enforcement, as created in S.L. 2017-6 and S.L. 2018-2, is a continuation of the former entity for purposes of succession to all the rights, powers, duties, and obligations of the former. Where the Bipartisan State Board of Elections and Ethics Enforcement is referred to by law, contract, or other document in lieu of the former entities, as re-recodified in this act, the former entity, as re-recodified by this act, is charged with exercising the functions of the former named entity.

SECTION 3.5.(b) No action or proceeding pending on January 31, 2019, brought by or against the Bipartisan State Board of Elections and Ethics Enforcement shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the Secretary of State regarding the lobbyist registration and lobbying enforcement of the Secretary of State, the State Board of Elections, or the State Ethics Commission, as re-recodified in this act. In these actions and proceedings, the former entity, as re-recodified by this act, as appropriate, shall be substituted as a party upon proper application to the courts or other administrative or quasi-judicial bodies.

Any business or other matter undertaken or commanded by any State program or office or contract transferred by this act to the former entity, as re-recodified by this act, pertaining to or connected with the functions, powers, obligations, and duties set forth herein, which is pending on January 31, 2019, may be conducted and completed by the former entity, as re-recodified by this act, in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the Bipartisan State Board of Elections and Ethics Enforcement.

SECTION 3.5.(c) The reorganization provided for under this act shall not affect any ongoing investigation or audit. Any ongoing hearing or other proceeding before the Bipartisan State Board of Elections and Ethics Enforcement on January 31, 2019, shall be transferred to the former entity, as re-recodified by this act, on January 31, 2019. Prosecutions for offenses or violations committed before January 31, 2019, are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 3.5.(d) Rules adopted by the Bipartisan State Board of Elections and Ethics Enforcement shall remain in effect as provided in G.S. 150B-21.7. Policies, procedures, and guidance shall remain in effect until amended or repealed by the appropriate former entity, as re-recodified by this act. The list of covered boards adopted by the State Ethics Commission under G.S. 138A-11 as of December 31, 2016, as amended by the Bipartisan State Board of Elections and Ethics Enforcement, shall continue in effect until amended or repealed by the former entity, as re-recodified by this act.

SECTION 3.5.(e) Any evaluation of a statement of economic interest issued by the Bipartisan State Board of Elections and Ethics Enforcement pursuant to Article 6 of Chapter 163A of the General Statutes in 2017 or 2018 shall remain in effect until amended or repealed by the former entity, as re-recodified by this act.

SECTION 3.6. This Part becomes effective January 31, 2019.

PART IV. CHANGES

SECTION 4.1.(a) G.S. 120C-100(a)(13) is repealed.

SECTION 4.1.(b) G.S. 120C-215 is repealed.

SECTION 4.1.(c) G.S. 120C-401(f) and (h), as re-recodified by this act, reads as rewritten:

"(f) Failure to file a required report in one of the manners prescribed in this section shall void any and all registrations of the ~~lobbyist, lobbyist principal, or solicitor.~~lobbyist or lobbyist principal. No ~~lobbyist, lobbyist principal, or solicitor~~lobbyist or lobbyist principal may register or reregister until full compliance with this section has occurred.

Not Attorney

...

(h) The Secretary of State may adopt rules to facilitate complete and timely disclosure of required reporting, including additional categories of information, and to protect the addresses of

payees under protective order issued pursuant to Chapter 50B of the General Statutes or participating in the Address Confidentiality Program pursuant to Chapter 15C of the General Statutes. The Secretary of State shall not impose any penalties or late filing fees upon a ~~lobbyist, lobbyist principal, or solicitor~~lobbyist or lobbyist principal for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide the required notification under subsection (e) of this section."

SECTION 4.1.(d) G.S. 120C-402(b)(2) is repealed.

SECTION 4.1.(e) G.S. 120C-403(b)(2) is repealed.

SECTION 4.1.(f) G.S. 120C-404 is repealed.

SECTION 4.2.(a) G.S. 138A-12(b), as re-recodified by this act, reads as rewritten:

"(b) Institution of Proceedings. – On its own motion, in response to a signed and ~~sworn~~ sworn, under oath or affirmation, complaint of any ~~individual~~ registered voter filed with the State Board, or upon the written request of any public servant or those responsible for the hiring, appointing, or supervising of a public servant, the State Board shall conduct an inquiry into any of the following:

(1) The application or alleged violation of this Subchapter.

(2) For legislators, the application or alleged violations of Part 1 of Article 14 of Chapter 120 of the General Statutes.

(3) An alleged violation of the criminal law by a covered person in the performance of that individual's official duties.

(4) An alleged violation of G.S. 126-14.

Upon receipt of a referral under G.S. 147-64.6B or a report under G.S. 147-64.6(c)(19), the State Board may conduct an inquiry under this section on its own motion. Allegations of violations of the Code of Judicial Conduct shall be referred to the Judicial Standards Commission without investigation."

SECTION 4.2.(b) G.S. 163-278.22(7), as re-recodified by this act, reads as rewritten:

"(7) To make investigations to the extent the State Board deems necessary with respect to statements filed under the provisions of this Article and with respect to alleged failures to file any statement required under the provisions of this Article or Article 26 of ~~[of this Chapter]~~this Chapter of the General Statutes and, upon ~~complaint~~ complaint, signed and sworn under oath or affirmation, by any registered voter, with respect to alleged violations of any part of this Article or Article 26 ~~[this Chapter of]~~of this Chapter of the General Statutes. All investigations shall be confidential, and no investigation shall be initiated more than four years from the earliest of the following dates:

a. The facts constituting the violation are known to the State Board or county board with jurisdiction.

b. The facts constituting the violation can be determined from the public record.

c. The complainant knew or should have known of the conduct upon which the complaint is based."

SECTION 4.2.(c) G.S. 120-103.1(a) reads as rewritten:

"(a) Institution of Proceedings. – On its own motion, upon receipt by the Committee of a signed and ~~sworn~~ sworn, under oath or affirmation, allegation of unethical conduct by a ~~legislator,~~legislator from a registered voter or upon receipt of a referral of a complaint from the Bipartisan State Board of Elections and Ethics Enforcement under Articles 5, 6, 7, and 9 of Chapter 163A of the General Statutes, the Committee shall conduct an investigation into any of the following:

(1) The application or alleged violation of Articles 5, 6, 7, and 9 of Chapter 163A of the General Statutes and of this Article.

(2) Repealed by Session Laws 2007-348, s. 2, effective August 9, 2007.

(3) The alleged violation of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process."

SECTION 4.3.(a) G.S. 163-30, as re-recodified by this act, reads as rewritten:

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

(a) In every county of the State there shall be a county board of elections, to consist of ~~three~~ five persons of good moral character who are registered voters in the county in which they are to act. Members of county boards of elections shall be appointed by the State Board of Elections on the last Tuesday in ~~June 1985,~~June, and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. In 2019, four members of county boards of elections shall be appointed by the State Board on the last Tuesday in June and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. In 2019, one member of the county boards of elections shall be appointed by the Governor to be the chair of the county board on the last Tuesday in June and every two years thereafter, and that member's term of office shall continue for two years from the specified date of appointment and until a successor is appointed and qualified. Of the appointments by the State Board, ~~Not~~not more than two members of the county board of elections shall belong to the same political party.

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

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

(2) ~~No person who holds~~Holds any office in a state, congressional district, county or precinct political party or ~~organization,~~organization. Provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this subdivsion.

(3) ~~or who is~~Is a campaign manager or treasurer of any candidate or political party in a primary or ~~election,~~election. ~~shall be eligible to serve as a member of a county board of elections, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this section.~~

(4) ~~No person shall be eligible to serve as a member of a county board of elections who is~~ Is a candidate for nomination or election.

(5) ~~No person shall be eligible to serve as a member of a county board of elections who is~~Is the wife, husband, son, son in law, daughter, daughter in law, mother, mother in law, father, father in law, sister, sister in law, brother, brother in law, aunt, uncle, niece, or nephew of any candidate for nomination or election. Upon any member of the board of elections becoming ineligible, that member's seat shall be declared vacant. This ~~paragraph~~ subdivision only applies if the county board of elections is conducting the election for which the relative is a candidate.

(c) The State ~~chairman~~ chair of each political party shall have the right to recommend to the State Board ~~of Elections~~ three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the State Board 15 or more days before the last Tuesday in ~~June 1985,~~June 2019, and each two years thereafter, it shall be the duty of the State Board ~~of Elections~~ to appoint the county boards from the names thus recommended.

(d) Whenever a vacancy occurs in the membership of a county board of elections for any cause the State ~~chairman~~ chair of the political party of the vacating member shall have the right

to recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board ~~of Elections~~ to fill the vacancy from the names thus recommended.

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

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

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

SECTION 4.3.(b) G.S. 163-31, as re-recodified by this act, reads as rewritten:

"**§ 163-31. Meetings of county boards of elections; quorum; minutes.**

(a) In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the third Monday in July in the year of their appointment ~~by the State Board of Elections~~ and, after taking the oath of office provided in G.S. 163-30, they shall organize by electing one member ~~chairman and another member~~ secretary of the county board of elections.

(b) On the Tuesday following the third Monday in August of the year in which they are appointed the county board of elections shall meet and appoint precinct chief judges and judges of elections.

(c) The board may hold other meetings at such times as the ~~chairman~~ chair of the board, or any ~~two~~ three members thereof, may direct, for the performance of duties prescribed by law.

(d) A majority of the members shall constitute a quorum for the transaction of board business. The ~~chairman~~ chair shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

(e) The county board of elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the director of elections to record and maintain the minutes under ~~his~~ the secretary's supervision."

SECTION 4.4.(a) G.S. 163-278.34(f), as re-recodified by this act, reads as rewritten:

"(f) ~~Notifying and Consulting With District Attorney.~~OAH Review. – ~~Before~~ After assessing a civil penalty under subsection (b) of this section or imposing a civil remedy under subsection (c) of this section, appeal of the decision of the State Board under this section shall ~~notify and consult with the district attorney who would be responsible under G.S. 163A-1445 for bringing a criminal prosecution concerning the violation.~~be in accordance with Article 3 of Chapter 150B of the General Statutes."

SECTION 4.4.(b) G.S. 150B-38(a)(6) is repealed.

SECTION 4.5.(a) G.S. 150B-1(c) and (d) read as rewritten:

"(c) Full Exemptions. – This Chapter applies to every agency except:

(1) The North Carolina National Guard in exercising its court-martial jurisdiction.

(2) The Department of Health and Human Services in exercising its authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the General Statutes.

(3) The Utilities Commission.

(4) Repealed by Session Laws 2011-287, s. 21(a), effective June 24, 2011, and applicable to rules adopted on or after that date.
(5) Repealed by Session Laws 2011-401, s. 1.10(a), effective November 1, 2011.
~~(6) The Bipartisan State Board of Elections and Ethics Enforcement in administering the HAVA Administrative Complaint Procedure of Part 4 of Article 17 of Chapter 163A of the General Statutes.~~
(7) The North Carolina State Lottery.
(8) [Expired June 30, 2012.]

(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

...

~~(16) The Bipartisan State Board of Elections and Ethics Enforcement with respect to Subchapter II of Chapter 163A of the General Statutes.~~

...."

SECTION 4.5.(b) G.S. 150B-2(8a) reads as rewritten:

"(8a) "Rule" means any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or repeal of a prior rule. The term does not include the following:

a. Statements concerning only the internal management of an agency or group of agencies within the same principal office or department enumerated in G.S. 143A-11 or 143B-6, including policies and procedures manuals, if the statement does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by the agency or group of agencies.
b. Budgets and budget policies and procedures issued by the Director of the Budget, by the head of a department, as defined by G.S. 143A-2 or G.S. 143B-3, by an occupational licensing board, as defined by ~~G.S. 93B-1, or by the Bipartisan State Board of Elections and Ethics Enforcement.~~G.S. 93B-1.
c. Nonbinding interpretative statements within the delegated authority of an agency that merely define, interpret, or explain the meaning of a statute or rule.
d. A form, the contents or substantive requirements of which are prescribed by rule or statute.
e. Statements of agency policy made in the context of another proceeding, including:
1. Declaratory rulings under G.S. 150B-4.
2. Orders establishing or fixing rates or tariffs.
f. Requirements, communicated to the public by the use of signs or symbols, concerning the use of public roads, bridges, ferries, buildings, or facilities.
g. Statements that set forth criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections; in settling financial disputes or negotiating financial arrangements; or in the defense, prosecution, or settlement of cases.
h. Scientific, architectural, or engineering standards, forms, or procedures, including design criteria and construction standards used to construct or maintain highways, bridges, or ferries.

i. Job classification standards, job qualifications, and salaries established for positions under the jurisdiction of the State Human Resources Commission.

j. Establishment of the interest rate that applies to tax assessments under G.S. 105-241.21.

k. The State Medical Facilities Plan, if the Plan has been prepared with public notice and hearing as provided in G.S. 131E-176(25), reviewed by the Commission for compliance with G.S. 131E-176(25), and approved by the Governor.

l. Standards adopted by the Department of Information Technology applied to information technology as defined by G.S. 147-33.81."

SECTION 4.5.(c) G.S 163-82.12, as recodified by this act, reads as rewritten:

"**§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.**

The State Board of Elections shall make all guidelines necessary to administer the statewide voter registration system established by this Article. All county boards of elections shall follow these guidelines and cooperate with the State Board of Elections in implementing guidelines. These guidelines shall include provisions for all of the following:

(1) Establishing, developing, and maintaining a computerized central voter registration file.

(2) Linking the central file through a network with computerized voter registration files in each of the counties.

(3) Interacting with the computerized drivers license records of the Division of Motor Vehicles and with the computerized records of other public agencies authorized to accept voter registration applications.

(4) Protecting and securing the data.

(5) Converting current voter registration records in the counties in computer files that can be used on the statewide computerized registration system.

(6) Enabling the statewide system to determine whether the voter identification information provided by an individual is valid.

(7) Enabling the statewide system to interact electronically with the Division of Motor Vehicles system to validate identification information.

(8) Enabling the Division of Motor Vehicles to provide real-time interface for the validation of the drivers license number and last four digits of the social security number.

(8b) Notifying voter-registration applicants whose drivers license or last four digits of social security number does not result in a validation, attempting to resolve the discrepancy, initiating investigations under G.S. 163-33(3) or challenges under Article 8 of this Chapter where warranted, and notifying any voters of the requirement under G.S. 163-166.12(b2) to present identification when voting.

(9) Enabling the statewide system to assign a unique identifier to each legally registered voter in the State.

(10) Enabling the State Board of Elections to assist the Division of Motor Vehicles in providing to the jury commission of each county, as required by G.S. 20-43.4, a list of all registered voters in the county and all persons in the county with drivers license records.

~~These guidelines shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the guidelines and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those guidelines shall be made available to the public upon request or otherwise by the State Board.~~"

SECTION 4.5.(d) G.S 163-91, as recodified by this act, reads as rewritten:

"**§ 163-91. Complaint procedure.**

(a) The State Board of Elections shall establish a complaint procedure as required by section 402 of Title IV of the Help America Vote Act of 2002 for the resolution of complaints alleging violations of Title III of that Act.

~~(b) With respect to the adoption of the complaint procedure under this section, the State Board of Elections is exempt from the requirements of Article 2A of Chapter 150B of the General Statutes. Prior to adoption or amendment of the complaint procedure under this section, the State Board of Elections shall complete all of the following:~~

~~(1) Publish the proposed plan in the North Carolina Register at least 30 days prior to the adoption of the final complaint procedure.~~

~~(2) Accept oral and written comments on the proposed complaint procedure.~~

~~(3) Hold at least one public hearing on the proposed complaint procedure.~~

~~(c) Hearings and final determinations of complaints filed under the procedure adopted pursuant to this section are not subject to Articles 3 and 4 of Chapter 150B of the General Statutes.~~"

SECTION 4.5.(e) G.S 163-132.5B, as recodified by this act, is repealed.

SECTION 4.5.(f) G.S 163-165.7(d), as recodified by this act, reads as rewritten:

"(d) **(Effective until January 1, 2018 or September 1, 2019 – see note)** Subject to the provisions of this Chapter, the State Board of Elections shall prescribe rules for the adoption, handling, operation, and honest use of certified voting systems, including all of the following:

(1) Procedures for county boards of elections to utilize when recommending the purchase of a certified voting system for use in that county.
(2) Form of official ballot labels to be used on voting systems.
(3) Operation and manner of voting on voting systems.
(4) Instruction of precinct officials in the use of voting systems.
(5) Instruction of voters in the use of voting systems.
(6) Assistance to voters using voting systems.
(7) Duties of custodians of voting systems.
(8) Examination and testing of voting systems in a public forum in the county before and after use in an election.
(9) Notwithstanding G.S. 132-1.2, procedures for the review and examination of any information placed in escrow by a vendor pursuant to G.S. 163-165.9A by only the following persons:
    a. State Board of Elections.
    b. Department of Information Technology.
    c. The State chairs of each political party recognized under G.S. 163-96.
    d. The purchasing county.

    Each person listed in sub-subdivisions a. through d. of this subdivision may designate up to three persons as that person's agents to review and examine the information. No person shall designate under this subdivision a business competitor of the vendor whose proprietary information is being reviewed and examined. For purposes of this review and examination, any designees under this subdivision and the State party chairs shall be treated as public officials under G.S. 132-2.
(10) With respect to electronic voting systems, procedures to maintain the integrity of both the electronic vote count and the paper record. Those procedures shall at a minimum include procedures to protect against the alteration of the paper record after a machine vote has been recorded and procedures to prevent removal by the voter from the voting enclosure of any paper record or copy of an individually voted ballot or of any other device or item whose removal

from the voting enclosure could permit compromise of the integrity of either the machine count or the paper record.

(11) Compliance with section 301 of the Help America Vote Act of 2002.

~~Any rules adopted under this subsection shall be in conjunction with procedures and standards adopted under G.S. 163-182.1, are exempt from Chapter 150B of the General Statutes, and are subject to the same procedures for notice and publication set forth in G.S. 163-182.1.~~

(d) **(Effective January 1, 2018 or September 1, 2019 – see note)** Subject to the provisions of this Chapter, the State Board of Elections shall prescribe rules for the adoption, handling, operation, and honest use of certified voting systems, including all of the following:

(1) Procedures for county boards of elections to utilize when recommending the purchase of a certified voting system for use in that county.

(2) Form of official ballot labels to be used on voting systems.

(3) Operation and manner of voting on voting systems.

(4) Instruction of precinct officials in the use of voting systems.

(5) Instruction of voters in the use of voting systems.

(6) Assistance to voters using voting systems.

(7) Duties of custodians of voting systems.

(8) Examination and testing of voting systems in a public forum in the county before and after use in an election.

(9) Notwithstanding G.S. 132-1.2, procedures for the review and examination of any information placed in escrow by a vendor pursuant to G.S. 163-165.9A by only the following persons:

a. State Board of Elections.

b. Department of Information Technology.

c. The State chairs of each political party recognized under G.S. 163-96.

d. The purchasing county

Each person listed in sub-subdivisions a. through d. of this subdivision may designate up to three persons as that person's agents to review and examine the information. No person shall designate under this subdivision a business competitor of the vendor whose proprietary information is being reviewed and examined. For purposes of this review and examination, any designees under this subdivision and the State party chairs shall be treated as public officials under G.S. 132-2.

(10) With respect to electronic voting systems, procedures to maintain the integrity of both the electronic vote count and the paper ballot. Those procedures shall at a minimum include procedures to protect against the alteration of the paper ballot after a machine vote has been recorded and procedures to prevent removal by the voter from the voting enclosure of any individually voted paper ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper ballot.

(11) Compliance with section 301 of the Help America Vote Act of 2002.

~~Any rules adopted under this subsection shall be in conjunction with procedures and standards adopted under G.S. 163-182.1, are exempt from Chapter 150B of the General Statutes, and are subject to the same procedures for notice and publication set forth in G.S. 163-182.1.~~"

SECTION 4.5.(g) G.S 163-258.30(a), as re-recodified by this act, reads as rewritten:

"(a) The State Board of Elections shall adopt rules and regulations to carry out the intent and purpose of G.S. 163-258.28 and G.S. 163-258.29 and to ensure that a proper list of persons voting under said sections shall be maintained by the boards of elections, and to ensure proper registration ~~records, and such rules and regulations shall not be subject to the provisions of Article 2A of Chapter 150B of the General Statutes.~~records."

SECTION 4.5.(h) G.S 120C-101, as re-recodified by this act, is repealed.

SECTION 4.6. G.S. 163-278.6(8j), as re-recodified by this act, reads as rewritten:

"(8j) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted ~~after September 7 of that year, and in the case of any other election is aired or transmitted~~ within ~~60~~ 30 days of the ~~time set for absentee voting to begin pursuant to G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304 in an~~ election for that office.

c. May be received by either:

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.

2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

SECTION 4.7. G.S. 120-2.4 reads as rewritten:

"**§ 120-2.4. Opportunity for General Assembly to remedy defects.**

(a) If the General Assembly enacts a plan apportioning or redistricting State legislative or congressional districts, in no event may a court impose its own substitute plan unless the court first gives the General Assembly a period of time to remedy any defects identified by the court in its findings of fact and conclusions of law. That period of time shall not be less than two ~~weeks.~~ weeks, provided however that if the General Assembly is scheduled to convene legislative session within 45 days of the date of the court order that period of time shall not be less than two weeks from the convening of that legislative session.

(a1) In the event the General Assembly does not act to remedy any identified defects to its plan within that period of time, the court may impose an interim districting plan for use in the next general election only, but that interim districting plan may differ from the districting plan enacted by the General Assembly only to the extent necessary to remedy any defects identified by the court.

(b) Notwithstanding any other provision of law or authority of the Bipartisan State Board of Elections and Ethics Enforcement under Subchapter III of Chapter 163A of the General Statutes, the Bipartisan State Board of Elections and Ethics Enforcement shall have no authority to alter, amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or congressional districts other than a plan imposed by a court under this section or a plan enacted by the General Assembly."

SECTION 4.8. G.S. 163-231(a), as re-recodified by this act, reads as rewritten:

"(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(b1), the voter shall do all of the following:

(1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.

(2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.

(3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter's presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163-229(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

(5) Require those two persons in whose presence the voter marked that voter's ballots to sign the application and certificate as witnesses and to indicate those persons' addresses. Failure to list a ZIP code does not invalidate the application and certificate.

(6) Do one of the following:

a. Have the application notarized. The notary public may be the person in whose presence the voter marked that voter's ballot.

b. Have the two persons in whose presence the voter marked that voter's ballots to certify that the voter is the registered voter submitting the marked ballots.

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots."

SECTION 4.9. G.S. 163-228, as re-recodified by this act, reads as rewritten:

"**§ 163-228. Register of absentee requests, applications, and ballots issued; a public record.**

(a) The State Board of Elections shall approve an official register in which the county board of elections in each county of the State shall record the following information:

(1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.

(2) Number of assigned voter's application when issued.

(3) Precinct in which applicant is registered.

(4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163-227.2, a notation of that fact.

(5) Repealed by Session Laws 2009-537, s. 3, effective January 1, 2010, and applicable with respect to elections held on or after that date.

(6) Date request for application for ballots is received by the county board of elections.

(7) The voter's party affiliation.

(8) The date the ballots were mailed or delivered to the voter.

(9) Whatever additional information and official action may be required by this Article.

(b) The State Board of Elections may provide for the register to be kept by electronic data processing equipment, and a copy shall be printed out each business day or a supplement printed out each business day of new information.

(c) The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection.

(d) The State Board shall require the information in the official register provided for in this section and the list required by G.S. 163-232 to be transmitted to the State Board. The State Board shall adopt rules to implement this subsection, including frequency of transmittal."

SECTION 4.10.(a) G.S. 1-267.1 reads as rewritten:

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

...

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

...

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

...."

SECTION 4.10.(b) This section becomes effective January 1, 2019.

SECTION 4.11.(a) G.S. 138A-10(a), as re-recodified by this act, reads as rewritten:

"**§ 138A-10. Powers and duties.**

(a) In addition to other powers and duties specified in this Chapter, the Commission shall:

...

(6a) Issue confidential recommendations to the State Board of Elections regarding the appropriateness of a criminal referral of campaign finance violations.

...."

SECTION 4.11.(b) Article 2 of Chapter 138A of the General Statutes, as re-recodified by this act, is amended by adding a new section to read:

"§ 138A-13.5. Recommendations Regarding Criminal Referrals of Campaign Finance Violations.

Upon request by the State Board of Elections, the Commission shall offer confidential recommendations regarding the appropriateness of a criminal referral for campaign finance violations. The Commission shall employ staff to conduct an investigation. The investigation and vote of the Commission on the recommendation shall be completed within 90 days of receipt of the request from the State Board of Elections."

SECTION 4.11.(c) G.S. 163-278.22, as re-recodified by this act, reads as rewritten:

"§ 163-278.22. Duties of State Board.

It shall be the duty and power of the State Board:

...

(7a) To request and receive confidential recommendations from the State Ethics Commission regarding the appropriateness of a criminal referral of campaign finance violations.

(8) After ~~investigation,~~ investigation and receipt of the confidential recommendations regarding the appropriateness of a criminal referral for campaign finance violations, to report apparent violations by candidates, political committees, referendum committees, legal expense funds, individuals or persons to the proper district attorney as provided in G.S. 163-278.27.

...."

SECTION 4.11.(d) G.S. 163-278.27, as re-recodified by this act, reads as rewritten:

"§ 163-278.27. Criminal penalties; duty to report and prosecute.

(a) Any individual, candidate, political committee, referendum committee, treasurer, person or media who intentionally violates the applicable provisions of G.S. 163-278.7, 163-278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.13, 163-278.13B, 163-278.14, 163-278.16, 163-278.16B, 163-278.17, 163-278.18, 163-278.19, 163-278.20, 163-278.39, 163-278.40A, 163-278.40B, 163-278.40C, 163-278.40D, 163-278.40E, or 163-278.40J is guilty of a Class 2 misdemeanor. The statute of limitations as stated in G.S. 15-1 shall run from the day the last report is due to be filed with the appropriate board of elections for the election cycle for which the violation occurred.

(a1) A violation of G.S. 163-278.32 by making a certification knowing the information to be untrue is a Class I felony.

(a2) A person or individual who intentionally violates G.S. 163-278.14(a) or G.S. 163-278.19(a) and the unlawful contributions total more than ten thousand dollars ($10,000) per election is guilty of a Class I felony.

(a3) The Board shall refer apparent violations under this section to the State Ethics Commission. The State Ethics Commission shall investigate and make confidential recommendations to the Board regarding the appropriateness of a criminal referral for those alleged violations, as provided in G.S. 138A-13.5. The Board shall not take action under subsection (b) of this section for 90 days after the referral to the State Ethics Commission.

(b) ~~Whenever~~ Following receipt and consideration of the confidential recommendation from the State Ethics Commission as provided in subsection (a3) of this section, if the Board has knowledge of or has reason to believe there has been a violation of any section of this Article, it shall report that fact, together with accompanying ~~details,~~details and a copy of the recommendation issued by the State Ethics Commission, to the following prosecuting authorities:

(1) In the case of a candidate for nomination or election to the State Senate or State House of Representatives: report to the district attorney of the prosecutorial district in which the candidate for nomination or election resides;

(2) In the case of a candidate for nomination or election to the office of Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, State Superintendent of Public Instruction, State Attorney General, State Commissioner of Agriculture, State Commissioner of Labor, State Commissioner of Insurance, and all other State elective offices, Justice of the Supreme Court, Judge of the Court of Appeals, judge of a superior court, judge of a district court, and district attorney of the superior court: report to the district attorney of the prosecutorial district in which Wake County is located;

(3) In the case of an individual other than a candidate, including, without limitation, violations by members of political committees, referendum committees or treasurers: report to the district attorney of the prosecutorial district in which the individual resides; and

(4) In the case of a person or any group of individuals: report to the district attorney or district attorneys of the prosecutorial district or districts in which any of the officers, directors, agents, employees or members of the person or group reside.

(c) Upon receipt of such a report from the Board, the appropriate district attorney shall prosecute the individual or persons alleged to have violated a section or sections of this Article.

(d) As a condition of probation, a sentencing judge may order that the costs incurred by the State Board of Elections in investigating and aiding the prosecution of a case be paid to the State Board of Elections by the defendant on such terms and conditions as set by the judge."

SECTION 4.11.(e) This section is effective January 31, 2019, and applies to referrals of violations made on or after that date by the State Board of Elections to prosecuting authorities pursuant to G.S. 163-278.27, as re-recodified by this act and amended by this section.

in place by primary? → "probably no" - DRL

PART V. REPORT ON ABSENTEE BALLOT FRAUD INVESTIGATIONS

SECTION 5. By April 1, 2019, the State Board of Elections shall report and make recommendations to the Joint Legislative Elections and Ethics Oversight Committee on absentee ballot fraud. The report shall address all of the following: → General? → "yes"

(1) Efforts to identify and investigate instances of potential mail-in ballot harvesting.

(2) Data and statistics on the number of requests for mail-in absentee ballots, the number of returned mail-in absentee ballots for the past five election cycles, and any trends or patterns that appear analyzing those data and statistics.

(3) Any other related matter identified by the State Board impacting voting absentee ballot.

PART VI. EFFECTIVE DATE

SECTION 6.1. Consistent with this act, when re-recodifying as directed under this act, the Revisor is authorized to change all references to the Bipartisan State Board of Elections and Ethics Enforcement to instead be references to the State Board of Elections, State Ethics Commission, or Secretary of State, as appropriate. The Revisor may modify statutory citations throughout the General Statutes, as appropriate, and may modify any references to statutory divisions, such as "Chapter," "Subchapter," "Article," "Part," "section," and "subsection"; adjust the order of lists of multiple statutes to maintain statutory order; correct terms and conform names and titles changed by this act; eliminate duplicative references to the State Boards that result from the changes authorized by this section; and make conforming changes to catch lines and

references to catch lines. The Revisor may also adjust subject and verb agreement and the placement of conjunctions. The Revisor shall consult with the Bipartisan State Board of Elections and Ethics Enforcement, the State Board of Elections, the State Ethics Commission, and the Secretary of State, as appropriate, on this recodification.

SECTION 6.2.(a) Notwithstanding G.S. 163-19, 163-30, and 138A-7, as re-recodified by this act, appointments to the State Board of Elections, county boards of elections, and State Ethics Commission shall be made as soon as possible upon enactment of this act, and no further appointments shall be required in 2019, other than to fill vacancies as may occur. The requirements of G.S. 163-19(f)(5) shall not apply to any member of the Bipartisan State Board of Elections and Ethics Enforcement serving on the effective date of this act who is appointed to the State Board of Elections in 2019. In making appointments to the State Board of Elections and State Ethics Commission, any service on the Bipartisan State Board of Elections and Ethics Enforcement shall be considered service for purposes of consecutive terms.

SECTION 6.2.(b) Notwithstanding G.S. 163-27, the term of office of the Executive Director of the State Board of Elections shall begin upon appointment, which shall be made as soon as possible after the State Board of Elections' initial meeting, and expire in May 2021.

SECTION 6.3. Except as otherwise provided, this act is effective when it becomes law.

Committee Bill Action Sheet

Committee: Rules Date: 12/11

Chair: Lewis / Jarbett

Bill #: H 1029 CCCS

PCS: ~~YES~~/NO_____ Motion made PCS before the Committee ✓

Amendments: none

Serial referral to: —

Representative/~~Senator~~ Lewis explained the bill.

Floor Manager: Lewis

Rep. Dollar motioned for:

✓ Favorable Report Cmt. Cmt sub/ CReport

____Favorable to PCS, unfavorable to original bill

____Favorable to new PCS with Amendments rolled in, unfavorable to original bill

____Adoption (Conference Report/House Resolution)

____Unfavorable Report

_____No vote or Bill sponsor pulled bill from consideration

Vote: ✓ (~~Voice Vote~~/Show of hands (Division called)/Roll Call)

Speakers: Lewis, Stevens Q; Sesna/Earp/Dollar

Rules 5:03 — 5:45

Adjourn

Attached Handouts: YES/~~NO~~

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair

FAVORABLE FOR ADOPTION

HB **1029 (CR)** DOT/DMV Legislative Requests.

Draft Number:	H1029-PCCS10546-BKf-4
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

TOTAL REPORTED: 1



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on,Rules,Calendar,Operations

DATE: 12/11/2018 Room: 1228/1327

House Sgt-At Arms:

1. Name: Kenneth Gilbert
2. Name: William Moore
3. Name: Jim Moran
4. Name: Glen Wall
5. Name: David Leighton

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar, and Operations — 12/11/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hayden Bourgeois	NCEC
Leo John	Secretary of State
Bradford Sneeden	NCDOJ
Justin Clayton	THE GOVERNOR
Sallie James	Governor's office
Claudia Shoemaker	Governor's Office
Bruce Mildwurf	NCSBA
Jason Joyner	newframe
Skye David	newframe
Deans Eatman	DOT
Joy Hicks	NCDOT

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NAME	FIRM OR AGENCY AND ADDRESS
Sarah Patterson	WM
Rebekah [illegible]	RLA
Abby Hammond	NCAJ
Jen Ryall	NCFPC
Amanda Donovan	KTS
Lindsay Marchello	Carolina Journal
Amb Williams	NVRC
LT McCrimmon	DHHS
Will Morgan	MFS
Jud Bow	Bow Assoc.
TOM BEAN	EDF, NCSEA, NCWF

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House Committee on Rules, Calendar, and Operations — 12/11/2018

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NAME	FIRM OR AGENCY AND ADDRESS
Starnes	OST
J. Caldwell	BFNC
Rhaegan Jackson	Focus Carolina
Evelyn Hawthorne	CCUL
	MNC
Demetrius Delbatch	TI
Tiffany Gladney	UC Rural Center
Tyler Ford	NAACP
	Duke Energy
	Smith Anderson
	UP

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NAME	FIRM OR AGENCY AND ADDRESS
Al Ripley	N2T C
Meg Macklin Asbell	SELC
Korey Kiger	NCRMA
John Pollard	NCAOR
SueAnn Fowler	NCMS
Will Robinson	The Nature Conservancy

VISITOR REGISTRATION SHEET

House Committee on Rules, Calendar, and Operations — 12/11/2018

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NAME	FIRM OR AGENCY AND ADDRESS
Matt Gross	DTPS