

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 613*
House Committee Substitute Favorable 7/31/07

Short Title: 2007 Technical Corrections Act.

(Public)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

1 AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL
2 STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION,
3 AND TO MAKE VARIOUS OTHER TECHNICAL CHANGES TO THE
4 GENERAL STATUTES AND SESSION LAWS.
5

6 The General Assembly of North Carolina enacts:

7 **PART I. TECHNICAL CHANGES AS RECOMMENDED BY THE GENERAL**
8 **STATUTES COMMISSION**

9 **SECTION 1.** G.S. 8-58.20 reads as rewritten:

10 "...

11 (b) A forensic analysis, to be admissible under this section, shall be performed in
12 accordance with rules or procedures adopted by the State Bureau of Investigation, or by
13 another laboratory ~~certified~~accredited by the American Society of Crime Laboratory
14 ~~Directors (ASCLD),~~ Directors/Laboratory Accreditation Board (ASCLD/LAB) for the
15 submission, identification, analysis, and storage of forensic analyses. The analyses of
16 DNA samples and typing results of DNA samples shall be performed in accordance
17 with the rules or procedures of the State Bureau of Investigation or other
18 ~~ASCLD-certified~~ ASCLD/LAB-accredited laboratory.

19 (c) The analyst who analyzes the forensic sample and signs the report shall
20 complete an affidavit on a form developed by the State Bureau of Investigation. In the
21 affidavit, the analyst shall state (i) that the person is qualified by education, training, and
22 experience to perform the analysis, (ii) the name and location of the laboratory where
23 the analysis was performed, and (iii) that performing the analysis is part of that person's
24 regular duties. The analyst shall also aver in the affidavit that the tests were performed
25 pursuant to the ~~ASCLD~~ ASCLD/LAB standards for that discipline and that the evidence
26 was handled in accordance with established and accepted procedures while in the
27 custody of the laboratory. The affidavit shall be sufficient to constitute prima facie
28 evidence regarding the person's qualifications. The analyst shall attach the affidavit to
29 the laboratory report and shall provide the affidavit to the investigating officer and the

1 district attorney in the prosecutorial district in which the criminal charges are pending.
2 An affidavit by a forensic analyst sworn to and properly executed before an official
3 authorized to administer oaths is admissible in evidence without further authentication
4 in any criminal proceeding with respect to the forensic analysis administered and the
5 procedures followed.

6"

7 **SECTION 2.** G.S. 14-208.8A(a)(2) reads as rewritten:

8 "(2) Maintains a temporary ~~residence, including residence~~ in that county
9 for more than 10 business days within a 30-day period, or for an
10 aggregate period exceeding 30 days in a calendar year."

11 **SECTION 3.(a)** G.S. 14-298 reads as rewritten:

12 **"§ 14-298. Seizure of illegal gaming items.**

13 Upon a determination that probable cause exists to believe that any gaming table
14 prohibited to be used by G.S. 14-289 through G.S. 14-300, any illegal punchboard or
15 illegal slot machine, or any video game machine prohibited to be used by G.S. 14-306
16 or ~~G.S. 14-306.1, G.S. 14-306.1A~~, is in the illegal possession or use of any person within
17 the limits of their jurisdiction, all sheriffs and law enforcement officers are authorized to
18 seize the items in accordance with applicable State law. Any law enforcement agency in
19 possession of that item shall retain the item pending a disposition order from a district
20 or superior court judge. Upon application by the law enforcement agency, district
21 attorney, or owner, and after notice and opportunity to be heard by all parties, if the
22 court determines that the item is unlawful to possess, it shall enter an order releasing the
23 item to the law enforcement agency for destruction or for training purposes. If the court
24 determines that the item is not unlawful to possess and will not be used in violation of
25 the law, the item shall be ordered released to its owner upon satisfactory proof of
26 ownership. The foregoing procedures for release shall not apply, however, with respect
27 to an item seized for use as evidence in any criminal action or proceeding until after
28 entry of final judgment."

29 **SECTION 3.(b)** This section is effective when it becomes law and applies to
30 offenses committed on or after that date.

31 **SECTION 4.** G.S. 15A-736.1 is recodified in Article 26 of Chapter 15A of
32 the General Statutes as G.S. 15A-534.6. As recodified by this section, G.S. 15A-534.6
33 reads as rewritten:

34 **"§ 15A-534.6. Bail in cases of manufacture of methamphetamine.**

35 ~~Notwithstanding the provisions of G.S. 15A-736, in determining bond and other~~
36 ~~conditions of release for a person arrested for~~ In all cases in which the defendant is
37 charged with any violation of G.S. 90-95(b)(1a) or G.S. 90-95(d1)(2)b.,
38 G.S. 90-95(d1)(2)b., in determining bond and other conditions of release, the
39 magistrate, judge, or court shall consider any evidence that the person is in any manner
40 dependent upon methamphetamine or has a pattern of regular illegal use of
41 methamphetamine. A rebuttable presumption that no conditions of release on bond
42 would assure the safety of the community or any person therein shall arise if the State
43 shows by clear and convincing evidence both:

1 (1) The person was arrested for a violation of G.S. 90-95(b)(1a) or
2 G.S. 90-95(d1)(2)b., relating to the manufacture of methamphetamine
3 or possession of an immediate precursor chemical with knowledge or
4 reasonable cause to know that the chemical will be used to
5 manufacture methamphetamine.

6 (2) The person is in any manner dependent upon methamphetamine or has
7 a pattern of regular illegal use of methamphetamine, and the violation
8 referred to in subdivision (1) of this section was committed or
9 attempted in order to maintain or facilitate the dependence or pattern
10 of illegal use in any manner."

11 **SECTION 5.** G.S. 20-116(c) reads as rewritten:

12 "(c) No vehicle, unladen or with load, shall exceed a height of 13 feet, six inches.
13 Provided, however, that neither the State of North Carolina nor any agency or
14 subdivision thereof, nor any person, firm or corporation, shall be required to raise, alter,
15 construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit
16 the passage of any vehicle having a height, unladen or with load, in excess of 12 feet,
17 six inches. Provided further, that the operator or owner of any vehicle having an overall
18 height, whether unladen or with load, in excess of 12 feet, six inches, shall be liable for
19 damage to any structure caused by such vehicle having a height in excess of 12 feet, six
20 inches. ~~The term "automobile transport" as used in this subsection shall mean only~~
21 ~~vehicles engaged exclusively in transporting automobiles, trucks and other commercial~~
22 ~~vehicles."~~

23 **SECTION 6.** G.S. 20-286(8c) reads as rewritten:

24 "(8c) Good faith. – ~~Honest~~ Honesty in fact and the observation of reasonable
25 commercial standards of fair dealing ~~in the trade~~ as defined and
26 interpreted in ~~G.S. 25-2-103(1)(b)~~ G.S. 25-1-201(b)(20)."

27 **SECTION 7.(a)** G.S. 20-309(g) is repealed.

28 **SECTION 7.(b)** G.S. 20-309.2 is amended by adding a new subsection to

29 read:

30 "(f) Clear Proceeds of Penalties. – The clear proceeds of all civil penalties, civil
31 forfeitures, and civil fines that are collected by the Department of Transportation
32 pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in
33 accordance with G.S. 115C-457.2."

34 **SECTION 7.(c)** G.S. 20-311 is amended by adding a new subsection to

35 read:

36 "(f) Clear Proceeds of Penalties. – The clear proceeds of all civil penalties, civil
37 forfeitures, and civil fines that are collected by the Department of Transportation
38 pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in
39 accordance with G.S. 115C-457.2."

40 **SECTION 7.(d)** G.S. 20-309(h) is recodified as G.S. 20-311(g).

41 **SECTION 7.(e)** This section is effective on the effective date of S.L.
42 2006-213 and applies to lapses occurring on or after that date.

43 **SECTION 8.** G.S. 50A-305(b)(2) reads as rewritten:

1 "(2) Direct the petitioner to serve notice upon the persons named pursuant
2 to ~~subdivison (a)(3),~~subdivision (a)(3) of this section, including notice
3 of their opportunity to contest the registration in accordance with this
4 section."

5 **SECTION 9.(a)** G.S. 53-96.1 reads as rewritten:

6 "**§ 53-96.1. Salaries, promotions, and leave of employees of the Office of the**
7 **Commissioner of Banks.**

8 (a) ~~The Office of the Commissioner of Banks and its employees are exempt from~~
9 ~~the classification and compensation rules established by the State Personnel~~
10 ~~Commission pursuant to G.S. 126-4(1) through (4); G.S. 126-4(5) only as it applies to~~
11 ~~hours and days of work, vacation and sick leave; G.S. 126-4(6) only as it applies to~~
12 ~~promotion and transfer; G.S. 126-4(10) only as it applies to the prohibition of the~~
13 ~~establishment of incentive pay programs; and Article 2 of Chapter 126 of the General~~
14 ~~Statutes, except for G.S. 126-7.1.~~

15 (b) The exemptions to Chapter 126 of the General Statutes authorized by ~~this~~
16 ~~section G.S. 126-5(c11) for the Office of the Commissioner of Banks and its employees~~
17 shall be used to develop organizational classification and compensation innovations that
18 will result in the enhanced efficiency of operations. The Office of State Personnel shall
19 assist the Commissioner of Banks in the development and implementation of an
20 organizational structure and human resources programs that make the most appropriate
21 use of the exemptions, including (i) a system of job categories or descriptions tailored to
22 the agency's needs; (ii) policies regarding paid time off for agency personnel and the
23 voluntary sharing of such time off; and (iii) a system of uniform performance
24 assessments for agency personnel tailored to the agency's needs. The Commissioner of
25 Banks may, under the supervision of the Office of State Personnel, develop and
26 implement organizational classification and compensation innovations having the
27 potential to benefit all State agencies."

28 **SECTION 9.(b)** G.S. 143B-53.2 reads as rewritten:

29 "**§ 143B-53.2. Salaries, promotions, and leave of employees of the North Carolina**
30 **Department of Cultural Resources.**

31 (a) ~~The employees listed in subsection (b) of this section are exempt from the~~
32 ~~classification and compensation rules established by the State Personnel Commission~~
33 ~~pursuant to G.S. 126-4(1) through (4); G.S. 126-4(5) only as it applies to hours and days~~
34 ~~of work, vacation, and sick leave; G.S. 126-4(6) only as it applies to promotion and~~
35 ~~transfer; G.S. 126-4(10) only as it applies to the prohibition of the establishment of~~
36 ~~incentive pay programs; and Article 2 of Chapter 126 of the General Statutes, except for~~
37 ~~G.S. 126-7.1.~~

38 (b) ~~The following employees of the Department of Cultural Resources are~~
39 ~~exempt as provided in subsection (c) of this section:~~

- 40 (1) ~~Director and Associate Directors of the North Carolina Museum of~~
41 ~~History.~~
- 42 (2) ~~Program Chiefs and Curators.~~
- 43 (3) ~~Regional History Museum Administrators and Curators.~~
- 44 (4) ~~North Carolina Symphony.~~

- 1 ~~(5) Director, Associate Directors, and Curators of Tryon Palace.~~
2 ~~(6) Director, Associate Directors, and Curators of Transportation~~
3 ~~Museum.~~
4 ~~(7) Director and Associate Directors of the North Carolina Arts Council.~~
5 ~~(8) Director, Assistant Directors, and Curators of the Division of State~~
6 ~~Historic Sites.~~

7 (c) The exemptions to Chapter 126 of the General Statutes authorized by
8 ~~subsection (a) of this section and enumerated in subsection (b) of this section~~
9 G.S. 126-5(c11) for the employees of the Department of Cultural Resources listed in
10 that subsection shall be used to develop organizational classification and compensation
11 innovations that will result in the enhanced efficiency of operations. The Office of State
12 Personnel shall assist the Secretary of the Department of Cultural Resources in the
13 development and implementation of an organizational structure and human resources
14 programs that make the most appropriate use of the exemptions, including (i) a system
15 of job categories or descriptions tailored to the agency's needs; (ii) policies regarding
16 paid time off for agency personnel and the voluntary sharing of such time off; and (iii) a
17 system of uniform performance assessments for agency personnel tailored to the
18 agency's needs. The Secretary of the Department of Cultural Resources may, under the
19 supervision of the Office of State Personnel, develop and implement organizational
20 classification and compensation innovations having the potential to benefit all State
21 agencies."

22 **SECTION 9.(c)** G.S. 126-5 is amended by adding a new subsection to read:

23 "(c11) The following are exempt from: (i) the classification and compensation rules
24 established by the State Personnel Commission pursuant to G.S. 126-4(1) through (4);
25 (ii) G.S. 126-4(5) only as it applies to hours and days of work, vacation, and sick leave;
26 (iii) G.S. 126-4(6) only as it applies to promotion and transfer; (iv) G.S. 126-4(10) only
27 as it applies to the prohibition of the establishment of incentive pay programs; and (v)
28 Article 2 of Chapter 126 of the General Statutes, except for G.S. 126-7.1:

29 (1) The Office of the Commissioner of Banks and its employees; and

30 (2) The following employees of the Department of Cultural Resources:

- 31 a. Director and Associate Directors of the North Carolina Museum
32 of History.
33 b. Program Chiefs and Curators.
34 c. Regional History Museum Administrators and Curators.
35 d. North Carolina Symphony.
36 e. Director, Associate Directors, and Curators of Tryon Palace.
37 f. Director, Associate Directors, and Curators of Transportation
38 Museum.
39 g. Director and Associate Directors of the North Carolina Arts
40 Council.
41 h. Director, Assistant Directors, and Curators of the Division of
42 State Historic Sites."

43 **SECTION 10.(a)** G.S. 70-28(1) reads as rewritten:

1 "~~Chief~~ "State Archaeologist" means the ~~Chief~~ head of the Office of
2 State Archaeology section of the Office of Archives and History,
3 Department of Cultural Resources."

4 **SECTION 10.(b)** G.S. 70-29 reads as rewritten:

5 "**§ 70-29. Discovery of remains and notification of authorities.**

6 (a) Any person knowing or having reasonable grounds to believe that unmarked
7 human burials or human skeletal remains are being disturbed, destroyed, defaced,
8 mutilated, removed, or exposed, shall notify immediately the medical examiner of the
9 county in which the remains are encountered.

10 (b) If the unmarked human burials or human skeletal remains are encountered as
11 a result of construction or agricultural activities, disturbance of the remains shall cease
12 immediately and shall not resume without authorization from either the county medical
13 examiner or the ~~Chief~~ State Archaeologist, under the provisions of G.S. 70-30(c) or
14 70-30(d).

15 (c) (1) If the unmarked human burials or human skeletal remains are
16 encountered by a professional archaeologist, as a result of survey or
17 test excavations, the remains may be excavated and other activities
18 may resume after notification, by telephone or registered letter, is
19 provided to the ~~Chief~~ State Archaeologist. The treatment, analysis and
20 disposition of the remains shall come under the provisions of
21 G.S. 70-34 and 70-35.

22 (2) If a professional archaeologist directing long-term (research designed
23 to continue for one or more field seasons of four or more weeks'
24 duration) systematic archaeological research sponsored by any
25 accredited college or university in North Carolina, as a part of his
26 research, recovers Native American skeletal remains, he may be
27 exempted from the provisions of G.S. 70-30, 70-31, 70-32, 70-33,
28 70-34 and 70-35(c) of this Article so long as he:

- 29 a. Notifies the Executive Director within five working days of the
30 initial discovery of Native American skeletal remains;
31 b. Reports to the Executive Director, at agreed upon intervals, the
32 status of the project;
33 c. Curates the skeletal remains prior to ultimate disposition; and
34 d. Conducts no destructive skeletal analysis without the express
35 permission of the Executive Director.

36 Upon completion of the project fieldwork, the professional
37 archaeologist, in consultation with the skeletal analyst and the
38 Executive Director, shall determine the schedule for the completion of
39 the skeletal analysis. In the event of a disagreement, the time for
40 completion of the skeletal analysis shall not exceed four years. The
41 Executive Director shall have authority concerning the ultimate
42 disposition of the Native American skeletal remains after analysis is
43 completed in accordance with G.S. 70-35(a) and 70-36(b) and (c).

1 (d) The ~~Chief-State~~ Archaeologist shall notify the Chief, Medical Examiner
2 Section, Division of Health Services, Department of Health and Human Services, of any
3 reported human skeletal remains discovered by a professional archaeologist."

4 **SECTION 10.(c)** G.S. 70-30 reads as rewritten:

5 **"§ 70-30. Jurisdiction over remains.**

6 (a) Subsequent to notification of the discovery of an unmarked human burial or
7 human skeletal remains, the medical examiner of the county in which the remains were
8 encountered shall determine as soon as possible whether the remains are subject to the
9 provisions of G.S. 130-198.

10 (b) If the county medical examiner determines that the remains are subject to the
11 provisions of G.S. 130-198, he will immediately proceed with his investigation.

12 (c) If the county medical examiner determines that the remains are not subject to
13 the provisions of G.S. 130-198, he shall so notify the Chief Medical Examiner. The
14 Chief Medical Examiner shall notify the ~~Chief-State~~ Archaeologist of the discovery of
15 the human skeletal remains and the findings of the county medical examiner. The ~~Chief~~
16 ~~State~~ Archaeologist shall immediately take charge of the remains.

17 (d) Subsequent to taking charge of the human skeletal remains, the ~~Chief-State~~
18 Archaeologist shall have 48 hours to make arrangements with the landowner for the
19 protection or removal of the unmarked human burial or human skeletal remains. The
20 ~~Chief-State~~ Archaeologist shall have no authority over the remains at the end of the
21 48-hour period and may not prohibit the resumption of the construction or agricultural
22 activities without the permission of the landowner."

23 **SECTION 10.(d)** G.S. 70-31 reads as rewritten:

24 **"§ 70-31. Archaeological investigation of human skeletal remains.**

25 (a) If an agreement is reached with the landowner for the excavation of the
26 human skeletal remains, the ~~Chief-State~~ Archaeologist shall either designate a member
27 of his staff or authorize another professional archaeologist to excavate or supervise the
28 excavation.

29 (b) The professional archaeologist excavating human skeletal remains shall
30 report to the ~~Chief-State~~ Archaeologist, either in writing or by telephone, his opinion on
31 the cultural and biological characteristics of the remains. This report shall be transmitted
32 as soon as possible after the commencement of excavation, but no later than two full
33 business days after the removal of a burial.

34 (c) The ~~Chief-State~~ Archaeologist, in consultation with the professional
35 archaeologist excavating the remains, shall determine where the remains shall be held
36 subsequent to excavation, pending other arrangements according to G.S. 70-32 or
37 70-33.

38 (d) The Department of Cultural Resources may obtain administrative inspection
39 warrants pursuant to the provisions of Chapter 15, Article 4A of the General Statutes to
40 enforce the provisions of this Article, provided that prior to the requesting of the
41 administrative warrant, the Department shall contact the affected landowners and
42 request their consent for access to their land for the purpose of gathering such
43 information. If consent is not granted, the Department shall give reasonable notice of

1 the time, place and before whom the administrative warrant will be requested so that the
2 owner or owners may have an opportunity to be heard."

3 **SECTION 10.(e)** G.S. 70-32 reads as rewritten:

4 "**§ 70-32. Consultation with the Native American Community.**

5 (a) If the professional archaeologist determines that the human skeletal remains
6 are Native American, the ~~Chief-State~~ Archaeologist shall immediately notify the
7 Executive Director of the North Carolina Commission of Indian Affairs. The Executive
8 Director shall notify and consult with the Eastern Band of Cherokee or other appropriate
9 tribal group or community.

10 (b) Within four weeks of the notification, the Executive Director shall
11 communicate in writing to the ~~Chief-State~~ Archaeologist, the concerns of the
12 Commission of Indian Affairs and an appropriate tribal group or community with regard
13 to the treatment and ultimate disposition of the Native American skeletal remains.

14 (c) Within 90 days of receipt of the concerns of the Commission of Indian
15 Affairs, the ~~Chief-State~~ Archaeologist and the Executive Director, with the approval of
16 the principal tribal official of an appropriate tribe, shall prepare a written agreement
17 concerning the treatment and ultimate disposition of the Native American skeletal
18 remains. The written agreement shall include the following:

- 19 (1) Designation of a qualified skeletal analyst to work on the skeletal
20 remains;
- 21 (2) The type of analysis and the specific period of time to be provided for
22 analysis of the skeletal remains;
- 23 (3) The timetable for written progress reports and the final report
24 concerning the skeletal analysis to be provided to the ~~Chief-State~~
25 Archaeologist and the Executive Director by the skeletal analyst; and
- 26 (4) A plan for the ultimate disposition of the Native American remains
27 subsequent to the completion of adequate skeletal analysis.

28 If no agreement is reached within 90 days, the Archaeological Advisory Committee
29 shall determine the terms of the agreement."

30 **SECTION 10.(f)** G.S. 70-33 reads as rewritten:

31 "**§ 70-33. Consultation with other individuals.**

32 (a) If the professional archaeologist determines that the human skeletal remains
33 are other than Native American, the ~~Chief-State~~ Archaeologist shall publish notice that
34 excavation of the remains has occurred, at least once per week for four successive
35 weeks in a newspaper of general circulation in the county where the burials or skeletal
36 remains were situated, in an effort to determine the identity or next of kin or both of the
37 deceased.

38 (b) If the next of kin are located, within 90 days the ~~Chief-State~~ Archaeologist in
39 consultation with the next of kin shall prepare a written agreement concerning the
40 treatment and ultimate disposition of the skeletal remains. The written agreement shall
41 include:

- 42 (1) Designation of a qualified skeletal analyst to work on the skeletal
43 remains;

- 1 (2) The type of analysis and the specific period of time to be provided for
2 analysis of the skeletal remains;
- 3 (3) The timetable for written progress reports and the final report
4 concerning the skeletal analysis to be provided to the ~~Chief~~-State
5 Archaeologist and the next of kin by the skeletal analyst; and
- 6 (4) A plan for the ultimate disposition of the skeletal remains subsequent
7 to the completion of adequate skeletal analysis.

8 If no agreement is reached, the remains shall be handled according to the wishes of
9 the next of kin."

10 **SECTION 10.(g)** G.S. 70-34 reads as rewritten:

11 "**§ 70-34. Skeletal analysis.**

12 (a) Skeletal analysis conducted under the provisions of this Article shall only be
13 accomplished by persons having those qualifications expressed in G.S. 70-28(5).

14 (b) Prior to the execution of the written agreements outlined in G.S. 70-32(c) and
15 70-33(b), the ~~Chief~~-State Archaeologist shall consult with both the professional
16 archaeologist and the skeletal analyst investigating the remains.

17 (c) The professional archaeologist and the skeletal analyst shall submit a
18 proposal to the ~~Chief~~-State Archaeologist within the 90-day period set forth in
19 G.S. 70-32(c) and 70-33(b), including:

- 20 (1) Methodology and techniques to be utilized;
- 21 (2) Research objectives;
- 22 (3) Proposed time schedule for completion of the analysis; and
- 23 (4) Proposed time intervals for written progress reports and the final
24 report to be submitted.

25 (d) If the terms of the written agreement are not substantially met, the Executive
26 Director or the next of kin, after consultation with the ~~Chief~~-State Archaeologist, may
27 take possession of the skeletal remains. In such case, the ~~Chief~~-State Archaeologist may
28 ensure that appropriate skeletal analysis is conducted by another qualified skeletal
29 analyst prior to ultimate disposition of the skeletal remains."

30 **SECTION 10.(h)** G.S. 70-35(c) reads as rewritten:

31 "(c) If the ~~Chief~~-State Archaeologist has received no information or
32 communication concerning the identity or next of kin of the deceased, the skeletal
33 remains shall be transferred to the ~~Chief~~-State Archaeologist and permanently curated
34 according to standard museum procedures after adequate skeletal analysis."

35 **SECTION 10.(i)** G.S. 70-48(5) reads as rewritten:

36 "(5) "State Archaeologist" means the head of the Office of State
37 Archaeology section ~~Archaeology Section~~ of the Office of Archives
38 and History, Department of Cultural Resources."

39 **SECTION 10.(j)** This section is effective on and after October 11, 2002.

40 **SECTION 11.(a)** G.S. 70-27(b) reads as rewritten:

41 "(b) The purpose of this Article is (i) to provide adequate protection from
42 vandalism for unmarked human burials and human skeletal remains, (ii) to provide
43 adequate protection for unmarked human burials and human skeletal remains not within
44 the jurisdiction of the medical examiner pursuant to ~~G.S. 130-198~~-G.S. 130A-383 that

1 are encountered during archaeological excavation, construction, or other ground
2 disturbing activities, found anywhere within the State except on federal land, and (iii) to
3 provide for adequate skeletal analysis of remains removed or excavated from unmarked
4 human burials if the analysis would result in valuable scientific information."

5 **SECTION 11.(b)** G.S. 70-30, as amended by Section 10(c) of this act, reads
6 as rewritten:

7 "**§ 70-30. Jurisdiction over remains.**

8 (a) Subsequent to notification of the discovery of an unmarked human burial or
9 human skeletal remains, the medical examiner of the county in which the remains were
10 encountered shall determine as soon as possible whether the remains are subject to the
11 provisions of ~~G.S. 130-198~~ G.S. 130A-383.

12 (b) If the county medical examiner determines that the remains are subject to the
13 provisions of ~~G.S. 130-198~~, ~~he~~ G.S. 130A-383, the county medical examiner will
14 immediately proceed with ~~his~~ the investigation.

15 (c) If the county medical examiner determines that the remains are not subject to
16 the provisions of ~~G.S. 130-198~~, ~~he~~ G.S. 130A-383, the county medical examiner shall
17 so notify the Chief Medical Examiner. The Chief Medical Examiner shall notify the
18 State Archaeologist of the discovery of the human skeletal remains and the findings of
19 the county medical examiner. The State Archaeologist shall immediately take charge of
20 the remains.

21 (d) Subsequent to taking charge of the human skeletal remains, the State
22 Archaeologist shall have 48 hours to make arrangements with the landowner for the
23 protection or removal of the unmarked human burial or human skeletal remains. The
24 State Archaeologist shall have no authority over the remains at the end of the 48-hour
25 period and may not prohibit the resumption of the construction or agricultural activities
26 without the permission of the landowner."

27 **SECTION 11.(c)** G.S. 70-39 reads as rewritten:

28 "**§ 70-39. Exceptions.**

29 (a) Human skeletal remains acquired from commercial biological supply houses
30 or through medical means are not subject to the provisions of G.S. 70-37(a).

31 (b) Human skeletal remains determined to be within the jurisdiction of the
32 medical examiner according to the provisions of ~~G.S. 130-198~~ G.S. 130A-383 are not
33 subject to the prohibitions contained in this Article."

34 **SECTION 11.(d)** G.S. 152-7(6) reads as rewritten:

35 "**§ 152-7. Duties of coroners with respect to inquests and preliminary hearings.**

36 The duties of the several coroners with respect to inquests and preliminary hearings
37 shall be as follows:

38 ...

39 (6) Immediately upon information of the death of a person within his
40 county, under such circumstances as call for an investigation as
41 provided in ~~G.S. 130-198~~ G.S. 130A-383, the coroner shall notify the
42 district attorney of the superior court and the medical examiner.

43"

44 **SECTION 12.(a)** G.S. 110-142.1(i) reads as rewritten:

1 "(i) The designated representative shall notify the individual in writing that the
2 individual may, by filing a motion, request any or all of the following:

- 3 (1) Judicial review of the designated representative's decision.
- 4 (2) A judicial determination of compliance.
- 5 (3) A modification of the support order.

6 The notice shall also contain the name and address of the court in which the
7 individual shall file the motion and inform the individual that the individual's name shall
8 remain on the certified list unless the judicial review results in a finding by the court
9 that the ~~the~~ individual is in compliance with this section. The notice shall also inform
10 the individual that the individual must comply with all statutes and rules of court
11 regarding motions and notices of hearing and that any motion filed under this section is
12 subject to the limitations of G.S. 50-13.10."

13 **SECTION 12.(b)** G.S. 110-142.1(l) reads as rewritten:

14 "(l) The Department of Health and Human Services shall prescribe forms for use
15 by the designated representative. When the individual is no longer in arrears or
16 negotiates an agreement with the designated representative for a payment schedule on
17 arrears or ~~reimbursement~~ reimbursement, the designated representative shall mail to the
18 individual and the appropriate board a notice certifying that the individual is in
19 compliance. The receipt of certification shall serve to notify the individual and the board
20 that, for the purposes of this section, the individual is in compliance with the order for
21 support. When the individual has complied with or is no longer subject to a subpoena
22 issued pursuant to a child support or paternity establishment proceeding, the designated
23 representative shall mail to the individual and the appropriate board a notice certifying
24 that the individual is in compliance. The receipt of certification shall serve to notify the
25 individual and the board that the individual is in compliance with this section."

26 **SECTION 13.** G.S. 113-291.10(a) reads as rewritten:

27 "**§ 113-291.10. Beaver Damage Control Advisory Board.**

28 (a) There is established the Beaver Damage Control Advisory Board. The Board
29 shall consist of nine members, as follows:

- 30 (1) The Executive Director of the North Carolina Wildlife Resources
31 Commission, or his designee, who shall serve as chair;
- 32 (2) The Commissioner of Agriculture, ~~Agriculture and Consumer~~
33 ~~Services~~, or a designee;
- 34 (3) The Director of the Division of Forest Resources of the Department of
35 Environment and Natural Resources, or a designee;
- 36 (4) The Director of the Division of Soil and Water Conservation of the
37 Department of Environment and Natural Resources, or a designee;
- 38 (5) The Director of the North Carolina Cooperative Extension Service, or
39 a designee;
- 40 (6) The Secretary of Transportation, or a designee;
- 41 (7) The State Director of the Wildlife Services Division of the Animal and
42 Plant Health Inspection Service, U.S. Department of Agriculture, or a
43 designee;

1 (8) The President of the North Carolina Farm Bureau Federation, Inc., or a
2 designee, representing private landowners; and

3 (9) A representative of the North Carolina Forestry Association."

4 **SECTION 14.** G.S. 115C-295.1(f) reads as rewritten:

5 "(f) Members of the Commission shall receive compensation for their services
6 and reimbursement for expenses incurred in the performance of their duties required by
7 this Article, at the rate prescribed in ~~G.S. 90B-5~~, G.S. 93B-5."

8 **SECTION 15.** G.S. 116-143.3(a)(3) is repealed.

9 **SECTION 16.** G.S. 120-87(a) reads as rewritten:

10 "**§ 120-87. Disclosure of confidential information.**

11 (a) No legislator shall use or disclose in any way confidential information gained
12 in the course of the legislator's official activities or by reason of the legislator's official
13 position that could result in financial gain for: (i) the legislator; (ii) a business with
14 which the legislator is associated; (iii) a nonprofit corporation or organization with
15 which the legislator is associated; (iv) a member of the legislator's immediate
16 ~~household;~~family; or (v) any other person."

17 **SECTION 17.** G.S. 120-123(2) is repealed.

18 **SECTION 18.** G.S. 122C-115.4(d) reads as rewritten:

19 "(d) Except as provided in ~~G.S. 122C-142.1~~ G.S. 122C-124.1 and G.S. 122C-125,
20 the Secretary may not remove from an LME any function enumerated under subsection
21 (b) of this section unless all of the following applies:

22 (1) The LME fails during the previous three months to achieve a
23 satisfactory outcome on any of the critical performance measures
24 developed by the Secretary under G.S. 122C-112.1(33).

25 (2) The Secretary provides focused technical assistance to the LME in the
26 implementation of the function. The assistance shall continue for at
27 least six months or until the LME achieves a satisfactory outcome on
28 the performance measure, whichever occurs first.

29 (3) If, after six months of receiving technical assistance from the
30 Secretary, the LME still fails to achieve or maintain a satisfactory
31 outcome on the critical performance measure, the Secretary shall enter
32 into a contract with another LME or agency to implement the function
33 on behalf of the LME from which the function has been removed."

34 **SECTION 19.** G.S. 140-5.17 is repealed.

35 **SECTION 20.** G.S. 147-33.101(a) reads as rewritten:

36 "(a) When the dollar value of a contract for the procurement of information
37 technology equipment, materials, and supplies exceeds the benchmark established by
38 the ~~Chief State~~ Chief Information Officer, the contract shall be reviewed by the Board
39 of Awards pursuant to G.S. 143-52.1 prior to the contract being awarded."

40 **SECTION 21.** G.S. 163-122(a) reads as rewritten:

41 "(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. –
42 Any qualified voter who seeks to have his name printed on the general election ballot as
43 an unaffiliated candidate shall:

- 1 (1) If the office is a statewide office, file written petitions with the State
2 Board of Elections supporting his candidacy for a specified office.
3 These petitions must be filed with the State Board of Elections on or
4 before 12:00 noon on the last Friday in June preceding the general
5 election and must be signed by qualified voters of the State equal in
6 number to two percent (2%) of the total number of voters who voted in
7 the most recent general election for Governor. Also, the petition must
8 be signed by at least 200 registered voters from each of four
9 congressional districts in North Carolina. No later than 5:00 p.m. on
10 the fifteenth day preceding the date the petitions are due to be filed
11 with the State Board of Elections, each petition shall be presented to
12 the chairman of the board of elections of the county in which the
13 signatures were obtained. Provided the petitions are timely submitted,
14 the chairman shall examine the names on the petition and place a
15 check mark on the petition by the name of each signer who is qualified
16 and registered to vote in his county and shall attach to the petition his
17 signed certificate. Said certificates shall state that the signatures on the
18 petition have been checked against the registration records and shall
19 indicate the number of signers to be qualified and registered to vote in
20 his county. The chairman shall return each petition, together with the
21 certificate required in this section, to the person who presented it to
22 him for checking. Verification by the chairman of the county board of
23 elections shall be completed within two weeks from the date such
24 petitions are presented.
- 25 (2) If the office is a district office comprised of two or more counties, file
26 written petitions with the State Board of Elections supporting his
27 candidacy for a specified office. These petitions must be filed with the
28 State Board of Elections on or before 12:00 noon on the last Friday in
29 June preceding the general election and must be signed by qualified
30 voters of the district equal in number to four percent (4%) of the total
31 number of registered voters in the district as reflected by the voter
32 registration records of the State Board of Elections as of January 1 of
33 the year in which the general election is to be held. Each petition shall
34 be presented to the chairman of the board of elections of the county in
35 which the signatures were obtained. The chairman shall examine the
36 names on the petition and the procedure for certification and deadline
37 for submission to the county board shall be the same as specified in (1)
38 above.
- 39 (3) If the office is a county office or a single county legislative district, file
40 written petitions with the chairman or director of the county board of
41 elections supporting his candidacy for a specified county office. These
42 petitions must be filed with the county board of elections on or before
43 12:00 noon on the last Friday in June preceding the general election
44 and must be signed by qualified voters of the county equal in number

1 to four percent (4%) of the total number of registered voters in the
2 county as reflected by the voter registration records of the State Board
3 of Elections as of January 1 of the year in which the general election is
4 to be held, except if the office is for a district consisting of less than
5 the entire county and only the voters in that district vote for that office,
6 the petitions must be signed by qualified voters of the district equal in
7 number to four percent (4%) of the total number of voters in the
8 district according to the voter registration records of the State Board of
9 Elections as of January 1 of the year in which the general election is to
10 be held. Each petition shall be presented to the chairman or director of
11 the county board of elections. The chairman shall examine, or cause to
12 be examined, the names on the petition and the procedure for
13 certification shall be the same as specified in (1) above.

- 14 (4) If the office is a partisan municipal office, file written petitions with
15 the chairman or director of the county board of elections in the county
16 wherein the municipality is located supporting his candidacy for a
17 specified municipal office. These petitions must be filed with the
18 county board of elections on or before the time and date specified in
19 G.S. 163-296 and must be signed by the number of qualified voters
20 specified in G.S. 163-296. The procedure for certification shall be the
21 same as specified in (1) above.

22 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
23 board of elections with which the petitions have been timely filed shall cause the
24 unaffiliated candidate's name to be printed on the general election ballots in accordance
25 with ~~G.S. 163-140~~, Article 14A of this Chapter.

26 An individual whose name appeared on the ballot in a primary election preliminary
27 to the general election shall not be eligible to have his name placed on the general
28 election ballot as an unaffiliated candidate for the same office in that year."

29 **SECTION 22.** G.S. 163-182.15(b) reads as rewritten:

30 "(b) Issued by State Board of Elections. – In ballot items within the jurisdiction of
31 the State Board of Elections, the State Board of Elections shall issue a certificate of
32 nomination or election, or a certificate of the results of the referendum, as appropriate.
33 The certificate shall be issued by the State Board six days after the completion of the
34 canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If there
35 is an election protest, the certificate of nomination or election or the certificate of the
36 result of the referendum shall be issued in one of the following ways, as appropriate:

- 37 (1) The certificate shall be issued 10 days after the final decision of the
38 State Board on the election protest, unless the State Board has ordered
39 a new election or the issuance of the certificate is stayed by the
40 Superior Court of Wake County pursuant to ~~G.S. 163-14~~.
41 G.S. 163-182.14.
- 42 (2) If the decision of the State Board has been appealed to the Superior
43 Court of Wake County and the court has stayed the certification, the
44 certificate shall be issued five days after the entry of a final order in

1 the case in the Superior Court of Wake County, unless that court or an
2 appellate court orders otherwise.

3 (3) The certificate shall be issued immediately upon the filing of a copy of
4 the determination of the General Assembly with the State Board of
5 Elections in contested elections involving any elective office
6 established by Article III of the Constitution.

7 (4) No certificate of election need be issued for any member of the
8 General Assembly following a contest of the election pursuant to
9 Article 3 of Chapter 120."

10 **SECTION 23.** G.S. 163-278.14 reads as rewritten:

11 "**§ 163-278.14. No contributions in names of others; no anonymous contributions;**
12 **contributions in excess of ~~one hundred dollars.~~ fifty dollars; no**
13 **contribution without specific designation of contributor.**

14 (a) No individual, political committee, or other entity shall make any
15 contribution anonymously or in the name of another. No candidate, political committee,
16 referendum committee, political party, or treasurer shall knowingly accept any
17 contribution made by any individual or person in the name of another individual or
18 person or made anonymously. If a candidate, political committee, referendum
19 committee, political party, or treasurer receives anonymous contributions or
20 contributions determined to have been made in the name of another, he shall pay the
21 money over to the Board, by check, and all such moneys received by the Board shall be
22 deposited in the Civil Penalty and Forfeiture Fund of the State of North Carolina.

23 (b) No entity shall make, and no candidate, committee or treasurer shall accept,
24 any monetary contribution in excess of fifty dollars (\$50.00) unless such contribution is
25 in the form of a check, draft, money order, credit card charge, debit, or other noncash
26 method that can be subject to written verification. No contribution in the form of check,
27 draft, money order, credit card charge, debits, or other noncash method may be made or
28 accepted unless it contains a specific designation of the intended contributee chosen by
29 the contributor. The State Board of Elections may prescribe guidelines as to the
30 reporting and verification of any method of contribution payment allowed under this
31 Article. For contributions by money order, the State Board shall prescribe methods to
32 ensure an audit trail for every contribution so that the identity of the contributor can be
33 determined. For a contribution made by credit card, the credit card account number of a
34 contributor is not a public record.

35 (c) No political committee or referendum committee shall make any contribution
36 unless in doing so it reports to the recipient the contributor's name as required in G.S.
37 163-278.7(b)(1)."

38 **SECTION 24.** G.S. 166A-46 reads as rewritten:

39 "**§ 166A-46. Liability.**

40 Officers or employees of a party state rendering aid in another state pursuant to this
41 Compact shall be considered agents of the requesting state for tort liability and
42 immunity purposes; and no party state or its officers or employees rendering aid in
43 another state pursuant to this Compact shall be liable for any act or omission ~~occurring~~
44 occurring as a result of a good faith attempt to render aid or as a result of the use of any

1 equipment or supplies used in connection with an attempt to render aid. For the
 2 purposes of this Article, "good faith" does not include willful misconduct, gross
 3 negligence, or recklessness."

4 **PART II. OTHER CHANGES**

5 **SECTION 25.(a)** G.S. 7A-133(a), as amended by S.L. 2007-323, reads as
 6 rewritten:

7 "(a) Each district court district shall have the numbers of judges as set forth in the
 8 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	8	New Hanover Pender
6A	3	Halifax
6B	3	Northampton Bertie Hertford
7	7	Nash Edgecombe Wilson
8	6	Wayne Greene
9	4	Lenoir Granville (part of Vance see subsection (b))

1			Franklin
2	9A	2	Person
3			Caswell
4	9B	2	Warren
5			(part of Vance
6			see subsection (b))
7	10	17	Wake
8	11	10	Harnett
9			Johnston
10			Lee
11	12	10	Cumberland
12	13	6	Bladen
13			Brunswick
14			Columbus
15	14	7	Durham
16	15A	4	Alamance
17	15B	5	Orange
18			Chatham
19	16A	3	Scotland
20			Hoke
21	16B	5	Robeson
22	17A	3	Rockingham
23	17B	4	Stokes
24			Surry
25	18	14	Guilford
26	19A	4	Cabarrus
27	19B	7	Montgomery
28			Moore
29			Randolph
30	19C	5	Rowan
31	20A	4	Stanly
32			Anson
33			Richmond
34	20B	1	(part of Union
35			see subsection (b))
36	20C	2	(part of Union
37			see subsection (b))
38	<u>20D</u>	<u>1</u>	<u>Union</u>
39	21	10	Forsyth
40	22	9	Alexander
41			Davidson
42			Davie
43			Iredell
44	23	4	Alleghany

1			Ashe
2			Wilkes
3			Yadkin
4	24	4	Avery
5			Madison
6			Mitchell
7			Watauga
8			Yancey
9	25	9	Burke
10			Caldwell
11			Catawba
12	26	19	Mecklenburg
13	27A	7	Gaston
14	27B	5	Cleveland
15			Lincoln
16	28	7	Buncombe
17	29A	3	McDowell
18			Rutherford
19	29B	4	Henderson
20			Polk
21			Transylvania
22	30	6	Cherokee
23			Clay
24			Graham
25			Haywood
26			Jackson
27			Macon
28			Swain."

29 **SECTION 25.(b)** The additional district court judgeship created for District
30 Court District 20B in Section 14.4(a) of S.L. 2006-66 is reassigned to District Court
31 District 20D, as established in subsection (a) of this section.

32 **SECTION 25.(c)** G.S. 7A-200 reads as rewritten:

33 **"§ 7A-200. District and set of districts defined; chief district court judges and their**
34 **authority.**

35 (a) In this section:

36 (1) "District" means any district court district established by G.S. 7A-133
37 which consists exclusively of one or more entire counties;

38 (2) "Set of districts" means any set of two or more district court districts
39 established under G.S. 7A-133, none of which consists exclusively of
40 one or more entire counties, but both or all of which include territory
41 from the same county or counties and together comprise all of the
42 territory of that county or those counties; "set of districts" also means a
43 set of three district court districts in one county, one consisting of the
44 entire county and the other two consisting of parts of that county; and

1 (3) "Chief district court judge" means in the case of a set of districts, the
2 chief district court judge for those districts, designated by the chief
3 justice from among the district court judges for the districts in the set
4 of districts.

5 (b) Whenever by law a duty is imposed upon the chief district court judge, it
6 means for a set of districts the chief district court judge designated under subsection
7 (a)(3) of this section."

8 **SECTION 25.5.** G.S.7A-177(b) reads as rewritten:

9 "(b) ~~Training~~ In addition to the basic training course required under subsection (a)
10 of this section, continuing education courses shall be provided at such times and
11 locations as necessary to assure that they are conveniently available to all magistrates
12 without extensive travel to other parts of the State. Courses shall be provided in
13 Asheville for the magistrates from the western region of the State."

14 **SECTION 26.(a)** G.S. 7B-1111(a)(10), as enacted by Section 1 of S.L.
15 2007-151, reads as rewritten:

16 "(10) Where the juvenile has been relinquished to a county department of
17 social services or a licensed child-placing agency for the purpose of
18 adoption or placed with a prospective adoptive parent for adoption; the
19 consent or relinquishment to adoption by the parent has become
20 irrevocable except upon a showing of fraud, duress, or other
21 circumstance as set forth in G.S. 48-3-609 or G.S. 48-3-707;
22 termination of parental rights is a condition precedent to adoption in
23 the jurisdiction where the adoption ~~preceding~~ preceding is to be filed;
24 and the parent does not contest the termination of parental rights."

25 **SECTION 26.(b)** This section becomes effective October 1, 2007, and
26 applies to motions in the cause or petitions filed on or after that date.

27 **SECTION 27.** Article 1 of Chapter 10B of the General Statutes is amended
28 by adding a new section to read:

29 **"§ 10B-70. Certain notarial acts for local government agencies validated.**

30 Any acknowledgment taken and any instrument notarized for a local government
31 agency by a person prior to qualification as a notary public but after commissioning or
32 recommissioning as a notary public, by a person whose notary commission has expired,
33 or by a person who failed to qualify within 45 days of commissioning as required by
34 G.S. 10B-10, is hereby validated. The acknowledgment and instrument shall have the
35 same legal effect as if the person qualified as a notary public at the time the person
36 performed the act. This section shall apply to notarial acts performed for a local
37 government agency on or after October 31, 2006, and before June 30, 2007."

38 **SECTION 28.** G.S. 84-2 reads as rewritten:

39 **"§ 84-2. Persons disqualified.**

40 No justice, judge, magistrate, full-time district attorney, full-time assistant district
41 attorney, public defender, assistant public defender, clerk, deputy or assistant clerk of
42 the General Court of Justice, register of deeds, deputy or assistant register of deeds,
43 sheriff or deputy sheriff shall engage in the private practice of law. Persons violating

1 this provision shall be guilty of a Class 3 misdemeanor and only fined not less than two
2 hundred dollars (\$200.00)."

3 **SECTION 29.(a)** G.S. 115D-5(a) reads as rewritten:

4 "(a) The State Board of Community Colleges may adopt and execute such
5 policies, regulations and standards concerning the establishment, administration, and
6 operation of institutions as the State Board may deem necessary to insure the quality of
7 educational programs, to promote the systematic meeting of educational needs of the
8 State, and to provide for the equitable distribution of State and federal funds to the
9 several institutions.

10 The State Board of Community Colleges shall establish standards and scales for
11 salaries and allotments paid from funds administered by the State Board, and all
12 employees of the institutions shall be exempt from the provisions of the State Personnel
13 Act. The State Board shall have authority with respect to individual institutions: to
14 approve sites, ~~buildings, building plans, capital improvement projects,~~ budgets; to
15 approve the selection of the chief administrative officer; to establish and administer
16 standards for professional personnel, curricula, admissions, and graduation; to regulate
17 the awarding of degrees, diplomas, and certificates; to establish and regulate student
18 tuition and fees within policies for tuition and fees established by the General
19 Assembly; and to establish and regulate financial accounting procedures.

20 The State Board of Community Colleges shall require all community colleges to
21 meet the faculty credential requirements of the Southern Association of Colleges and
22 Schools for all community college programs."

23 **SECTION 29.(b)** G.S. 115D-15.1 reads as rewritten:

24 "**§ 115D-15.1. Disposition, acquisition, and construction of property by community**
25 **college.**

26 (a) Disposition. – Notwithstanding the provisions of G.S. 115D-14, 115D-15,
27 and 160A-274, the board of trustees of a community college may, in connection with
28 additions, improvements, renovations, or repairs to all or part of its property, lease, sell,
29 or otherwise dispose of any of its property to the county in which the property is located
30 for any price and on any terms negotiated between the board of trustees of the
31 community college and the board of county commissioners.

32 (b) Transfer. – An agreement under subsection (a) of this section shall require the
33 county to transfer the property back to the board of trustees of the community college
34 when any financing agreement entered into by the county to finance the additions,
35 improvements, renovations, and repairs has been satisfied. ~~If the county did not enter~~
36 ~~into a financing agreement, the agreement under subsection (a) of this section shall~~
37 ~~require the county to transfer the property back to the board of trustees of the~~
38 ~~community college upon the completion of the additions, improvements, renovations,~~
39 ~~and repairs.~~

40 Notwithstanding the transfer of property to the county, the provisions of subsection
41 (d) of this section, G.S. 143-129, and G.S. 143-341 apply to the capital improvement
42 project.

43 (c) Acquisition and Construction. – Notwithstanding the provisions of
44 G.S. 115D-14 and G.S. 115D-20(3), the board of trustees of a community college may

1 acquire, by any lawful method, any interest in real or personal property ~~from~~ in the
2 county in which the community college is located or in its service delivery area for use
3 by the board of ~~trustees and~~ trustees. The board of trustees may contract for the
4 construction, equipping, expansion, improvement, renovation, repair, or otherwise
5 making available for use by the board of trustees of the community college of all or part
6 of the property upon any terms negotiated between the board of trustees of the
7 community college and the board of county commissioners.

8 (d) Approval. – The actions of a board of trustees of a community college taken
9 pursuant to this section are subject to the approval of the State Board of Community
10 Colleges.

11 (e) Contract Responsibility. – A county's obligations under a financing contract
12 entered into by the county to finance improvements to real or personal property
13 pursuant to this section shall be the responsibility of the county and not the
14 responsibility of the board of trustees of the community college."

15 **SECTION 29.(c)** G.S. 115D-54(a) reads as rewritten:

16 "(a) ~~On or before the first day of May of each year,~~ By a date determined by the
17 State Board, trustees of each institution shall prepare for submission a budget request as
18 provided in G.S. 115D-54(b) on forms provided by the State Board of Community
19 Colleges. The budget shall be based on estimates of available funds if provided by the
20 funding authorities or as estimated by the institution. The State Current Fund shall be
21 based on available funds. All other funds shall be based on needs as determined by the
22 board of trustees and shall include the following:

- 23 (1) State Current Fund.
- 24 (2) County Current Fund.
- 25 (3) Institutional Fund.
- 26 (4) Plant Fund."

27 **SECTION 29.(d)** G.S. 115D-55(a) reads as rewritten:

28 "(a) Approval of Budget by Local Tax-Levying Authority. – ~~Not later than May~~
29 ~~15, or such later date as may be~~ By a date fixed by the local tax-levying authority, the
30 budget shall be submitted to the local tax-levying authority for approval of that portion
31 within its authority as stated in G.S. 115D-54(b). On or before July 1, or such later date
32 as may be agreeable to the board of trustees, but in no instance later than September 1,
33 the local tax-levying authority shall determine the amount of county revenue to be
34 appropriated to an institution for the budget year. The local tax-levying authority may
35 allocate part or all of an appropriation by purpose, function, or project as defined in the
36 budget manual as adopted by the State Board of Community Colleges.

37 The local tax-levying authority shall have full authority to call for all books, records,
38 audit reports, and other information bearing on the financial operation of the institution
39 except records dealing with specific persons for which the persons' rights of privacy are
40 protected by either federal or State law.

41 Nothing in this Article shall be construed to place a duty on the local tax-levying
42 authority to fund a deficit incurred by an institution through failure of the institution to
43 comply with the provisions of this Article or rules and regulations issued pursuant
44 hereto."

1 **SECTION 29.(e)** G.S. 115D-58.15(a) reads as rewritten:

2 "(a) Authority. – The board of trustees of a community college may use lease
3 purchase or installment purchase contracts to purchase or finance the purchase of
4 equipment as provided in this section. A college shall not have more than five
5 State-funded contracts in effect at any one time."

6 **SECTION 29.(f)** This section becomes effective October 1, 2007.

7 **SECTION 30.** G.S. 116-238.5 is repealed.

8 **SECTION 31.** The second G.S. 120-36.15, enacted by Section 3 of S.L.
9 2007-78, is recodified as G.S. 120-36.16.

10 **SECTION 31.7.** G.S. 130A-498(c), as enacted by Section 2 of S.L.
11 2007-193, reads as rewritten:

12 "(c) As used in this Part, 'local government' means any local political subdivision
13 of this State, any airport authority, or any authority or body created by any ~~ordinance~~
14 ordinance, joint resolution, or rules of any such entity."

15 **SECTION 32.(a)** G.S. 143B-434.1(c), as amended by S.L. 2007-67, reads as
16 rewritten:

17 "(c) The Board shall consist of 29 members as follows:

- 18 (1) The Secretary of Commerce, who shall not be a voting member.
- 19 (2) The Director of the Division of Tourism, Film, and Sports
20 Development, who shall not be a voting member.
- 21 (3) Two members designated by the Board of Directors of the ~~North~~
22 ~~Carolina Hotel and Motel Association.~~ North Carolina Restaurant and
23 Lodging Association, representing the lodging sector.
- 24 (4) Two members designated by the Board of Directors of the ~~North~~
25 ~~Carolina Restaurant Association.~~ North Carolina Restaurant and
26 Lodging Association, representing the restaurant sector.
- 27 (5) Three Directors of Convention and Visitor Bureaus designated by the
28 Board of Directors of the North Carolina Association of Convention
29 and Visitor Bureaus.
- 30 (6) The Chairperson of the Travel and Tourism Coalition.
- 31 (7) The President of the ~~Travel Council of North Carolina.~~ North Carolina
32 Travel Industry Association.
- 33 (8) A member designated by the Board of Directors of the ~~Travel Council~~
34 ~~of North Carolina.~~ North Carolina Travel Industry Association.
- 35 (9) The President of North Carolina Citizens for Business and Industry.
- 36 (10) One member designated by the North Carolina Petroleum Marketers
37 Association.
- 38 (11) One person associated with tourism attractions in North Carolina,
39 appointed by the Speaker of the House of Representatives. One person
40 who is not a member of the General Assembly, appointed by the
41 Speaker of the House of Representatives.
- 42 (12) One person associated with the tourism-related transportation industry,
43 appointed by the President Pro Tempore of the Senate. One person

1 who is not a member of the General Assembly, appointed by the
2 President Pro Tempore of the Senate.

3 (13) Four public members each interested in matters relating to travel and
4 tourism, two appointed by the Governor (one from a rural area and one
5 from an urban area), one appointed by the Speaker of the House, and
6 one appointed by the President Pro Tempore of the Senate.

7 (14) One member associated with the major cultural resources and activities
8 of the State in North Carolina, appointed by the Governor.

9 (15) Two members of the House of Representatives, appointed by the
10 Speaker of the House of Representatives.

11 (16) Two members of the Senate, appointed by the President Pro Tempore
12 of the Senate.

13 (17) Two members designated by the Board of Directors of North Carolina
14 Watermen United who represent the charter boat/headboat industry."

15 **SECTION 32.(b)** G.S. 143B-434.1(d) reads as rewritten:

16 "(d) The members of the Board shall serve the following terms: the Secretary of
17 Commerce, the Director of the Division of Tourism, Film, and Sports Development, the
18 Chairperson of the Travel and Tourism Coalition, the President of the ~~Travel Council of~~
19 ~~North Carolina,~~North Carolina Travel Industry Association, and the President of North
20 Carolina Citizens for Business and Industry shall serve on the Board while they hold
21 their respective offices. Each member of the Board appointed by the Governor shall
22 serve during his or her term of office. The members of the Board appointed by the
23 General Assembly shall serve two-year terms beginning on January 1 of odd-numbered
24 years and ending on December 31 of the following year. The first such term shall begin
25 on January 1, 1991, or as soon thereafter as the member is appointed to the Board, and
26 end on December 31, 1992. All other members of the Board shall serve a term which
27 consists of the portion of calendar year 1991 that remains following their appointment
28 or designation and, thereafter, two-year terms which shall begin on January 1 of an
29 even-numbered year and end on December 31 of the following year. The first such
30 two-year term shall begin on January 1, 1992, and end on December 31, 1994."

31 **SECTION 33.(a)** G.S. 143B-437.10 is recodified in Part 2 of Article 10 of
32 Chapter 143B of the General Statutes as G.S. 143B-437.010.

33 **SECTION 33.(b)** G.S. 105-129.81(1) reads as rewritten:

34 "(1) Agrarian growth zone. – Defined in
35 ~~G.S. 143B-437.10.~~G.S. 143B-437.010."

36 **SECTION 33.(c)** This section becomes effective July 1, 2007.

37 **SECTION 34.** G.S. 143C-6-6 reads as rewritten:

38 "(c) ~~This Subsection (a) of this section~~ does not apply to The University of North
39 Carolina."

40 **SECTION 34.5.** G.S. 147-64.7(a) reads as rewritten:

41 "(a) Access to Persons and Records. –

42 (1) The Auditor and ~~his~~the Auditor's authorized representatives shall have
43 ready access to persons and may examine and copy all books, records,
44 reports, vouchers, correspondence, files, personnel files, investments,

1 and any other documentation of any State agency. The review of State
2 tax returns shall be limited to matters of official business and the
3 Auditor's report shall not violate the confidentiality provisions of tax
4 laws. Notwithstanding confidentiality provisions of tax laws, the
5 Auditor may use and disclose information related to overdue tax debts
6 in support of the Auditor's statutory mission.

7 (2) The Auditor and ~~his~~ the Auditor's duly authorized representatives shall
8 have such access to persons, records, papers, reports, vouchers,
9 correspondence, books, and any other documentation which is in the
10 possession of any individual, private corporation, institution,
11 association, board, or other organization which pertain to:

- 12 a. Amounts received pursuant to a grant or contract from the
13 federal government, the State, or its political subdivisions.
14 b. Amounts received, disbursed, or otherwise handled on behalf of
15 the federal government or the State. In order to determine that
16 payments to providers of social and medical services are legal
17 and proper, the providers of such services will give the Auditor,
18 or ~~his~~ the Auditor's authorized representatives, access to the
19 records of recipients who receive such services."

20 **SECTION 35.** Section 5 of S.L. 2005-198 reads as rewritten:

21 "**SECTION 5.** This act is effective when it becomes law. Section 1 of this act
22 applies to provisional teaching certificates issued on or after that date. ~~Sections 2, 3, and~~
23 ~~4 of this act expire July 1, 2011.~~"

24 **SECTION 36.** Section 93(c) of S.L. 2006-264 is repealed.

25 **SECTION 37.** Section 98 of S.L. 2006-264 reads as rewritten:

26 "**SECTION 98.** Section 4 of ~~S.L. 2005-360~~ S.L. 2005-350 is repealed."

27 **SECTION 38.** The lead-in language of Section 6 of S.L. 2007-97 reads as
28 rewritten:

29 "**SECTION 6.** ~~G.S. 108-27.4(e)(7)~~ G.S. 108A-27.4(e)(7) reads as rewritten:".

30 **SECTION 39.** The lead-in language of Section 1.2 of S.L. 2007-106 reads
31 as rewritten:

32 "**SECTION 1.2.** G.S. 32A-14 is ~~amended by adding a new subsection to read:~~ reads
33 as rewritten:".

34 **SECTION 40.** Section 2 of S.L. 2007-112 reads as rewritten:

35 "**SECTION 2.** Occupancy Tax. – (a) Authorization and Scope. – The Carteret
36 County Board of Commissioners may levy a room occupancy and tourism development
37 tax of five percent (5%) of the gross receipts derived from the rental of any room,
38 lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp,
39 condominium, cottage, campground, rental agency, or other similar place within the
40 county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This
41 tax is in addition to any State or local sales tax. This tax does not apply to
42 accommodations furnished by the following:

- 43 (1) Religious organizations.
44 (2) Educational organizations.

- 1 (3) Any business that offers to rent fewer ~~then~~ than five units.
2 (4) Summer camps.
3 (5) Charitable, benevolent, and other nonprofit organizations."

4 **SECTION 41.** Section 1.(b) of S.L. 2007-113 reads as rewritten:

5 "**SECTION 1.(b)** To provide for the continuity of degree-granting authority and
6 participation with the State ~~Assistance Education~~ Education Assistance Authority:

7 (1) Notwithstanding G.S. 116-15 and anything else to the contrary,
8 CMC-NorthEast, Inc., or any successor, may continue to operate under
9 this section in the same manner as private nonprofit corporations, and
10 further may maintain in connection and as part of the hospital and
11 education programs for nursing and health sciences, presently known
12 as Cabarrus College of Health Sciences, which may continue to award
13 associate degrees, baccalaureate degrees, and advanced degrees, as
14 appropriate and as obtained by its students.

15 (2) Notwithstanding G.S. 116-21, 116-21.4, 116-22(1), 116-43.5 and any
16 and all rules promulgated thereunder, and anything else to the
17 contrary, Cabarrus College of Health Sciences shall continue to qualify
18 for participation as an "approved institution" and otherwise remain
19 eligible to receive the North Carolina Legislative Tuition Grants
20 through the North Carolina State Education Assistance Authority.

21 (3) Notwithstanding G.S. 116-19, 116-20, 116-21, 116-21.1, and
22 116-22(1), and any and all rules promulgated thereunder, and anything
23 else to the contrary, Cabarrus College of Health Sciences shall
24 continue to qualify for participation as an "approved institution" and
25 otherwise remain eligible to receive the North Carolina State
26 Contractual Scholarship Funds Grants through the North Carolina
27 State Education Assistance Authority."

28 **SECTION 41.5.** Section 8 of S.L. 2007-164 reads as rewritten:

29 "**SECTION 8.** Section 7 of this act becomes effective July 1, 2008.~~This—The~~
30 remainder of this act becomes effective July 1, 2007."

31 **SECTION 42.(a)** Section 12 of Session Law 2007-213 reads as rewritten:

32 "**SECTION 12.** G.S. 14-208.45 reads as rewritten:

33 "**§ 14-208.45. Fees.**

34 (a) ~~There shall be~~ Except as provided in this section, each person required to
35 enroll pursuant to this Part shall pay a one-time fee of ninety dollars ~~(\$90.00)~~ assessed
36 to each person required to enroll pursuant to this Part. ~~(\$90.00).~~ The fee shall be payable
37 to the clerk of superior court, and the fees shall be remitted quarterly to the Department
38 of Correction. This fee is intended to offset only the costs associated with the
39 time-correlated tracking of the geographic location of subjects using the location
40 tracking crime correlation system.

41 (b) When a court determines a person is required to enroll pursuant to
42 G.S. 14-208.40A or G.S. 14-208.40B, the ~~The~~ court may exempt a person from paying
43 the fee required by subsection (a) of this section only for good cause and upon motion
44 of the person ~~placed on~~ required to enroll in satellite-based monitoring. The court may

1 require that the fee be paid in advance or in a lump sum or sums, and a probation officer
2 may require payment by those ~~methods~~ ~~methods~~ ~~if the officer is authorized by~~
3 ~~subsection (c) of this section to determine the payment schedule. This fee is intended to~~
4 ~~offset only the costs associated with the time-correlated tracking of the geographic~~
5 ~~location of subjects using the location tracking crime correlation system.~~

6 (b) ~~The fee shall be payable to the clerk of superior court, and the fees shall be~~
7 ~~remitted quarterly to the Department of Correction.~~

8 (c) ~~If a person placed on supervised probation, parole, or post-release supervision~~
9 ~~is required as a condition of that probation, parole, or post-release supervision to pay~~
10 ~~any moneys to the clerk of superior court, the court may delegate to a probation officer~~
11 ~~the responsibility to determine the payment schedule."~~

12 **SECTION 42.(b)** Effective July 11, 2007, Section 15 of Session Law
13 2007-213 reads as rewritten:

14 "SECTION 15. Section 2 of this act becomes effective December 1, 2007, and
15 applies to sentences entered on or after that date. Section 6 of this act becomes effective
16 December 1, 2007, and applies to offenses committed on or after that date. Sections 7,
17 8, and 9 of this act become effective December 1, 2007, and apply to persons placed on
18 probation, parole, or post-release supervision on or after that date. ~~Section 9A~~
19 ~~becomes~~ Sections 1, 3, 4, 5, 11, 12, and 13 of this act become effective December 1,
20 2007. The remainder of this act is effective when it becomes law."

21 **SECTION 43.** The lead-in language of Section 6 of S.L. 2007-224 reads as
22 rewritten:

23 "**SECTION 6.** ~~G.S. 160-215(g)~~ G.S. 160A-215(g) reads as rewritten:"

24 **SECTION 43.5.** Section 10 of S.L. 2007-298 reads as rewritten:

25 "**SECTION 10.** Part I of this act becomes effective January 1, 2008, and applies to
26 violations occurring on or after that date. ~~Sections~~ Section 7.4 applies to license renewal
27 applications submitted on or after October 1, 2007. ~~and 7.5 apply to renewal~~
28 ~~applications~~ Section 7.5 applies to annual verifications of status submitted on or after
29 October 1, 2007. ~~Section~~ Sections 9 and 10 and Parts II, III, V, and VIII are effective
30 when the bill becomes law. The remainder of the act becomes effective October 1,
31 ~~2007, 2007, and applies to policies issued or renewed on or after that date."~~

32 **SECTION 43.7.(a)** If Section 1.2 of House Bill 627, 2007 Regular Session,
33 becomes law, G.S. 112C-115.4(b)(5), as enacted by Section 1.2 of House Bill 627, is
34 repealed.

35 **SECTION 43.7.(b)** If Section 1.2 of House Bill 627, 2007 Regular Session,
36 becomes law, G.S. 122C-115.4(b)(5), as enacted by Section 10.49(l) of S.L. 2007-323,
37 reads as rewritten:

38 "(b) The primary functions of an LME include all of the following:

39 ...

- 40 (5) Care coordination and quality management. This function involves
41 individual client care decisions at critical treatment junctures to assure
42 clients' care is coordinated, received when needed, likely to produce
43 good outcomes, and is neither too little nor too much service to
44 achieve the desired results. Care coordination is sometimes referred to

1 as "care management." Care coordination shall be provided by
2 clinically trained professionals with the authority and skills necessary
3 to determine appropriate diagnosis and treatment, approve treatment
4 and service plans, when necessary to link clients to higher levels of
5 care quickly and efficiently, to facilitate the resolution of
6 disagreements between providers and clinicians, and to consult with
7 providers, clinicians, case managers, and utilization reviewers. Care
8 coordination activities for high-risk/high-cost consumers or consumers
9 at a critical treatment juncture include the following:

- 10 a. Assisting with the development of a single care plan for
11 individual clients, including participating in child and family
12 teams around the development of plans for children and
13 adolescents.
- 14 b. Addressing difficult situations for clients or providers.
- 15 c. Consulting with providers regarding difficult or unusual care
16 situations.
- 17 d. Ensuring that consumers are linked to primary care providers
18 to address the consumer's physical health needs.
- 19 e. Coordinating client transitions from one service to another.
- 20 f. ~~Customer~~ Conducting customer service interventions.
- 21 g. Assuring clients are given additional, fewer, or different
22 services as client needs increase, lessen, or change.
- 23 h. Interfacing with utilization reviewers and case managers.
- 24 i. Providing leadership on the development and use of
25 communication protocols.
- 26 j. Participating in the development of discharge plans for
27 consumers being discharged from a State facility or other
28 inpatient setting who have not been previously served in the
29 community.

30"

31 **SECTION 43.7.(c)** If House Bill 627, 2007 Regular Session, becomes law,
32 Section 3 of that act reads as rewritten:

33 "**SECTION 3.** Sections 2.1 through 2.3 and Section 3 of this act become effective
34 October 1, 2007. Sections 1.4 and 2.5 of this act apply to appointments made on and
35 after October 1, 2007. Section 1.2 of this act becomes effective July 1, 2007. The
36 remainder of this act is effective when it becomes law."

37 **SECTION 43.7.(d)** This section becomes effective July 1, 2007.

38 **SECTION 43.8.(a)** If House Bill 1517, 2007 Regular Session, becomes law,
39 then G.S. 163-278.96(17), as enacted by House Bill 1517, reads as rewritten:

40 "(17) Trigger for matching funds. – The dollar amount at which matching
41 funds are released under G.S. 163-278.99B for certified candidates. In
42 the case of a contested primary, the trigger equals the maximum
43 qualifying contributions for the candidate. In the case of a contested
44 general election, the trigger equals the base level of funding available

1 under ~~G.S. 163-278.99(b)(2)~~-G.S. 163-278.99(b)(4)."

2 **SECTION 43.8.(b)** If House Bill 1517, 2007 Regular Session, becomes law,
3 then G.S. 163-278.99B(c) as enacted by House Bill 1517, reads as rewritten:

4 "(c) Limit on Matching Funds in Contested General Election. – Total matching
5 funds to a certified candidate in a contested general election shall be limited to an
6 amount equal to two times the amount described in
7 ~~G.S. 163-278.99(b)(2)~~-G.S. 163-278.99(b)(4)."

8 **SECTION 43.9.** If Senate Bill 1435, 2007 Regular Session, becomes law,
9 then the statutory reference in Section 7 of that act is amended by deleting
10 **'90-210.29A-1.'** and substituting **'90-210.29B.'**

11 **SECTION 44.** If Senate Bill 1482, 2007 Regular Session, becomes law, then
12 its title is amended by deleting "G.S. 163-102.6" and substituting "G.S. 136-102.6".

13 **SECTION 44.5.** If Senate Bill 1527, 2007 Regular Session, becomes law,
14 then G.S. 58-71-165, as enacted by Senate Bill 1527, reads as rewritten:

15 "**§ 58-71-165. Monthly report Report required.**

16 (a) Each professional bail bondsman shall file with the Commissioner a written
17 report in a form prescribed by the Commissioner regarding all bail bonds on which the
18 bondsman is liable as of the first day of each month showing (i) each individual bonded,
19 (ii) the date the bond was given, (iii) the principal sum of the bond, (iv) the State or
20 local official to whom given, and (v) the fee charged for the bonding service in each
21 instance.

22 (b) Each insurer that appoints surety bondsmen in this State shall file with the
23 Commissioner a written report in a form adopted by the Commissioner regarding all
24 bail bonds on which the insurer is liable as of the last day of each calendar quarter
25 showing the total dollar amount for which the insurer is liable. The report shall be filed
26 on or before the fifteenth day following the end of each calendar quarter.

27 (c) The reports required by ~~subsections (a) and (b)~~ subsection (a) of this section
28 shall be filed on or before the fifteenth day of each month.

29 (d) Any person who knowingly and willfully falsifies a report required by this
30 section is guilty of a Class I felony."

31 **SECTION 45.** Except as otherwise provided, this act is effective when it
32 becomes law.