

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 1070*

Short Title: General Statutes Comm. Technical Corrections. (Public)

Sponsors: Representatives Blust and Ross (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES,
INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO
PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH
THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED
BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-1112 reads as rewritten:

"§ 7B-1112. Effects of termination order.

An order terminating the parental rights completely and permanently terminates all rights and obligations of the parent to the juvenile and of the juvenile to the parent arising from the parental relationship, except that the juvenile's right of inheritance from the juvenile's parent shall not terminate until a final order of adoption is issued. The parent is not thereafter entitled to notice of proceedings to adopt the juvenile and may not object thereto or otherwise participate therein:

(1) If the juvenile had been placed in the custody of or released for adoption by one parent to a county department of social services or licensed child-placing agency and is in the custody of the agency at the time of the filing of the petition or motion, including a petition or motion filed pursuant to ~~G.S. 7B-1103(6)~~ ~~[7B-1103(a)(6)]~~, G.S. 7B-1103(a)(6), that agency shall, upon entry of the order terminating parental rights, acquire all of the rights for placement of the juvenile, except as otherwise provided in G.S. 7B-908(d), as the agency would have acquired had the parent whose rights are terminated released the juvenile to that agency pursuant to the provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes, including the right to consent to the adoption of the juvenile.

...."

SECTION 2.(a) 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 G.S. 14-27.2 (first degree rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex offense with a child; adult offender), G.S. 14-27.5 (second degree sexual



1 offense), G.S. 14-27.5A (sexual battery), former G.S. 14-27.6 (attempted
2 rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with
3 certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person
4 who is 13-, 14-, or 15-years-old where the defendant is at least six years
5 older), G.S. 14-43.13 (subjecting or maintaining a person for sexual
6 servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6
7 (employing or permitting minor to assist in offenses against public morality
8 and decency), G.S. 14-190.9(a1) (felonious indecent exposure),
9 G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17
10 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third
11 degree sexual exploitation of a minor), G.S. 14-190.18 (promoting
12 prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a
13 minor), G.S. 14-202.1 (taking indecent liberties with children),
14 G.S. 14-202.3 (Solicitation of child by computer or certain other electronic
15 devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent
16 liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or
17 permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2)
18 (commission or allowing of sexual act upon a juvenile by parent or
19 guardian). The term also includes the following: a solicitation or conspiracy
20 to commit any of these offenses; aiding and abetting any of these offenses.

21"

22 **SECTION 2.(b)** G.S. 14-208.26(a) reads as rewritten:

23 "(a) When a juvenile is adjudicated delinquent for a violation of G.S. 14-27.2 (first
24 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense),
25 G.S. 14-27.5 (second degree sexual offense), or former G.S. 14-27.6 (attempted rape or sexual
26 offense), and the juvenile was at least eleven years of age at the time of the commission of the
27 offense, the court shall consider whether the juvenile is a danger to the community. If the court
28 finds that the juvenile is a danger to the community, then the court shall consider whether the
29 juvenile should be required to register with the county sheriff in accordance with this Part. The
30 determination as to whether the juvenile is a danger to the community and whether the juvenile
31 shall be ordered to register shall be made by the presiding judge at the dispositional hearing. If
32 the judge rules that the juvenile is a danger to the community and that the juvenile shall
33 register, then an order shall be entered requiring the juvenile to register. The court's findings
34 regarding whether the juvenile is a danger to the community and whether the juvenile shall
35 register shall be entered into the court record. No juvenile may be required to register under this
36 Part unless the court first finds that the juvenile is a danger to the community."

37 **SECTION 3.** G.S. 15A-101.1 reads as rewritten:

38 **"§ 15A-101.1. Electronic technology in criminal process and procedure.**

39 As used in this Chapter, in Chapter 7A of the General Statutes, in Chapter 15 of the General
40 Statutes, and in all other provisions of the General Statutes that deal with criminal process or
41 procedure:

42 ...

43 (3a) "Electronic monitoring" or "electronically monitor" or "satellite-based
44 monitoring" means monitoring with an electronic monitoring device that is
45 not removed from a person's body, that is utilized by the supervising agency
46 in conjunction with a Web-based computer system that actively monitors,
47 identifies, tracks, and records a person's location at least once every minute
48 24 hours a day, that has a battery life of at least 48 hours without being
49 recharged, that timely records and reports or records the person's presence
50 near or within a crime scene or prohibited area or the person's departure
51 from a specified geographic location, and that has incorporated into the

1 software the ability to automatically compare crime scene data with
2 locations of all ~~person's~~ persons being electronically monitored so as to
3 provide any correlation daily or in real time. In areas of the State where lack
4 of cellular coverage requires the use of an alternative device, the supervising
5 agency shall use an alternative device that works in concert with the
6 software and records location and tracking data for later download and crime
7 scene comparison.

8"

9 **SECTION 4.** G.S. 20-9(d) is repealed.

10 **SECTION 5.** G.S. 20-141(j2) reads as rewritten:

11 "(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than
12 the speed limit set and posted under this section shall be required to pay a penalty of two
13 hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to those penalties
14 established in this Chapter. A "highway work zone" is the area between the first sign that
15 informs motorists of the existence of a work zone on a highway and the last sign that informs
16 motorists of the end of the work zone. The additional penalty imposed by this subsection
17 applies only if ~~sign~~ ~~[signs]~~ signs are posted at the beginning and end of any segment of the
18 highway work zone stating the penalty for speeding in that segment of the work zone. The
19 Secretary shall ensure that work zones shall only be posted with penalty signs if the Secretary
20 determines, after engineering review, that the posting is necessary to ensure the safety of the
21 traveling public due to a hazardous condition.

22 A law enforcement officer issuing a citation for a violation of this section while in a
23 highway work zone shall indicate the vehicle speed and speed limit posted in the segment of
24 the work zone, and determine whether the individual committed a violation of G.S. 20-141(j1).
25 Upon an individual's conviction of a violation of this section while in a highway work zone, the
26 clerk of court shall report that the vehicle was in a work zone at the time of the violation, the
27 vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."

28 **SECTION 6.** Article 11 of Chapter 25 of the General Statutes is repealed.

29 **SECTION 7.** G.S. 28A-2-4(a)(4) reads as rewritten:

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

34 ...

35 (4) Proceedings to ascertain heirs or devisees, to approve ~~family~~ settlement
36 agreements pursuant to G.S. 28A-2-10, to determine questions of
37 construction of wills, to determine priority among creditors, to determine
38 whether a person is in possession of property belonging to an estate, to order
39 the recovery of property of the estate in possession of third parties, and to
40 determine the existence or nonexistence of any immunity, power, privilege,
41 duty, or right. Any party or the clerk of superior court may file a notice of
42 transfer of a proceeding pursuant to this subdivision to the Superior Court
43 Division of the General Court of Justice as provided in G.S. 28A-2-6(h). In
44 the absence of a transfer to superior court, Article 26 of Chapter 1 of the
45 General Statutes shall apply to a trust proceeding pending before the clerk of
46 superior court to the extent consistent with this Article.

47"

48 **SECTION 8.(a)** G.S. 28A-5-1(b) reads as rewritten:

49 "(b) Implied Renunciation by Executor. – If any person named or designated as executor
50 fails to qualify or to renounce within 30 days after the will had been admitted to probate, (i) the
51 clerk of superior court may issue a notice to that person to qualify or move for an extension of

1 time to qualify within 15 days, or (ii) any other person named or designated as executor in the
 2 will or any interested person may file a petition in accordance with Article 2 of this Chapter for
 3 an order finding that person named or designated as executor to be deemed to have renounced.
 4 If that person does not file a response to the ~~motion-notice~~ or petition within 15 days from the
 5 date of service of the ~~motion-notice~~ or petition, the clerk of superior court shall enter an order
 6 adjudging that the person has renounced. If the person files a response within 15 days from the
 7 date of service of the ~~motion-notice~~ or petition requesting an extension of time within which to
 8 qualify or renounce, upon hearing, the clerk of superior court may grant to that person a
 9 reasonable extension of time within which to qualify or renounce for cause shown. If that
 10 person qualifies within 15 days of the date of service of the ~~motion-notice~~ or petition, the clerk
 11 of superior court shall dismiss that ~~motion-notice~~ or petition, without prejudice, summarily and
 12 without hearing."

13 **SECTION 8.(b)** G.S. 28A-5-2(b)(1) reads as rewritten:

14 "(b) Implied Renunciation. –

15 (1) If any person entitled to apply for letters of administration fails to apply
 16 therefor within 30 days from the date of death of the intestate, (i) the clerk of
 17 superior court may issue a notice to the person to qualify or move for an
 18 extension of time to qualify within 15 days, or (ii) any interested person may
 19 file a petition in accordance with Article 2 of this Chapter for an order
 20 finding that person to be deemed to have renounced. If the person does not
 21 file a response to the notice or petition within 15 days from the date of
 22 service of the ~~motion,notice or petition~~, the clerk of superior court shall enter
 23 an order adjudging that the person has renounced. If the person files a
 24 response within 15 days from the date of service of the ~~motion-notice or~~
 25 ~~petition~~ requesting an extension of time within which to qualify or renounce,
 26 upon hearing, the clerk of superior court may grant to that person a
 27 reasonable extension of time within which to qualify or renounce for cause
 28 shown. If the person qualifies within 15 days of the date of service of the
 29 ~~motion,notice or petition~~, the clerk of superior court shall dismiss the
 30 ~~motion,notice or petition~~, without prejudice, summarily and without hearing
 31 and the clerk of superior court shall issue letters to some other person as
 32 provided in G.S. 28A-4-1. No notice shall be required to be given to any
 33 interested person, but the clerk may give notice as the clerk in the clerk's
 34 discretion may determine."

35 **SECTION 9.** The catch line of G.S. 30-30 reads as rewritten:

36 "**~~§ 30-30. Judgment and order for commissioners.~~Judgment.**"

37 **SECTION 10.** G.S. 44A-24.2 reads as rewritten:

38 "**§ 44A-24.2. Definitions.**

39 The following definitions apply in this Part:

40 ...

- 41 (3) Commercial real estate. – Any real property or interest therein, whether
 42 freehold or nonfreehold, which at the time the property or interest is made
 43 the subject of an agreement for broker services:
- 44 a. Is lawfully used primarily for sales, office, research, institutional,
 45 warehouse, manufacturing, industrial, or mining purposes or for
 46 multifamily residential purposes involving five or more dwelling
 47 units;
 - 48 b. May lawfully be used for any of the purposes listed in ~~subdivision (3)~~
 49 ~~[sub-subdivision (3)a.]sub-subdivision (3)a.~~ of this section by a
 50 zoning ordinance adopted pursuant to the provisions of Article 18 of
 51 Chapter 153A or Article 19 of Chapter 160A of the General Statutes

1 or which is the subject of an official application or petition to amend
 2 the applicable zoning ordinance to permit any of the uses listed in
 3 ~~subdivision (3) [sub-subdivision (3)a.]~~ sub-subdivision (3)a. of this
 4 section which is under consideration by the government agency with
 5 authority to approve the amendment; or

- 6 c. Is in good faith intended to be immediately used for any of the
 7 purposes listed in ~~subdivision (3) [sub-subdivision~~
 8 ~~(3)a.]~~ sub-subdivision (3)a. of this section by the parties to any
 9 contract, lease, option, or offer to make any contract, lease, or option.

10"

11 **SECTION 11.** G.S. 62-36A is recodified as G.S. 62-36.1.

12 **SECTION 12.** G.S. 101-5(f) reads as rewritten:

13 "(f) If the clerk finds that good and sufficient reasons exist to deny the applicant's
 14 request for a name change, it is the clerk's duty not to issue an order changing the name of the
 15 applicant from that person's true name to the name sought to be adopted. The order denying the
 16 name change shall state the reasons for the denial. If the applicant desires to appeal the clerk's
 17 decision, the applicant must petition the chief resident superior court judge within 30 days of
 18 the date of the order denying the name change to request a reconsideration of the application.
 19 The reconsideration decision of the chief resident superior court judge is final and not subject
 20 to appeal. An unsuccessful applicant on reconsideration is subject to a waiting period of 12
 21 months from the date ~~of~~ of the adverse decision of the chief resident superior court judge
 22 before the applicant may submit another name change application. A successful applicant on
 23 reconsideration shall be granted the name change by the clerk in like manner as prescribed by
 24 subsection (d) of this section."

25 **SECTION 13.(a)** The catch line of G.S. 105-187.70 reads as rewritten:

26 "**§ 105-187.70. (Effective July 1, 2013) Department to comply with ~~Article 4~~ Article 3**
 27 **Chapter 62A of the General Statutes.**"

28 **SECTION 13.(b)** This section is effective when G.S. 105-187.70 becomes
 29 effective.

30 **SECTION 14.(a)** G.S. 120-30.9F reads as rewritten:

31 "**§ 120-30.9F. Municipalities; municipal attorney.**

32 The municipal attorney of any municipality covered by the Voting Rights Act of 1965 shall
 33 submit to the Attorney General of the United States within 30 days:

- 34 (1) Of the time they become laws, any local acts of the General Assembly; and
 35 (2) Of adoption actions of the municipal governing body or ~~board of elections or~~
 36 any other municipal agency or county board of elections which constitutes a
 37 "change affecting voting" under Section 5 of the Voting Rights Act of 1965
 38 in that municipality; provided that, if required or allowed by regulations or
 39 practices of the United States Department of Justice, a municipal attorney
 40 may delay submission of any annexation ordinance or group of ordinances
 41 until all previously submitted annexation ordinances have been precleared or
 42 otherwise received final disposition."

43 **SECTION 14.(b)** G.S. 163-304 reads as rewritten:

44 "**§ 163-304. State Board of Elections to have jurisdiction over municipal elections and**
 45 **election officials, and to advise; emergency and ongoing administration by**
 46 **county board.**

47 (a) Authority and Duty of State Board. – The State Board of Elections shall have the
 48 same authority over municipal elections ~~and election officials~~ as it has over county and State
 49 ~~elections and election officials.~~ elections. The State Board of Elections shall advise and assist
 50 cities, towns, incorporated villages and special districts, their members and legal officers on the
 51 conduct and administration of their elections and registration procedure.

1 The county boards of elections shall be governed by the same rules for settling
2 controversies with respect to counting ballots or certification of the returns of the vote in any
3 municipal or special district election as are in effect for settling such controversies in county
4 and State elections.

5 (b) through (e) Repealed by Session Laws 2011-31, s. 25, effective April 7, 2011."

6 **SECTION 15.** G.S. 122A-3 reads as rewritten:

7 **"§ 122A-3. Definitions.**

8 The following definitions apply in this ~~section~~:Chapter:

- 9 (1) Agency. – The North Carolina Housing Finance Agency created by this
10 Chapter.
- 11 (2) Bonds or notes. – The bonds or the bond anticipation notes or construction
12 loan notes authorized to be issued by the Agency under this Chapter.
- 13 (3) Counseling agency. – A nonprofit counseling agency located in North
14 Carolina that is approved by the North Carolina Housing Finance Agency.
- 15 (4) Energy conservation loan. – A loan obtained from a mortgage lender for the
16 purpose of satisfying an existing obligation of a borrower who is the resident
17 owner of a single-family dwelling or of "residential housing." The existing
18 obligation of the owner in an "energy conservation loan" must have been
19 incurred to pay for the purchase of materials or the installation of materials,
20 or both, which results in a significant decrease in the amount of consumption
21 of nonrenewable sources of energy in order to provide or maintain a
22 comfortable level of room temperatures in his residence during the winter.
23 "Energy conservation loan" does not include a loan obtained to refinance an
24 existing loan agreement unless payment or collection of the original loan
25 was guaranteed by the Agency.
- 26 (5) Federally insured securities. – An evidence of indebtedness secured by a first
27 mortgage lien on residential housing for persons of lower income and
28 insured or guaranteed as to repayment of principal and interest by the United
29 States or any agency or instrumentality thereof.
- 30 (6) Governmental agency. – Any department, division, public agency, political
31 subdivision, or other public instrumentality of the State, the federal
32 government, any other State or public agency, or any two or more thereof.
- 33 (7) Mortgage or mortgage loan. – A mortgage loan for residential housing,
34 including, without limitation, a mortgage loan to finance, either temporarily
35 or permanently, the construction, rehabilitation, improvement, or acquisition
36 and rehabilitation or improvement of residential housing and a mortgage
37 loan insured or guaranteed by the United States or an instrumentality thereof
38 or for which there is a commitment by the United States or an
39 instrumentality thereof to insure such a mortgage. A mortgage obligation
40 may be evidenced by a security document and secured by a lien upon real
41 property, including a deed of trust and land sale agreement. Mortgage also
42 means an obligation evidenced by a security lien on real property upon
43 which an owner-occupied mobile home is located.
- 44 (8) Mortgage lenders. – Any bank or trust company, savings bank, national
45 banking association, savings and loan association, or building and loan
46 association, life insurance company, mortgage banking company, the federal
47 government, and any other financial institution authorized to transact
48 business in the State.
- 49 (9) Mortgagee. – The owner of a beneficial interest in a mortgage loan, the
50 servicer for the owner of a beneficial interest in a mortgage loan, or the

1 trustee for a securitized trust that holds title to a beneficial interest in a
2 mortgage loan.

3 (10) Obligations. – Any bonds or bond anticipation notes authorized to be issued
4 by the Agency under the provisions of this Chapter.

5 (11) Persons and families of lower income. – Persons and families deemed by the
6 Agency to require such assistance as is made available by this Chapter on
7 account of insufficient personal or family income, taking into consideration,
8 without limitation, (i) the amount of the total income of such persons and
9 families available for housing needs, (ii) the size of the family, (iii) the cost
10 and condition of housing facilities available, (iv) the eligibility of such
11 persons and families for federal housing assistance of any type predicated
12 upon a lower-income basis, and (v) the ability of such persons and families
13 to compete successfully in the normal housing market and to pay the
14 amounts at which private enterprise is providing decent, safe, and sanitary
15 housing and deemed by the Agency therefore to be eligible to occupy
16 residential housing financed wholly or in part, with mortgages, or with other
17 public or private assistance.

18 (12) Rehabilitation. – The renovation or improvement of residential housing by
19 the owner of said residential housing.

20 (13) Residential housing. – A specific work or improvement undertaken primarily
21 to provide dwelling accommodations for persons and families of lower
22 income, including the rehabilitation of buildings and improvements, and
23 such other nonhousing facilities as may be incidental or appurtenant thereto.

24 (14) State. – The State of North Carolina."

25 **SECTION 16.** G.S. 130A-40.1(b) reads as rewritten:

26 "(b) The Secretary of Health and Human Services may approve only one request under
27 subsection (a) of this section, this section being designed as a pilot program concerning
28 alternative qualifications for a local health director. The Secretary of Health and Human
29 Services shall report any approval under this section to the Joint Legislative Oversight
30 Committee on Health and Human Services."

31 **SECTION 17.** G.S. 130A-309.1(e) reads as rewritten:

32 "(e) No person shall distribute, sell, or offer for sale in this State any rigid plastic
33 container, including a plastic beverage ~~container~~container, unless the container has a molded
34 label indicating the plastic resin used to produce the container. The code shall consist of a
35 number placed within three triangulated arrows and letters placed below the triangulated
36 arrows. The three arrows shall form an equilateral triangle with the common point of each line
37 forming each angle of the triangle at the midpoint of each arrow and rounded with a short
38 radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a
39 short gap separating the arrowhead from the base of the adjacent arrow. The triangle formed by
40 the three arrows curved at their midpoints shall depict a clockwise path around the code
41 number. The label shall appear on or near the bottom of the container and be clearly visible. A
42 container having a capacity of less than eight fluid ounces or more than five gallons is exempt
43 from the requirements of this subsection. The numbers and letters shall be as follows:

44 (1) For polyethylene terephthalate, the letters "PETE" and the number 1.

45 (2) For high density polyethylene, the letters "HDPE" and the number 2.

46 (3) For vinyl, the letter "V" and the number 3.

47 (4) For low density polyethylene, the letters "LDPE" and the number 4.

48 (5) For polypropylene, the letters "PP" and the number 5.

49 (6) For polystyrene, the letters "PS" and the number 6.

50 (7) For any other, the letters "OTHER" and the number 7."

51 **SECTION 18.** G.S. 131E-129(a)(1b) reads as rewritten:

1 "(a) Violation Classification and Penalties. – The Department of Health and Human
2 Services shall impose an administrative penalty in accordance with provisions of this Article on
3 any facility which is found to be in violation of the requirements of G.S. 131E-117 or
4 applicable State and federal laws and regulations. Citations for violations shall be classified and
5 penalties assessed according to the nature of the violation as follows:

6 ...
7 (1b) "Past Corrected Type A1 or Type A2 Violation" means either (i) the
8 violation was not previously identified by the Department or its authorized
9 representative or (ii) the violation was discovered by the facility and was self
10 reported, but in either case the violation has been corrected. In determining
11 whether a penalty should be assessed under this section, the Department
12 shall consider the following factors:

- 13 a. Preventive systems in place prior to the violation.
- 14 b. Whether the violation or violations were abated immediately. ~~and~~
- 15 c. Whether the facility implemented corrective measures to achieve and
16 maintain compliance.
- 17 d. Whether the facility's system to ensure compliance is maintained and
18 continues to be implemented.
- 19 e. Whether the regulatory area remains in compliance.

20 "

21 **SECTION 19.** G.S. 135-48.27 reads as rewritten:

22 **"§ 135-48.27. Reports to the General Assembly; General Assembly access to information.**

23 In addition to the reports required by ~~G.S. 135-48.22(d)~~, G.S. 135-48.23(d), the State
24 Treasurer, the Executive Administrator, and Board of Trustees shall report to the General
25 Assembly at such times and in such forms as shall be designated by the President Pro Tempore
26 of the Senate and the Speaker of the House of Representatives. Employees of the Legislative
27 Services Commission designated by the Legislative Services Officer (i) shall have access to all
28 records related to the Plan of the State Treasurer, the Board of Trustees, the Executive
29 Administrator, the Claims Processor, and the Plan and (ii) shall be entitled to attend all
30 meetings, including executive sessions, of the Board of Trustees."

31 **SECTION 20.** G.S. 135-48.44 reads as rewritten:

32 **"§ 135-48.44. Cessation of coverage.**

33 (a) Coverage under this Plan of an employee and his or her surviving spouse or eligible
34 dependent children or of a retired employee and his or her surviving spouse or eligible
35 dependent children shall cease on the earliest of the following dates:

36 ...

37 (2) The last day of the month in which an employee's employment with the State
38 is terminated as provided in ~~subsection (e)~~subsection (d) of this section.

39 ...

40 (c) Coverage under the Plan as a surviving dependent child whether covered as a
41 dependent of a surviving spouse, or as an individual member (no living parent), ceases when
42 the child ceases to be a dependent child as defined by G.S. 135-48.1, except coverage may
43 continue under the Plan on a fully contributory basis for a period of not more than 36 months
44 after loss of dependent status.

45 (d) Termination of employment shall mean termination for any reason, including layoff
46 and leave of absence, except as provided in subdivisions (a)(1) and (2) of this section, but shall
47 not, for purposes of this Plan, include retirement upon which the employee is granted an
48 immediate service or disability pension under and pursuant to a State-supported Retirement
49 System.

50 (1) In the event of termination for any reason other than death, coverage under
51 the Plan for an employee and his or her eligible spouse or dependent

children, provided the eligible spouse or dependent children were covered under the Plan at termination of employment may be continued for a period of not more than 18 months following termination of employment on a fully contributory basis. Employees who were covered under the Plan at termination of employment may be continued for a period of not more than 18 months or 29 months if determined to be disabled under the Social Security Act, Title II, OASDI or Title XVI, SSI.

- (2) In the event of approved leave of absence without pay, other than for active duty in the Armed Forces of the United States, coverage under this Plan for an employee and his or her dependents may be continued during the period of such leave of absence by the employee's paying one hundred percent (100%) of the cost.
- (3) If employment is terminated in the second half of a calendar month and the covered individual has made the required contribution for any coverage in the following month, that coverage will be continued to the end of the calendar month following the month in which employment was terminated.
- (4) Employees paid for less than 12 months in a year, who are terminated at the end of the work year and who have made contributions for the non-work months, will continue to be covered to the end of the period for which they have made contributions, with the understanding that if they are not employed by another State-covered employer under this Plan at the beginning of the next work year, the employee will refund to the ex-employer the amount of the employer's cost paid for them during the non-paycheck months.
- (5) Any employee receiving benefits pursuant to Article 6 of this Chapter when the employee has less than five years of retirement membership service, or an employee on leave of absence without pay due to illness or injury for up to 12 months, is entitled to continued coverage under the Plan for the employee and any eligible dependents by the employee's paying one hundred percent (100%) of the cost.

...."

SECTION 21. G.S. 135-48.50(1) and (5) read as rewritten:

"§ 135-48.50. Coverage mandates.

The Plan shall provide coverage subject to the following coverage mandates:

- (1) Abortion coverage. – The Plan shall not provide coverage for abortions for which State funds could not be used under G.S. 143C-6-5.5. The Plan shall, however, provide coverage for subsequent complications or related charges arising from an abortion not covered under this subdivision. ~~Reserved.~~

...

- (5) ~~Reserved.~~

...."

SECTION 22. G.S. 143C-3-5 reads as rewritten:

"§ 143C-3-5. Budget recommendations and budget message.

...

(b) Odd-Numbered Fiscal Years. – In odd-numbered years the budget recommendations shall include the following components:

...

- (3) A Current Operations ~~Appropriation~~ Appropriations Act that makes appropriations for each fiscal year of the upcoming biennium for the operating expenses of all State agencies as contained in the Recommended

1 State Budget, together with a Capital Improvements Appropriations Act that
2 authorizes any capital improvements projects.

- 3 (4) The biennial State Information Technology Plan as outlined in
4 ~~G.S. 147-33-72B~~ G.S. 147-33.72B to be consistent in facilitating the goals
5 outlined in the Recommended State Budget.

6 ...
7 (d) Funds Included in Budget. – Consistent with requirements of the North Carolina
8 Constitution, Article 5, ~~Section 7(a)~~, Section 7(1), the Governor's Recommended State Budget,
9 together with the Budget Support Document, shall include recommended expenditures of State
10 funds from all Governmental and Proprietary Funds, as those funds are described in
11 G.S. 143C-1-3. Except where provided otherwise by federal law, funds received from the
12 federal government become State funds when deposited in the State treasury and shall be
13 classified and accounted for in the Governor's budget recommendations no differently than
14 funds from other sources.

15"

16 **SECTION 23.** G.S. 153A-155(g) reads as rewritten:

17 "(g) Applicability. – Subsection (c) of this section applies to all counties and county
18 districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of
19 a local act, subsection (c) supersedes that provision. The remainder of this section applies only
20 to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell,
21 Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin,
22 Durham, Forsyth, Franklin, Granville, Halifax, Haywood, Jackson, Madison, Martin,
23 McDowell, Montgomery, Moore, Nash, New Hanover, ~~New Hanover County District U,~~
24 Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham,
25 Rowan, Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance,
26 Washington, and Wilson Counties, to New Hanover County District U, to Surry County
27 District S, to Watauga County District U, to Wilkes County District K, to Yadkin County
28 District Y, and to the Township of Averasboro in Harnett County and the Ocracoke Township
29 Taxing District."

30 **SECTION 24.** G.S. 159-175.10 reads as rewritten:

31 "**§ 159-175.10. Additional requirements for review of city financing application;
32 communications service.**

33 The Commission shall apply additional requirements to an application for financing by a
34 city or a joint agency under Part 1 of Article 20 of Chapter 160A of the General Statutes for the
35 construction, operation, expansion, or repair of a communications system or other infrastructure
36 for the purpose of offering communications service, as that term is defined in
37 ~~G.S. 160A-340(2)~~ ~~[160A-340(3)]~~, G.S. 160A-340(3), that is or will be competitive with
38 communications service offered by a private communications service provider. This section
39 does not apply to the repair, rebuilding, replacement, or improvement of an existing
40 communications network, or equipment relating thereto, but does apply to the expansion of
41 such existing network. The additional requirements are the following:

- 42 (1) Prior to submitting an application to the Commission, a city or joint agency
43 shall comply with the provisions of G.S. 160A-340.3 requiring at least two
44 public hearings on the proposed communications service project and notice
45 of the hearings to private communications service providers who have
46 requested notice.
- 47 (2) At the same time the application is submitted to the Commission, the city or
48 joint agency shall serve a copy of the application on each person that
49 provides competitive communications service within the city's jurisdictional
50 boundaries or in areas adjacent to the city. No hearing on the application

- 1 shall be heard by the Commission until at least 60 days after the application
- 2 is submitted to the Commission.
- 3 (3) Upon the request of a communications service provider, the Commission
- 4 shall accept written and oral comments from competitive private
- 5 communications service providers in connection with any hearing or other
- 6 review of the application.
- 7 (4) In considering the probable net revenues of the proposed communications
- 8 service project, the Commission shall consider and make written findings on
- 9 the reasonableness of the city or joint agency's revenue projections in light of
- 10 the current and projected competitive environment for the services to be
- 11 provided, taking into consideration the potential impact of technological
- 12 innovation and change on the proposed service offerings and the level of
- 13 demonstrated community support for the project.
- 14 (5) The city or joint agency making the application to the Commission shall bear
- 15 the burden of persuasion with respect to subdivisions (1) through (4) of this
- 16 section."

17 **SECTION 25.** Section 25 of S.L. 2011-284 is repealed.

18 **SECTION 26.** The introductory language of Section 12(b) of S.L. 2011-326 reads
19 as rewritten:

20 "**SECTION 12.(b)** ~~G.S. 7B-1110.1(a)~~G.S. 7B-1101.1(a) reads as rewritten:"

21 **SECTION 27.** The Revisor of Statutes may cause to be printed all explanatory
22 comments of the drafters of S.L. 2011-341 as the Revisor deems appropriate.

23 **SECTION 28.** The Revisor of Statutes may cause to be printed all explanatory
24 comments of the drafters of S.L. 2011-339 and S.L. 2011-344 as the Revisor deems
25 appropriate.

26 **SECTION 29.** Except where otherwise provided, this act is effective when it
27 becomes law.