

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 92*
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Short Title: GSC Technical Corrections 2013.

(Public)

Sponsors:

Referred to:

February 13, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND
3 SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES
4 COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER
5 CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. TECHNICAL CORRECTIONS RECOMMENDED BY THE GENERAL**
9 **STATUTES COMMISSION**

10 **SECTION 1.** The title of Article 9 of Chapter 7A of the General Statutes reads as
11 rewritten:

12 "Article 9.

13 District Attorneys and ~~Judicial~~ Prosecutorial Districts."

14 **SECTION 2.** G.S. 13-1 reads as rewritten:

15 **"§ 13-1. Restoration of citizenship.**

16 Any person convicted of a crime, whereby the rights of citizenship are forfeited, shall have
17 such rights automatically restored upon the occurrence of any one of the following conditions:

- 18 (1) The unconditional discharge of an inmate, of a probationer, or of a parolee
19 by the ~~Division of Adult Correction of the Department of Public Safety;~~
20 agency of the State having jurisdiction of that person or of a defendant under
21 a suspended sentence by the court.
22 (2) The unconditional pardon of the offender.
23 (3) The satisfaction by the offender of all conditions of a conditional pardon.
24 (4) With regard to any person convicted of a crime against the United States, the
25 unconditional discharge of such person by the agency of the United States
26 having jurisdiction of such person, the unconditional pardon of such person
27 or the satisfaction by such person of a conditional pardon.
28 (5) With regard to any person convicted of a crime in another state, the
29 unconditional discharge of such person by the agency of that state having
30 jurisdiction of such person, the unconditional pardon of such person or the
31 satisfaction by such person of a conditional pardon."

32 **SECTION 3.(a)** G.S. 14-17(a) reads as rewritten:



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"(a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 18 years of age at the time of the murder shall be punished ~~with imprisonment in the State's prison for life without parole~~ in accordance with Part 2A of Article 81B of Chapter 15A of the General Statutes."

SECTION 3.(b) G.S. 15A-1340.17(c) reads as rewritten:

"(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. — The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

- (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.
- (2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.
- (3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.
- (4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

PRIOR RECORD LEVEL

	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	Life Imprisonment Without Parole or Death <u>With Parole or Without Parole, or Death,</u> as Established by Statute						
	A 240-300	A 276-345	A 317-397	A 365-456	A Life Imprisonment Without Parole	A	DISPOSITION Aggravated
B1	192-240 144-192	221-276 166-221	254-317 190-254	292-365 219-292	336-420 252-336	386-483 290-386	PRESUMPTIVE Mitigated
	A 157-196	A 180-225	A 207-258	A 238-297	A 273-342	A 314-393	DISPOSITION Aggravated
B2	125-157	144-180	165-207	190-238	219-273	251-314	PRESUMPTIVE

1		94-125	108-144	124-165	143-190	164-219	189-251	Mitigated
2		A	A	A	A	A	A	DISPOSITION
3		73-92	83-104	96-120	110-138	127-159	146-182	Aggravated
4	C	58-73	67-83	77-96	88-110	101-127	117-146	PRESUMPTIVE
5		44-58	50-67	58-77	66-88	76-101	87-117	Mitigated
6		A	A	A	A	A	A	DISPOSITION
7		64-80	73-92	84-105	97-121	111-139	128-160	Aggravated
8	D	51-64	59-73	67-84	78-97	89-111	103-128	PRESUMPTIVE
9		38-51	44-59	51-67	58-78	67-89	77-103	Mitigated
10		I/A	I/A	A	A	A	A	DISPOSITION
11		25-31	29-36	33-41	38-48	44-55	50-63	Aggravated
12	E	20-25	23-29	26-33	30-38	35-44	40-50	PRESUMPTIVE
13		15-20	17-23	20-26	23-30	26-35	30-40	Mitigated
14		I/A	I/A	I/A	A	A	A	DISPOSITION
15		16-20	19-23	21-27	25-31	28-36	33-41	Aggravated
16	F	13-16	15-19	17-21	20-25	23-28	26-33	PRESUMPTIVE
17		10-13	11-15	13-17	15-20	17-23	20-26	Mitigated
18		I/A	I/A	I/A	I/A	A	A	DISPOSITION
19		13-16	14-18	17-21	19-24	22-27	25-31	Aggravated
20	G	10-13	12-14	13-17	15-19	17-22	20-25	PRESUMPTIVE
21		8-10	9-12	10-13	11-15	13-17	15-20	Mitigated
22		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
23		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
24	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
25		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
26		C	C/I	I	I/A	I/A	I/A	DISPOSITION
27		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
28	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
29		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

SECTION 4. G.S. 15A-145.5 reads as rewritten:

"§ 15A-145.5. Expunction of certain misdemeanors and felonies; no age limitation.

(a) For purposes of this section, the term "nonviolent misdemeanor" or "nonviolent felony" means any misdemeanor or felony except the following:

- (1) A Class A through G felony or a Class A1 misdemeanor.
- (2) An offense that includes assault as an essential element of the offense.
- (3) An offense requiring registration pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.
- (4) Any of the following sex-related or stalking offenses: G.S. 14-27.7A(b), 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1.
- (5) Any felony offense in Chapter 90 of the General Statutes where the offense involves methamphetamines, heroin, or possession with intent to sell or deliver or sell and deliver cocaine.
- (6) An offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any offense for which punishment was determined pursuant to G.S. 14-3(c).
- (7) An offense under G.S. 14-401.16.
- (8) Any felony offense in which a commercial motor vehicle was used in the commission of the offense.

1 (c) A person may file a petition, in the court where the person was convicted, for
2 expunction of a nonviolent misdemeanor or nonviolent felony conviction from the person's
3 criminal record if the person has no other misdemeanor or felony convictions, other than a
4 traffic violation, and was convicted of a nonviolent misdemeanor or nonviolent felony that is
5 eligible pursuant to subsection (b) of this section. ~~violation.~~ The petition shall not be filed
6 earlier than 15 years after the date of the conviction or when any active sentence, period of
7 probation, and post-release supervision has been served, whichever occurs later. The petition
8 shall contain, but not be limited to, the following:

- 9 (1) An affidavit by the petitioner that the petitioner has been of good moral
10 character since the date of conviction for the nonviolent misdemeanor or
11 nonviolent felony and has not been convicted of any other felony or
12 misdemeanor, other than a traffic violation, under the laws of the United
13 States or the laws of this State or any other state.
- 14 (2) Verified affidavits of two persons who are not related to the petitioner or to
15 each other by blood or marriage, that they know the character and reputation
16 of the petitioner in the community in which the petitioner lives and that the
17 petitioner's character and reputation are good.
- 18 (3) A statement that the petition is a motion in the cause in the case wherein the
19 petitioner was convicted.
- 20 (4) An application on a form approved by the Administrative Office of the
21 Courts requesting and authorizing a name-based State and national criminal
22 history record check by the Department of Justice using any information
23 required by the Administrative Office of the Courts to identify the
24 individual, a search by the Department of Justice for any outstanding
25 warrants on pending criminal cases, and a search of the confidential record
26 of expunctions maintained by the Administrative Office of the Courts. The
27 application shall be forwarded to the Department of Justice and to the
28 Administrative Office of the Courts, which shall conduct the searches and
29 report their findings to the court.
- 30 (5) An affidavit by the petitioner that no restitution orders or civil judgments
31 representing amounts ordered for restitution entered against the petitioner
32 are outstanding.

33 Upon filing of the petition, the petition shall be served upon the district attorney of the court
34 wherein the case was tried resulting in conviction. The district attorney shall have 30 days
35 thereafter in which to file any objection thereto and shall be duly notified as to the date of the
36 hearing of the petition. Upon good cause shown, the court may grant the district attorney an
37 additional 30 days to file objection to the petition. The district attorney shall make his or her
38 best efforts to contact the victim, if any, to notify the victim of the request for expunction prior
39 to the date of the hearing.

40 The presiding judge is authorized to call upon a probation officer for any additional
41 investigation or verification of the petitioner's conduct since the conviction. The court shall
42 review any other information the court deems relevant, including, but not limited to, affidavits
43 or other testimony provided by law enforcement officers, district attorneys, and victims of
44 crimes committed by the petitioner.

45 If the court, after hearing, finds that the petitioner has not previously been granted an
46 expunction under this section, G.S. 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, or
47 15A-145.4; the petitioner has remained of good moral character; the petitioner has no
48 outstanding warrants or pending criminal cases; the petitioner has no other felony or
49 misdemeanor convictions other than a traffic violation; the petitioner has no outstanding
50 restitution orders or civil judgments representing amounts ordered for restitution entered
51 against the petitioner; and the petitioner was convicted of an offense eligible for expunction

1 under this section and was convicted of, and completed any sentence received for, the
2 nonviolent misdemeanor or nonviolent felony at least 15 years prior to the filing of the petition,
3 it may order that such person be restored, in the contemplation of the law, to the status the
4 person occupied before such arrest or indictment or information. If the court denies the petition,
5 the order shall include a finding as to the reason for the denial.

6"

7 **SECTION 4.1.** G.S. 19A-2, as amended by S.L. 2013-3, reads as rewritten:

8 "**§ 19A-2. Purpose.**

9 It shall be the purpose of this Article to provide a civil remedy for the protection and
10 humane treatment of animals in addition to any criminal remedies that are available and it shall
11 be proper in any action to combine causes of action against one or more defendants for the
12 protection of one or more animals. A real party in interest as plaintiff shall be held to include
13 any person even though the person does not have a possessory or ownership right in an animal;
14 a real party in interest as defendant shall include any person who owns or has possession of an
15 animal. Venue for any action filed under this ~~Chapter Article~~ shall only be in the county ~~in~~
16 ~~superior court~~ where any violation is alleged to have occurred."

17 **SECTION 4.2.** G.S. 20-171.19(a) reads as rewritten:

18 "(a) No person shall operate an all-terrain vehicle on a public street or highway or public
19 vehicular area when such operation is otherwise permitted by law, unless the person wears eye
20 protection and a safety helmet meeting United States Department of Transportation standards
21 for motorcycle helmets."

22 **SECTION 5.** G.S. 20-183.2(a1) reads as rewritten:

23 "(a1) Safety Inspection Exceptions. – The following vehicles shall not be subject to a
24 safety inspection pursuant to this Article:

- 25 (1) Historic vehicles, as ~~defined~~—described in ~~G.S. 20-79.4(b)(63).~~
26 G.S. 20-79.4(b)(88).
27 (2) Buses titled to a local board of education and subject to the school bus
28 inspection requirements specified by the State Board of Education and
29 G.S. 115C-248."

30 **SECTION 6.** G.S. 28A-2-6(e) reads as rewritten:

31 "(e) Rules of Civil Procedure. – Unless the clerk of superior court otherwise directs,
32 ~~Rules 4-5, Rules 4, 5, 6(a), 6(d), 6(e), 18, 19, 20, 21, 24, 45, 56, and 65 of G.S. 1A-1, the Rules~~
33 of Civil Procedure, shall apply to estate proceedings. Upon motion of a party or the clerk of
34 superior court, the clerk may further direct that any or all of the remaining Rules of Civil
35 Procedure shall apply, including, without limitation, discovery rules; however, nothing in Rule
36 17 requires the appointment of a guardian ad litem for a party represented except as provided in
37 G.S. 28A-2-7. In applying these Rules to an estate proceeding pending before the clerk of
38 superior court, the term "judge" shall mean "clerk of superior court."

39 **SECTION 6.1.** G.S. 62-333 reads as rewritten:

40 "**§ 62-333. Screening employment applications.**

41 The Chief Personnel ~~Officer or his designee~~ Officer, or that person's designee, of any public
42 utility franchised to do business in North Carolina shall be permitted to obtain from the State
43 Bureau of Investigation a confidential copy of criminal history record information for screening
44 an applicant for employment with or an employee of a utility or utility contractor where the
45 employment or job to be performed falls within a class or category of positions certified by the
46 North Carolina Utilities Commission as permitting or requiring access to nuclear power
47 facilities or access to or control over nuclear material.

48 The State Bureau of Investigation shall charge a reasonable fee to defray the administrative
49 costs of providing criminal history record information for purposes of employment application
50 screening. The State Bureau of Investigation is authorized to retain fees charged pursuant to

1 this section and to expend those fees in accordance with the ~~Executive Budget Act~~ State Budget
2 Act for the purpose of discharging its duties under this section."

3 **SECTION 7.(a)** G.S. 74-54(b) reads as rewritten:

4 "(b) The applicant shall have the option of filing a separate bond for each operating
5 permit or of filing a blanket bond covering all mining operations within the State for which the
6 applicant holds a permit. The amount of each bond shall be based upon the area of affected land
7 to be reclaimed under the approved reclamation plan or plans to which the bond pertains, less
8 any area where reclamation has been completed and released from coverage by the Department,
9 pursuant to G.S. 74-56, or based on any other criteria established by the ~~North Carolina Mining~~
10 ~~and Energy~~ Commission. The Department shall set the amount of the required bond in all
11 cases, based upon a schedule established by the ~~North Carolina Mining and Energy~~
12 Commission."

13 **SECTION 7.(b)** G.S. 74-54.1(c) reads as rewritten:

14 "(c) The Department shall annually report on or before ~~1 September~~ September 1 to the
15 Environmental Review Commission, the Fiscal Research Division, and the ~~North Carolina~~
16 ~~Mining and Energy~~ Commission on the cost of implementing this Article. The report shall
17 include the fees established, collected, and disbursed under this section and any other
18 information requested by the General Assembly or the Commission."

19 **SECTION 7.(c)** G.S. 74-67 reads as rewritten:

20 "**§ 74-67. Exemptions.**

21 The provisions of this Article shall not apply to those activities of the Department of
22 Transportation, nor of any person, firm, or corporation acting under contract with ~~said the~~
23 Department of Transportation, on highway rights-of-way or borrow pits maintained solely in
24 connection with the construction, repair, and maintenance of the public road systems of North
25 Carolina; provided, that this exemption shall not become effective until the Department of
26 Transportation shall have adopted reclamation standards applying to such activities and such
27 standards have been approved by the ~~North Carolina Mining and Energy~~ Commission. The
28 provisions of this Article shall not apply to mining on federal lands under a valid permit from
29 the U.S. Forest Service or the U.S. Bureau of Land Management."

30 **SECTION 8.** G.S. 90B-3 reads as rewritten:

31 "**§ 90B-3. Definitions.**

32 The following definitions apply in this Chapter:

- 33 (1) Board. – The North Carolina Social Work Certification and Licensure
34 Board.
- 35 (2) ~~Licensed Clinical Social Worker. – A person who is competent to function~~
36 ~~independently, who holds himself or herself out to the public as a social~~
37 ~~worker, and who offers or provides clinical social work services or~~
38 ~~supervises others engaging in clinical social work practice.~~
- 39 (3) Certified Master Social Worker. – A person who is certified under this
40 Chapter to practice social work as a master social worker and is engaged in
41 the practice of social work.
- 42 (4) Certified Social Work Manager. – A person who is certified under this
43 Chapter to practice social work as a social work manager and is engaged in
44 the practice of social work.
- 45 (5) Certified Social Worker. – A person who is certified under this Chapter to
46 practice social work as a social worker and is engaged in the practice of
47 social work.
- 48 (6) Clinical Social Work Practice. – The professional application of social work
49 theory and methods to the biopsychosocial diagnosis, treatment, or
50 prevention, of emotional and mental disorders. Practice includes, by
51 whatever means of communications, the treatment of individuals, couples,

1 families, and groups, including the use of psychotherapy and referrals to and
2 collaboration with other health professionals when appropriate. Clinical
3 social work practice shall not include the provision of supportive daily living
4 services to persons with severe and persistent mental illness as defined in
5 G.S. 122C-3(33a).

6 (6a) Licensed Clinical Social Worker. – A person who is competent to function
7 independently, who holds himself or herself out to the public as a social
8 worker, and who offers or provides clinical social work services or
9 supervises others engaging in clinical social work practice.

10 (6b) Licensed Clinical Social Worker Associate. – A person issued an associate
11 license to provide clinical social work services pursuant to G.S. 90B-7(f).

12 (7) Practice of Social Work. – To perform or offer to perform services, by
13 whatever means of communications, for other people that involve the
14 application of social work values, principles, and techniques in areas such as
15 social work services, consultation and administration, and social work
16 planning and research.

17 (8) Social Worker. – A person certified, licensed, or associate licensed by this
18 Chapter or otherwise exempt under G.S. 90B-10."

19 **SECTION 9.** G.S. 115D-12 reads as rewritten:

20 **"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

21 (a) Each community college established or operated pursuant to this Chapter shall be
22 governed by a board of trustees consisting of 13 members, or of additional members if selected
23 according to the special procedure prescribed by the third paragraph of this subsection, who
24 shall be selected by the following agencies. No member of the General Assembly may be
25 appointed to a local board of trustees for a community college.

26 Group One – four trustees, elected by the board of education of the public school
27 administrative unit located in the administrative area of the institution. If there are two or more
28 public school administrative units, whether city or county units, or both, located within the
29 administrative area, the trustees shall be elected jointly by all of the boards of education of
30 those units, each board having one vote in the election of each trustee, except as provided in
31 G.S. 115D-59. No board of education shall elect a member of the board of education or any
32 person employed by the board of education to serve as a trustee, however, any such person
33 currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the
34 trustee's current term.

35 Group Two – four trustees, elected by the board of commissioners of the county in which
36 the institution is located. Provided, however, if the administrative area of the institution is
37 composed of two or more counties, the trustees shall be elected jointly by the boards of
38 commissioners of all those counties, each board having one vote in the election of each trustee.
39 Provided, also, the county commissioners of the county in which the community college has
40 established a satellite campus may elect an additional two members if the board of trustees of
41 the community college agrees. No more than one trustee from Group Two may be a member of
42 a board of county commissioners. Should the boards of education or the boards of
43 commissioners involved be unable to agree on one or more trustees the senior resident superior
44 court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the
45 institution is located shall fill the position or positions by appointment.

46 Group Three – four trustees, appointed by the Governor.

47 Group Four – the president of the student government or the chairman of the executive
48 board of the student body of each community college established pursuant to ~~G.S. 115D~~this
49 Chapter shall be an ex officio nonvoting member of the board of trustees of each said
50 institution.

1 (b) All trustees shall be residents of the administrative area of the institution for which
 2 they are selected or of counties contiguous thereto with the exception of members provided for
 3 in ~~G.S. 115D-12(a), Group Four~~ subsection (a) of this section, Group Four.

4 (b1) No person who has been employed full time by the community college within the
 5 prior 5 years and no spouse or child of a person currently employed full time by the community
 6 college shall serve on the board of trustees of that college.

7 (c) Vacancies occurring in any group for whatever reason shall be filled for the
 8 remainder of the unexpired term by the agency or agencies authorized to select trustees of that
 9 group and in the manner in which regular selections are made. Should the selection of a trustee
 10 not be made by the agency or agencies having the authority to do so within 60 days after the
 11 date on which a vacancy occurs, whether by creation or expiration of a term or for any other
 12 reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired
 13 term."

14 **SECTION 9.1.** G.S. 116-201(b)(1) reads as rewritten:

15 "(1) "Article" or "this Article" means ~~this article 23~~ Article 23 of Chapter 116 of
 16 the General Statutes of North Carolina, presently comprising G.S. 116-201
 17 through 116-209.24; Carolina."

18 **SECTION 10.** G.S. 120-12.1 reads as rewritten:

19 **"§ 120-12.1. Reports on vacant positions in the Judicial Department and ~~three~~two other**
 20 **departments.**

21 The Judicial Department, the Department of Justice, and the Department of Public Safety
 22 shall each report by February 1 of each year to the Chairs of the House and Senate
 23 Appropriations Committees and the Chairs of the House and Senate Appropriations
 24 Subcommittees on Justice and Public Safety on all positions within that department that have
 25 remained vacant for 12 months or more. The report shall include the original position vacancy
 26 dates, the dates of any postings or repostings of the positions, and an explanation for the length
 27 of the vacancies."

28 **SECTION 11.** G.S. 122C-22(a) reads as rewritten:

29 "(a) ~~The~~ All of the following are excluded from the provisions of this Article and are not
 30 required to obtain licensure under this Article:

- 31 (1) Physicians and psychologists engaged in private office ~~practice~~; practice.
- 32 (2) General hospitals licensed under Article 5 of Chapter 131E of the General
 33 Statutes, that operate special units for the mentally ill, developmentally
 34 disabled, or substance ~~abusers~~; abusers.
- 35 (3) State and federally operated ~~facilities~~; facilities.
- 36 (4) Adult care homes licensed under Chapter 131D of the General
 37 ~~Statutes~~; Statutes.
- 38 (5) Developmental child care centers licensed under Article 7 of Chapter 110 of
 39 the General ~~Statutes~~; Statutes.
- 40 (6) Persons subject to licensure under rules of the Social Services
 41 ~~Commission~~; Commission.
- 42 (7) Persons subject to rules and regulations of the Division of Vocational
 43 Rehabilitation ~~Services~~; Services.
- 44 (8) Facilities that provide occasional respite care for not more than two
 45 individuals at a time; provided that the primary purpose of the facility is
 46 other than as defined in ~~G.S. 122C-3(14)~~; G.S. 122C-3(14).
- 47 (9) Twenty-four-hour nonprofit facilities established for the purposes of shelter
 48 care and recovery from alcohol or other drug addiction through a 12-step,
 49 self-help, peer role modeling, and self-governance ~~approach~~; approach.
- 50 (10) Inpatient chemical dependency or substance abuse facilities that provide
 51 services exclusively to inmates of the Division of Adult Correction of the

1 Department of Public Safety, as described in ~~G.S. 148-19.1;~~
2 ~~and~~G.S. 148-19.1.

3 (11) A charitable, nonprofit, faith-based, adult residential treatment facility that
4 does not receive any federal or State funding and is a religious organization
5 exempt from federal income tax under section 501(a) of the Internal
6 Revenue Code; ~~and~~Code.

7 (12) A home in which up to three adults, two or more having a disability, co-own
8 or co-rent a home in which the persons with disabilities are receiving three
9 or more hours of day services in the home or up to 24 hours of residential
10 services in the home. The individuals who have disabilities cannot be
11 required to move if the individuals change services, change service
12 providers, or discontinue services."

13 **SECTION 12.** G.S. 136-89.210(1) reads as rewritten:

14 "(1) ~~Reserved.~~"

15 **SECTION 12.1.** The catchline of G.S. 143B-721 reads as rewritten:

16 "**§ 143B-721. Post-Release Supervision and Parole Commission – members; selection;**
17 **removal; ~~chairman; chair; compensation; quorum; services.~~"**

18 **SECTION 13.** G.S. 143B-1100(a) reads as rewritten:

19 "(a) There is hereby created the Governor's Crime Commission of the Department of
20 Public Safety. The Commission shall consist of ~~36~~37 voting members and ~~six~~five nonvoting
21 members. The composition of the Commission shall be as follows:

22 (1) The voting members shall be:

23 a. The Governor, the Chief Justice of the Supreme Court of North
24 Carolina (or the Chief Justice's designee), the Attorney General, the
25 Director of the Administrative Office of the Courts, the Secretary of
26 the Department of Health and Human Services, the Secretary of
27 Public Safety (or the Secretary's designee), and the Superintendent of
28 Public Instruction;

29 b. A judge of superior court, a judge of district court specializing in
30 juvenile matters, a chief district court judge, a clerk of superior court,
31 and a district attorney;

32 c. A defense attorney, three sheriffs (one of whom shall be from a "high
33 crime area"), three police executives (one of whom shall be from a
34 "high crime area"), eight citizens (two with knowledge of juvenile
35 delinquency and the public school system, two of whom shall be
36 under the age of 21 at the time of their appointment, one advocate for
37 victims of all crimes, one representative from a domestic violence or
38 sexual assault program, one representative of a "private juvenile
39 delinquency program," and one in the discretion of the Governor),
40 three county commissioners or county officials, and three mayors or
41 municipal officials;

42 d. Two members of the North Carolina House of Representatives and
43 two members of the North Carolina Senate.

44 (2) The nonvoting members shall be the Director of the State Bureau of
45 Investigation, the Deputy Director of the Division of Juvenile Justice of the
46 Department of Public Safety who is responsible for Intervention/Prevention
47 programs, the Deputy Director of the Division of Juvenile Justice of the
48 Department of Public Safety who is responsible for Youth Development
49 programs, the Section Chief of the Section of Prisons of the Division of
50 Adult Correction and the Section Chief of the Section of Community
51 Corrections of the Division of Adult Correction."

1 **SECTION 14.(a)** G.S. 163-82.12 reads as rewritten:

2 "**§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.**

3 The State Board of Elections shall make all guidelines necessary to administer the statewide
4 voter registration system established by this Article. All county boards of elections shall follow
5 these guidelines and cooperate with the State Board of Elections in implementing guidelines.
6 These guidelines shall include provisions for all of the following:

7 ...

8 (8b) Notifying voter-registration applicants whose drivers license or last four
9 digits of social security number does not result in a validation, attempting to
10 resolve the discrepancy, initiating investigations under G.S. 163-33(3) or
11 challenges under Article 8 of this Chapter where warranted, and notifying
12 any voters of the requirement under ~~G.S. 163-166.2(b2)~~ G.S. 163-166.12(b2)
13 to present identification when voting.

14 "

15 **SECTION 14.(b)** G.S. 163-166.12 reads as rewritten:

16 "**§ 163-166.12. Requirements for certain voters who register by mail.**

17 (a) Voting in Person. – An individual who has registered to vote by mail on or after
18 January 1, 2003, and has not previously voted in an election that includes a ballot item for
19 federal office in North Carolina, shall present to a local election official at a voting place before
20 voting there one of the following:

21 (1) A current and valid photo identification.

22 (2) A copy of one of the following documents that shows the name and address
23 of the voter: a current utility bill, bank statement, government check,
24 paycheck, or other government document.

25 (b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or
26 after January 1, 2003, and has not previously voted in an election that includes a ballot item for
27 federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the
28 mailed-in absentee ballot one of the following:

29 (1) A copy of a current and valid photo identification.

30 (2) A copy of one of the following documents that shows the name and address
31 of the voter: a current utility bill, bank statement, government check,
32 paycheck, or other government document.

33 (b1) Notation of Identification Proof. – The county board of elections shall note the type
34 of identification proof submitted by the voter under the provisions of subsection (a) or (b) of
35 this section and may dispose of the tendered copy of identification proof as soon as the type of
36 proof is noted in the voter registration records.

37 (b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an
38 individual has registered by mail or by another method, if the individual has provided with the
39 registration form a drivers license number or last four digits of a Social Security number but the
40 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and
41 the number has not been otherwise validated by the board of elections, in the first election in
42 which the individual votes that individual shall submit with the ballot the form of identification
43 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot
44 is voted in person or absentee. If that identification is provided and the board of elections does
45 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
46 identification numbers to match shall not prevent that individual from registering to vote and
47 having that individual's vote counted. If the individual registers and votes under
48 G.S. 163-82.6A, the identification documents required in that section, rather than those
49 described in subsection (a) or (b) of this section, apply.

50 (c) The Right to Vote Provisionally. – If an individual is required under subsection (a),
51 (b), or (b2) of this section to present identification in order to vote, but that individual does not

1 present the required identification, that individual may vote a provisional official ballot. If the
2 voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If
3 the voter is voting by mail-in absentee ballot, the mailed ballot without the required
4 identification shall be treated as a provisional official ballot.

5 (d) Exemptions. – This section does not apply to any of the following:

- 6 (1) An individual who registers by mail and submits as part of the registration
7 application either of the following:
8 a. A copy of a current and valid photo identification.
9 b. A copy of one of the following documents that shows the name and
10 address of the voter: a current utility bill, bank statement,
11 government check, paycheck, or other government document.
12 (2) An individual who registers by mail and submits as part of the registration
13 application the individual's drivers license number or at least the last four
14 digits of the individual's social security number where an election official
15 matches either or both of the numbers submitted with an existing State
16 identification record bearing the same number, name, and date of birth
17 contained in the submitted registration. If any individual's number does not
18 match, the individual shall provide identification as required in subsection
19 (b2) of this section in the first election in which the individual votes.
20 (3) An individual who is entitled to vote by absentee ballot under the Uniformed
21 and Overseas Citizens Absentee Voting Act.
22 (4) An individual who is entitled to vote otherwise than in person under section
23 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped
24 Act.
25 (5) An individual who is entitled to vote otherwise than in person under any
26 other federal law."

27 **SECTION 15.** The introductory language of Section 5 of S.L. 2012-11 reads as
28 rewritten:

29 "**SECTION 5.** ~~G.S. 160A-60(a)~~G.S. 160A-58.60(a) reads as rewritten:"

30 **SECTION 16.** The introductory language of Section 2(b) of S.L. 2012-120 reads as
31 rewritten:

32 "**SECTION 2.(b)** ~~G.S. 140-3.15(g)~~G.S. 140-5.13(g) reads as rewritten:"

33 **SECTION 16.1.** Section 1(b) of S.L. 2013-1 reads as rewritten:

34 "**SECTION 1.(b)** The State Board of Education shall make high school diploma
35 endorsements, as provided under this section, available to students graduating from high school
36 beginning with the 2014-2015 school year. The State Board of Education shall report to the
37 Joint Legislative Education Oversight Committee on the progress toward establishing specific
38 college and career endorsements for high school diplomas and for awarding these endorsements
39 by February 1, 2014. The State Board of Education shall submit the report on the impact of
40 awarding the high school endorsements on high school graduation, college acceptance and
41 remediation, and post-high school employment rates by September 1, 2016, and annually
42 thereafter."

43 **SECTION 16.2.** The introductory language of Section 2 of S.L. 2013-26 reads as
44 rewritten:

45 "**SECTION 2.** Article II of Chapter 5 of the Charter of the City of ~~Charlotte~~Charlotte,
46 being S.L. 2000-26, is amended by adding the following new section:"

47 **SECTION 16.3.** The introductory language of Section 3 of S.L. 2013-55 reads as
48 rewritten:

49 "**SECTION 3.** ~~G.S. 47-29~~G.S. 47-29.1 is amended by adding a new subsection to read:"

50
51 **PART II. OTHER TECHNICAL AMENDMENTS**

1 **SECTION 17.(a)** G.S. 15-11.2(f), as amended by Section 2 of S.L. 2013-158,
2 reads as rewritten:

3 "(f) Disbursement of Proceeds of Sale. – If the law enforcement agency sells the firearm
4 pursuant to subdivision (2) of ~~subsection (e)~~ subsection (d) of this section, then the proceeds of
5 the sale shall be retained by the law enforcement agency and used for law enforcement
6 purposes. The receiving law enforcement agency shall maintain a record and inventory of all
7 firearms received pursuant to this section, as well as the disposition of the firearm, including
8 any funds received from a sale of a firearm or any firearms or other property received in
9 exchange or trade of a firearm."

10 **SECTION 17.(b)** This section becomes effective September 1, 2013.

11 **SECTION 18.(a)** G.S. 20-28.2(a1)(2), as amended by Section 1 of S.L. 2013-243,
12 reads as rewritten:

13 "(2) Innocent Owner. – A motor vehicle owner:

14 ...

15 e. Who is (i) a rental car company as defined in ~~G.S. 66-201(a)~~,
16 G.S. 66-201(a) and the vehicle was driven by a person who is not
17 listed as an authorized driver on the rental ~~agreement~~, agreement as
18 defined in G.S. 66-201; or (ii) ~~is a rental car company as defined in~~
19 G.S. 66-201(a) and the vehicle was driven by a person who is listed
20 as an authorized driver on the rental agreement as defined in
21 G.S. 66-201 and if the offense resulting in seizure was an impaired
22 driving offense, the rental car company has no actual knowledge of
23 the revocation of the renter's drivers' license at the time the rental
24 agreement is entered, or if the offense resulting in seizure was a
25 felony speeding to elude arrest offense, the rental agreement
26 expressly prohibits use of the vehicle while committing a felony; or

27 "

28 **SECTION 18.(b)** This section becomes effective December 1, 2013.

29 **SECTION 19.** G.S. 97-29(g) reads as rewritten:

30 "(g) The weekly compensation payment for members of the North Carolina National
31 Guard and the North Carolina State Defense Militia shall be the maximum amount established
32 annually in accordance with ~~the last paragraph~~ subsection (i) of this section per week as fixed
33 herein. The weekly compensation payment for deputy sheriffs, or those acting in the capacity of
34 deputy sheriffs, who serve upon a fee basis, shall be thirty dollars (\$30.00) a week as fixed
35 herein."

36 **SECTION 20.(a)** G.S. 115C-296(b)(1)c., as amended by Section 5(b) and (c) of
37 S.L. 2013-226, reads as rewritten:

38 "c. The State Board of Education, in consultation with local boards of
39 education and the Board of Governors of The University of North
40 Carolina, shall (i) reevaluate and enhance the requirements for
41 renewal of teacher ~~licenses~~ licenses, (ii) consider modifications in the
42 license renewal achievement and to make it a mechanism for teachers
43 to renew continually their knowledge and professional skills, and (iii)
44 integrate digital teaching and learning into the requirements for
45 licensure renewal."

46 **SECTION 20.(b)** This section becomes effective July 1, 2017, and applies
47 beginning with the 2017-2018 school year.

48 **SECTION 21.** G.S. 115C-366(a3) reads as rewritten:

49 "(a3) A student who is not a domiciliary of a local school administrative unit may attend,
50 without the payment of tuition, the public schools of that unit if all of the following apply:

- 1 (1) The student resides with an adult, who is a domiciliary of that unit, as a
2 result of any one of the following:
- 3 a. The death, serious illness, or incarceration of a parent or legal
4 ~~guardian, guardian.~~
- 5 b. The abandonment by a parent or legal guardian of the complete
6 control of the student as evidenced by the failure to provide
7 substantial financial support and parental ~~guidance, guidance.~~
- 8 c. Abuse or neglect by the parent or legal ~~guardian, guardian.~~
- 9 d. The physical or mental condition of the parent or legal guardian is
10 such that he or she cannot provide adequate care and supervision of
11 the ~~student, student.~~
- 12 e. The relinquishment of physical custody and control of the student by
13 the student's parent or legal guardian upon the recommendation of
14 the department of social services or the Division of Mental
15 ~~Health, Health.~~
- 16 f. The loss or uninhabitability of the student's home as the result of a
17 natural ~~disaster, or disaster.~~
- 18 g. The parent or legal guardian is one of the following:
- 19 ~~(1)~~1. On active military duty and is deployed out of the local
20 school administrative unit in which the student
21 ~~resides; resides.~~ For purposes of this sub-sub-subdivision, the
22 term "active duty" does not include periods of active duty for
23 training for less than 30 days.
- 24 ~~(2)~~2. A member or veteran of the uniformed services who is
25 severely injured and medically discharged or retired, but only
26 for a period of one year after the medical discharge or
27 retirement of the parent or ~~guardian; or guardian.~~
- 28 ~~(3)~~3. A member of the uniformed services who dies on active duty
29 or as a result of injuries sustained on active duty, but only for
30 a period of one year after death. For purposes of this
31 sub-sub-subdivision, the term "active duty" is as defined in
32 G.S. 115C-407.5
- 33 ~~For purposes of this sub-subdivision, the term "active duty" does not~~
34 ~~include periods of active duty for training for less than 30 days.~~
35 Assignment under this sub-subdivision is only available if some
36 evidence of the ~~deployment—deployment, medical discharge,~~
37 ~~retirement, or death~~ is tendered with the affidavits required under
38 subdivision (3) of this subsection.
- 39 (2) The student is:
- 40 a. Not currently under a term of suspension or expulsion from a school
41 for conduct that could have led to a suspension or an expulsion from
42 the local school administrative unit, or
- 43 b. Currently under a term of suspension or expulsion from a school for
44 conduct that could have led to a suspension or an expulsion from the
45 local school administrative unit and is identified as eligible for
46 special education and related services under the Individuals with
47 Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq.,
48 (2004). Assignment under this sub-subdivision is available only if
49 evidence of current eligibility is tendered with the affidavit required
50 under subdivision (3) of this subsection.

- 1 (3) The caregiver adult and the student's parent, guardian, or legal custodian
2 have each completed and signed separate affidavits ~~that~~that do all of the
3 following:
4 a. Confirm the qualifications set out in this subsection establishing the
5 student's ~~residency~~residency.
6 b. Attest that the student's claim of residency in the unit is not primarily
7 related to attendance at a particular school within the ~~unit, and~~unit.
8 c. Attest that the caregiver adult has been given and accepts
9 responsibility for educational decisions for the student.

10 If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise
11 unavailable to sign the affidavit, then the caregiver adult shall attest to that fact in the affidavit.
12 If the student is a minor, the caregiver adult must make educational decisions concerning the
13 student and has the same legal authority and responsibility regarding the student as a parent or
14 legal custodian would have even if the parent, guardian, or legal custodian does not sign the
15 affidavit. The minor student's parent, legal guardian, or legal custodian retains liability for the
16 student's acts.

17 Upon receipt of both affidavits or an affidavit from the caregiver adult that includes an
18 attestation that the student's parent, guardian, or legal custodian is unable, refuses, or is
19 otherwise unavailable to sign an affidavit, the local board shall admit and assign as soon as
20 practicable the student to an appropriate school, as determined under the local board's school
21 assignment policy, pending the results of any further procedures for verifying eligibility for
22 attendance and assignment within the local school administrative unit.

23 If it is found that the information contained in either or both affidavits is false, then the
24 local board may, unless the student is otherwise eligible for school attendance under other laws
25 or local board policy, remove the student from school. If a student is removed from school, the
26 board shall provide an opportunity to appeal the removal under the appropriate policy of the
27 local board and shall notify any person who signed the affidavit of this opportunity. If it is
28 found that a person willfully and knowingly provided false information in the affidavit, the
29 maker of the affidavit shall be guilty of a Class 1 misdemeanor and shall pay to the local board
30 an amount equal to the cost of educating the student during the period of enrollment.
31 Repayment shall not include State funds.

32 Affidavits shall include, in large print, the penalty, including repayment of the cost of
33 educating the student, for providing false information in an affidavit."

34 **SECTION 22.** G.S. 116E-4(c), as amended by Section 5 of S.L. 2013-80, reads as
35 rewritten:

36 "(c) The Board shall report quarterly to the Joint Legislative Education Oversight
37 Committee, the Joint Legislative Commission on Governmental Operations, and the Joint
38 Legislative Oversight Committee on Information Technology beginning September 30, 2013.
39 The report shall include the following:

- 40 (1) An update on the implementation of the System's activities.
41 (2) Any proposed or planned expansion of System data.
42 (3) Any other recommendations made by the Board, including the most
43 effective and efficient configuration for the System."

44 **SECTION 23.** G.S. 122C-115(a) reads as rewritten:

45 "(a) A county shall provide mental health, developmental disabilities, and substance
46 abuse services in accordance with rules, policies, and guidelines adopted pursuant to statewide
47 restructuring of the management responsibilities for the delivery of services for individuals
48 with mental illness, intellectual or other developmental disabilities, and substance abuse
49 disorders under a 1915(b)/(c) Medicaid Waiver through an area authority. Beginning July 1,
50 2012, the catchment area of an area authority shall contain a minimum population of at least
51 300,000. Beginning July 1, 2013, the catchment area of an area authority shall contain a

1 minimum population of at least 500,000. To the extent this section conflicts with
2 ~~G.S. 153A-77(a)~~ G.S. 153A-77 or G.S. 122C-115.1, the provisions of this section control."

3 **SECTION 24.** G.S. 147-33.81(1), as enacted by Section 1(b) of S.L. 2013-333,
4 reads as rewritten:

5 "(1) "Cooperative purchasing agreement" means an agreement between a vendor
6 and one or more states or state agencies providing that the parties may
7 collaboratively or collectively purchase information technology goods and
8 services in order to increase ~~economies~~ economies of scale and reduce costs."

9 **SECTION 25.(a)** The introductory language of G.S. 160A-388(b1), as enacted by
10 Section 1 of S.L. 2013-126, reads as rewritten:

11 "(b1) Appeals. – The board of adjustment shall hear and decide appeals from decisions of
12 administrative officials charged with enforcement of the zoning or unified development
13 ordinance and may hear appeals arising out of any other ordinance that regulates land use or
14 development, pursuant to all of the following:"

15 **SECTION 25.(b)** This section becomes effective October 1, 2013.

16 **SECTION 26.** The Revisor of Statutes shall replace the term "cash converter" with
17 "currency converter" wherever it appears in the General Statutes.

18 **SECTION 27.** Effective October 1, 2013, Section 28 of S.L. 2013-129 is repealed.

19 **SECTION 27.5.** If Senate Bill 558, 2013 Regular Session, becomes law, Section
20 1(e) of S.L. 2013-284 is repealed.

21 **SECTION 27.7.** If House Bill 14, 2013 Regular Session, becomes law, then
22 Section 2 of S.L. 2007-112, as amended by Section 40 of S.L. 2007-484, Section 1 of S.L.
23 2013-223, and Section 60(f) of House Bill 14, reads as rewritten:

24 "**SECTION 2.** Occupancy Tax. – (a) Authorization and Scope. – The Carteret County
25 Board of Commissioners may levy a room occupancy and tourism development tax of five
26 percent (5%) of the gross receipts derived from the rental of any room, lodging, or similar
27 accommodation furnished by any hotel, motel, inn, tourist camp, condominium, cottage,
28 campground, rental agency, or other similar place within the county that is subject to sales tax
29 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
30 sales tax. ~~This tax does not apply to accommodations furnished by nonprofit charitable,~~
31 ~~educational, or religious organizations when furnished in furtherance of their nonprofit~~
32 ~~purpose."~~

33 **PART III. OTHER CHANGES**

34 **SECTION 27.8.** G.S. 14-118.6(b) reads as rewritten:

35 "**§ 14-118.6. Filing false lien or encumbrance.**

36 ...

37
38 (b) In the case of a lien or encumbrance presented to the register of deeds for filing, if
39 the register of deeds has a reasonable suspicion that the lien or encumbrance is false, the
40 register of deeds may refuse to file the lien or encumbrance. Neither the register of deeds nor
41 any other entity shall be liable for filing or refusing to file a lien or encumbrance under this
42 section. If the filing of the lien or encumbrance is denied, the register of deeds shall allow the
43 filing of a Notice of Denied Lien or Encumbrance Filing on a form adopted by the Secretary of
44 ~~State~~ State, for which no filing fee shall be collected. The Notice of Denied Lien or
45 Encumbrance Filing shall not itself constitute a lien or encumbrance. If the filing of the lien or
46 encumbrance is denied, any interested person may file a special proceeding in the county where
47 the filing was denied within ten (10) business days of the filing of the Notice of Denied Lien or
48 Encumbrance Filing asking the court to find that the proposed filing has a statutory or
49 contractual basis and to order that the document be filed. If, after hearing, upon a minimum of
50 five (5) days' notice and opportunity to be heard to all interested persons and all persons
51 claiming an ownership interest in the property, the court finds that there is a statutory or

1 contractual basis for the proposed filing, the court shall order the document filed. A lien or
2 encumbrance filed upon order of the court under this subsection shall have a priority interest as
3 of the time of the filing of the Notice of Denied Lien or Encumbrance Filing. If the court finds
4 that there is no statutory or contractual basis for the proposed filing, the court shall order that
5 the proposed filing is null and void and that it shall not be filed, indexed, or recorded and a
6 copy of that order shall be filed by the register of deeds that originally denied the filing. The
7 review by the judge under this subsection shall not be deemed a finding as to any underlying
8 claim of the parties involved. If a special proceeding is not filed under this subsection within
9 ten (10) business days of the filing of the Notice of Denied Lien or Encumbrance Filing, the
10 lien or encumbrance is deemed null and void."

11 **SECTION 27.9.** G.S. 18B-1006(a) reads as rewritten:

12 "(a) School and College Campuses. – No permit for the sale of malt beverages,
13 unfortified wine, or fortified wine shall be issued to a business on the campus or property of a
14 public school or college, other than at a regional facility as defined by G.S. 160A-480.2
15 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General
16 Statutes except for a public school or college function, unless that business is a hotel or a
17 nonprofit alumni organization with a mixed beverages permit or a special occasion permit. This
18 subsection shall not apply on property owned by a local board of education which was leased
19 for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing
20 board is appointed by a city board of aldermen, a county board of commissioners, or a local
21 school board. This subsection shall also not apply to the constituent institutions of The
22 University of North Carolina with respect to the sale of beer and wine at performing arts
23 centers located on property owned or leased by the institutions if the seating capacity does not
24 exceed 2,000 seats, or to any golf courses owned or leased by the institutions and open to the
25 public for use. Notwithstanding this subsection, special one-time permits as described in
26 G.S. 18B-1002(a)(5) may be issued to the University of North Carolina at Chapel Hill for the
27 Loudermilk Center for Excellence facility."

28 **SECTION 28.(a)** G.S. 20-62.1(a)(1a), as enacted by S.L. 2013-323, is amended by
29 adding a new sub-subdivision to read:

30 "c. If the Division of Motor Vehicles has not received information from
31 a federal, State, or local department or independent source that a
32 vehicle has been stolen and reports pursuant to this section that a
33 vehicle is not stolen, any person damaged does not have a cause of
34 action against the Division."

35 **SECTION 28.(b)** S.L. 2013-323 is amended by adding a new section to read:

36 "**SECTION 2.1.** The Division of Motor Vehicles shall establish procedures and/or
37 software solutions to most efficiently, reliably, and cost-effectively comply with the
38 requirements of G.S. 20-62.1(a1). This may include software solutions with private entities for
39 the tracking of salvage vehicles in compliance with State and federal requirements. The
40 Division shall implement these procedures and/or software solutions on or before October 1,
41 2014. The Division shall update the Joint Legislative Transportation Oversight Committee on
42 implementation."

43 **SECTION 28.5.(a)** Part 6 of Article 50 of Chapter 58 of the General Statutes is
44 amended by adding a new section to read:

45 "**§ 58-50-260. Dissolution of Pool.**

46 (a) Insurance operations of the Pool under this Part shall sunset on January 1, 2014.

47 (b) In order to be handled in the regular course of business, rather than under subsection
48 (f) of this section, all invoices for medical, pharmacy, and any other services provided under
49 this Part must be submitted no later than 90 days after the sunset of insurance operations of the
50 Pool under subsection (a) of this section.

1 (c) In order to be handled in the regular course of business, rather than under subsection
2 (f) of this section, all appeals and grievances under this Part must be submitted no later than 90
3 days after the sunset of insurance operations of the Pool under subsection (a) of this section.

4 (d) On or before September 1, 2013, the Pool shall submit to the Commissioner a plan
5 for dissolution of the Pool. The plan shall address the following:

6 (1) Continuity of care for those participants in the Pool that are inpatient at the
7 time of sunset of insurance operations of the Pool under subsection (a) of
8 this section.

9 (2) Continuation of administrative services following the sunset of the Pool's
10 insurance operations.

11 (3) Closing the Pool's bank and investment accounts.

12 (4) Cessation of premium subsidy programs.

13 (5) Performance and completion by June 30, 2014, of a final audit by the State
14 Auditor and submission of the Pool's annual report to the State.

15 (6) A plan for maintenance of the Pool's books and records pursuant to
16 G.S. 58-56-16 by the Pool's final third-party administrator.

17 (7) Efforts to secure contingency funding should the Pool's operations so
18 require.

19 (8) Final dissolution of the Pool.

20 (9) The deposit and management of funding held in reserve following final
21 dissolution of the Pool to be used in connection with actions by or against
22 the Pool that are timely filed, as provided in subsection (f) of this section.

23 (10) Other matters that the Commissioner may reasonably require.

24 (e) The plan of dissolution for the Pool shall become effective upon approval in writing
25 by the Commissioner. The Commissioner shall approve the plan of dissolution if he or she
26 determines that the plan is suitable to assure the fair, reasonable, and equitable dissolution of
27 the Pool and that the plan complies with subsection (d) of this section.

28 (f) Notwithstanding any longer statute of limitations provided under law for an action,
29 all actions by or against the Pool must be filed on or before one year following the sunset of
30 insurance operations of the Pool under subsection (a) of this section. After final dissolution of
31 the Pool, the Pool's liability for insurance benefits, provider or vendor invoices, and all other
32 matters shall be limited to the reserve amount established under subdivision (9) of subsection
33 (d) of this section, less the costs of resolving the claims by or against the Pool.

34 (g) Any funds in excess of the reserve amount established under subdivision (9) of
35 subsection (d) of this section that remain in the North Carolina Health Insurance Risk Pool
36 Fund at the time of final dissolution shall be paid into the General Fund. After the resolution of
37 timely filed actions against the Pool, any reserve funds remaining in the Risk Pool Fund shall
38 be paid into the General Fund."

39 **SECTION 28.5.(b)** G.S. 58-50-225(c) reads as rewritten:

40 "(c) For the purposes of providing the funds necessary to carry out the powers and duties
41 of the Pool, effective July 1, 2008, the Teachers' and State Employees' Comprehensive Major
42 Medical Plan and any successor Plan shall pay an annual surcharge to the North Carolina
43 Health Insurance Risk Pool Fund in the amount of one dollar and fifty cents (\$1.50) per
44 member per year based on enrollment of active employee Plan members and their dependents
45 covered under the Plan. The final surcharge shall be paid to the Pool Fund for the 2013-2014
46 State fiscal year and shall be paid in quarterly installments rather than in one annual payment.
47 Such installments shall be paid to the Pool Fund 60 days after the close of each quarter and
48 shall be due on December 1, 2013, March 1, 2014, June 1, 2014, and September 1, 2014. The
49 Pool shall transfer to the General Fund any funds in excess of the reserve amount established
50 under G.S. 58-50-260(d)(9) that remain in the Pool Fund following the final dissolution of the
51 Pool."

1 **SECTION 28.5.(c)** Effective January 1, 2015, G.S. 58-50-225(c), as amended by
2 subsection (b) of this section, is repealed.

3 **SECTION 28.5.(d)** Effective January 1, 2017, Part 6 of Article 50 of Chapter 58 of
4 the General Statutes is repealed.

5 **SECTION 28.5.(e)** G.S. 58-3-276 is repealed.

6 **SECTION 29.** G.S. 62-82(a) reads as rewritten:

7 "(a) Notice of Application for Certificate for Generating Facility; Hearing; Briefs and
8 Oral Arguments. – Whenever there is filed with the Commission an application for a certificate
9 of public convenience and necessity for the construction of a facility for the generation of
10 electricity under G.S. 62-110.1, the Commission shall require the applicant to publish a notice
11 thereof once a week for four successive weeks in a ~~daily~~ newspaper of general circulation in the
12 county where such facility is proposed to be constructed and thereafter the Commission upon
13 complaint shall, or upon its own initiative may, upon reasonable notice, enter upon a hearing to
14 determine whether such certificate shall be awarded. Any such hearing must be commenced by
15 the Commission not later than three months after the filing of such application, and the
16 procedure for rendering decisions therein shall be given priority over all other cases on the
17 Commission's calendar of hearings and decisions, except rate proceedings referred to in
18 G.S. 62-81. Such applications shall be heard as provided in G.S. 62-60.1, and the Commission
19 shall furnish a transcript of evidence and testimony submitted by the end of the second business
20 day after the taking of each day of testimony. The Commission or panel shall require that briefs
21 and oral arguments in such cases be submitted within 30 days after the conclusion of the
22 hearing, and the Commission or panel shall render its decision in such cases within 60 days
23 after submission of such briefs and arguments. If the Commission or panel does not, upon its
24 own initiative, order a hearing and does not receive a complaint within 10 days after the last
25 day of publication of the notice, the Commission or panel shall enter an order awarding the
26 certificate. Notwithstanding this section, applicants for a certificate for solar photovoltaic
27 facilities of 10 kilowatts or less are exempt from the requirement to publish public notice in
28 newspapers."

29 **SECTION 30.5.** G.S. 66-420(8) reads as rewritten:

30 "(8) Secondary metals recycler. — Any person, firm, or corporation in the State:

- 31 a. That is engaged in the business of gathering or obtaining ferrous or
32 nonferrous metals that have served their original economic purpose
33 ~~or~~ and is in the business of performing the manufacturing process by
34 which ferrous metals or nonferrous metals are converted into raw
35 material products consisting of prepared grades and having an
36 existing or potential economic value; or
37 b. That has facilities for performing the manufacturing process by
38 which ferrous metals or nonferrous metals are converted into raw
39 material products consisting of prepared grades and having an
40 existing or potential economic value, by methods including, but not
41 limited to, the processing, sorting, cutting, classifying, cleaning,
42 baling, wrapping, shredding, shearing, or changing the physical form
43 or chemical content of the metals, but not including the exclusive use
44 of hand tools."

45 **SECTION 31.** G.S. 83A-3 is amended by adding a new subsection to read:

46 "(c) The Board shall have the power to acquire, hold, rent, encumber, alienate, and
47 otherwise deal with real property in the same manner as a private person or corporation, subject
48 only to approval of the Governor and the Council of State. Collateral pledged by the Board for
49 an encumbrance shall be limited to the assets, income, and revenues of the Board."

50 **SECTION 32.** G.S. 84-2.1 reads as rewritten:

51 "**§ 84-2.1. "Practice law" defined.**

1 The phrase "practice law" as used in this Chapter is defined to be performing any legal
2 service for any other person, firm or corporation, with or without compensation, specifically
3 including the preparation or aiding in the preparation of deeds, mortgages, wills, trust
4 instruments, inventories, accounts or reports of guardians, trustees, administrators or executors,
5 or preparing or aiding in the preparation of any petitions or orders in any probate or court
6 proceeding; abstracting or passing upon titles, the preparation and filing of petitions for use in
7 any court, including administrative tribunals and other judicial or quasi-judicial bodies, or
8 assisting by advice, counsel, or otherwise in any legal work; and to advise or give opinion upon
9 the legal rights of any person, firm or corporation: Provided, that the above reference to
10 particular acts which are specifically included within the definition of the phrase "practice law"
11 shall not be construed to limit the foregoing general definition of the term, but shall be
12 construed to include the foregoing particular acts, as well as all other acts within the general
13 definition. The phrase "practice law" does not encompass the drafting or writing of memoranda
14 of understanding or other mediation summaries by mediators at community mediation centers
15 authorized by G.S. 7A-38.5 or by mediators of ~~personnel~~-employment-related matters for The
16 University of North Carolina or a constituent ~~institution~~-institution, or for an agency,
17 commission, or board of the State of North Carolina."

18 **SECTION 32.5.(a)** G.S. 93D-1 reads as rewritten:

19 **"§ 93D-1. Definitions.**

20 For the purposes of this Chapter:

- 21 (1) "Board" shall mean the North Carolina State Hearing Aid Dealers and Fitters
22 Board.
- 23 (2) "Fitting and selling hearing aids" shall mean the evaluation or measurement
24 of the powers or range of human hearing by means of an audiometer or by
25 other means and the consequent selection or adaptation or sale or rental of
26 hearing aids intended to compensate for hearing loss including the making of
27 an impression of the ear.
- 28 (3) "Hearing aid" shall mean any instrument or device designed for or
29 represented as aiding, improving or compensating for defective human
30 hearing and any parts, attachments or accessories of such an instrument or
31 device.
- 32 (4) "Hearing Aid Specialist" shall mean a person licensed by the Board to
33 engage in ~~fitting or selling hearing aids~~the activities within the scope of
34 practice of a hearing aid specialist in North Carolina.
- 35 (5) "Registered Sponsor" shall mean a person with a permanent license as an
36 audiologist under Article 22 of Chapter 90 of the General Statutes who is
37 registered in accordance with G.S. 93D-3(c)(16), or a licensee of the Board
38 who has been approved as a sponsor of an apprentice."

39 **SECTION 32.5.(b)** Chapter 93D of the General Statutes is amended by adding a
40 new section to read:

41 **"§ 93D-1.1. Hearing aid specialist; scope of practice.**

42 The scope of practice of a hearing aid specialist shall include the following activities:

- 43 (1) Fitting and selling hearing aids.
- 44 (2) Eliciting patient histories.
- 45 (3) Performing comprehensive hearing evaluations, including administering
46 otoscopy and performing tympanometry.
- 47 (4) Administering and interpreting tests of human hearing.
- 48 (5) Referring, as appropriate, for cochlear implant evaluation or other clinical,
49 rehabilitative, or medical intervention.
- 50 (6) Determining candidacy for hearing aids, tinnitus management devices, and
51 other assistive listening devices.

- 1 (7) Providing hearing aid, tinnitus management device, and assistive device
 2 recommendations and selection.
 3 (8) Performing hearing aid fittings, programming, and adjustments.
 4 (9) Assessing hearing aid efficacy utilizing appropriate fitting verification
 5 methodology.
 6 (10) Performing hearing aid repairs.
 7 (11) Administering cerumen management in the course of examining ears.
 8 (12) Taking ear impressions, and preparing, designing, and modifying ear molds.
 9 (13) Providing counseling and aural rehabilitation services.
 10 (14) Providing supervision and in-service training for those entering the hearing
 11 aid dispensing profession.
 12 (15) Providing hearing health education.
 13 (16) Providing community services, such as hearing conservation programs,
 14 school testing programs, and working with organizations serving individuals
 15 with hearing loss and the deaf.
 16 (17) Providing assistive technologies for public and private school classrooms,
 17 individuals, and vocational needs.

18 **SECTION 32.5.(c)** G.S. 93D-2 reads as rewritten:

19 "**§ 93D-2. ~~Fitting and selling~~ Practice without license unlawful.**

20 It shall be unlawful for any person to ~~fit or sell hearing aids~~ engage in any activity within
 21 the scope of practice of a hearing aid specialist, unless the person has first obtained a license
 22 from the North Carolina State Hearing Aid Dealers and Fitters Board or is an apprentice
 23 working under the supervision of Registered Sponsor."

24 **SECTION 32.5.(d)** G.S. 93D-3(c)(6) reads as rewritten:

25 "(c) The Board shall:

26 ...

- 27 (6) Make and publish rules, including a code of ethics, that are necessary and
 28 proper to regulate ~~hearing aid specialists~~ the fitting and selling of hearing
 29 aids and to carry out the provisions of this Chapter;"

30 **SECTION 32.5.(e)** G.S. 93D-5(a) reads as rewritten:

31 "(a) No person shall ~~begin the fitting and selling of hearing aids~~ undertake any activity
 32 within the scope of practice of a hearing aid specialist in this State unless the person first has
 33 been issued a license by the Board or is an apprentice working under the supervision of a
 34 Registered Sponsor. Except as hereinafter provided, each applicant for a license shall pay a fee
 35 set by the Board, not to exceed two hundred fifty dollars (\$250.00), which fee may be prorated
 36 by the Board, and shall show to the satisfaction of the Board that the applicant:

- 37 (1) Is a person of good moral character.
 38 (2) Is 18 years of age or older.
 39 (3) Has an education equivalent to a four-year course in an accredited high
 40 school.
 41 (4) Repealed by Session Laws 2007-406, s. 3, effective August 21, 2007."

42 **SECTION 32.5.(f)** G.S. 93D-6 reads as rewritten:

43 "**§ 93D-6. ~~Persons selling in other jurisdictions.~~ Hearing aid specialists licensed in other**
 44 States.

45 Whenever the Board determines that another state or jurisdiction has requirements at least
 46 equivalent to those in effect pursuant to this Chapter for ~~the fitting and selling of hearing aids,~~
 47 engaging in activities within the scope of practice of a hearing aid specialist and that such state
 48 or jurisdiction has a program at least equivalent to the program for determining whether
 49 applicants pursuant to this Chapter are qualified to ~~sell and fit hearing aids,~~ engage in activities
 50 within the scope of practice of a hearing aid specialist, the Board may issue, but is not
 51 compelled to issue, licenses to applicants therefor who hold current, unsuspended and

1 unrevoked certificates or licenses to ~~fit and sell hearing aids~~ engage in activities within the
2 scope of practice of a hearing aid specialist in such other state or jurisdiction. No such applicant
3 shall be required to submit to any examination or other procedure required by G.S. 93D-5, but
4 shall be required to pay an application fee to the Board in an amount set by the Board, not to
5 exceed one hundred fifty dollars (\$150.00). Such applicant must have one full year of
6 experience satisfactory to the Board before issuance of the license."

7 **SECTION 32.5.(g)** G.S. 93D-8(a) reads as rewritten:

8 "(a) Every applicant for a license who is notified by the Board that he has fulfilled the
9 requirements of G.S. 93D-5, except those making application pursuant to G.S. 93D-6, shall
10 appear at a time, place and before such persons as the Board may designate, to be examined by
11 written and practical tests in order to demonstrate that the applicant is qualified ~~for the fitting~~
12 ~~and selling of hearing aids.~~ to engage in the activities within the scope of a hearing aid
13 specialist. The Board shall give one examination of the type prescribed herein each year at a
14 duly prescribed time and place, which shall be publicized for at least 90 days in advance.
15 Additional examinations may be given at the discretion of the Board. The examination
16 provided in this section shall not include questions requiring a medical or surgical education
17 but shall consist of:

18 (1) Tests of knowledge in the following areas as they pertain to the fitting of
19 hearing aids:

- 20 a. The basic physics of sound,
21 b. The human hearing mechanism, including the science of hearing and
22 the cause and rehabilitation of abnormal hearing and hearing
23 disorders, and
24 c. The structure and function of hearing aids.

25 (2) Tests of proficiency in the following techniques as they pertain to the fitting
26 of hearing aids:

- 27 a. Pure tone audiometry, including air conduction testing and bone
28 conduction testing,
29 b. Live voice and recorded voice speech audiometry, including speech
30 reception threshold testing and speech discrimination testing,
31 c. Effective masking,
32 d. Recording and evaluation of audiograms and speech audiometry to
33 determine hearing aid candidacy,
34 e. Selection and adaption of hearing aids and testing of hearing aids,
35 f. Taking earmold impressions, and
36 g. Such other skills as may be required for the fitting of hearing aids in
37 the opinion of the Board."

38 **SECTION 32.5.(h)** G.S. 93D-11 reads as rewritten:

39 **"§ 93D-11. Annual fees; failure to pay; expiration of license; occupational instruction**
40 **courses.**

41 Every ~~licensed person who engages in the fitting and selling of hearing aids~~ person licensed
42 as a hearing aid specialist shall pay to the Board an annual license renewal fee in an amount set
43 by the Board, not to exceed two hundred fifty dollars (\$250.00). The payment shall be made
44 prior to the first day of April in each year. In case of default in payment the license shall expire
45 30 days after notice by the secretary-treasurer to the last known address of the licensee by
46 registered mail, certified mail, or in a manner provided by G.S. 1A-1, Rule 4(j)(1)d. The Board
47 may reinstate an expired license upon the showing of good cause for late payment of fees, upon
48 payment of said fees within 60 days after expiration of the license, and upon the further
49 payment of a late penalty of twenty-five dollars (\$25.00). After 60 days after the expiration
50 date, the Board may reinstate the license for good cause shown upon application for
51 reinstatement and payment of a late penalty of fifty dollars (\$50.00) and the renewal fee. The

1 Board may require all licensees to successfully attend and complete a course or courses of
2 occupational instruction funded, conducted or approved or sponsored by the Board on an
3 annual basis as a condition to any license renewal and evidence of satisfactory attendance and
4 completion of any such course or courses shall be provided the Board by the licensee."

5 **SECTION 32.5.(i)** G.S. 93D-12 reads as rewritten:

6 **"§ 93D-12. License to be displayed at office.**

7 Every person to whom a license, apprenticeship certificate, or sponsor registration is
8 granted shall display the same in a conspicuous part of his office ~~wherein the fitting and selling~~
9 ~~of hearing aids is conducted, where the person conducts business as a hearing aid specialist~~
10 shall have a copy of such license certificate, or registration on his person and exhibit the same
11 upon request when fitting or selling hearing aids outside of his office."

12 **SECTION 32.5.(j)** G.S. 93D-15 reads as rewritten:

13 **"§ 93D-15. Violation of Chapter.**

14 Any person who violates any of the provisions of this Chapter and any person who holds
15 himself out to the public as a ~~fitter and seller of hearing aids~~ hearing aid specialist without
16 having first obtained a license or apprenticeship registration as provided for herein shall be
17 deemed guilty of a Class 2 misdemeanor. "

18 **SECTION 33.(a)** Industrial Commission Hospital Fee Schedule:

- 19 (1) Medicare methodology for physician and hospital fee schedules. – With
20 respect to the schedule of maximum fees for physician and hospital
21 compensation adopted by the Industrial Commission pursuant to G.S. 97-26,
22 those fee schedules shall be based on the applicable Medicare payment
23 methodologies, with such adjustments and exceptions as are necessary and
24 appropriate to ensure that (i) injured workers are provided the standard of
25 services and care intended by Chapter 97 of the General Statutes, (ii)
26 providers are reimbursed reasonable fees for providing these services, and
27 (iii) medical costs are adequately contained. Such fee schedules shall also be
28 periodically reviewed to ensure that they continue to adhere to these
29 standards and applicable fee schedule requirements of Chapter 97. In
30 addition to the statewide fee averages, geographical and community
31 variations in provider costs, and other factors affecting provider costs that
32 the Commission may consider pursuant to G.S. 97-26, the Commission may
33 also consider other payment systems in North Carolina, other states' cost and
34 payment structures for workers' compensation, the impact of changes over
35 time to Medicare fee schedules on payers and providers, and cost issues for
36 providers and payers relating to frequency of service, case mix index, and
37 related issues.
- 38 (2) Transition to direct billing. – Pursuant to G.S. 97-26(g) through (g1) and
39 applicable rules, the Commission shall provide for transition to direct claims
40 submission and reimbursement for medical and hospital fees, including an
41 implementation timeline, notice to affected stakeholders, and related
42 compliance issues.
- 43 (3) Expedite rule-making process for fee schedule. – The Industrial Commission
44 is exempt from the certification requirements of G.S. 150B-19.1(h) in
45 developing the fee schedules required pursuant to this section.

46 **SECTION 33.(b)** G.S. 97-26 reads as rewritten:

47 **"§ 97-26. Fees allowed for medical treatment; malpractice of physician.**

48 (a) Fee Schedule. – The Commission shall adopt by rule a schedule of maximum fees
49 for medical ~~compensation, except as provided in subsection (b) of this section,~~ compensation
50 and shall periodically review the schedule and make revisions.

1 The fees adopted by the Commission in its schedule shall be adequate to ensure that (i)
 2 injured workers are provided the standard of services and care intended by this Chapter, (ii)
 3 providers are reimbursed reasonable fees for providing these services, and (iii) medical costs
 4 are adequately contained.

5 The Commission may consider any and all reimbursement systems and plans in establishing
 6 its fee schedule, including, but not limited to, the State Health Plan for Teachers and State
 7 Employees (hereinafter, "State Plan"), Blue Cross and Blue Shield, and any other private or
 8 governmental plans. The Commission may also consider any and all reimbursement
 9 methodologies, including, but not limited to, the use of current procedural terminology ("CPT")
 10 codes, diagnostic-related groupings ("DRGs"), per diem rates, capitated payments, and
 11 resource-based relative-value system ("RBRVS") payments. The Commission may consider
 12 statewide fee averages, geographical and community variations in provider costs, and any other
 13 factors affecting provider costs.

14 (b) Hospital Fees. – Each hospital subject to the provisions of this ~~subsection~~section
 15 shall be reimbursed the amount provided for in this ~~subsection~~section unless it has agreed
 16 under contract with the insurer, managed care organization, employer (or other payor obligated
 17 to reimburse for inpatient hospital services rendered under this Chapter) to accept a different
 18 amount or reimbursement methodology.

19 ~~Except as otherwise provided herein, payment for medical treatment and services rendered~~
 20 ~~to workers' compensation patients by a hospital shall be a reasonable fee determined by the~~
 21 ~~Commission and adopted by rule. Effective September 16, 2001, through June 30, 2002, the fee~~
 22 ~~shall be the following amount unless the Commission adopts a different fee schedule in~~
 23 ~~accordance with the provisions of this section:~~

- 24 (1) ~~For inpatient hospital services, the amount that the hospital would have~~
 25 ~~received for those services as of June 30, 2001. The payment shall not be~~
 26 ~~more than a maximum of one hundred percent (100%) of the hospital's~~
 27 ~~itemized charges as shown on the UB-92 claim form nor less than the~~
 28 ~~minimum percentage for payment of inpatient DRG claims that was in effect~~
 29 ~~as of June 30, 2001.~~
- 30 (2) ~~For outpatient hospital services and any other services that were reimbursed~~
 31 ~~as a discount off of charges under the State Plan as of June 30, 2001, the~~
 32 ~~amount calculated by the Commission as a percentage of the hospital~~
 33 ~~charges for such services. The percentage applicable to each hospital shall be~~
 34 ~~the percentage used by the Commission to determine outpatient rates for~~
 35 ~~each hospital as of June 30, 2001.~~
- 36 (3) ~~For any other services, a reasonable fee as determined by the Industrial~~
 37 ~~Commission.~~

38 The explanation of the fee schedule change that is published pursuant to
 39 G.S. 150B-21.2(c)(2) shall include a summary of the data and calculations on which the fee
 40 schedule rate is based.

41 A hospital's itemized charges on the UB-92 claim form for workers' compensation services
 42 shall be the same as itemized charges for like services for all other payers.

43"

44 **SECTION 36.(a)** G.S. 115D-67.2(b) reads as rewritten:

45 "(b) The Advisory Board shall consist of 14 ~~members;~~members as follows:

- 46 (1) The President of Gaston College, who shall serve ~~ex officio;~~officio.
 47 (2) ~~Four~~Two ~~members who are residents of North Carolina appointed by the~~
 48 ~~North Carolina Manufacturers Association, Inc.;~~National Council of Textile
 49 Organizations.
 50 (2a) Two members appointed by the Southern Textile Association, Inc.

- 1 (3) Two members appointed by the board of the North Carolina Center for
2 Applied Textile Technology ~~Foundation; Foundation.~~
- 3 (4) Two members appointed by the board of trustees of Gaston ~~College; College.~~
- 4 (5) Three members appointed by the State Board of Community
5 ~~Colleges; Colleges.~~
- 6 (6) One member appointed by the dean of the College of Textiles at North
7 Carolina State ~~University; and~~ University.
- 8 (7) The Director of the Manufacturing Solutions Center at Catawba Valley
9 Community College who shall serve ex officio as a nonvoting member.

10 The appointing entities shall attempt to appoint members who are distributed geographically
11 throughout the State; members representing large and small companies; and members from
12 each segment of the diverse textile industry including spun yarn manufacturing, filament yarn
13 manufacturing, knitting, weaving, dyeing and finishing, apparel, nonwoven, technical/medical
14 textiles, and fiber producers."

15 **SECTION 36.(b)** This section is effective when it becomes law and applies to
16 appointments made for vacancies that arise, or upon the expiration of the existing terms, of
17 members appointed by the North Carolina Manufacturers Association, Inc., whichever occurs
18 first, with the first two appointments to be made in accordance with G.S. 115D-67.2(b)(2a) and
19 the next two appointments to be made in accordance with G.S. 115D-67.2(b)(2).

20 **SECTION 36.5.** G.S. 116-43.10(c) reads as rewritten:

21 "(c) Once a student is enrolled in The University of North Carolina System under the
22 Academic Common Market program, the student shall be entitled to pay in-State tuition as long
23 as the student is enrolled in that graduate program. ~~The Board of Governors shall provide a~~
24 ~~report on the Academic Common Market program to the Joint Legislative Education Oversight~~
25 ~~Committee by September 2007 and each biennium thereafter."~~

26 **SECTION 36.7.** G.S. 120-133 reads as rewritten:

27 **"§ 120-133. Redistricting communications.**

28 (a) Notwithstanding any other provision of law, all drafting and information requests to
29 legislative employees and documents prepared by legislative employees for legislators
30 concerning redistricting the North Carolina General Assembly or the Congressional Districts
31 are no longer confidential and become public records upon the act establishing the relevant
32 district plan becoming law. Present and former legislative employees may be required to
33 disclose information otherwise protected by G.S. 120-132 concerning redistricting the North
34 Carolina General Assembly or the Congressional Districts upon the act establishing the relevant
35 district plan becoming law.

36 (b) Nothing in this Chapter nor in Chapter 132 of the General Statutes shall be
37 construed as a waiver of the common law attorney-client privilege nor of the common law
38 work product doctrine with respect to legislators as defined in G.S. 120-129."

39 **SECTION 37.** G.S. 153A-76 reads as rewritten:

40 **"§ 153A-76. Board of commissioners to organize county government.**

41 The board of commissioners may create, change, abolish, and consolidate offices, positions,
42 departments, boards, commissions, and agencies of the county government, may impose ex
43 officio the duties of more than one office on a single officer, may change the composition and
44 manner of selection of boards, commissions, and agencies, and may generally organize and
45 reorganize the county government in order to promote orderly and efficient administration of
46 county affairs, subject to the following limitations:

- 47 (1) The board may not abolish an office, position, department, board,
48 commission, or agency established or required by law.
- 49 (2) The board may not combine offices or confer certain duties on the same
50 officer when this action is specifically forbidden by law.

- 1 (3) The board may not discontinue or assign elsewhere a function or duty
 2 assigned by law to a particular office, position, department, board,
 3 commission, or agency.
- 4 (4) The board may not change the composition or manner of selection of a local
 5 board of education, the board of elections, or the board of alcoholic beverage
 6 control.
- 7 (5) The board may not abolish nor consolidate into a human services agency a
 8 hospital authority assigned to provide public health services pursuant to
 9 Section 12 of S.L. 1997-502 or a public health authority assigned the power,
 10 duties, and responsibilities to provide public health services as outlined in
 11 G.S. 130A-1.1.
- 12 (6) A board may not consolidate an area mental health, developmental
 13 disabilities, and substance abuse services board into a consolidated human
 14 services board. The board may not abolish an area mental health,
 15 developmental disabilities, and substance abuse services board, except as
 16 provided in Chapter 122C of the General Statutes. ~~This subdivision shall not
 17 apply to any board that has exercised the powers and duties of an area
 18 mental health, developmental disabilities, and substance abuse services
 19 board as of January 1, 2012.~~
- 20 (7) The board may not abolish, assume control over, or consolidate into a human
 21 services agency a public hospital as defined in G.S. 159-39(a) pursuant to
 22 G.S. 153A-77."

23 **SECTION 38.(a)** G.S. 136-189.10, as enacted by S.L. 2013-183, reads as

24 rewritten:

25 "**§ 136-189.10. Definitions.**

26 ...

- 27 (2) Regional impact projects. – Includes only the following:
- 28 a. Projects listed in subdivision (1) of this section, subject to the
 29 limitations noted in that subdivision.
- 30 b. U.S. highway routes not included in subdivision (1) of this section.
- 31 c. N.C. highway routes not included in subdivision (1) of this section.
- 32 d. Commercial service airports included in the NPIAS that are not
 33 included in subdivision (1) of this section, provided that the State's
 34 annual financial participation in any single airport project included in
 35 this subdivision may not exceed three hundred thousand dollars
 36 (\$300,000).
- 37 e. The State-maintained ferry system, excluding passenger vessel
 38 replacement.
- 39 f. Rail lines that span two or more counties not included in subdivision
 40 (1) of this section. This sub-subdivision does not include short-line
 41 railroads.
- 42 g. Public transportation service that spans two or more counties and that
 43 serves more than one municipality. ~~Expenditures~~ Programmed funds
 44 pursuant to this sub-subdivision shall not exceed ten percent (10%)
 45 of any distribution region allocation. This sub-subdivision includes
 46 commuter rail, intercity rail, and light rail.
- 47 (3) Division needs projects. – Includes only the following:
- 48 a. Projects listed in subdivision (1) or (2) of this section, subject to the
 49 limitations noted in those subsections.
- 50 b. State highway routes not included in subdivision (1) or (2) of this
 51 section.

- c. Airports included in the NPIAS that are not included in subdivision (1) or (2) of this section, provided that the State's total annual financial participation under this sub-subdivision shall not exceed eighteen million five hundred thousand dollars (\$18,500,000).
- d. Rail lines not included in subdivision (1) or (2) of this section. This sub-subdivision does not include short-line railroads.
- e. Public transportation service not included in subdivision (1) or (2) of this section. This sub-subdivision includes commuter rail, intercity rail, and light rail.
- f. Multimodal terminals and stations serving passenger transit systems.
- g. Federally funded independent bicycle and pedestrian improvements.
- h. Replacement of State-maintained ferry vessels.
- i. Federally funded municipal road projects.

...."

SECTION 38.(b) G.S. 136-189.11(b), as enacted by S.L. 2013-183, reads as

rewritten:

"(b) Funds Excluded From Formula. – The following funds are not subject to this section:

- (1) Federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149.
- (2) Funds received through competitive awards or discretionary grants through federal appropriations either for local governments, transportation authorities, transit authorities, or the Department.
- (3) Funds received from the federal government that under federal law may only be used for Appalachian Development Highway System projects.
- (4) Funds used in repayment of "GARVEE" bonds related to Phase I of the Yadkin River Veterans Memorial Bridge project.
- (5) Funds committed to gap funding for toll roads funded with bonds issued pursuant to G.S. 136-176.
- (6) Funds obligated for projects in the State Transportation Improvement Program that are scheduled for construction as of ~~April 1, 2013~~, October 1, 2013, in State fiscal year 2012-2013, 2013-2014, or 2014-2015.
- (7) Toll collections from a turnpike project under Article 6H of this Chapter and other revenue from the sale of the Authority's bonds or notes or project loans, in accordance with G.S. 136-89.192.
- (8) Toll collections from the State-maintained ferry system collected under the authority of G.S. 136-82.
- (9) Federal State Planning and Research Program ~~funds-funds~~ (23 U.S.C. § 505) and Metropolitan Planning funds (23 U.S.C. §§ 104 and 134)."

SECTION 38.(c) G.S. 136-189.11(d), as enacted by S.L. 2013-183, reads as

rewritten:

"§ 136-189.11. Transportation Investment Strategy Formula.

...

(d) Transportation Investment Strategy Formula. – Funds subject to the Formula shall be distributed as follows:

- (1) Statewide Strategic Mobility Projects. – Forty percent (40%) of the funds subject to this section shall be used for Statewide Strategic Mobility Projects.
 - a. Criteria. – Transportation-related quantitative criteria shall be used by the Department to rank highway projects that address

1 cost-effective Statewide Strategic Mobility needs and promote
2 economic and employment growth. The criteria for selection of
3 Statewide Strategic Mobility Projects shall utilize a numeric scale of
4 100 points, based on consideration of the following quantitative
5 criteria:

- 6 1. Benefit cost.
- 7 2. Congestion.
- 8 3. Safety.
- 9 4. Economic competitiveness.
- 10 5. Freight.
- 11 6. Multimodal.
- 12 7. Pavement condition.
- 13 8. Lane width.
- 14 9. Shoulder width.

15 b. Project cap. – No more than ten percent (10%) of the funds projected
16 to be allocated to the Statewide Strategic Mobility category over any
17 five-year period may be assigned to any contiguous project or group
18 of projects in the same corridor within a Highway Division or within
19 adjoining Highway Divisions.

20 (2) Regional Impact Projects. – Thirty percent (30%) of the funds subject to this
21 section shall be used for Regional Impact Projects and allocated by
22 population of Distribution Regions based on the most recent estimates
23 certified by the Office of State Budget and Management.

24 a. Criteria. – A combination of transportation-related quantitative
25 criteria, qualitative criteria, and local input shall be used to rank
26 Regional Impact Projects involving highways that address
27 cost-effective needs from a region-wide perspective and promote
28 economic growth. Local input is defined as the rankings identified by
29 the Department's Transportation Division Engineers, Metropolitan
30 Planning Organizations, and Rural Transportation Planning
31 Organizations. Transportation Division Engineer local input scoring
32 shall take into account public comments. The Department shall
33 ensure that the public has a full opportunity to submit public
34 comments, by widely available notice to the public, an adequate time
35 period for input, and public hearings. Board of Transportation input
36 shall be in accordance with G.S. 136-189.11(g)(1) and
37 G.S. 143B-350(g). The criteria utilized for selection of Regional
38 Impact Projects shall be based thirty percent (30%) on local input
39 and seventy percent (70%) on consideration of a numeric scale of
40 100 points based on the following quantitative criteria:

- 41 1. Benefit cost.
- 42 2. Congestion.
- 43 3. Safety.
- 44 4. Freight.
- 45 5. Multimodal.
- 46 6. Pavement condition.
- 47 7. Lane width.
- 48 8. Shoulder width.
- 49 9. Accessibility and connectivity to employment centers, tourist
50 destinations, or military installations.

1 (3) Division Need Projects. – Thirty percent (30%) of the funds subject to this
2 section shall be allocated in equal share to each of the Department divisions,
3 as defined in G.S. 136-14.1, and used for Division Need Projects.

4 a. Criteria. – A combination of transportation-related quantitative
5 criteria, qualitative criteria, and local input shall be used to rank
6 Division Need Projects involving highways that address
7 cost-effective needs from a Division-wide perspective, provide
8 access, and address safety-related needs of local communities. Local
9 input is defined as the rankings identified by the Department's
10 Transportation Division Engineers, Metropolitan Planning
11 Organizations, and Rural Transportation Planning Organizations.
12 Transportation Division Engineer local input scoring shall take into
13 account public comments. The Department shall ensure that the
14 public has a full opportunity to submit public comments, by widely
15 available notice to the public, an adequate time period for input, and
16 public hearings. Board of Transportation input shall be in accordance
17 with G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria
18 utilized for selection of Division Need Projects shall be based fifty
19 percent (50%) on local input and fifty percent (50%) on
20 consideration of a numeric scale of 100 points based on the following
21 quantitative criteria, except as provided in sub-subdivision b. of this
22 subdivision:

- 23 1. Benefit cost.
- 24 2. Congestion.
- 25 3. Safety.
- 26 4. Freight.
- 27 5. Multimodal.
- 28 6. Pavement condition.
- 29 7. Lane width.
- 30 8. Shoulder width.
- 31 9. Accessibility and connectivity to employment centers, tourist
32 destinations, or military installations.

33 b. Alternate criteria. – Funding from the following programs shall be
34 included in the computation of each of the Department division equal
35 shares but shall be subject to alternate quantitative criteria:

- 36 1. Federal Surface Transportation Program-Direct Attributable
37 funds expended on eligible projects in the Division Need
38 Projects category.
- 39 2. Federal Transportation Alternatives funds appropriated to the
40 State.
- 41 3. Federal Railway-Highway Crossings Program funds
42 appropriated to the State.
- 43 4. Projects requested from the Department in support of a
44 time-critical job creation opportunity, when the opportunity
45 would be classified as transformational under the Job
46 Development Investment Grant program established pursuant
47 to G.S. 143B-437.52, provided that the total State investment
48 in each fiscal year for all projects funded under this
49 sub-subdivision shall not exceed ten million dollars
50 (\$10,000,000) in the aggregate ~~or and two million dollars~~
51 ~~(\$2,000,000)~~ five million dollars (\$5,000,000) per project.

- 1 5. Federal funds for municipal road projects.
- 2 c. Bicycle and pedestrian limitation. – The Department shall not
- 3 provide financial support for independent bicycle and pedestrian
- 4 improvement projects, except for federal funds administered by the
- 5 Department for that purpose. This sub-subdivision shall not apply to
- 6 funds allocated to a municipality pursuant to G.S. 136-41.1 that are
- 7 committed by the municipality as matching funds for federal funds
- 8 administered by the Department and used for bicycle and pedestrian
- 9 improvement projects. This limitation shall not apply to funds
- 10 authorized for projects in the State Transportation Improvement
- 11 Program that are scheduled for construction as of October 1, 2013, in
- 12 State fiscal year 2012-2013, 2013-2014, or 2014-2015.
- 13 (4) Criteria for nonhighway projects. – Nonhighway projects subject to this
- 14 subsection shall be evaluated through a separate prioritization process
- 15 established by the Department that complies with all of the following:
- 16 a. The criteria used for selection of projects for a particular
- 17 transportation mode shall be based on a minimum of four
- 18 quantitative criteria.
- 19 b. Local input shall include rankings of projects identified by the
- 20 Department's Transportation Division Engineers, Metropolitan
- 21 Planning Organizations, and Rural Transportation Planning
- 22 Organizations. Transportation Division Engineer local input scoring
- 23 shall take into account public comments. The Department shall
- 24 ensure that the public has a full opportunity to submit public
- 25 comments, by widely available notice to the public, an adequate time
- 26 period for input, and public hearings. Board of Transportation input
- 27 shall be in accordance with G.S. 136-189.11(g)(1) and
- 28 G.S. 143B-350(g).
- 29 c. The criteria shall be based on a scale not to exceed 100 points that
- 30 includes no bonus points or other alterations favoring any particular
- 31 mode of transportation."

32 **SECTION 38.(d)** G.S. 136-189.11(g), as enacted by S.L. 2013-183, reads as

33 rewritten:

34 "(g) Reporting. – The Department shall publish on its Web site, in a link to the "Strategic

35 Transportation Investments" Web site linked directly from the Department's home page, the

36 following information in an accessible format as promptly as possible:

- 37 (1) The quantitative criteria used in each highway and nonhighway project
- 38 scoring, including the methodology used to define each criteria, the criteria
- 39 presented to the Board of Transportation for approval, and any adjustments
- 40 made to finalize the criteria.
- 41 (2) The quantitative and qualitative criteria in each highway or nonhighway
- 42 project scoring that is used in each region or division to finalize the local
- 43 input score and shall include distinctions between the Department Division
- 44 scoring and methodologies and Metropolitan Planning Organization and
- 45 Rural Transportation Planning Organization scoring and methodologies.
- 46 (3) Notification of changes to the methodologies used to calculate quantitative
- 47 criteria.
- 48 (4) The final quantitative formulas, including the number of points assigned to
- 49 each criteria, used in each highway and nonhighway project scoring used to
- 50 obtain project rankings in the Statewide, Regional, and Division categories.

1 If the Department approves different formulas or point assignments
2 regionally or by division, the final scoring for each area shall be noted.

- 3 (5) The project scorings associated with the release of the draft and final State
4 Transportation Improvement ~~Program~~Program, including Division
5 Engineer, Metropolitan Planning Organization, and Rural Transportation
6 Planning Organization scoring and ranking."

7 **SECTION 38.(e)** G.S. 136-89.199, as enacted by S.L. 2013-183, reads as
8 rewritten:

9 **"§ 136-89.199. Designation of high-occupancy toll and managed lanes.**

10 Notwithstanding any other provision of this Article, the Authority may designate one or
11 more lanes of any highway, or portion thereof, within the State, including lanes that may
12 previously have been designated as HOV lanes under G.S. 20-146.2, as high-occupancy toll
13 (HOT) or other type of managed lanes; provided, however, that such designation shall not
14 reduce the number of existing non-toll general purpose lanes. In making such designations, the
15 Authority shall specify the high-occupancy requirement or other conditions for use of such
16 lanes, which may include restricting vehicle types, access controls, or the payment of tolls for
17 vehicles that do not meet the high-occupancy requirements or conditions for use."

18 **SECTION 38.(f)** G.S. 120-70.52 reads as rewritten:

19 **"§ 120-70.52. Organization of Committee.**

20 (a) The President Pro Tempore of the Senate and the Speaker of the House of
21 Representatives shall each designate a cochair of the Joint Legislative Transportation Oversight
22 Committee. The Committee shall meet at least once a quarter and may meet at other times upon
23 the joint call of the cochairs.

24 (b) A quorum of the Committee is nine members. No action may be taken except by a
25 majority vote at a meeting at which a quorum is present. While in the discharge of its official
26 duties, the Committee has the powers of a joint committee under G.S. 120-19 and
27 G.S. 120-19.1 through 120-19.4.

28 (c) The Committee shall be funded by appropriations made ~~to~~from the Highway Trust
29 ~~Fund and allocated to the Intrastate System projects~~Fund to the Department of Transportation.
30 Members of the Committee receive subsistence and travel expenses as provided in
31 G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance
32 with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services
33 Officer, shall assign professional staff to assist the Committee in its work. Upon the direction
34 of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the
35 House of Representatives shall assign clerical staff to the Committee. The expenses for clerical
36 employees shall be borne by the Committee."

37 **SECTION 38.(g)** Section 6.1 of S.L. 2013-183 reads as rewritten:

38 **"SECTION 6.1. Formula Implementation Report.** – The Department of Transportation
39 shall report to the Joint Legislative Transportation Oversight Committee and the Fiscal
40 Research Division no later than August 15, 2013, on the Department's recommended formulas
41 that will be used in the prioritization process to rank highway and nonhighway projects. The
42 Department of Transportation's Prioritization Office shall develop the prioritization processes
43 and formulas for all modes of transportation. The report will include a statement on the process
44 used by the Department to develop the formulas, include a listing of external partners consulted
45 during this ~~process~~process, indicate differences between the criteria and weights for highway
46 and non-highway modes between the 3.0 workgroup recommendations and the final
47 Department recommendations, and include feedback from its 3.0 workgroup partners on the
48 Department's proposed recommendations. The Department shall not finalize the formula
49 without consulting with the Joint Legislative Transportation Oversight Committee. The Joint
50 Legislative Transportation Oversight Committee has 30 days after the report is received to meet
51 and consult on the Department's recommendations. If no meeting occurs within 30 days after

1 the report is received, the consultation requirement will be met. If consultation occurs and a
2 majority of members serving on the Committee request changes to the Department's
3 recommended formulas for highway and nonhighway modes, the Department shall review the
4 requests and provide to the Committee its response to the requested changes no later than
5 October 1, 2013. A final report on the highway and intermodal formulas shall be submitted to
6 the Joint Legislative Transportation Oversight Committee by January 1, 2014."

7 **SECTION 38.(h)** G.S. 136-189.11, as enacted by S.L. 2013-183, is amended by
8 adding a new subsection to read:

9 "(h) Improvement of Prioritization Process. – The Department shall endeavor to
10 continually improve the methodology and criteria used to score highway and non-highway
11 projects pursuant to this Article, including the use of normalization techniques, and methods to
12 strengthen the data collection process. The Department is directed to continue the use of a
13 workgroup process to develop improvements to the prioritization process. Workgroup
14 participants shall include, but not be limited to, the North Carolina League of Municipalities,
15 the North Carolina Association of County Commissioners, the North Carolina Metropolitan
16 Mayors Coalition, and the North Carolina Council of Regional Governments. The workgroup,
17 led by the Prioritization Office, shall contain a minimum of four representatives each from the
18 North Carolina Association of Municipal Planning Organizations and the North Carolina
19 Association of Rural Planning Organizations, and these members will be selected by a vote of
20 each organization. Department participants in the workgroup shall not exceed half of the total
21 group. Beginning December 1, 2016, the Department shall report annually to the Joint
22 Legislative Transportation Oversight Committee on any changes made to the highway or
23 non-highway prioritization process and the resulting impact to the State Transportation
24 Improvement Program. The General Assembly members and staff may attend all workgroup
25 meetings related to the prioritization process, all subgroup meetings of the workgroup, and
26 have access to all related workgroup or subgroup documents."

27 **SECTION 38.(i)** Section 6.2 of S.L. 2013-183 reads as rewritten:

28 "**SECTION 6.2.** State Transportation Improvement Program Transition Report. – The
29 Department of Transportation shall submit transition reports to members of the Joint
30 Legislative Transportation Oversight Committee, House of Representatives Appropriations
31 Subcommittee on Transportation and the Senate Appropriations Committee on Department of
32 Transportation, and the Fiscal Research Division on March 1, 2014, and November 1, 2014.
33 The reports shall include information on the Department's transition to Strategic Prioritization,
34 overview changes to the State Transportation Improvement Program (STIP) and other internal
35 and external processes that feed into the STIP, and offer statutory and policy recommendations
36 or items for consideration to the General Assembly that will enhance the prioritization process.
37 The March 1, 2014, report shall also include an analysis of the distribution of tax and fee
38 revenues between the Highway Fund and Highway Trust Fund and an analysis to determine if
39 maintenance, construction, operations, administration, and capital expenditures are properly
40 budgeted within the two funds and existing revenues are most effectively distributed between
41 the two funds. The report shall also include recommendations to restructure maintenance
42 operations and funding to improve efficiency, achieve greater cost effectiveness, and streamline
43 operations to best apply limited resources to the State's maintenance needs."

44 **SECTION 38.5.** If Senate Bill 485, 2013 Regular Session, becomes law, then
45 G.S. 143-64.70, as amended by Senate Bill 485, reads as rewritten:

46 "**§ 143-64.70. Personal service contracts – reporting requirements.**

47 (a) By January 1 of each year, each State department, agency, and institution shall make
48 a detailed written report to the Office of State Budget and Management and the Office of State
49 Personnel on its utilization of personal services contracts that have an annual expenditure
50 greater than twenty-five thousand dollars (\$25,000). The report by each State department,
51 agency, and institution shall include the following:

- 1 (1) Identification of the department and employee responsible for oversight of
2 the performance of the contract.
- 3 (2) Vendor or contractor name, object of expenditure description, contract
4 award amount, purchase order or contract number, purchase order start and
5 end date, source of funds, and amount disbursed during the fiscal year.
- 6 (3) through (7) Repealed by Session Laws 2007-322, s. 7, effective July 30,
7 2007.

8 (b) By March 15 of each year, the Office of State Budget and Management and the
9 Office of State Personnel shall compile and analyze the information required under subsection
10 (a) of this section and shall submit to the Joint Legislative Commission on Governmental
11 Operations a detailed report on the type, number, duration, cost and effectiveness of State
12 personal services contracts throughout State government.

13 (e) ~~This section does not apply to The University of North Carolina.~~

14 **SECTION 39.5.** If Senate Bill 315, 2013 Regular Session, and House Bill 857,
15 2013 Regular Session, become law, then Section 5 of Senate Bill 315 is repealed.

16 **SECTION 40.** If Senate Bill 402, 2013 Regular Session, becomes law, then
17 G.S. 143B-426.52(d), as enacted by Section 6.18(a) of Senate Bill 402, reads as rewritten:

18 "(d) The Commission shall adopt rules for the determination of eligibility and the
19 processing of ~~elaims~~ claims in accordance with G.S. 150B-21.1. Notwithstanding
20 G.S. 150B-21.1(d), the rules adopted pursuant to this section shall expire on the earlier of the
21 date all claims made under this section are finally adjudicated or June 30, 2018."

22 **SECTION 41.** G.S. 160A-424(c) reads as rewritten:

23 "(c) In no event may a city do any of the following: (i) adopt or enforce any ordinance
24 that would require any owner or manager of rental property to obtain any permit or permission
25 from the city to lease or rent residential real property, except for those ~~properties~~ individual
26 rental units that have more than three verified violations in a 12-month period or upon the
27 property being identified within the top 10% of properties with crime or disorder problems as
28 set forth in a local ordinance; (ii) require that an owner or manager of residential rental property
29 enroll or participate in any governmental program as a condition of obtaining a certificate of
30 occupancy; or (iii) except as provided in subsection (d) of this section, levy a special fee or tax
31 on residential rental property that is not also levied against other commercial and residential
32 properties."

33 **SECTION 42.** Section 1 of S.L. 2007-86, as amended by S.L. 2008-5, reads as
34 rewritten:

35 "**SECTION 1.** The governing body of a city or town may adopt ordinances providing that
36 notice of public hearings may be given through electronic means, including, but not limited to,
37 the Town's Internet site. Electronic notice may be in lieu of traditional publication methods.
38 Ordinances adopted pursuant to this section shall not supersede any State law that requires
39 notice by mail to certain classes of people or the posting of signs on certain property and shall
40 not alter the publication schedule for any public notice."

41 **SECTION 43.** S.L. 2011-148, 2011-154, 2011-155, and 2011-178 are repealed.

42 **SECTION 44.** Section 25 of S.L. 2013-199 reads as rewritten:

43 "**SECTION 25.** Section 10 of this act becomes effective January 1, 2016. Section 20 of
44 this act becomes effective January 1, ~~2015~~ 2014, and applies to policies whose effective date is
45 on or after that date. Sections 22 and 24 of this act are effective when they become law. Section
46 23 of this act becomes effective October 1, 2013. The remainder of this act becomes effective
47 July 1, 2013."

48 **SECTION 46.** If House Bill 74, 2013 Regular Session, becomes law, Section 12 of
49 House Bill 74 is repealed.

50 **SECTION 47.** If House Bill 269, 2013 Regular Session, becomes law, Section 7 of
51 House Bill 269 reads as rewritten:

1 "SECTION 7. Notwithstanding the definition for "eligible student" set forth in
2 G.S. 115C-112.2, as enacted by this act, a child who is otherwise eligible to receive a
3 scholarship grant for the spring semester of the 2013-2014 school year is deemed to have met
4 the requirements of G.S. 115C-112.2(2)f., as enacted by this act, if the child is a dependent
5 child for whom a taxpayer is allowed a credit for the fall semester of the 2013-2014 school year
6 under G.S. 105-151.33 and the taxpayer affirms, under oath, that the taxpayer will claim the
7 credit for that semester. Notwithstanding G.S. 105-259(b), the Department of Revenue shall
8 furnish, upon request, to the Authority a list of claimants that received a credit pursuant to
9 G.S. 105-151.33 for the taxable year beginning on or after January 1, 2013. Notwithstanding
10 the definition for "eligible student" set forth in G.S. 115C-112.2, as enacted by this act, a child
11 who meets the requirements of G.S. 115C-112.2(a) through (e) and who is eligible for
12 enrollment in kindergarten or the first grade in a North Carolina public school during the
13 2013-2014 school year shall be eligible to receive a scholarship grant for the spring semester of
14 the 2013-2014 school year."

15 SECTION 47.5. G.S. 20-4.01 reads as rewritten:

16 "§ 20-4.01. Definitions.

17 Unless the context requires otherwise, the following definitions apply throughout this
18 Chapter to the defined words and phrases and their cognates:

19 ...

20 (1c) All-Terrain Vehicle or ATV. – A motorized ~~off-highway~~ vehicle 50 inches
21 or less in width that is designed to travel on three or four more low-pressure
22 tires, tires having a seat designed to be straddled by the operator and
23 handlebars for steering control and manufactured for off-highway use. The
24 terms "all-terrain vehicle" or "ATV" do not include a golf cart or a utility
25 vehicle, as defined in this section, or a riding lawn mower.

26 ...

27 (48c) Utility Vehicle. – ~~Vehicle designed and manufactured for general~~
28 ~~maintenance, security, recreational, and landscaping purposes, but does not~~
29 ~~include vehicles designed and used primarily for the transportation of~~
30 ~~persons or property on a street or highway.~~ A motor vehicle that is (i)
31 designed for off-road use and (ii) used for general maintenance, security,
32 agricultural, or horticultural purposes. "Utility vehicle" does not include an
33 all-terrain vehicle or golf cart, as defined in this section, or a riding lawn
34 mower.

35"

36
37 PART IV. EFFECTIVE DATE

38 SECTION 48. Except where otherwise provided, this act is effective when it
39 becomes law.