



The Daily Bulletin: Friday, July 25, 2014

PUBLIC/HOUSE BILLS

H 1133 (2013-2014) **TECHNICAL AND OTHER CORRECTIONS**. Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING AMENDMENTS TO THE GENERAL STATUTES.*

The House committee substitute to the 1st edition makes the following changes.

Retains the changes to GS 90D-5(b)(6). Deletes proposed GS 65-47(e), exempting columbariums built in accordance to former (d) on or after January 23, 2015, from Article 9 if specified conditions were met.

Adds the following.

Part I. TECHNICAL CORRECTIONS RECOMMENDED BY THE GENERAL STATUTES COMMISSION

Restates GS 1A-1 (Rule 59), without any changes, to clarify a publishing error.

Amends GS 15-11.2 to add a catchline to (d).

Amends GS 15A-830, the definitions section of the Crime Victims' Rights Act, making conforming changes related to crime classifications found under the definition for *victim*. Provides that no rights granted by GS Chapter 15A, Article 46 to any person who was a victim pursuant to GS 15A-830 before the section's effective date will be affected by the section.

Amends GS 20-28.9, making conforming changes to the section's title, deleting "driving while impaired."

Repeals GS 28A-22-7(c), concerning distributions to parents or guardians of a minor.

Amends GS 31-33 to make a technical deletion.

Amends GS 42A-15 to make a technical deletion.

Amends GS 53-244.111 to update the information provided to a borrower to include contact information for the State Home Foreclosure Prevention Project of the Housing Finance Agency (was, the consumer complaint section of the Office of the Commissioner of Banks).

Amends GS 58-50-75(b) to remove reference to the NC Health Insurance Risk Pool and the Health Insurance Program for Children.

Amends GS 95-111.4 and GS 95-148 to make clarifying, grammatical, and formatting changes, and makes language gender neutral.

Amends GS 111-47.1 and GS 111-47.2 to update references due to codification changes and to refer to the actual effective date.

Amends GS 113-133.1 to make conforming changes related to repeals made in 2013.

Amends GS 115C-325 to correct a typo.

Amends GS 130A-294.1 to make formatting changes.

Amends GS 130A-335(f1) to correct a mistaken statutory reference.

Amends GS 136-93 to correct statutory references.

Repeals GS 143-52.2, concerning contracts subject to review by the Attorney General.

Amends GS 143-151.57 to remove superfluous language.

Amends GS 143-151.77 to correct a reference.

Amends GS 150B-41 to correct a cross-reference.

Repeals GS 153A-357(d) and GS 160A-417(c), which referred to laws that have been repealed.

Corrects a statutory reference in GS 160A-58.64.

Clarifies the reference for the Town of Columbus Charter due to an error in numbering the Session Law Chapter in which the charter is found.

Amends Section 5 of SL 2011-84 to correct a mistaken statutory reference.

Amends SL 2013-413, Section 60(c), to correct the reference in the effective date.

Part II. ADDITIONAL TECHNICAL CORRECTIONS AND OTHER AMENDMENTS

Amends GS 1-72.2, concerning standing of legislative officers, clarifying that the procedures for interventions at the trial level in state court are set out in Rule 24 (was 29) in the Rules of Civil Procedure. Sets out procedures for legislative officers to intervene at the appellate level in state court, requiring a motion to be made in the appropriate court or by any other procedure set out in the Rules of Appellate Procedure.

Amends GS 1A-1, Rule 8(a), making conforming changes to the amount in controversy required for claims of relief to be heard in superior court, increasing it from \$10,000 to \$25,000.

Amends GS 7A-228(d) concerning motions to dismiss an appeal in a summary ejection, allowing a plaintiff to serve a motion to dismiss on the defendant if the defendant has failed to comply with any obligation set out in the Bond to Stay Execution on Appeal of Summary Ejection Judgment entered by the court. Deletes language, in lieu of the language above, that allowed such a motion if the defendant failed to make any payment due under any applicable bond to stay execution. Further provides that if the defendant is not required by law to make any payment under the bond to stay the execution, the court cannot use the failure to make a payment as a basis to dismiss the appeal. Effective October 1, 2014, applying to all actions for summary ejection filed on or after that date.

Amends GS 7A-273(2) to add open burning offenses, as specified in GS Chapter 106, Article 78, to the list of offenses for which magistrates can accept written appearances, waivers of trial or hearing, and pleas of guilty or admissions of responsibility.

Amends GS 7B-603(b) to provide that the Office of Indigent Defense Services is authorized to pay the reasonable fees of a guardian ad litem that has been appointed pursuant to GS 7B-602 or any other specified provision of the Juvenile Code.

Repeals GS 7B-1401(4), 7B-1402, 7B-1403, and 7B-1412, abolishing the Child Fatality Task Force. Amends GS 7B-1404(b), 7B-1405, 7B-1413, 7B-1414, and 7B-2902, making conforming changes relating to the abolishment of the Child Fatality Task Force. Enacts new GS 7B-1405(b), which allows the State Team to report to the General Assembly during the first week of convening or reconvening on any recommendations that would promote the safety and well-being of children. Effective June 30, 2015.

Amends GS 14-258.1, authorizing local confinement facilities to give or sell vapor products, as defined in GS 148-23.1, to inmates involved in an authorized smoking cessation program while in custody of the local confinement facility. Makes conforming changes. Effective December 1, 2014, applying to offenses committed on or after that date. Provides that if Senate Bill 594 (Omnibus Justice Amendments), of the 2013 Regular Session becomes law, and if it

amends GS 14-258.1 to add a new subsection (f), the subsection (f) enacted in subsection (a) of this section is redesignated as subsection (g).

Repeals GS 14-404(c1), which required clerks of court to report records to the National Instant Criminal Background Check System (NICS) within 48 hours of receiving notice of a matter or finding that would disqualify a person from obtaining a pistol purchase permit. Also requires the Administrative Office of the Courts (AOC) to review the feasibility of requiring clerks to transmit these records to NICS. Directs the AOC to report any findings to the Joint Legislative Committee on Justice and Public Safety by December 1, 2014.

Amends GS 14-415.14(a) providing that the State Bureau of Investigation (SBI) (was, the AOC) is now responsible for prescribing forms for the application and certificates for concealed handgun permits. Amends GS 14-415.17, making conforming changes.

Amends GS 15-11.1(b1)(4), concerning the disposition of seized firearms after a criminal trial, deleting the requirement that the court receive a written request from a law enforcement agency before the court can order the firearm be disposed of by the appropriate law enforcement agency.

Amends GS 15A-145.5(f) concerning expunctions of certain misdemeanors and felonies, providing that fingerprints must be removed from the fingerprint records when the conviction for which the fingerprints were taken is expunged. Applies to expunctions issued before, on, or after the date the act becomes law.

Amends GS 15A-150, concerning notification requirements for expunctions, adding the SBI to the list of agencies that the clerks of superior court in each county must send copies or orders granting expunctions. Clarifies that the SBI must forward the order received pursuant to this section to the FBI. Makes conforming changes. Effective December 1, 2014.

Amends GS 15A-1368.4(d), 15A-1374(b), 90-113.40(d1), 108A-29(n), 115D-5(s), 115D-31.3(e), 116-143.4, 162-59.1, and 162-60 replacing the term "GED" or "General Education Development" throughout the above statutes with the term "adult high school equivalency diploma."

Amends GS 20-4.01(41a) concerning the definition of a *serious traffic violation*, providing that being convicted of unlawful use of a mobile telephone under GS 20-137.4A or Part 390 or 392 of Title 49 of the CFR while operating a commercial motor vehicle is a serious traffic violation.

Amends GS 20-37.13(a) adding a requirement that a person must have held a commercial learner's permit for a minimum of 14 days before that person can be issued a commercial driver's license. Makes organizational changes. Enacts new GS 20-37.13(g) and (h) requiring the issuance of a commercial driver learner's permit to be a precondition for the upgrade of a commercial driver's license if the upgrade requires a skills test. Also requires the Division of Motor Vehicles (DMV) to notify any driver that fails to meet medical certification requirements found in 49 CFR 383.71. DMV is required to give the driver 60 days to provide required documentation. If the specified medical certification documentation is not received within the given time period, the DMV must automatically downgrade a commercial driver's license to a Class C regular driver's license.

Amends GS 20-58.4A(a) and 20-58.4A(i) , concerning the DMV's electronic lien system, delaying the implementation date of the system to January 1, 2015 (was, July 1, 2014). Also changes the date of mandatory participation in the system to January 1, 2016 (was, July 1, 2015).

Amends GS 20-79(d), concerning restrictions on use of a dealer license plate, providing that officers, sales representatives, other employees, or immediate family members of independent motor vehicle dealers can operate an insured dealer vehicle with a dealer license plate (previously, independent dealers were not authorized to use dealer plates as such).

Amends GS 24-1.1A(e), concerning the definition of a home loan, providing that a loan where the principal amount is less than \$300,000 and secured by an equivalent first security interest in a manufactured home is considered a home loan.

Amends GS 28A-19-1(c) to provide that if a litigant in an action against a decedent at the time of death substitutes the personal representative in that action within the claims bar period, then the requirement of presenting a claim is satisfied, even if the motion was not heard until after the claims bar period. Adds clarifying language that neither substitution nor timely filing will extend the time for filing additional claims.

Amends GS 28A-21-2.2(a)(2), correcting a mistaken statutory reference.

Enacts new GS 39-13.7, Tenancy by the entireties trusts in real property, providing that the transfer of real property held by husband and wife as tenancy by the entireties to joint or separate trust, or to separate or revocable trusts, provides the same immunity from claims of the spouse's separate creditors as would exist if the real property had remained as tenancy by the entireties as long as (1) the owners remain husband and wife, (2) the real property continues to be held in the trust or trusts, and (3) the spouses remain the beneficial owners of the real property. Effective January 1, 2015, applying to real property transferred to a trust on or after that date.

Amends GS 41-23(h) to clarify that the provisions of GS 41-15, the common law rule against perpetuities and the common law rule against accumulations do not apply to trusts created or administered in NC.

Amends GS 45A-4(a) concerning settlement agents, providing that agents can disburse funds from the agent's trust or escrow account, as specified, in order to record any deeds, deeds of trust, and any other documents that must be filed. Provides that no other funds from trust or escrow can be disbursed until the specified documents have been recorded in the office of the register of deeds.

Amends GS 50-13.4(c1), concerning child support guidelines, deleting out-of-date language.

Amends GS 50A-370(a), 50A-379(a), 50A-385(c), and 50A-388(a), all concerning the Uniform Deployed Parents Custody and Visitation Act, making technical and clarifying changes.

Amends GS 53-244.050(b)(1a), clarifying that federally registered loan originators, in addition to those licensed in any other state or North Carolina, are eligible to apply for licensure as a transitional mortgage loan originator.

Repeals GS 58-2-46(4), which previously required insurers that issue property insurance to adjust losses for separate windstorm policies issued by another insurer.

Enacts new GS 66-58(b)(8b) exempting the specified activities of the NC Center for the Advancement of Teaching from the Umstead Act.

Amends GS 74F-16 to clarify the exemption for merchants from locksmith licensing requirements, providing that merchants are specified as exempt if they are (1) lawfully duplicating keys or maintaining locks in the normal course of business, (2) maintaining a physical location in North Carolina, (3) maintaining a sales and use tax permit pursuant to GS 105-164.16, and (4) not representing themselves as locksmiths. Provides that if S 734 (Regulatory Reform Act of 2014) of the 2013 Regular Session is enacted, then Section 2.5 of that bill is repealed.

Amends GS 86A-15(b) concerning sanitary rules and regulations for barbershops and barber schools and colleges, providing that initial inspections cannot be delayed by the Board of Barber Examiners if the sole reason for the delay is the lack of certificate of occupancy by a local government unit.

Amends GS 90-85.15B concerning the expansion of pharmacist's immunizing authority, correcting a mistaken statutory reference in GS 90-85.15B(d)(3).

Amends GS 90-95(d1) to provide that violations of (d1)(1), concerning possession or distribution of specified precursor chemicals or pseudoephedrine products is a Class H felony, unless the conduct is covered under (d1)(2), which makes it a Class F felony to possess or distribute immediate precursor chemicals for manufacturing methamphetamine. Effective for offenses committed on or after October 1, 2014.

Amends GS 90D-7 to amend the requirements for licensure as an interpreter or transliterator to require holding a valid Testing, Evaluation and Certification Unit, Inc., national certification in cued language transliteration (was, a national

certification recognized by the National Cued Speech Association) and adds the requirement of holding a current Cued Language Transliterator State Level Assessment level 3 or above classification. Deletes the requirement, effective July 1, 2008, of holding at least a two-year degree from a regionally accredited institution. Amends GS 90D-8 to amend the categories of individuals who may receive a provisional license as an interpreter or transliterator to include a deaf interpreter who completes 16 hours of training in interpreting coursework or workshops and 20 hours in the 12 months immediately preceding the date of application in the provision of interpreting services (was, a certified deaf interpreter who completes 30 hours of training) and a cued language transliterator who holds a current Cued Language Transliterator State Level Assessment level 2 classification (was, a person providing cued speech interpreting or transliterating services who completes 40 hours of training in interpreting coursework or workshops related to cued speech). Deletes the requirement, effective July 1, 2008, of holding at least a two year degree from a regionally accredited institution for initial licensure on a provisional basis.

Amends GS 93D-1.1 to amend the activities included in the scope of practice of a hearing aid specialist regulated under Chapter 93D to include making (was, taking), ear impressions and providing supervision and in-service training for apprentices in fitting and selling hearing aids (was, for those entering the hearing aid dispensing profession). Deletes providing hearing health education and providing community services for those with hearing loss and the deaf from the hearing aid specialist scope of practice. Makes technical and clarifying changes to GS 93D-3(d) and GS 93D-15. Amends GS 106-568.43 to allow the Tobacco Growers Association of North Carolina, Inc., to conduct a referendum among tobacco growers on whether an assessment must be levied on tobacco produced (was, sold) in North Carolina. Limits the amount of the assessment to 15 cents for each hundred pounds of tobacco produced (was, marketed) in North Carolina. Makes conforming changes. Amends GS 106-568.44 to require each tobacco grower (was, producer) to pay the assessment, if approved, on all tobacco produced in this state and sold to a buyer (was, on all tobacco sold to a buyer). Makes conforming changes.

Repeals GS Chapter 106, Article 68 (Southern Dairy Compact).

Amends GS 108A-116 to allow an investigating entity to petition the district court to issue (was, may obtain) a subpoena directing a financial institution to provide the financial records of a disabled adult or older adult customer. Adds that the petition must be filed in the county of residence of the disabled adult or older adult customer whose records are being subpoenaed. Adds that the court must hear the case within two business days after filing the petition. Removes the provision allowing the subpoena to be issued by any superior court or district court judge or magistrate in the county of residence of the adult. Adds that a financial institution may challenge the subpoena by filing a motion to quash or modify the subpoena within two business days after receipt of delivery of the subpoena. Limits the challenge to four specified reasons. Requires the court to hear the motion and issue an order within two business days after the motion is filed. Ties the timing of when the financial institution must provide the financial records to when the subpoena is delivered or, if challenged, when the court enters an order upholding or modifying the subpoena. Adds that the petition and the court's entire record of the proceedings are not matters of public record and requires such records to be maintained separately from other records and withheld from public inspection, and allows for examination only by court order. Amends GS 108A-117 to make conforming changes to refer to subpoenas and orders being issued by the court (was, judge or magistrate). Amends GS 7A-246 to exclude proceedings for the protection of disabled and older adults from financial exploitation from those for which the superior court division (regardless of amount in controversy) is the proper division for the hearing and trial. Makes clarifying changes. Requires the Administrative Office of the Courts to develop appropriate forms and procedures to implement the processes under GS 108A-116 (Production of customers' financial records in cases of suspected financial exploitation; immunity; records may not be used against account owner) and GS 108-117 (Notice to customer; delayed notice). Effective when the section becomes law and applies to petitions for a subpoena filed on or after that date.

Amends GS 114-15.1 to exclude damage or loss resulting from motor vehicle accidents or unintentional loss of property from the requirement that department, agency, or institution heads receiving information or evidence of possible violations of criminal statutes involving misuse of state property report the information or evidence in wrongdoing to the Director of the State Bureau of Investigation within specified time frames. Effective June 30, 2014.

Amends GS 114-61 to decrease the membership of the NC Forensic Science Advisory Board from 16 to 15 members, removing the director of a private or federal forensic lab located in the state. Further amends the membership to include a forensic scientist or any other person with an advanced degree who has education (was, has received substantial education), training, or experience in trace evidence and a scientist with an advanced (was, a doctoral) degree with experience in the discipline of forensic toxicology (removes requirement of certification by the American Board of Forensic Toxicologists). Makes a technical change. Requires the Board to meet biannually (was, quarterly).

Amends the membership of the North Carolina Human Trafficking Commission (in GS 114-70) to allow a member appointed by the Speaker of the House to be a district attorney or an assistant district attorney (was, only a district attorney).

Amends GS 115C-64.16(e) to allow grants from the Education and Workforce Innovation Program to be awarded for new or existing projects.

Amends GS 115C-174.13 to add that until the State Board of Education designates that a test is released, any test developed, adopted, or provided by the State Board of Education is not a public record. Allows the State Board of Education to develop rules to allow inspection of a test prior to release but requires that individuals inspecting the test meet the same standards for confidentiality required for employees of local boards of education in test administration. Defines test to include both the test and related test materials.

Amends GS 115C-238.29E(c) to add that the State Board of Education must not impose any terms and conditions that restrict membership of the board of directors or the nonprofit corporation operating the charter school but must require the board of directors to adopt a conflict-of-interest policy.

Amends GS 115C-296(b1) to require the State Board of Education to submit the educator preparation program report cards to the Joint Legislative Education Oversight Committee annually by November 15 (was, October 1).

Amends GS 115C-307(g) to add that a teacher must not be required to use the student information management system or other designated software to report data more frequently than the schedule required to provide such data to the state or federal government. Allows local boards of education to allow teachers to use other software to supplement student performance at all other times if the software meets six specified requirements, including that it is capable of generating classroom reports, individual student progress reports, and student learning profiles; requires data files to be securely stored and password protected; and enables oversight by school-based and district-based administrators. Effective July 1, 2014, and applies beginning with the 2014-15 school year.

Amends GS 115D-12(a) to provide that no more than one community college trustee from Group Two (consisting of four trustees, elected by the board of commissions of the county in which the institution is located) may be a member of each appointing board of county commissioners. Applies only to the Boards of Trustees of Central Carolina Community College. Effective when the act becomes law and applies to appointments made on or after that date.

Amends GS 115D-15(a) to allow the board of trustees, when it is in the board's opinion that the use of any other real property owned or held by the board is unnecessary or undesirable for the purposes of the institution, to sell or dispose of the property (was, sell, exchange, or lease the property) after receiving approval from the State Board of Community Colleges. Defines dispose to mean lease, exchange, or demolish.

Enacts new GS 116-43.17 providing that research data, records, or information of a proprietary nature, produced or collected by or for state institutions of higher learning in conducting commercial, scientific, or technical research where the data, records, or information has not been patented, published, or copyrighted are not public records.

Amends GS 120-31 to add that six members of the Legislative Services Commission constitute a quorum. Makes a technical change.

Effective January 1, 2015, repeals GS 122A-5.10 (Housing Coordination and Policy Council; creation; duties), GS 122A-5.11 (Council membership; compensation; procedures), and GS 122A-5.12 (Council meetings; report).

Amends GS 124-18 to make the dividend from any state-owned railroad company that has trackage in more than two counties due by February (was, January) 15.

Authorizes the Revisor of Statutes to change the title of GS Chapter 126 to read “North Carolina Human Resources Act,” consistent with the title change in Section 9.1 of SL 2013-382 (title was, “State Personnel System”). Makes a conforming change to GS 115C-21(a)(1). Amends the General Statutes, except as otherwise provided in this section, deleting the phrase “State Personnel System” wherever it occurs and replacing it with “State Human Resources System.” Authorizes the Revisor of Statutes to make the substitutions enacted in Section 55.4(c) and to capitalize the word “system” in the phrase, “State Human Resources System” if the phrase appears in a title.

Amends subsection (c) of GS 130A-320, as amended by SL 2014-41, to require every supplier of water who operates a public water system treating and furnishing (was, system and furnishing) water from surface supplies (was, unfiltered surface supplies) to create and implement a source water protection plan.

Amends GS 131E-6(3) to clarify that any of the listed specifications define a *corporation, foreign or domestic, authorized to do business in North Carolina*. Expands the definition to include: (1) a limited liability company formed under GS Chapter 57D and (2) a foreign limited liability company that has procured a certificate of authority to transact business in this state under Article 7 of GS Chapter 57D. Effective October 1, 2014.

Amends GS 136-18(37) to permit use of (was, private use of) and encroachment upon the right-of-way of a state highway or road for the purpose of construction and maintenance of a bridge owned by a private or public entity (was, applicable to a privately owned bridge for pedestrians or motor vehicles) if it does not unreasonably interfere with or obstruct public use of the right-of-way.

Makes a technical correction to GS 136-82(d).

Amends GS 136-189.11(e)(1) to direct the Department of Transportation to limit the variance in the obligation of funds under this section for Statewide Strategic Mobility projects to no more than 10 percent (was, 5 percent) over any five-year period from the percentage required to be allocated to each of the categories by this section.

Amends GS 143-64.17B to expand the conditions and factors that must apply to support a governmental entity engaging in a guaranteed energy savings contract with a qualified provider to include energy-conservation measures installed under the contract for a utility consuming device or equipment when the utility cost is paid by the governmental unit. Rewrites the definition of *total cost* as used in this section to include, but not be limited to, costs of construction, costs of financing, and costs of maintenance and training during the term of the contract minus the application of the utility company, state, or federal incentives, grants, or rebates.

Amends GS 143B-431A(b), as enacted by SL 2014-18, to exempt a contract entered into by the Department of Commerce with a North Carolina nonprofit corporation to perform certain of the Department’s duties and obligations from Articles 3 and 3C of GS Chapter 143.

Amends GS 143B-1157, regarding appointments to the State Community Corrections Advisory Board (Advisory Board), to provide that the Governor is to appoint two rehabilitated ex-offenders (was, one) to the Advisory Board. Provides that the terms of office of the initial members appointed to the Advisory Board became effective July 1, 2011, and that at the end of the terms of the initial members, their successors are to be appointed for a term of three years effective July 1.

Amends GS 147-86.11(e) to exempt unpaid billings owed by customers of the North Carolina Turnpike Authority (Authority) from those required to be turned over to the Attorney General (AG) for collection no more than 90 days after the due date for the billing. However, provides that the Authority may turn over collection amounts owed to it to the AG for collection.

Amends GS 153A-205, Improvements to subdivision and residential streets, to delete references to the “Secondary Roads Council” and replaces them with “Department of Transportation.”

Repeals Section 2 ½ of SL 1965-954, exempting Cumberland, Dare, Harnett, Pamlico, Scotland, Rockingham, Halifax, Warren and Perquimans counties from provisions concerning the disposition of confiscated deadly weapons.

Amends Section 7 of SL 2009-369 to extend the expiration date for the act to December 1, 2016 (was, expires December 1, 2014). SL 2009-369 amends subsection (c3) of GS 20-19 to allow a person convicted of habitual impaired driving to be eligible to petition for a hearing to restore driving privileges after ten years without any traffic or criminal convictions.

Rewrites Section 13 of SL 2009-521, as amended by Section 24 of SL 2011-326 and by Section 71.6 of SL 2012-194, to delete requirement that a natural hair care specialist has to pass an examination conducted by the Board as a qualification for being licensed without having to satisfy the requirements of GS 88B-10.1.

Repeals SL 2011-259, which directed the State Board of Education (SBE) to implement a three year Dropout Recovery Pilot Program in New Hanover County Schools and three other local school administrative units selected by the SBE.

Directs the SBE to establish a two-year Dropout Prevention and Recovery Pilot Program (Pilot Program). Requires the SBE to select a charter school that has been approved by the SBE under GS 115C-238.29D to provide the educational services and programming for the Pilot Program. Describes the purpose of the Pilot Program as to reengage students and increase graduation rates via flexible scheduling and a blended learning environment with individualized and self-paced learning options. Provides that to be eligible for the Pilot Program, the school's enrollment must include only high school students who have dropped out of high school. Specifies additional requirements for eligibility for the pilot program including school accreditation and teacher licensing. Requires the charter school that participates in the Pilot Program to develop and implement an alternative accountability model that meets the guidelines adopted by the SBE for alternative learning programs under GS 115C-12(24). Also includes specifications regarding an alternative funding model for the Pilot Program's participating charter school. Allows existing charter schools meeting the criteria as provided in this section to apply for the Pilot Program no later than August 31, 2014. Directs the SBE to select a charter school to participate in the Pilot Program for the 2014-15 and 2015-16 school years by September 30, 2014. Directs the SBE to report to the Joint Legislative Education Oversight Committee (JLEOC) by March 15, 2016, on the outcomes of the Pilot Program. Directs the JLEOC to report to the 2016 Session of the 2015 General Assembly on the legislation necessary to implement the Pilot Program in alternative schools serving students who have dropped out of high school. Provides that the Pilot program starts with the 2014-15 school year and concludes at the end of the 2015-16 school year.

Repeals SL 2012-1, which eliminated the dues check-off option for public school employees.

Amends Section 8.49 of SL 2013-360, which establishes a pilot program in Hickory Public Schools and the Newton-Conover City Schools to raise the school dropout age from sixteen to eighteen, to add enforcement provisions to the pilot program. Specifies the authority vested in the principal, the principal's designee, and the local boards of education of the participating local school administrative units (LEAs) to implement the provisions of the Pilot Program authorized under this section. Sets out the procedure for when a child is unable to attend school because of necessity to work. Directs the LEAs, in collaboration with the SBE, to report to the JLEOC, the House Appropriations Subcommittee on Education/Higher Education, and the Senate Appropriations Committee on Education/Higher education on or before January 15, 2016 (was, January 1, 2016). Adds that the report must include information on the implementation of enforcement mechanisms for violations of the compulsory attendance requirements, including any criminal penalties.

Amends Section 9.6(k) of SL 2013-360 to clarify subsections (c) and (d) of this section become effective as of July 1, 2014, and apply to all employees employed as of that date and employees hired or reemployed on or after that date.

Amends Section 5 of SL 2013-417, which requires a county Department of Social Services (DSS) to verify if an applicant for services is a fleeing felon or a parole or probation violator and to deny TANF or FNS benefits if such a violation is verified. Requires the Social Services Commission (SSC) to issue temporary rules, in addition to its permanent rule-making authority, to enforce this act (was, provided that the SSC may issue temporary rules).

Requires that the rules for implementing this act be adopted no later than October 31, 2014 (was, February 1, 2014). Directs the Department of Health and Human Services (DHHS) to continue the substance-abuse screening in place as of January 1, 2014, for applicants and recipients of Work First Program benefits until Section 4 of this act is fully implemented. Requires DHHS to provide notice to each county DSS and the General Assembly when Section 4 of this act is fully implemented. Also directs DHHS to report to the General Assembly by the first of each calendar quarter beginning April 1, 2014, and ending December 1, 2015, on the implementation of Section 4 of this act. Makes Section 4 of this act effective July 1, 2015 (was, August 1, 2014).

Corrects a statutory citation in SL 2014-4 (Energy Modernization Act), providing that GS 113-391.1(d), (was, GS 113-391A(d)) as enacted by Section 8(a) of the act becomes effective December 1, 2014.

Providing that House Bill 712 (Clarifying Changes/Special Ed Scholarships), 2013 Regular Session, passes, corrects the chapter reference by deleting the citation to Article 9 of GS Chapter 115 and replacing it with Article 9 of GS Chapter 115C.

Part III. UNIFORM STATE BOARD OF EDUCATION REPORT DATES.

Changes multiple reporting dates for reports from the SBE and the Department of Public Instruction to the General Assembly. Uniformly changes the due dates for the reports to the 15th of the month in which they are currently due (was, due dates were on the 1st of the month in which they were due).

Part V. EFFECTIVE DATE.

Except as otherwise provided, this act is effective when it becomes law.

Intro. by T. Moore.

GS 1, GS 1A, GS 7A, GS 7B, GS 14, GS 15, GS 15A, GS 20, GS 28A, GS 31, GS 41, GS 42A, GS 45A, GS 50, GS 50A, GS 53, GS 58, GS 66, GS 74F, GS 86A, GS 90, GS 90D, GS 93D, GS 95, GS 106, GS 108A, GS 111, GS 114, GS 115C, GS 115D, GS 116, GS 120, GS 122A, GS 124, GS 126, GS 130A, GS 131E, GS 136, GS 143, GS 143B, GS 147, GS 150B, GS 153A, GS 160A, GS 162

[View summary](#)

Agriculture, Business and Commerce, Corporation and Partnerships, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Education, Elementary and Secondary Education, Higher Education, Environment, Energy, Government, General Assembly, Public Records and Open Meetings, State Agencies, Department of Commerce, Department of Transportation, State Government, State Property, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Social Services, Adult Services, Transportation

H 1133 (2013-2014) **TECHNICAL AND OTHER CORRECTIONS**. Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING AMENDMENTS TO THE GENERAL STATUTES.*

House amendments make the following changes to the 2nd edition.

Amendment #1 amends GS 143B-437.012(d), regarding the eligibility of a business for a grant under this section from

the Job Maintenance and Capital Development Fund (Fund), to make an organizational change. Deletes subdivision (4) of this subsection and instead moves the provisions of subdivision (4) to subsection (d), as subdivision (1)c., to provide that a condition of a business qualifying as a major employer is that the business is located in a development tier one area at the time it applies for a grant from the Fund.

Adds to the qualifications a business must meet to be classified as a large manufacturing employer. Requires that the manufacturing business is (1) converting its manufacturing process to change the product it manufactures, (2) investing in its manufacturing process by enhancing its pollution controls, or (3) transitioning the manufacturing process from using coal to using natural gas in order to become more energy efficient or reduce emissions. Additionally requires that a business qualifying as a large manufacturing employer must be certified by the Department of Commerce (Department) that the business has invested or intends to invest at least \$50 million (was, \$65 million) in private funds in improvements to real property and additions to tangible property in the project within a five-year (was, three-year) period beginning with the time the investment commences. Makes the current employment requirements applicable to tier one areas and adds employment requirements for businesses in tier two areas with populations of less than 60,000 as of July 1, 2013.

Provides that the total aggregate cost of all the agreements entered into under this section may not be more than \$79 million (was, \$69 million).

Makes this section effective July 1, 2014.

Amendment #4

Enacts new GS 153A-292(b1) allowing counties to use collection, disposal, and availability fees authorized by this section to cover the cost of waste management programs in the jurisdiction, including the collection of waste and the collection of litter along public roadways.

Amendment #5

Deletes all provisions concerning the abolishment of the Child Fatality Task Force.

Amendment #6

Amends GS 44A-11.2 (Identification of life agent; notice to lien agent; effect of notice), providing that service of the Notice to Lien Agent does not satisfy the service or filing requirements applicable to a Notice of Subcontract under Part 2, Article 2, of GS Chapter 44A. Provides that a Notice to Lien Agent cannot be combined with or make reference to a Notice of Subcontract or Notice of Claim of Lien upon funds. Further provides that the specified forms of notice must be legible and requires specified information to be included or designated as "if available."

Amends GS 44A-11.1 (Lien agent; designation and duties), to add that designation of a lien agent under the statute does not make the agent an agent of the owner for purposes of receiving a notice of subcontract.

Amends GS 110-136.3(a) regarding the required content of civil or criminal child support orders. Clarifies that all child support orders must comply with each of the listed requirements. Makes organizational changes. Enacts new subsection (a)(4a) to provide that a child support order must include the current residence and mailing address of the custodial parent or the child if those addresses are different.

Current law provides that the requirement to include these addresses is not applicable when the court has determined that providing residence information is inappropriate because the party owing child support has made verbal or physical threats that constitute domestic violence under GS Chapter 50B. The amendment adds language that provides that the address of the custodial parent or the child is not required to be contained in a child support order if there is an existing order prohibiting disclosure of the custodial parent or child's address to the party owing child support.

Amendment #7

Amends GS 108A-116, which provides the conditions and procedures under which an investigating entity may

petition the district court to issue a subpoena directing a financial institution to issue the financial records of a disabled adult or older adult customer to the investigating entity. Extends the time that a financial institution has to file a motion to quash or modify the subpoena to four business days (was, two business days) after the subpoena is received. Provides that the time to file a motion to quash or modify a subpoena may be extended to ten calendar days with a showing of good cause by the financial institution for failing to meet the four-business-days deadline.

Expands the list of reasons for which a subpoena may be challenged to include: the subpoena subjects the financial institution to an undue burden or is otherwise unreasonable or oppressive.

Makes clarifying changes to subsection (c) of GS 108A-116, providing that the subpoena delivered under subsection (b) of this section is to identify the disabled adult or older adult customer whose financial records are the subject of the subpoena.

Amendment #8

Amends SL 2011-153 to provide that the board of trustees of Guilford Technical Community College (GTCC) can lease at private sale to the GTCC Innovative Resources Corporation or its successor in interest (previously, lease at private sale allowed to the NC Center for Global Logistics, LLC) a portion of its land and improvements now or hereafter located on the Donald W. Cameron Campus of Guilford Technical Community College.

Amends Section 3 of SL 2011-153 to provide that the personnel and facilities of GTCC can be used, with appropriate consent, in connection with GTCC Innovative Resources Corporation or its successor in interest.

Amendment #9

Amends proposed language in GS 115C-307(g) concerning specific teacher reports, providing that a teacher is allowed to use a data management system other than the student information management system or other designated software to document student performance during the course of the teacher's regular duties. Provides that the teacher is still required to use the student information management system or designated software for the purpose of reporting student data as required by the local education agency, State, or federal government. Previous language provided that a teacher could not be required to use the student information management system or other designated software to report data more frequently than the schedule required to provide such data to the State or federal government.

Amendment #11

Amends the student eligibility requirements to participate in the Dropout Prevention and Recovery Pilot Program (Pilot Program) to provide that eligible students include both high school students who have (1) dropped out of high school or (2) transferred from their high school to the Pilot Program charter school. Defines *high school* to include ninth through twelfth grades for the purposes of this section. Provides that the decision to transfer to the charter school is to be made by the student if the student is age 18 or older, or by the student's parents or guardians.

Intro. by T. Moore.

[GS 1](#), [GS 1A](#), [GS 7A](#), [GS 7B](#), [GS 14](#), [GS 15](#), [GS 15A](#), [GS 20](#), [GS 28A](#), [GS 31](#), [GS 41](#), [GS 42A](#), [GS 44A](#), [GS 45A](#), [GS 50](#), [GS 50A](#), [GS 53](#), [GS 58](#), [GS 66](#), [GS 74F](#), [GS 86A](#), [GS 90](#), [GS 90D](#), [GS 93D](#), [GS 106](#), [GS 108A](#), [GS 110](#), [GS 111](#), [GS 114](#), [GS 115C](#), [GS 115D](#), [GS 116](#), [GS 120](#), [GS 122A](#), [GS 124](#), [GS 126](#), [GS 130A](#), [GS 131E](#), [GS 136](#), [GS 143](#), [GS 143B](#), [GS 147](#), [GS 150B](#), [GS 160A](#), [GS 162](#)

[Agriculture, Business and Commerce, Corporation and Partnerships, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Family Law, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure, Education, Elementary and Secondary](#)

[View summary](#)

Education, Higher Education, Environment, Energy, Government, General Assembly, Public Records and Open Meetings, State Agencies, Department of Commerce, Department of Transportation, State Government, State Property, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Social Services, Adult Services, Transportation

LOCAL/HOUSE BILLS

H 1044 (2013-2014) [AVERASBORO TOWNSHIP TDA CHANGES](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE AVERASBORO TOWNSHIP TOURISM DEVELOPMENT AUTHORITY.*

AN ACT TO MAKE CHANGES TO THE AVERASBORO TOWNSHIP TOURISM DEVELOPMENT AUTHORITY. Enacted July 25, 2014. Effective July 25, 2014, and applies to the distribution of the net proceeds of the occupancy tax on or after the earlier of October 1, 2014, or the date specified in a resolution adopted in accordance with this act.

Intro. by Lewis.

[Harnett](#)

[View summary](#)

H 1151 (2013-2014) [FAYETTEVILLE RED LIGHT CHANGES](#). Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW GOVERNING RED LIGHT CAMERAS IN FAYETTEVILLE.*

AN ACT TO MAKE CHANGES TO THE LAW GOVERNING RED LIGHT CAMERAS IN FAYETTEVILLE. Enacted July 25, 2014. Section 2 is effective July 1, 2015. The remainder is effective July 1, 2014.

Intro. by Floyd, Szoka, Lucas, Glazier.

[Cumberland](#)

[View summary](#)

Courts/Judiciary, Motor Vehicle, Education, Government, State Agencies, Department of Transportation, Transportation

H 1155 (2013-2014) [PINEHURST ANNEXATION](#). Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE VILLAGE OF PINEHURST AND AUTHORIZING THE VILLAGE TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF CONSTRUCTION OF A STORMWATER MANAGEMENT SYSTEM TO SERVE THE PROPERTY ADDED.*

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE VILLAGE OF PINEHURST AND AUTHORIZING THE VILLAGE TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF CONSTRUCTION OF A STORMWATER MANAGEMENT SYSTEM TO SERVE THE PROPERTY

ADDED. Enacted July 25, 2014. Effective July 31, 2014.

Intro. by Boles.

Moore

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LOCAL/SENATE BILLS

S 201 (2013-2014) [STANLY COMMUNITY COLLEGE CAPITAL PROJECT \(NEW\)](#). Filed Mar 5 2013, *AN ACT TO AUTHORIZE STANLY COMMUNITY COLLEGE TO ENTER INTO AGREEMENTS WITH STANLY COUNTY TO JOINTLY ERECT BUILDINGS ON PROPERTY OWNED BY STANLY COMMUNITY COLLEGE.*

AN ACT TO AUTHORIZE STANLY COMMUNITY COLLEGE TO ENTER INTO AGREEMENTS WITH STANLY COUNTY TO JOINTLY ERECT BUILDINGS ON PROPERTY OWNED BY STANLY COMMUNITY COLLEGE. Enacted July 25, 2014. Effective July 25, 2014.

Intro. by Randleman.

Stanly

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Development, Land Use and Housing, Building and Construction, Education, Higher Education, Government, State Agencies, Community Colleges System Office

ACTIONS ON BILLS

PUBLIC BILLS

H 27: ESCHEAT SAVINGS BOND TRUST FUND/SCHOLARSHIPS.

House: Concurred In S/Com Sub

House: Ordered Enrolled

Ratified

H 101: SPECIAL LICENSE PLATE DEVELOPMENT PROCESS.

House: Concurred In S/Com Sub

House: Ordered Enrolled

Ratified

H 201: BUILDING REUTILIZATION FOR ECONOMIC DEV. ACT.

Ratified

H 369: CRIMINAL LAW CHANGES.

House: Withdrawn From Cal

House: Placed On Cal For 07/29/2014

H 625: ZONING/HEALTH CARE STRUCTURE.

Ratified

H 1048: AG SELECTION CRITERIA/NCNG AMENDMENTS (NEW).

House: Conf Report Adopted

Senate: Conf Com Reported

Senate: Placed On Cal For 07/28/2014

H 1133: TECHNICAL AND OTHER CORRECTIONS.

House: Amend Adopted A1

House: Amend Failed A2

House: Amend Failed A3

House: Amend Adopted A4

House: Amend Adopted A5

House: Amend Adopted A6

House: Amend Adopted A7

House: Amend Adopted A8

House: Amend Adopted A9

House: Amend Adopted A10

House: Amend Adopted A11

House: Amend Recon A10

House: Amend Failed A10

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

H 1193: RETIREMENT TECHNICAL CORRECTIONS ACT OF 2014.

Senate: Withdrawn From Com

Senate: Placed On Cal For 07/28/2014

H 1194: RETIREMENT ADMIN. CHANGES ACT OF 2014.

Senate: Withdrawn From Com

Senate: Placed On Cal For 07/28/2014

S 376: MONTGOMERY CO. EMPLOYEES IN STATE HEALTH PLAN.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

S 773: IMPLEMENT GSC RECOMMENDATIONS.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

S 793: CHARTER SCHOOL MODIFICATIONS.

House: Conf Report Adopted

S 877: EXEMPT TIME-SHARES/RULE AGAINST PERPETUITIES.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

Ratified

LOCAL BILLS**H 1044: AVERASBORO TOWNSHIP TDA CHANGES.***Ratified**Ch. SL 2014-83***H 1059: NEW HANOVER OCCUP. TAX USE.***House: Concurred In S/Com Sub**House: Ordered Enrolled**Ratified***H 1151: FAYETTEVILLE RED LIGHT CHANGES.***Ratified**Ch. SL 2014-84***H 1155: PINEHURST ANNEXATION.***Ratified**Ch. SL 2014-85***S 201: STANLY COMMUNITY COLLEGE CAPITAL PROJECT (NEW).***Ratified**Ch. SL 2014-82***S 788: TOWN OF DUCK/EMINENT DOMAIN.***House: Passed 2nd Reading**House: Passed 3rd Reading**House: Ordered Enrolled**Ratified*[Print Version](#)