

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1165*
Judiciary II Committee Substitute Adopted 7/1/10
House Committee Substitute Favorable 7/8/10

Short Title: General Statutes Comm. Technical Corrections.

(Public)

Sponsors:

Referred to:

May 18, 2010

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

6 The General Assembly of North Carolina enacts:

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

9 SECTION 1. G.S. 7A-809 reads as rewritten:

10 "**§ 7A-809. Reports.**

11 The Conference of Clerks of Superior Court shall, in consultation with the registers of
12 deeds, annually study the status of the individual counties and judicial districts as to whether or
13 not the clerks of superior court or the registers of deeds are implementing ~~Session Laws~~
14 ~~2009-355 G.S. 132-1.10(f1)~~ and report results of the study to the Joint Legislative Commission
15 on Governmental Operations on or before March 1 of each year."

16 SECTION 2. G.S. 15-203 reads as rewritten:

17 "**§ 15-203. Duties of the Secretary of Correction; appointment of probation officers;**
18 **reports; requests for extradition.**

19 The Secretary of Correction shall direct the work of the probation officers appointed under
20 this Article. ~~He~~~~The Secretary~~ shall consult and cooperate with the courts and institutions in the
21 development of methods and procedure in the administration of probation, and shall arrange
22 conferences of probation officers and judges. ~~He~~~~The Secretary~~ shall make an annual written
23 report with statistical and other information to the Department of Correction and the Governor.
24 ~~He~~~~The Secretary~~ is authorized to present to the Governor written applications for requisitions
25 for the return of probationers who have broken the terms of their probation, and are believed to
26 be in another state, and ~~he~~~~the Secretary~~ shall follow the procedure outlined for requests for
27 extradition as set forth in ~~G.S. 15-77.~~ G.S. 15A-743."

28 SECTION 3. G.S. 15A-534(h) reads as rewritten:

29 "(h) A bail bond posted pursuant to this section is effective and binding upon the obligor
30 throughout all stages of the proceeding in the trial division of the General Court of Justice until
31 the entry of judgment in the district court from which no appeal is taken or the entry of
32 judgment in the superior court. The obligation of an obligor, however, is terminated at an
33 earlier time if:

34 (1) A judge authorized to do so releases the obligor from his bond; or

35 (2) The principal is surrendered by a surety in accordance with G.S. 15A-540; or



1 (3) The proceeding is terminated by voluntary dismissal by the State before
2 forfeiture is ordered under ~~G.S. 15A-544(b);~~ G.S. 15A-544.3; or

3 (4) Prayer for judgment has been continued indefinitely in the district court."

4 **SECTION 4.** G.S. 15A-1230(b) reads as rewritten:

5 "(b) Length, number, and order of arguments allotted to the parties are governed by
6 ~~G.S. 84-14;~~ G.S. 7A-97."

7 **SECTION 5.** G.S. 15A-1342(e) reads as rewritten:

8 "(e) Out-of-State Supervision. – Supervised probationers are subject to out-of-State
9 supervision under the provisions of ~~G.S. 148-65.1;~~ Article 4B of Chapter 148 of the General
10 Statutes."

11 **SECTION 6.** G.S. 15A-1383(d) reads as rewritten:

12 "(d) Plans prepared under this Article are not "rules" within the meaning of Chapter
13 150B of the General Statutes ~~or within the meaning of Article 6C of Chapter 120 of the General~~
14 ~~Statutes.~~ Statutes."

15 **SECTION 7.** G.S. 20-183.7(f)(5) reads as rewritten:

16 "(5) A statement that a vehicle that fails an inspection may be reinspected at the
17 same station within ~~30~~ 60 days of the inspection without payment of another
18 inspection fee."

19 **SECTION 8.** The catch line of G.S. 36C-3-302 reads as rewritten:

20 "**§ 36C-3-302. Representation by holder of power of revocation or general testamentary**
21 **power of appointment.**"

22 **SECTION 9.** G.S. 41-2(b) reads as rewritten:

23 "(b) The interests of the grantees holding property in joint tenancy with right of
24 survivorship shall be deemed to be equal unless otherwise specified in the conveyance. Any
25 joint tenancy interest held by a husband and wife, unless otherwise specified, shall be deemed
26 to be held as a single tenancy by the entirety, which shall be treated as a single party when
27 determining interests in the joint tenancy with right of survivorship. If joint tenancy interests
28 among three or more joint tenants holding property in joint tenancy with right of survivorship
29 are held in unequal shares, upon the death of one joint tenant, the share of the deceased joint
30 tenant shall be divided among the surviving joint tenants according to their respective pro rata
31 interest and not equally, unless the creating instrument provides otherwise.

32 This subsection shall apply to any conveyance of an interest in property created at any time
33 that explicitly sought to create unequal ownership interests in a joint tenancy with right of
34 survivorship. Distributions made prior to the enactment of this subsection that were made in
35 equal amounts from a joint tenancy with the right of survivorship that sought to create unequal
36 ownership shares shall remain valid and shall not be subject to modification on the basis of this
37 ~~act.~~ subsection."

38 **SECTION 10.** G.S. 58-71-75 reads as rewritten:

39 "**§ 58-71-75. License renewal; criminal history record checks; renewal fees.**

40 (a) Annual Renewal. – A license of a bail bondsman and a license of a runner shall be
41 renewed on July 1 of each year upon payment of the applicable annual renewal fee. In
42 even-numbered years, in addition to paying the annual renewal fee, an applicant seeking
43 renewal must submit an application for renewal in accordance with this section. The
44 Commissioner is not required to print renewal licenses.

45 (b) Renewal Application. – In even-numbered years, a bail bondsman or runner seeking
46 to renew a license shall provide the Commissioner, not less than 30 days prior to the expiration
47 date of the bail bondsman's or runner's current license, all of the following:

48 (1) A renewal application containing all of the following:

49 a. Proof that the applicant is a resident of this State as required by
50 G.S. 58-71-50(c).

1 b. Proof that the applicant meets the qualifications set out in
2 G.S. 58-71-50(b)(5) through G.S. 58-71-50(b)(7).

3 c. The information required by G.S. 58-2-69.

4 (2) The annual renewal fee as provided in ~~subsection (c)~~ subsection (d) of this
5 section.

6 (3) A complete set of fingerprints of the bail bondsman or runner and a fee to
7 cover the cost of conducting the criminal history record check. The
8 fingerprints shall be submitted in the manner prescribed by the
9 Commissioner and shall be certified by an authorized law enforcement
10 officer.

11 (c) Criminal History Record Check. – Upon receipt of a license renewal application in
12 an even-numbered year, the Commissioner shall conduct a criminal history record check of the
13 applicant seeking renewal in accordance with G.S. 58-71-51.

14 (d) Fee. – The renewal fee for a runner's license is sixty dollars (\$60.00). The renewal
15 fee for a bail bondsman's license is one hundred dollars (\$100.00). A renewed license continues
16 in effect until suspended or revoked for cause."

17 **SECTION 11.** The introductory language of G.S. 58-89A-106(a) reads as
18 rewritten:

19 "(a) In order for a licensee to sponsor and maintain a health benefit plan that is not fully
20 insured by one or more of the entities specified in subsection (a) of ~~G.S. 58-89A-109~~
21 G.S. 58-89A-105 on and after October 1, 2009, as authorized by subsection (e) of that section,
22 the licensee shall meet all of the requirements listed in this subsection. A health benefit plan
23 developed under this section is not required to provide coverage that meets the requirements of
24 other provisions of this Chapter that mandate either coverage or the offer of coverage by the
25 type or level of health care services or health care provider. The licensee shall:"

26 **SECTION 12.** G.S. 113-28 is repealed.

27 **SECTION 13.** G.S. 115C-102.6B(b) reads as rewritten:

28 "(b) The Board shall submit the plan to the State Chief Information Officer for approval
29 of the technical components of the plan set out in G.S. 115C-102.6A(1) through (4). At least
30 one-fourth of the members of any technical committee that reviews the plan for the State Chief
31 Information Officer shall be people actively involved in primary or secondary education.

32 ~~G.S. 115C-102.6A(c)(1) through (17)~~

33 The Board shall report annually by February 1 of each year to the Joint Legislative
34 Education Oversight Committee on the status of the State School Technology Plan."

35 **SECTION 14.** G.S. 115D-5.1(f1) reads as rewritten:

36 "(f1) Notwithstanding any other provision of law, the State Board of Community
37 Colleges may adopt guidelines that allow the Customized Training Program to use funds
38 appropriated for ~~those programs~~ that program to support training projects for the various
39 branches of the United States Armed Forces."

40 **SECTION 15.** G.S. 120-29.1 reads as rewritten:

41 **"§ 120-29.1. Approval of bills.**

42 (a) If the Governor approves a bill, the Governor shall write upon the same, below the
43 signatures of the presiding officers of the two houses, the fact, date, and time of approval, as
44 follows: "Approved _____ .m. this _____ day of _____, _____ " and shall sign
45 the same as follows: " _____ Governor". The Governor shall then return the approved bill to
46 the enrolling clerk.

47 (b) If any bill becomes law because of the failure of the Governor to take any action, it
48 shall be the duty of the Governor to return the measure to the enrolling clerk, who shall sign the
49 following certificate on the measure and deposit it with the Secretary of State: "This bill having
50 been presented to the Governor for ~~his~~ signature on the _____ day of _____, _____

1 and the Governor having failed to approve it within the time prescribed by law, the same is
2 hereby declared to have become a law.

3 This _____ day of _____, _____, _____ Enrolling Clerk".

4 (c) If the Governor returns any bill to the house of origin with ~~his~~ objections, the
5 Governor shall write such objections on the measure or cause the objections to be attached to
6 the measure. When any such bill becomes law after reconsideration of the two houses, the
7 principal clerk of the second house to act shall, below the objections of the Governor, sign the
8 following certificate: "Became law notwithstanding the objections of the Governor,
9 _____m. this _____ day of _____, _____". The principal clerk of the second
10 house to act shall fill in the time. The enrolling clerk shall deposit the measure with the
11 Secretary of State.

12 (d) In calculating the period under Section 22(7) of Article II of the North Carolina
13 Constitution, the day on which the bill is presented to the Governor shall be excluded and the
14 entire last day of the period is included."

15 **SECTION 16.** G.S. 143B-499.8 reads as rewritten:

16 **"§ 143B-499.8. North Carolina Silver Alert System established.**

17 (a) There is established within the North Carolina Center for Missing Persons the Silver
18 Alert System. The purpose of the Silver Alert System is to provide a statewide system for the
19 rapid dissemination of information regarding a missing person or missing child who is believed
20 to be suffering from dementia or other cognitive impairment.

21 (b) If the Center receives a report that involves a missing person or missing child who is
22 believed to be suffering from dementia or other cognitive impairment, for the protection of the
23 missing person or missing child from potential abuse or other physical harm, neglect, or
24 exploitation, the Center shall issue an alert providing for rapid dissemination of information
25 statewide regarding the missing ~~person.~~ person or missing child. The Center shall make every
26 effort to disseminate the information as quickly as possible when the person's or child's status
27 as missing has been reported to a law enforcement agency.

28 (c) The Center shall adopt guidelines and develop procedures for issuing an alert for
29 missing persons and missing children believed to be suffering from dementia or other cognitive
30 impairment and shall provide education and training to encourage radio and television
31 broadcasters to participate in the alert. The guidelines and procedures shall ensure that specific
32 health information about the missing person or missing child is not made public through the
33 alert or otherwise.

34 (d) The Center shall consult with the Department of Transportation and develop a
35 procedure for the use of overhead permanent changeable message signs to provide information
36 on the missing person or missing child meeting the criteria of this section when information is
37 available that would enable motorists to assist in the recovery of the missing ~~person.~~ person or
38 missing child. The Center and the Department of Transportation shall develop guidelines for
39 the content, length, and frequency of any message to be placed on an overhead permanent
40 changeable message sign."

41 **SECTION 17.** G.S. 143C-8-6 reads as rewritten:

42 **"§ 143C-8-6. Recommendations for capital improvements set forth in the Recommended**
43 **State Budget.**

44 (a) Budget Director's Recommendations. – The Director of the Budget shall
45 recommend expenditures for repairs and renovations of existing facilities, and real property
46 acquisition, new construction, or rehabilitation of existing facilities in the Recommended State
47 Budget in accordance with G.S. 143C-3-5.

48 (b) Repairs and Renovations in the Recommended State Budget. – The Recommended
49 State Budget shall contain for repairs and renovations of existing facilities: (i) the amount
50 recommended for each State agency, (ii) a summary of the recommendations by project type,
51 and (iii) the means of financing.

1 (c) Repairs and Renovations in the Budget Support Document. – The Budget Support
2 Document shall contain for each repair and renovation project recommended in accordance
3 with ~~143C-8-6(b)~~ subsection (b) of this section: (i) a project description and justification, (ii) a
4 detailed cost estimate, (iii) an estimated schedule for the completion of the project, and (iv) an
5 explanation of the means of financing.

6 (d) Other Capital Projects in the Recommended State Budget. – The Recommended
7 State Budget shall contain for each capital project involving real property acquisition, new
8 construction, building area (sq. ft.) expansions, or the rehabilitation of existing facilities to
9 accommodate new or expanded uses: (i) a project description and statement of need, (ii) an
10 estimate of acquisition and construction or rehabilitation costs, and (iii) a means of financing
11 the project.

12 (e) Other Capital Projects in the Budget Support Document. – The Budget Support
13 Document shall contain for each capital project recommended in accordance with ~~143C-8-6(c)~~
14 subsection (d) of this section: (i) a detailed project description and justification, (ii) a detailed
15 estimate of acquisition, planning, design, site development, construction, contingency and other
16 related costs, (iii) an estimated schedule of cash flow requirements over the life of the project,
17 (iv) an estimated schedule for the completion of the project, (v) an estimate of maintenance and
18 operating costs, including personnel, for the project, covering the first five years of operation,
19 (vi) an estimate of revenues, if any, likely to be derived from the project, covering the first five
20 years of operation, and (vii) an explanation of the means of financing."

21 **SECTION 18.** G.S. 163-85(c) reads as rewritten:

22 "(c) Grounds for Challenge. – Such challenge may be made only for one or more of the
23 following reasons:

- 24 (1) That a person is not a resident of the State of North Carolina, or
- 25 (2) That a person is not a resident of the county in which the person is
26 registered, provided that no such challenge may be made if the person
27 removed his residency and the period of removal has been less than 30 days,
28 or
- 29 (3) That a person is not a resident of the precinct in which the person is
30 registered, provided that no such challenge may be made if the person
31 removed his residency and the period of removal has been less than 30 days,
32 or
- 33 (4) That a person is not 18 years of age, or if the challenge is made within 60
34 days before a primary, that the person will not be 18 years of age by the next
35 general election, or
- 36 (5) That a person has been adjudged guilty of a felony and is ineligible to vote
37 under G.S. 163-55(2), or
- 38 (6), (7) Repealed by Session Laws 1985, c. 563, ss. 11.1, 11.2.
- 39 (7a) That a person is dead, or
- 40 (8) That a person is not a citizen of the United States, or
- 41 (9) With respect to municipal registration only, that a person is not a resident of
42 the municipality in which the person is registered, or
- 43 (10) That the person is not who he or she represents himself or herself to be."

44 **SECTION 19.** The introductory language of G.S. 163-182 reads as rewritten:

45 "In addition to the definitions stated below, the definitions set forth in ~~Article 13A~~ Article
46 14A of Chapter 163 of the General Statutes also apply to this Article. As used in this Article,
47 the following definitions apply:"

48 **SECTION 20.** The introductory language of Section 1 of S.L. 2009-129 reads as
49 rewritten:

50 "**SECTION 1.** ~~G.S. 120-29(2)~~ G.S. 120-129(2) reads as rewritten:"

1 **SECTION 21.** Due to the amendment to G.S. 143-345.18 by Section 1(b) of S.L.
2 2009-446, designating the Department of Commerce as the lead State agency in matters
3 pertaining to energy efficiency in place of the Department of Administration, the Revisor of
4 Statutes is authorized to recodify Part 3 of Article 36 of Chapter 143 of the General Statutes to
5 a more suitable location.

6 **SECTION 22.** The Revisor of Statutes may cause to be printed all explanatory
7 comments of the drafters of S.L. 2009-222, 2009-267, and 2009-318 as the Revisor deems
8 appropriate.

9 **PART II. OTHER CHANGES**

10 **SECTION 23.** G.S. 1-242 reads as rewritten:

11 **"§ 1-242. Credits upon judgments.**

12 If payment is made on a judgment docketed in the office of the clerk of the superior court
13 and no entry is made on the judgment docket, or if a docketed judgment is reversed or modified
14 on appeal and no entry is made on the judgment docket, any interested person may move in the
15 cause before the clerk, upon affidavit after notice to all interested persons, to have the credit,
16 reversal, or modification entered. A hearing on the motion before the clerk may be on affidavit,
17 oral testimony, deposition, and any other competent evidence. The clerk shall render judgment,
18 from which any party may appeal in the same manner as in appeals in ~~special proceedings.~~ civil
19 actions, in accordance with G.S. 1-301.1. On appeal, any party may demand a jury trial of any
20 issue of fact. If a final judgment orders the credit, reversal, or modification, a transcript of the
21 final judgment shall be sent by the clerk of the superior court to each county in which the
22 original judgment is docketed, and the clerk of each county shall enter the transcript on the
23 judgment docket of that county opposite the original judgment and file the transcript. No final
24 process may issue on the original judgment after affidavit filed in the cause until there is a final
25 disposition of the motion for credit, reversal, or modification."

26 **SECTION 24.(a)** G.S. 1-305(a) reads as rewritten:

27 "(a) Subject to the provisions of G.S. 1A-1 (Rule 62) and subsection (b) below, the clerk
28 of superior court shall issue executions on all unsatisfied judgments ~~rendered~~ entered in ~~his~~ the
29 clerk's court, which are in full force and effect, upon the request of any party or person entitled
30 thereto and upon payment of the necessary fees; provided, however, that the clerks of the
31 superior court shall issue executions on all judgments ~~rendered~~ entered in their respective
32 courts on forfeiture of bonds in criminal cases within six weeks of the ~~rendition~~ entry of the
33 judgment, without any request or any advance payment of fees. Every clerk who fails to
34 comply with the requirements of this section is liable to be amerced in the sum of one hundred
35 dollars (\$100.00) for the benefit of the party aggrieved, under the same rules that are provided
36 by law for amercing sheriffs, and is further liable to the party injured by suit upon ~~his~~ the
37 clerk's bond."

38 **SECTION 24.(b)** G.S. 1-306 reads as rewritten:

39 **"§ 1-306. Enforcement as of course.**

40 The party in whose favor judgment is given, and in case of ~~his~~ the party's death, ~~his~~ the
41 party's personal representatives duly appointed, may at any time after the entry of judgment
42 proceed to enforce it by execution, as provided in this ~~Article; provided, however, that Article.~~
43 However, no execution upon any judgment which requires the payment of money or the
44 recovery of personal property may be issued at any time after ten years from the date of the
45 ~~rendition~~ entry thereof; but this proviso shall not apply to any execution issued solely for the
46 purpose of enforcing the lien of a judgment upon any homestead, which has or shall hereafter
47 be allotted within the ten years from the date of ~~rendition~~ entry of the judgment, or any
48 judgment directing the payment of alimony. Further, no execution upon any judgment which
49 requires the recovery of personal property may be issued at any time after 10 years from the
50 date of the entry of the judgment."

51 **SECTION 24.(c)** G.S. 1-361 reads as rewritten:

1 **"§ 1-361. Where proceedings instituted and defendant examined.**

2 Proceedings supplemental to execution must be instituted in the county in which the
3 judgment was ~~rendered; entered;~~ but the place designated where the defendant must appear and
4 answer must be within the county where he resides."

5 **SECTION 25.(a)** G.S. 1-608(b) reads as rewritten:

6 "(b) Actions by Private Persons. – A person may bring a civil action for a violation of
7 G.S. 1-607 ~~or under G.S. 108A-70.12~~ for the person and for the State, as follows:

- 8 (1) The action shall be brought in the name of the State, and the person bringing
9 the action shall be referred to as the qui tam plaintiff. Once filed, the action
10 may be dismissed voluntarily by the person bringing the action only if the
11 court and Attorney General have given written consent to the dismissal.
- 12 (2) A copy of the complaint and written disclosure of substantially all material
13 evidence and information the person possesses shall be served on the
14 Attorney General pursuant to applicable rules of the North Carolina Rules of
15 Civil Procedure. The complaint shall be filed in camera, shall remain under
16 seal for at least 120 days, and shall not be served on the defendant until the
17 court so orders. The State may elect to intervene and proceed with the action
18 within 120 days after it receives both the complaint and the material
19 evidence and information.
- 20 (3) The State may, for good cause shown, move the court for extensions of the
21 time during which the complaint remains under seal under subdivision (2) of
22 this subsection. Any such motions may be supported by affidavits or other
23 submissions in camera. The defendant shall not be required to respond to
24 any complaint filed under this section until 30 days after the complaint is
25 unsealed and served upon the defendant pursuant to the North Carolina
26 Rules of Civil Procedure.
- 27 (4) Before the expiration of the 120-day period or any extensions obtained under
28 subdivision (3) of this subsection, the State shall:
- 29 a. Proceed with the action, in which case the action shall be conducted
30 by the State; or
- 31 b. Notify the court that it declines to take over the action, in which case
32 the person bringing the action shall have the right to conduct the
33 action.
- 34 (5) When a person brings an action under this subsection, the federal False
35 Claims Act, 31 U.S.C. § 3729 et seq., or any similar provision of law in any
36 other state, no person other than the State may intervene or bring a related
37 action based on the facts underlying the pending action; provided, however,
38 that nothing in this subdivision prohibits a person from amending a pending
39 action in another jurisdiction to allege a claim under this subsection."

40 **SECTION 25.(b)** G.S. 1-611(d) reads as rewritten:

41 "(d) No court shall have jurisdiction over an action under ~~G.S. 108A-70.12~~G.S. 1-608(b)
42 based upon the public disclosure of allegations or transactions (i) in a criminal, civil, or
43 administrative hearing at the State or federal level, (ii) in a congressional, legislative,
44 administrative, General Accounting Office, or State Auditor's report, hearing, audit, or
45 investigation, or (iii) from the news media, unless the action is brought by the Attorney
46 General, or the person bringing the action is an original source of the information. For purposes
47 of this section, "original source" means an individual who has direct and independent
48 knowledge of the information on which the allegations are based and has voluntarily provided
49 the information to the State before filing an action under ~~G.S. 108A-70.12~~G.S. 1-608(b) that is
50 based on the information."

51 **SECTION 26.(a)** G.S. 7A-271(f) reads as rewritten:

1 "(f) The superior court has exclusive jurisdiction over all hearings to revoke probation
2 pursuant to G.S. 15A-1345(e) where the district court is supervising a drug treatment court or
3 therapeutic court probation judgment under G.S. 7A-272(e), except that the district court has
4 jurisdiction to conduct the revocation proceedings when the chief district court judge and the
5 senior resident superior court judge agree that it is in the interest of justice that the proceedings
6 be conducted by the district court. If the district court exercises jurisdiction under this
7 subsection to revoke probation, appeal of an order revoking probation is to the appellate
8 division."

9 **SECTION 26.(b)** G.S. 7A-272(e) reads as rewritten:

10 "(e) With the consent of the chief district court judge and the senior resident superior
11 court judge, the district court has jurisdiction to preside over the supervision of a probation
12 judgment entered in superior court in which the defendant is required to participate in a drug
13 treatment court program pursuant to G.S. 15A-1343(b1)(2b) or a therapeutic court as defined in
14 subsection (f) of this section, or is participating in the drug treatment court pursuant to a
15 deferred prosecution agreement under G.S. 15A-1341(a2). The district court may modify or
16 extend the probation judgment, but jurisdiction to revoke probation supervised under this
17 subsection is as provided in G.S. 7A-271(f)."

18 **SECTION 26.(c)** G.S. 15A-1344(a1) reads as rewritten:

19 "(a1) Authority to Supervise Probation in Drug Treatment Court. – Jurisdiction to
20 ~~supervise~~ supervise, modify, and revoke probation imposed in cases in which the offender is
21 required to participate in a drug treatment court or a therapeutic court is as provided in
22 G.S. 7A-272(e) and G.S. 7A-271(f). Proceedings to modify or revoke probation in these cases
23 must be held in the county in which the drug treatment ~~court~~ court or therapeutic court is
24 located."

25 **SECTION 27.** G.S. 7A-498.7(b) reads as rewritten:

26 "(b) For each new term, and to fill any vacancy, public defenders shall be appointed
27 from a list of not less than two and not more than three names nominated by written ballot of
28 the attorneys resident in the defender district who are licensed to practice law in North
29 Carolina. The balloting shall be conducted pursuant to rules adopted by the Commission on
30 Indigent Defense Services. The appointment shall be made by the senior resident superior court
31 judge of the superior court district or set of districts as defined in ~~G.S. 7A-44.1~~ G.S. 7A-41.1
32 that includes the county or counties of the defender district for which the public defender is
33 being appointed."

34 **SECTION 28.(a)** G.S. 15A-1343(b1)(6) reads as rewritten:

35 "(6) Perform community or reparation service under the supervision of the
36 Division of Community Corrections and pay the fee required by
37 ~~G.S. 143B-262.~~ G.S. 143B-262.4."

38 **SECTION 28.(b)** G.S. 15A-1343(b4)(1) reads as rewritten:

39 "(1) If required in the discretion of the defendant's probation officer, perform
40 community service under the supervision of the Division of Community
41 Corrections and pay the fee required by ~~G.S. 143B-262.~~ G.S. 143B-262.4."

42 **SECTION 28.(c)** G.S. 143B-262.4(b) reads as rewritten:

43 "(b) A fee of two hundred fifty dollars (\$250.00) shall be paid by all persons who
44 participate in the program or receive services from the program staff. Only one fee may be
45 assessed for each sentencing transaction, even if the person is assigned to the program on more
46 than one occasion, or while on deferred prosecution, or while serving a sentence for the
47 offense. A sentencing transaction shall include all offenses considered and adjudicated during
48 the same term of court. Fees collected pursuant to this subsection shall be deposited in the
49 General Fund. If the person is convicted in a court in this State, the fee shall be paid to the clerk
50 of court in the county in which the person is convicted, regardless of whether the person is
51 participating in the program as a condition of parole, of probation imposed by the ~~court~~ court,

1 or pursuant to the exercise of authority delegated to the probation officer pursuant to
2 G.S. 15A-1343.2(e) or (f). If the person is participating in the program as a result of a deferred
3 prosecution or similar program, the fee shall be paid to the clerk of court in the county in which
4 the agreement is filed. ~~If the person is participating in the program as a condition of parole, the~~
5 ~~fee shall be paid to the clerk of the county in which the person is released on parole.~~ Persons
6 participating in the program for any other reason shall pay the fee to the clerk of court in the
7 county in which the services are provided by the program staff. The fee shall be paid in full
8 before the person may participate in the community service program, except that:

- 9 (1) A person convicted in a court in this State may be given an extension of time
10 or allowed to begin the community service before the person pays the fee by
11 the court in which the person is convicted; or
- 12 (2) A person performing community service pursuant to a deferred prosecution
13 or similar agreement may be given an extension of time or allowed to begin
14 community service before the fee is paid by the official or agency
15 representing the State in the agreement.
- 16 (3) A person performing community service as a condition of parole may be
17 given an extension of time to pay the fee by the Post-Release Supervision
18 and Parole Commission. No person shall be required to pay the fee before
19 beginning the community service unless the Commission orders the person
20 to do so in writing.
- 21 (4) A person performing community service as ordered by a probation officer
22 pursuant to authority delegated by G.S. 15A-1343.2 may be given an
23 extension of time to pay the fee by the probation officer exercising the
24 delegated authority."

25 **SECTION 29.** G.S. 58-76-5 reads as rewritten:

26 "**§ 58-76-5. Liability and right of action on official bonds.**

27 Every person injured by the neglect, misconduct, or misbehavior in office of any ~~clerk of~~
28 ~~the superior court~~, register, surveyor, sheriff, coroner, county treasurer, or other officer, may
29 institute a suit or suits against said officer or any of them and their sureties upon their
30 respective bonds for the due performance of their duties in office in the name of the State,
31 without any assignment thereof; and no such bond shall become void upon the first recovery, or
32 if judgment is given for the defendant, but may be put in suit and prosecuted from time to time
33 until the whole penalty is recovered; and every such officer and the sureties on ~~his~~ the officer's
34 official bond shall be liable to the person injured for all acts done by said officer by virtue or
35 under color of ~~his~~ that officer's office."

36 **SECTION 30.** G.S. 110-129(9) reads as rewritten:

- 37 "(9) "Initiating party" means the party, the attorney for a party, a child support
38 enforcement ~~agency, or the clerk of superior court~~ agency who initiates an
39 action, proceeding, or procedure as allowed or required by law for the
40 establishment or enforcement of a child support obligation."

41 **SECTION 31.** G.S. 115C-296.4(d) reads as rewritten:

42 "(d) Members appointed prior to September 1, 1995, shall serve until June 30, 1997,
43 except that the terms of members appointed pursuant to subdivisions (6) and (7) of subsection
44 ~~(d)(c)~~ of this section shall expire June 30, 1995. Subsequent appointments shall be for four-year
45 terms, except that two of the members appointed by the 1995 General Assembly pursuant to
46 subdivision (6) of subsection ~~(d)(c)~~ of this section and two of the members appointed by the
47 1995 General Assembly pursuant to subdivision (7) of subsection ~~(d)(c)~~ of this section shall
48 serve for two-year terms. The two new members under subdivision (c)(12) of this section shall
49 serve initial terms beginning January 1, 2007, and ending June 30, 2010. The additional
50 member appointed under subdivision (c)(8) of this section shall serve a term beginning January
51 1, 2007, and ending June 30, 2010. The designation of two deans serving under subdivision

1 (c)(5) of this section shall expire December 31, 2006, and the Governor shall make a new
2 appointment under that subdivision for a term beginning January 1, 2007, and ending June 30,
3 2010.

4 Members may serve two consecutive four-year terms.

5 Legislative appointments shall be made in accordance with G.S. 120-121. A vacancy in a
6 legislative appointment shall be filled in accordance with G.S. 120-122.

7 The Board of Trustees shall elect a new chair every two years from its membership. The
8 chair may serve two consecutive two-year terms as chair."

9 **SECTION 32.** G.S. 120-182(1) reads as rewritten:

10 "(1) The Secretary of the Department of Health and Human ~~Services or his, the~~
11 ~~Secretary's, delegate~~ Services, or the Secretary's designee, shall serve ex
12 officio as a non-voting member;"

13 **SECTION 33.** G.S. 135-45.8(13) reads as rewritten:

14 "(13) Charges for routine eye examinations, eyeglasses or other corrective lenses
15 (except for cataract lenses certified as medically necessary for aphakia
16 persons) and, except as authorized under ~~G.S. 58-3-280, G.S. 58-3-285,~~
17 hearing aids or examinations for the prescription or fitting thereof."

18 **SECTION 34.** G.S. 159D-53 reads as rewritten:

19 **"§ 159D-53. Annual report.**

20 The agency shall, promptly following the close of each fiscal year, submit an annual report
21 of its activities under this Article for the preceding year to the Governor, the State Auditor, the
22 General Assembly, ~~the Advisory Budget Commission~~ and the Local Government Commission.
23 The agency shall cause an audit of its books and accounts relating to its activities under this
24 Article to be made at least once in each year by an independent certified public accountant and
25 the cost of the audit may be paid from any available moneys of the agency."

26 **SECTION 35.** G.S. 163-182 reads as rewritten:

27 **"§ 163-182. Definitions.**

28 In addition to the definitions stated below, the definitions set forth in Article ~~13A~~14A of
29 Chapter 163 of the General Statutes also apply to this Article. As used in this Article, the
30 following definitions apply:

- 31 (1) "Abstract" means a document signed by the members of the board of
32 elections showing the votes for each candidate and ballot proposal on the
33 official ballot in the election. The abstract shall show a total number of votes
34 for each candidate in each precinct and a total for each candidate in the
35 county. It shall also show the number of votes for each candidate among the
36 absentee official ballots, among the provisional official ballots, and in any
37 other category of official ballots that is not otherwise reported.
- 38 (2) "Certificate of election" means a document prepared by the official or body
39 with the legal authority to do so, conferring upon a candidate the right to
40 assume an elective office as a result of being elected to it.
- 41 (3) "Composite abstract" means a document signed by the members of the State
42 Board of Elections showing the total number of votes for each candidate and
43 ballot proposal and the number of votes in each county. A composite
44 abstract does not include precinct returns.
- 45 (4) "Protest" means a complaint concerning the conduct of an election which, if
46 supported by sufficient evidence, may require remedy by one or more of the
47 following:
- 48 a. A correction in the returns.
- 49 b. A discretionary recount as provided in G.S. 163-182.7.
- 50 c. A new election as provided in G.S. 163-182.13."

51 **SECTION 36.** G.S. 163-278.67(b) reads as rewritten:

1 "(b) Limit on Matching Funds Before Date of Primary. – Total matching funds to a
2 certified candidate before the date of the primary shall be limited to an amount equal to two
3 times the maximum qualifying contributions for the office sought. Matching funds are available
4 to a certified candidate with an opponent in the primary or to a certified candidate who is
5 clearly referred to in expenditures reportable under G.S. ~~163-278.99A~~163-278.65 made in
6 opposition to that candidate."

7 **SECTION 37.** Section 47.4 of S.L. 2009-574 reads as rewritten:

8 "**SECTION 47.4.** The Commission shall make an interim report to the 2010 Regular
9 Session of the 2009 General Assembly prior to its convening, and shall make a final report to
10 the ~~2010-2011~~ Regular Session of the 2011 General Assembly. The report shall include any
11 proposed legislation."

12 **SECTION 38.** If House Bill 76, 2009 Regular Session, becomes law, the lead-in
13 language for Section 3 of that bill is amended by deleting the citation "G.S. 90-210.63(3a)" and
14 replacing it with the citation "G.S. 90-210.60(3a)".

15 **SECTION 39.(a)** If House Bill 382, 2009 Regular Session, becomes law,
16 G.S. 108A-70.29(b)(2)b. reads as rewritten:

17 "b. ~~Timely review~~Review, in a timely manner, their files and other
18 applicable information relevant to the review of the decision."

19 **SECTION 39.(b)** This section becomes effective July 1, 2010, and applies to
20 reviews of Health Choice Program enrollment, eligibility, or health services decisions
21 requested by Health Choice Program applicants or recipients on or after that date.

22 **SECTION 40.(a)** If House Bill 1729, 2009 Regular Session, becomes law, then
23 G.S. 20-63(g), as amended by Section 3 of that bill, reads as rewritten:

24 "(g) Alteration, Disguise, or Concealment of Numbers. – Any operator of a motor
25 vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or partially
26 covered by any bumper, light, spare tire, tire rack, strap, or other device, or who shall paint,
27 enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a
28 registration plate or the figures or letters thereon, or who shall place or deposit or cause to be
29 placed or deposited any oil, grease, or other substance upon such registration plates for the
30 purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to
31 change any letter or figure thereon, or who shall display a number plate in other than a
32 horizontal upright position, shall be guilty of a Class 2 misdemeanor. Any operator of a motor
33 vehicle who shall willfully cover or cause to be covered any part or portion of a registration
34 plate or the figures or letters thereon by any device designed or intended to prevent or interfere
35 with the taking of a clear photograph of a registration plate by a traffic control or toll collection
36 system using cameras commits an infraction and shall be penalized under G.S. 14-3.1. Any
37 operator of a motor vehicle who shall otherwise intentionally cover any number or registration
38 renewal sticker on a registration plate with any material that makes the number or registration
39 renewal sticker illegible commits an infraction and shall be penalized under G.S. 14-3.1. Any
40 operator of a motor vehicle who covers any registration plate with any frame or ~~transparent~~
41 ~~clear-transparent, clear,~~ or color-tinted cover that makes a number or letter ~~on the plate,~~
42 included in the vehicle's registration, the State name on the plate, or a number or month on the
43 registration renewal sticker on the plate illegible commits an infraction and shall be penalized
44 under G.S. 14-3.1."

45 **SECTION 40.(b)** This section becomes effective December 1, 2010, and applies to
46 offenses committed on or after that date.

47 **SECTION 41.** If Senate Bill 1177, 2009 Regular Session, becomes law, the lead-in
48 language for Section 16 of that bill is amended by deleting the citation "G.S. 105-277.1C(b)(1)"
49 and replacing it with the citation "G.S. 105-277.1C(b)".

50 **SECTION 42.** Except as otherwise provided, this act is effective when it becomes
51 law.