

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

**SESSION LAW 2002-159  
SENATE BILL 1217**

AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

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

**SECTION 1.** G.S. 7A-273(2) reads as rewritten:

**"§ 7A-273. Powers of magistrates in infractions or criminal actions.**

In criminal actions or infractions, any magistrate has power:

- ...
- (2) In misdemeanor or infraction cases involving alcohol offenses under Chapter 18B of the General Statutes, traffic offenses, hunting, fishing, State park and recreation area rule offenses under Chapter 113 of the General Statutes, boating offenses under Chapter 75A of the General Statutes, and littering offenses under ~~G.S. 14-399(e)~~, G.S. 14-399(c) and G.S. 14-399(c1), to accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility, in accordance with the schedule of offenses and fines or penalties promulgated by the Conference of Chief District Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the fines or penalties and costs;
- "

...

**SECTION 2.(a)** G.S. 14-27.1(1) reads as rewritten:

**"§ 14-27.1. Definitions.**

As used in this Article, unless the context requires otherwise:

- (1) "Mentally ~~defective~~"-disabled" means (i) a victim who suffers from mental retardation, or (ii) a victim who suffers from a mental disorder, either of which temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or of resisting the act of vaginal intercourse or a sexual act, or of communicating unwillingness to submit to the act of vaginal intercourse or a sexual act.
- "

...

**SECTION 2.(b)** G.S. 14-27.3(a)(2) reads as rewritten:

**"§ 14-27.3. Second-degree rape.**

(a) A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:

...

- (2) Who is mentally ~~defective, disabled,~~ mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally ~~defective, disabled,~~ mentally incapacitated, or physically helpless."

**SECTION 2.(c)** G.S. 14-27.5(a)(2) reads as rewritten:

**"§ 14-27.5. Second-degree sexual offense.**

(a) A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:

- (2) Who is mentally ~~defective, disabled,~~ mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally ~~defective, disabled,~~ mentally incapacitated, or physically helpless."

**SECTION 2.(d)** G.S. 15-144.1(c) reads as rewritten:

"(c) If the victim is a person who is mentally ~~defective, disabled,~~ mentally incapacitated, or physically helpless it is sufficient to allege that the defendant unlawfully, willfully, and feloniously did carnally know and abuse a person who was mentally ~~defective, disabled,~~ mentally incapacitated or physically helpless, naming such victim, and concluding as aforesaid. Any bill of indictment containing the averments and allegations herein named shall be good and sufficient in law for the rape of a mentally ~~defective, disabled,~~ mentally incapacitated or physically helpless person and all lesser included offenses."

**SECTION 2.(e)** G.S. 15-144.2(c) reads as rewritten:

"(c) If the victim is a person who is mentally ~~defective, disabled,~~ mentally incapacitated, or physically helpless it is sufficient to allege that the defendant unlawfully, willfully, and feloniously did engage in a sex offense with a person who was mentally ~~defective, disabled,~~ mentally incapacitated or physically helpless, naming such victim, and concluding as aforesaid. Any bill of indictment containing the averments and allegations herein named shall be good and sufficient in law for a sex offense against a mentally ~~defective, disabled,~~ mentally incapacitated or physically helpless person and all lesser included offenses."

**SECTION 2.(f)** This section becomes effective December 1, 2002, and applies to offenses committed on or after that date.

**SECTION 3.(a)** G.S. 14-309.7(a) reads as rewritten:

"(a) An exempt organization may not operate a bingo game at a location without a license. Application for a bingo license shall be made to the Department of ~~Health and Human Services~~Crime Control and Public Safety on a form prescribed by the Department. The Department shall charge an annual application fee of one hundred dollars (\$100.00) to defray the cost of issuing bingo licenses and handling bingo audit reports. The fees collected shall be deposited in the General Fund of the State. This license shall expire one year after the granting of the license. This license may be renewed yearly, if the applicant pays the application fee and files an audit with the Department pursuant to G.S. 14-309.11. A copy of the application and license shall be furnished to the local law-enforcement agency in the county or municipality in which the licensee intends to operate before bingo is conducted by the licensee."

**SECTION 3.(b)** G.S. 14-309.7(e) reads as rewritten:

"(e) An exempt organization that wants to conduct only an annual or semiannual bingo game may apply to the Department of ~~Health and Human Services~~Crime Control and Public Safety for a limited occasion permit. The Department of ~~Health and Human Services~~Crime Control and Public Safety may require such information as is reasonable and necessary to determine that the bingo game is conducted in accordance with the provisions of this Part but may not require more information than previously specified in this section for application of a regular license. The application shall be made to the Department on prescribed forms at least 30 days prior to the scheduled date of the bingo game. In lieu of the reporting requirements of G.S. 14-309.11(b) the exempt

organization shall file with the licensing agency and local law-enforcement a report on prescribed forms no later than 30 days following the conduct of the bingo game for which the permit was obtained. Such report may require such information as is reasonable and necessary to determine that the bingo game was conducted in accordance with the provisions of this Part but may not require more information than specified in G.S. 14-309.11(b). Any licensed exempt organization may donate or loan its equipment or use of its premises to an exempt organization which has secured a limited occasion permit provided such arrangement is disclosed in the limited occasion permit application and is approved by the Department of ~~Health and Human Services~~Crime Control and Public Safety. Except as stated above, all provisions of this Part shall apply to any exempt organization operating a bingo game under this provision."

**SECTION 4.(a)** G.S. 14-309.11(b) reads as rewritten:

"(b) An audit of the account required by subsection (a) of this section shall be prepared annually for the period of January 1 through December 31 or otherwise as directed by the Department of ~~Health and Human Services~~Crime Control and Public Safety and shall be filed with the Department of ~~Health and Human Services~~Crime Control and Public Safety and the local law-enforcement agency at a time directed by the Department of ~~Health and Human Services~~Crime Control and Public Safety. The audit shall be prepared on a form approved by the Department of ~~Health and Human Services~~Crime Control and Public Safety and shall include the following information:

- (1) The number of bingo games conducted or sponsored by the exempt organization;
- (2) The location and date at which each bingo game was conducted and the prize awarded;
- (3) The gross receipts of each bingo game;
- (4) The cost or amount of any prize given at each bingo game;
- (5) The amount paid in prizes at each session;
- (6) The net return to the exempt organization; and
- (7) The disbursements from the separate account and the purpose of those disbursements, including the date of each transaction and the name and address of each payee."

**SECTION 4.(b)** G.S. 14-309.11(d) reads as rewritten:

"(d) All books, papers, records and documents relevant to determining whether an organization has acted or is acting in compliance with this section shall be open to inspection by the law-enforcement agency or its designee, or the district attorney or his designee, or the Department of ~~Health and Human Services~~Crime Control and Public Safety at reasonable times and during reasonable hours."

**SECTION 5.** G.S. 14-313(b) reads as rewritten:

"(b) Sale or distribution to persons under the age of 18 years. – If any person shall distribute, or aid, assist, or abet any other person in distributing tobacco products or cigarette wrapping papers to any person under the age of 18 years, or if any person shall purchase tobacco products or cigarette wrapping papers on behalf of ~~to~~a person, less than 18 years, the person shall be guilty of a Class 2 misdemeanor; provided, however, that it shall not be unlawful to distribute tobacco products or cigarette wrapping papers to an employee when required in the performance of the employee's duties. Retail distributors of tobacco products shall prominently display near the point of sale a sign in letters at least five-eighths of an inch high which states the following:

**N.C. LAW STRICTLY PROHIBITS  
THE PURCHASE OF TOBACCO PRODUCTS  
BY PERSONS UNDER THE AGE OF 18.**

## PROOF OF AGE REQUIRED.

Failure to post the required sign shall be an infraction punishable by a fine of twenty-five dollars (\$25.00) for the first offense and seventy-five dollars (\$75.00) for each succeeding offense.

A person engaged in the sale of tobacco products shall demand proof of age from a prospective purchaser if the person has reasonable grounds to believe that the prospective purchaser is under 18 years of age. Failure to demand proof of age as required by this subsection is a Class 2 misdemeanor if in fact the prospective purchaser is under 18 years of age. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age in the case of a retailer, or any other documentary or written evidence of age in the case of a nonretailer, or that the defendant relied on the electronic system established and operated by the Division of Motor Vehicles pursuant to G.S. 20-37.02, shall be a defense to any action brought under this subsection. Retail distributors of tobacco products shall train their sales employees in the requirements of this law."

**SECTION 6.** G.S. 20-28(a1) reads as rewritten:

"(a1) Driving Without Reclaiming License. – A person convicted under subsection (a) shall be punished as if the person had been convicted of driving without a license under G.S. 20-35 if the person demonstrates to the court that either subdivisions (1) and (2), or subdivision (3) of this subsection is true:

- (1) At the time of the offense, the person's license was revoked solely under G.S. 20-16.5; and
- (2) a. The offense occurred more than ~~30~~45 days after the effective date of a revocation order issued under G.S. 20-16.5(f) and the period of revocation was ~~30~~45 days as provided under subdivision (3) of that subsection; or  
b. The offense occurred more than ~~40~~30 days after the effective date of the revocation order issued under any other provision of G.S. 20-16.5; or
- (3) At the time of the offense the person had met the requirements of G.S. 50-13.12, or G.S. 110-142.2 and was eligible for reinstatement of the person's drivers license privilege as provided therein.

In addition, a person punished under this subsection shall be treated for drivers license and insurance rating purposes as if the person had been convicted of driving without a license under G.S. 20-35, and the conviction report sent to the Division must indicate that the person is to be so treated."

**SECTION 7.** G.S. 25-3-118(h) reads as rewritten:

"(h) A ~~seal~~sealed instrument otherwise subject to this Article is governed by the time limits of G.S. 1-47(2)."

**SECTION 8.** G.S. 28A-13-3(c) reads as rewritten:

"(c) Prior to the personal representative exercising possession, custody or control over real property of the estate he shall petition the clerk of court to obtain an order authorizing such possession, custody or control. The petition shall include:

- (1) A description of the real property which is the subject of the petition;
- (2) The names, ages, and addresses, if known, of the devisees and heirs of the decedent;
- (3) A statement by the personal representative that he has determined that such possession, custody or control is in the best interest of the administration of the estate.

The devisees and heirs will be made parties to the proceeding by service of summons in the manner prescribed by law. If the clerk of court determines that it is in the best interest of the administration of the estate to authorize the personal representative to take possession, custody or control he shall grant an order authorizing that power. If a special proceeding has been instituted by the personal representative pursuant to G.S.

28A-15-1(c), the personal representative may petition for ~~sale, lease or mortgage~~ possession, custody, or control of any real property as a part of that proceeding and is not required to institute a separate special proceeding."

**SECTION 9.** G.S. 28A-15-1(c) reads as rewritten:

"(c) If it shall be determined by the personal representative that it is in the best interest of the administration of the estate to sell, lease, or mortgage any real estate or interest therein to obtain money for the payment of debts and other claims against the decedent's estate, the personal representative shall institute a special proceeding before the clerk of superior court for such purpose pursuant to Article 17 of this Chapter, except that no such proceeding shall be required for a sale made pursuant to authority given by will. A general provision granting authority to the personal representative to sell the testator's real property, or incorporation by reference of the provisions of G.S. 32-27(2) shall be sufficient to eliminate the necessity for a proceeding under Article 17. If a special proceeding has been instituted by the personal representative pursuant to G.S. 28A-13-3(c), the personal representative may petition for ~~possession, custody or control~~ sale, lease, or mortgage of any real property as a part of that proceeding and is not required to institute a separate special proceeding."

**SECTION 10.** G.S. 47A-17 reads as rewritten:

**"§ 47A-17. Termination of unit ownership; no bar to reestablishment.**

The removal provided for in ~~the preceding section~~ G.S. 47A-16 shall in no way bar the subsequent resubmission of the property to the provisions of this Article."

**SECTION 11.** G.S. 48-2-206(h) reads as rewritten:

"(h) Transfer under ~~G.S. 1-272~~ G.S. 1-301.2 and appeal under G.S. 1-279.1 shall be as for an adoption proceeding."

**SECTION 12.** G.S. 48-2-601 reads as rewritten:

**"§ 48-2-601. Hearing on, or disposition of, adoption petition; transfer of adoption proceeding; timing.**

(a) If it appears to the court that a petition to adopt a minor is not contested, the court may dispose of the petition without a formal hearing.

(a1) If an issue of fact, an equitable defense, or a request for equitable relief is raised before the clerk, the clerk shall transfer the proceeding to the district court under G.S. 1-301.2.

(b) No later than 90 days after a petition for adoption has been filed, the court shall set a date and time for hearing or disposing of the petition.

(c) The hearing or disposition must take place no later than six months after the petition is filed, but the court for cause may extend the time for the hearing or disposition."

**SECTION 13.(a)** G.S. 51-1(1)b. reads as rewritten:

"b. With the consequent declaration by the minister or magistrate that the persons are husband and wife; or"

**SECTION 13.(b)** Any marriage solemnized on or after October 1, 2001, and before the effective date of this act and otherwise valid is not invalid because the minister or magistrate failed to declare the persons husband and wife.

**SECTION 14.** G.S. 51-8 reads as rewritten:

**"§ 51-8. License issued by register of deeds.**

Every register of deeds shall, upon proper application, issue a license for the marriage of any two persons who are able to answer the questions regarding age, marital status, and intention to marry, and, based on the answers, the register of deeds determines the persons are authorized to be married in accordance with the laws of this State. In making a determination as to whether or not the parties are authorized to be married under the laws of this State, the register of deeds may require the applicants for the license to marry to present certified copies of birth certificates ~~or birth registration cards provided for in G.S. 130-73~~, or such other evidence as the register of deeds deems necessary to ~~such~~ the determination. The register of deeds may administer an oath to any person presenting evidence relating to whether or not parties applying for a

marriage license are eligible to be married pursuant to the laws of this State. Each applicant for a marriage license shall provide on the application the applicant's social security number. If an applicant does not have a social security number and is ineligible to obtain one, the applicant shall present a statement to that effect, sworn to or affirmed before an officer authorized to administer oaths. Upon presentation of a sworn or affirmed statement, the register of deeds shall issue the license, provided all other requirements are met, and retain the statement with the register's copy of the license. The register of deeds shall not issue a marriage license unless all of the requirements of this section have been met."

**SECTION 15.** G.S. 55-1-20(j) is repealed.

**SECTION 16.** The catch line of G.S. 78C-20 reads as rewritten:

**"§ 78C-20. ~~Alternative methods~~ Methods of registration."**

**SECTION 17.** G.S. 59-73.33(b)(2) reads as rewritten:

"(2) To have appointed the Secretary of State as its registered agent for service of process in any such proceeding. Service on the Secretary of State of any such process shall be made by delivering to and leaving with the Secretary of State, or with any clerk authorized by the Secretary of State to accept service of process, duplicate copies of such process and the fee required by G.S. ~~59-35.2~~ 59-35.1(e). Upon receipt of service of process on behalf of a surviving business entity in the manner provided for in this section, the Secretary of State shall immediately mail a copy of the process by registered or certified mail, return receipt requested, to the surviving business entity. If the surviving business entity is authorized to transact business or conduct affairs in this State, the address for mailing shall be its principal office designated in the latest document filed with the Secretary of State that is authorized by law to designate the principal office or, if there is no principal office on file, its registered office. If the surviving business entity is not authorized to transact business or conduct affairs in this State, the address for mailing shall be the mailing address designated pursuant to G.S. 59-73.32(a)(3)."

**SECTION 18.(a)** G.S. 114-10(2a) is recodified as G.S. 114-10.01.

**SECTION 18.(b)** G.S. 114-10.01, as recodified by Section 18(a) of this act,

reads as rewritten:

**"§ 114-10.01. Collection of traffic law enforcement statistics.**

~~(2a)~~(a) In addition to the duties set forth in G.S. 114-10, the Division of Criminal Statistics shall collect, correlate, and maintain the following information regarding traffic law enforcement by law enforcement officers:

- a-(1) The number of drivers stopped for routine traffic enforcement by law enforcement officers, the officer making each stop, the date each stop was made, the agency of the officer making each stop, and whether or not a citation or warning was ~~issued~~; issued.
- b-(2) Identifying characteristics of the drivers stopped, including the race or ethnicity, approximate age, and ~~gender~~; gender.
- e-(3) The alleged traffic violation that led to the ~~stop~~; stop.
- d-(4) Whether a search was instituted as a result of the ~~stop~~; stop.
- e-(5) Whether the vehicle, personal effects, driver, or passenger or passengers were searched, and the race or ethnicity, approximate age, and gender of each person ~~searched~~; searched.
- f-(6) Whether the search was conducted pursuant to consent, probable cause, or reasonable suspicion to suspect a crime, including the basis for the request for consent, or the circumstances establishing probable cause or reasonable ~~suspicion~~; suspicion.
- g-(7) Whether any contraband was found and the type and amount of any such ~~contraband~~; contraband.

- ~~h.~~(8) Whether any written citation or any oral or written warning was issued as a result of the ~~stop;~~stop.
- ~~i.~~(9) Whether an arrest was made as a result of either the stop or the ~~search;~~search.
- ~~j.~~(10) Whether any property was seized, with a description of that ~~property;~~property.
- ~~k.~~(11) Whether the officers making the stop encountered any physical resistance from the driver or passenger or ~~passengers;~~passengers.
- ~~l.~~(12) Whether the officers making the stop engaged in the use of force against the driver, passenger, or passengers for any ~~reason;~~reason.
- ~~m.~~(13) Whether any injuries resulted from the ~~stop;~~stop.
- ~~n.~~(14) Whether the circumstances surrounding the stop were the subject of any investigation, and the results of that ~~investigation;~~and investigation.
- ~~o.~~(15) The geographic location of the stop; if the officer making the stop is a member of the State Highway Patrol, the location shall be the Highway Patrol District in which the stop was made; for all other law enforcement officers, the location shall be the city or county in which the stop was made.

(b) For purposes of this ~~subdivision,~~section, "law enforcement officer" ~~means;~~means any of the following:

- ~~1.~~(1) All State law enforcement ~~officers;~~officers.
- ~~2.~~(2) Law enforcement officers employed by county sheriffs or county police ~~departments;~~departments.
- ~~3.~~(3) Law enforcement officers employed by police departments in municipalities with a population of 10,000 or more ~~and persons;~~and persons.
- ~~4.~~(4) Law enforcement officers employed by police departments in municipalities employing five or more full-time sworn officers for every 1,000 in population, as calculated by the Division for the calendar year in which the stop was made.

(c) The information required by this ~~subdivision,~~section need not be collected in connection with impaired driving checks under G.S. 20-16.3A or other types of roadblocks, vehicle checks, or checkpoints that are consistent with the laws of this State and with the State and federal constitutions, except when those stops result in a warning, search, seizure, arrest, or any of the other activity described in ~~sub-subdivisions d. through n. of this subdivision.~~subdivisions (4) through (14) of subsection (a) of this section.

(d) The identity of the law enforcement officer making the stop required by ~~sub-subdivision a. of this subdivision.~~subdivision (1) of subsection (a) of this section may be accomplished by assigning anonymous identification numbers to each officer in an agency. The correlation between the identification numbers and the names of the officers shall not be a public record, and shall not be disclosed by the agency except when required by order of a court of competent jurisdiction to resolve a claim or defense properly before the court.

(e) The Division shall publish and distribute by December 1 of each year a list indicating the law enforcement officers that will be subject to the provisions of this ~~subdivision.~~section during the calendar year commencing on the following January 1."

**SECTION 19.** G.S. 116-209.25(c1)(2) reads as rewritten:

"(2) The investment manager is subject to the jurisdiction and regulation of the United States ~~Security~~Securities and Exchange Commission."

**SECTION 20.** The introductory language of G.S. 143-640(c) reads as rewritten:

"(c) Membership. – The Commission shall consist of ~~28~~29 members, as follows:".

**SECTION 21.(a)** G.S. 163-119 reads as rewritten:

**"§ 163-119. Voting by unaffiliated voter in party primary.**

If a political party has, by action of its State Executive Committee reported to the State Board of Elections by resolution delivered no later than the first day of December preceding a primary, provided that unaffiliated voters may vote in the primary of that party, an unaffiliated voter may vote in the primary of that party by announcing that intention under ~~G.S. 163-150(a)~~.G.S. 163-166.7(a). For a party to withdraw its permission, it must do so by action of its State Executive Committee, similarly reported to the State Board of Elections no later than the first day of December preceding the primary where the withdrawal is to become effective."

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

"(b) Form of Petition. – Petitions requesting an unaffiliated candidate to be placed on the general election ballot shall contain on the heading of each page of the petition in bold print or in all capital letters the words: "THE UNDERSIGNED REGISTERED VOTERS IN \_\_\_\_\_ COUNTY HEREBY PETITION ON BEHALF OF \_\_\_\_\_ AS AN UNAFFILIATED CANDIDATE FOR THE OFFICE OF \_\_\_\_\_ IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS CONTAINED IN G.S. 163-122."

**SECTION 21.(c)** G.S. 163-276 reads as rewritten:

**"§ 163-276. Convicted officials; removal from office.**

Any public official who shall be convicted of violating any provision of Article ~~13~~ 14A or 22 of this Chapter, in addition to the punishment provided by law, shall be removed from office by the judge presiding, and, if the conviction is for a felony, shall be disqualified from voting until his citizenship is restored as provided by law."

**SECTION 21.(d)** G.S. 163-278.9(4a) reads as rewritten:

"(4a) 48-Hour Report. – A political committee or political party that receives a contribution or transfer of funds from any political committee shall disclose within 48 hours of receipt a contribution or transfer of one thousand dollars (\$1,000) or more received before an election but after the period covered by the last pre-election report but due before an that election. The disclosure shall be by report to the State Board of Elections identifying the source and amount of the funds. The State Board of Elections shall specify the form and manner of making the report."

**SECTION 21.(e)** G.S. 163-278.9A(a)(2a) reads as rewritten:

"(2a) 48-Hour Report. – A referendum committee that receives a contribution or transfer of funds from any political committee shall disclose within 48 hours of receipt a contribution or transfer of one thousand dollars (\$1,000) or more received before a referendum but after the period covered by the last pre-election report but due before an election that referendum. The disclosure shall be by report to the State Board of Elections identifying the source and amount of such funds. The State Board of Elections shall specify the form and manner of making the report."

**SECTION 21.(f)** G.S. 163-278.33 reads as rewritten:

**"§ 163-278.33. Applicability of Article 22.**

Sections 163-271 through 163-278 shall be applicable to the offices covered by this Article and ~~G.S. 163-269~~.G.S. 163-271 through 163-278 shall be applicable to all elective offices not covered by this Article."

**SECTION 21.(g)** G.S. 163-323(d) reads as rewritten:

"(d) Certificate That Candidate Is Registered Voter. – Candidates shall file along with their notice a certificate signed by the chairman of the board of elections or the ~~supervisor~~-director of elections of the county in which they are registered to vote,



stating that the person is registered to vote in that county, and if the candidacy is for superior court judge and the county contains more than one superior court district, stating the superior court district of which the person is a resident. In issuing such certificate, the chairman or ~~supervisor-director~~ shall check the registration records of the county to verify such information. During the period commencing 36 hours immediately preceding the filing deadline, the State Board of Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board of Elections shall prescribe the form for such certificate, and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year."

**SECTION 21.(h)** Article 13A of Chapter 163 of the General Statutes is recodified as Article 14A of Chapter 163 of the General Statutes.

**SECTION 22.(a)** Section 1.2 of Chapter 282 of the 1967 Session Laws is codified as the last sentence of G.S. 20-126(a).

**SECTION 22.(b)** G.S. 20-126(a), as amended by Section 22(a) of this act, reads as rewritten:

"(a) No person shall drive a motor vehicle on the streets or highways of this State unless equipped with an inside rearview mirror of a type approved by the Commissioner, which provides the driver with a clear, undistorted, and reasonably unobstructed view of the highway to the rear of such vehicle; provided, a vehicle so constructed or loaded as to make such inside rearview mirror ineffective may be operated if equipped with a mirror of a type to be approved by the Commissioner located so as to reflect to the driver a view of the highway to the rear of such vehicle. A violation of this subsection shall not constitute negligence per se in civil actions. Farm tractors, self-propelled implements of husbandry and construction equipment and all self-propelled vehicles not subject to registration under this Chapter are exempt from the provisions of this section. Provided that pickup trucks equipped with an outside rearview mirror approved by the Commissioner shall be exempt from the inside rearview mirror provision of this section. Any inside mirror installed in any motor vehicle by its manufacturer shall be deemed to comply with the provisions of this Act.subsection."

**SECTION 23.** Effective January 1, 2002, Section 8 of S.L. 2001-390 is repealed.

## **PART II. FAMILY CARE HOME DEFINITION**

**SECTION 24.** G.S. 168-21(1) reads as rewritten:

"(1) "Family care home" means ~~an adult care~~ a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons."

## **PART III. OTHER CHANGES**

**SECTION 25.** G.S. 7A-39.3(b) reads as rewritten:

"(b) In addition to the compensation or retirement allowance he would otherwise be entitled to receive by law, each emergency justice or emergency judge recalled for temporary active service shall be paid by the State his actual expenses, plus ~~one hundred fifty dollars (\$150.00)~~ three hundred dollars (\$300.00) for each day of active service rendered upon recall. No recalled retired or emergency justice or judge shall receive from the State total annual compensation for judicial services in excess of that received by an active justice or judge of the bench to which the justice or judge is being recalled."

**SECTION 26.** G.S. 7B-3000(g) reads as rewritten:

"(g) Except as provided in subsection (d) of this section, a juvenile's record shall be destroyed only as authorized by G.S. 7B-3200 or by rules adopted by the ~~Department of Juvenile Justice and Delinquency Prevention~~ Administrative Office of the Courts."

**SECTION 27.** G.S. 10A-16 reads as rewritten:

**"§ 10A-16. Acts of notaries public in certain instances validated.**

(a) Any acknowledgment taken and any instrument notarized by a person prior to qualification as a notary public but after commissioning or recommissioning as a notary public, or by a person whose notary commission has expired, is hereby validated. The acknowledgment and instrument shall have the same legal effect as if the person qualified as a notary public at the time the person performed the act.

(b) All documents bearing a notarial seal and which contain any of the following errors are validated and given the same legal effect as if the errors had not occurred:

- (1) ~~in which the~~ The date of the expiration of the notary's commission is stated, whether correctly or erroneously, or having a ~~erroneously.~~
- (2) The notarial seal that ~~that~~ does not contain a readable impression of the notary's name, ~~or~~ contains an incorrect spelling of the notary's name, ~~or that~~ does not bear the name of the notary exactly as it appears on the commission, as required by ~~G.S. 10A-11, or where the~~ G.S. 10A-11.
- (3) The notary's signature does not comport exactly with the name on the notary commission or on the notary seal, as required by ~~G.S. 10A-9, or~~ G.S. 10A-9.
- (4) The notarial seal contains typed, printed, drawn, or handwritten material added to the seal, fails to contain the words "North Carolina" or the abbreviation "N. C.", or contains correct information except that instead of the abbreviation for North Carolina contains the abbreviation for another state ~~are validated and given the same legal effect as if the errors had not occurred.~~ state.

(c) All deeds of trust in which the notary was named in the document as a trustee only are validated.

(d) This section applies to notarial acts performed on or before ~~April 15, 2001~~ July 1, 2002."

**SECTION 28.** G.S. 14-234(d4) reads as rewritten:

"(d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a member of the Commission has an interest provided that the requirements of ~~G.S. 143-717(g)~~ G.S. 143-717(h) are met."

**SECTION 28.5.** If House Bill 1402, 2001 Session, becomes law, G.S. 15C-11, as enacted by that act, reads as rewritten:

**"§ 15C-11. Limited liability.**

The State, agencies of North Carolina, and their officers, officials, employees, and agents, both past and present, in their official and individual capacities, shall be immune and held harmless from any liability in any action brought by or on behalf of any person injured or harmed by the actions or inactions of these entities and individuals in implementing this Chapter. However, if ~~the Attorney General determines that~~ an employee's actions resulting in harm were not within the course and scope of the employee's duties, then that employee may be subject to suit as an individual to the extent permitted by the laws of the State of North Carolina."

**SECTION 29.** G.S. 17C-6(a) reads as rewritten:

"(a) In addition to powers conferred upon the Commission elsewhere in this Chapter, the Commission shall have the following powers, which shall be enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17C-10:

- (1) Promulgate rules and regulations for the administration of this Chapter, which rules may require (i) the submission by any criminal

- justice agency of information with respect to the employment, education, retention, and training of its criminal justice officers, and
- (ii) the submission by any criminal justice training school of information with respect to its criminal justice training programs that are required by this ~~Chapter;~~Chapter.
- (2) Establish minimum educational and training standards that must be met in order to qualify for entry level employment and retention as a criminal justice officer in temporary or probationary status or in a permanent ~~position;~~position.
  - (3) Certify and recertify, pursuant to the standards that it has established for the purpose, persons as qualified under the provisions of this Chapter to be employed at entry level and retained as criminal justice ~~officers;~~officers.
  - (4) Establish minimum standards for the certification of criminal justice training schools and programs or courses of instruction that are required by this ~~Chapter;~~Chapter.
  - (5) Certify and recertify, pursuant to the standards that it has established for the purpose, criminal justice training schools and programs or courses of instruction that are required by this ~~Chapter;~~Chapter.
  - (6) Establish minimum standards and levels of education and experience for all criminal justice instructors and school directors who participate in programs or courses of instruction that are required by this ~~Chapter;~~Chapter.
  - (7) Certify and recertify, pursuant to the standards that it has established for the purpose, criminal justice instructors and school directors who participate in programs or courses of instruction that are required by this ~~Chapter;~~Chapter.
  - (8) Investigate and make such evaluations as may be necessary to determine if criminal justice agencies, schools, and individuals are complying with the provisions of this ~~Chapter;~~Chapter.
  - (9) Adopt and amend bylaws, consistent with law, for its internal management and ~~control;~~control.
  - (10) Enter into contracts incident to the administration of its authority pursuant to this ~~Chapter;~~Chapter.
  - (11) Establish minimum standards and levels of training for certification and periodic recertification of operators of and instructors for training programs in radio microwave, laser, and other electronic speed-measuring ~~instruments;~~instruments.
  - (12) Certify and recertify, pursuant to the standards that it has established, operators and instructors for training programs for each approved type of radio microwave, laser, and other electronic speed-measuring ~~instruments;~~instruments.
  - (13) In conjunction with the Secretary of Crime Control and Public Safety, approve use of specific models and types of radio microwave, laser, and other speed-measuring instruments and establish the procedures for operation of each approved instrument and standards for calibration and testing for accuracy of each approved instrument.
  - (14) Establish minimum standards for in-service training for criminal justice officers."

**SECTION 30.** G.S. 20-11(j) reads as rewritten:

"(j) Duration and Fee. – A limited learner's permit expires on the eighteenth birthday of the permit holder. A limited provisional license expires on the eighteenth birthday of the license holder. A limited learner's permit or limited provisional license issued under this section that expires on a weekend or State holiday shall remain valid through the fifth regular State business day following the date of expiration. A full

provisional license expires on the date set under G.S. 20-7(f). The fee for a limited learner's permit or a limited provisional license is ten dollars (\$10.00). The fee for a full provisional license is the amount set under G.S. 20-7(i)."

**SECTION 31.** G.S. 20-37.20(b) reads as rewritten:

"(b) Foreign Diplomat. – The Division must notify the United States Department of State within 15 days after it receives one or more of the following reports for a holder of a ~~driver's~~ drivers license issued by the United States Department of State:

- (1) A report of a conviction for a violation of State law or local ordinance relating to motor vehicle traffic control, other than parking violations.
- (2) A report of a civil revocation order."

**SECTION 31.1.** If House Bill 1745, 2001 Session, becomes law, G.S. 20-63(b) reads as rewritten:

"(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word "weighted".

A registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less, other than a Friends of the Great Smoky Mountains National Park special registration ~~plate,~~ plate or a Rocky Mountain Elk Foundation special registration plate shall be a "First in Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right."

**SECTION 31.5.(a)** If House Bill 314, 2001 Session, becomes law, the catch line of G.S. 20-196.3 is deleted and reads as rewritten: "**Who may hold supervisory positions over sworn members of the Patrol.**"

**SECTION 31.5.(b)** If House Bill 314, 2001 Session, becomes law, Section 18 of that act reads as rewritten:

"**SECTION 18.** This act becomes effective ~~December 1, 2002~~ January 1, 2003."

**SECTION 32.** G.S. 20-354.6(2) reads as rewritten:

- "(2) An itemized description of all labor, parts, and merchandise supplied and the costs of all labor, parts, and merchandise supplied. No itemized description is required to be provided to the ~~consumer~~ customer for labor, parts, and merchandise supplied when a third party has indicated to the motor vehicle repair shop that the repairs will be paid for under a service contract, under a mechanical breakdown contract, or under a manufacturer's warranty, without charge to the ~~consumer.~~ customer."

**SECTION 33.** Article 9A of Chapter 25 of the General Statutes (G.S. 25-9A-101 through G.S. 25-9A-102), as enacted by Section 1 of S.L. 2002-88, is recodified as Article 25 of Chapter 53 of the General Statutes (G.S. 53-425 through G.S. 53-426).

**SECTION 33.5.** G.S. 50-20(b)(4) reads as rewritten:

"(4) "Divisible property" means all real and personal property as set forth below:

- a. All appreciation and diminution in value of marital property and divisible property of the parties occurring after the date of separation and prior to the date of distribution, except that appreciation or diminution in value which is the result of

postseparation actions or activities of a spouse shall not be treated as divisible property.

- b. All property, property rights, or any portion thereof received after the date of separation but before the date of distribution that was acquired as a result of the efforts of either spouse during the marriage and before the date of separation, including, but not limited to, commissions, bonuses, and contractual rights.
- c. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.
- d. Increases and decreases in marital debt and financing charges and interest related to marital debt."

**SECTION 34.(a)** G.S. 59-73.12(a) reads as rewritten:

"(a) After a plan of conversion has been approved by the converting business entity as provided in G.S. 59-73.11, the converting business entity shall deliver articles of conversion to the Secretary of State for filing. The articles of conversion shall state:

- (1) That the domestic partnership is being formed pursuant to a conversion of another business entity;
- (2) The name of the resulting domestic partnership, a designation of its mailing address, and a commitment to file with the Secretary of State a statement of any subsequent change in its mailing address;
- (3) The name of the converting business entity, its type of business entity, and the state or country whose laws govern its organization and internal affairs; and
- (4) That a plan of conversion has been approved by the converting business entity as required by law.

If the resulting domestic partnership is to be a registered limited liability partnership when the conversion takes effect, then instead of ~~separately filing the converting business entity delivering~~ the articles of conversion, conversion to the Secretary of State ~~for filing~~, the articles of conversion shall be included as part of the application for registration filed pursuant to G.S. 59-84.2 in addition to the matters otherwise required or permitted by law.

If the plan of conversion is abandoned after the articles of conversion have been filed with the Secretary of State but before the articles of conversion become effective, ~~the converting business entity an amendment to the articles of conversion withdrawing the articles of conversion shall deliver be delivered~~ to the Secretary of State for filing prior to the time the articles of conversion become effective ~~an amendment to the articles of conversion withdrawing the articles of conversion effective.~~"

**SECTION 34.(b)** G.S. 59-1052 reads as rewritten:

**"§ 59-1052. Filing of certificate of limited partnership by converting business entity partnership.**

(a) After a plan of conversion has been approved by the converting business entity as provided in G.S. 59-1051, ~~the converting business entity shall deliver~~ a certificate of limited partnership shall be delivered to the Secretary of State for filing. In addition to the matters required or permitted by G.S. 59-201, the certificate of limited partnership shall contain articles of conversion stating:

- (1) That the domestic limited partnership is being formed pursuant to a conversion of another business entity;
- (2) The name of the converting business entity, its type of business entity, and the state or country whose laws govern its organization and internal affairs; and
- (3) That a plan of conversion has been approved by the converting business entity in the manner required by law.

If the plan of conversion is abandoned after the certificate of limited partnership has been filed with the Secretary of State but before the certificate of limited partnership

becomes effective, ~~the converting business entity an amendment withdrawing the certificate of limited partnership shall deliver be delivered to the Secretary of State for filing prior to the time the articles of organization become effective an amendment to the certificate of limited partnership withdrawing the certificate of limited partnership effective.~~

(b) The conversion takes effect when the certificate of limited partnership becomes effective.

(c) Repealed by Session Laws 2001-387, s. 141.

(d) Certificates of conversion shall also be registered as provided in G.S. 47-18.1."

**SECTION 35.(a)** G.S. 70-28(1) reads as rewritten:

"(1) "Chief Archaeologist" means the Chief Archaeologist, ~~Archaeology Branch, Archaeology and Historic Preservation Section, Division of~~ the Office of Archives and History, Department of Cultural Resources."

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

"(5) "State Archaeologist" means the head of the Archaeology ~~Branch, Archaeology and Historic Preservation Section, Division~~ Section of the Office of Archives and History, Department of Cultural Resources."

**SECTION 35.(c)** G.S. 70-49(a) reads as rewritten:

"(a) The Department of Cultural Resources, ~~Division~~ Office of Archives and History shall establish the North Carolina Archaeological Record Program. The purpose of the Program shall be to assist private owners of archaeological resources in the preservation and protection of those resources. Participation in the Program shall be voluntary."

**SECTION 35.(d)** G.S. 74-50(b3)(7) reads as rewritten:

"(7) ~~Division~~ Office of Archives and History, Department of Cultural Resources."

**SECTION 35.(e)** G.S. 105-129.36(b)(4) reads as rewritten:

"(4) State Historic Preservation Officer. – The ~~Director of the Division of Archives and History or the Director's Deputy Secretary of Archives and History or the Deputy Secretary's~~ designee who acts to administer the historic preservation programs within the State."

**SECTION 35.(f)** G.S. 120-37(f) reads as rewritten:

"(f) Following adjournment sine die of each session of the General Assembly, each principal clerk shall retain in his office for a period of two years every bill and resolution considered by but not enacted or adopted by his house, together with the calendar books and other records deemed worthy of retention. At the end of two years, these materials shall be turned over to the ~~Division~~ Office of Archives and History of the Department of Cultural Resources for ultimate retention or disposition."

**SECTION 35.(g)** G.S. 121-7 reads as rewritten:

**"§ 121-7. Historical museums.**

(a) The Department of Cultural Resources shall maintain and administer State historic attractions under the management of the ~~Division~~ Office of Archives and History ~~and the North Carolina Museum of History Division~~ for the collection, preservation, study, and exhibition of authentic artifacts and other historical materials relating to the history and heritage of North Carolina. The Department, with the approval of the Historical Commission, may acquire, either by purchase, gift, or loan such artifacts and materials, and, having acquired them, shall according to accepted museum practices classify, accession, preserve, and where feasible exhibit such materials and make them available for study. Within available funds, one or more branch museums of history or specialized regional history museums may be established and administered by the Department. The Department of Cultural Resources, subject to the availability of staff and funds, may give financial, technical, and professional

assistance to nonstate historical museums sponsored by governmental agencies and nonprofit organizations according to regulations adopted by the North Carolina Historical Commission.

The Department of Cultural Resources may, with the explicit approval of the North Carolina Historical Commission sell, trade, or place on permanent loan any artifact owned by the State of North Carolina and in the custody of and curated by the ~~Museum of History Division or Division Office~~ of Archives and History, unless the sale, trade, or loan would be contrary to the terms of acquisition. The net proceeds of any sale, after deduction of the expenses attributable to that sale, shall be deposited to the State treasury to the credit of ~~either the Division Office of Archives and History Artifact Fund or the Museum of History Artifact Fund, as appropriate,~~ and shall be used only for the purchase of other artifacts. No artifact curated by any agency of the Department of Cultural Resources may be pledged or mortgaged.

(b) Insofar as practicable, the ~~Division Office~~ of Archives and History shall accession and maintain records showing provenance, value, location, and other pertinent information on such furniture, furnishings, decorative items, and other objects as have historical or cultural importance and which are owned by or to be acquired by the State for use in the State Capitol and the Executive Mansion, and, upon request of the Department of Administration, any other state-owned building. When any such item or object has been entered in the accession records of the ~~Division Office~~ of Archives and History, the custodian of such item or object shall, upon its removal from the premises upon which it was located or when it is otherwise disposed of, submit to the ~~Division Office~~ of Archives and History sufficient details concerning its removal or disposition to permit an adequate entry in the accession records to the end that its location or disposition, and authority for such change, shall be shown therein.

(c) Title to an artifact whose ownership is unknown or whose owner cannot be located passes to the Department of Cultural Resources if:

- (1) The artifact was placed on loan with the ~~Division Office~~ of Archives and History ~~or the North Carolina Museum of History Division~~ for a period of time exceeding five years or for an indefinite period of time or the artifact's status with the ~~Division Office~~ of Archives and History ~~or the North Carolina Museum of History Division~~ as a loan, gift, purchase, or other arrangement is unknown; and
- (2) The artifact has been a part of the inventory of the ~~Division Office~~ of Archives and History ~~or the North Carolina Museum of History Division~~ for more than five years; and
- (3) The Department of Cultural Resources makes a reasonable effort, including a diligent search of its own ~~records~~ records, to locate and inform the owner, his heirs or successors, that ~~either the Division Office of Archives and History or the North Carolina Museum of History Division~~ is holding the artifact and to clarify the artifact's status with that ~~Division Office~~.

To initiate the procedure to clarify title to an artifact, the Department of Cultural Resources shall mail, first class postage prepaid, a notice to the last known address of the owner of the artifact or the last known address of the owner's heirs or successors. The Department need not mail a notice, if after exercising due diligence to find a record within the Department of Cultural Resources indicating the owner of the artifact and his latest address, that information is not available. If no claim is made within 90 days from the date that notice is mailed, the Department of Cultural Resources shall publish a notice in three papers of general circulation once a week for four consecutive weeks. If, at the end of 30 days, no claim of ownership is submitted to the Department of Cultural Resources, the Department may determine that legal title to the artifact is vested in the ~~Division Office of Archives and History or the North Carolina Museum of History Division~~ History.

(d) Any person claiming legal title to an artifact to which the North Carolina ~~Division-Office of Archives and History or the North Carolina Museum of History Division~~ also claims title as provided by subsection (c) may file a claim with the Department of Cultural Resources on a form prescribed by the Department. If the claimant is not the owner from whom the Department originally obtained the artifact, the claimant shall state in addition to any other information required by the Department, the facts surrounding the unavailability of the person who originally loaned or bestowed the property to the ~~Division-Office of Archives and History or the North Carolina Museum of History Division~~ and the basis for the claim to title of the artifact. If the Department of Cultural Resources is satisfied that the claim is valid and that the claimant is the legal owner of the artifact, the Department shall return the artifact to the owner. If the Department determines that the claim is not valid and rejects the claim to the artifact, the claimant may appeal the determination as provided by Chapter 150B."

**SECTION 35.(h)** G.S. 121-8(b) reads as rewritten:

"(b) Surveys of Historic Properties. – The Department of Cultural Resources shall conduct a continuing statewide survey to identify, document, and record properties having historical, architectural, archaeological, or other cultural significance to the State, its communities, and the nation. Upon approval of the North Carolina Historical Commission, the ~~Director of the Division-Deputy Secretary~~ of Archives and History or his designee as the State Historic Preservation Officer, may nominate appropriate properties for entry in the National Register of Historic Places as established by the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. section 470. The Department of Cultural Resources shall maintain a permanent file containing research reports, descriptions, photographs, and other appropriate documentation relating to properties deemed worthy of inclusion in the statewide survey."

**SECTION 35.(i)** G.S. 132-6.1(b) reads as rewritten:

"(b) Every public agency shall create an index of computer databases compiled or created by a public agency on the following schedule:

State agencies by July 1, 1996;

Municipalities with populations of 10,000 or more, counties with populations of 25,000 or more, as determined by the 1990 U.S. Census, and public hospitals in those counties, by July 1, 1997;

Municipalities with populations of less than 10,000, counties with populations of less than 25,000, as determined by the 1990 U.S. Census, and public hospitals in those counties, by July 1, 1998;

Political subdivisions and their agencies that are not otherwise covered by this schedule, after June 30, 1998.

The index shall be a public record and shall include, at a minimum, the following information with respect to each database listed therein: a list of the data fields; a description of the format or record layout; information as to the frequency with which the database is updated; a list of any data fields to which public access is restricted; a description of each form in which the database can be copied or reproduced using the agency's computer facilities; and a schedule of fees for the production of copies in each available form. Electronic databases compiled or created prior to the date by which the index must be created in accordance with this subsection may be indexed at the public agency's option. The form, content, language, and guidelines for the index and the databases to be indexed shall be developed by the ~~Division-Office of Archives and History~~ in consultation with officials at other public agencies."

**SECTION 35.(j)** G.S. 143B-127 reads as rewritten:

"§ 143B-127. **Contracts with registered groups.**

The Department of Cultural Resources, ~~Division-Office of Archives and History~~ shall sign contracts for the performance of military historical dramas on State-owned property only with historical military reenactment groups properly registered pursuant to this Part."

**SECTION 35.(k)** G.S. 143B-62 reads as rewritten:



**"§ 143B-62. North Carolina Historical Commission – creation, powers and duties.**

There is hereby created the North Carolina Historical Commission of the Department of Cultural Resources to give advice and assistance to the Secretary of Cultural Resources and to promulgate rules and regulations to be followed in the acquisition, disposition, preservation, and use of records, artifacts, real and personal property, and other materials and properties of historical, archaeological, architectural, or other cultural value, and in the extension of State aid to other agencies, counties, municipalities, organizations, and individuals in the interest of historic preservation.

- (1) The Historical Commission shall have the following powers and duties:
  - a. To advise the Secretary of Cultural Resources on the scholarly editing, writing, and publication of historical materials to be issued under the name of the ~~Department;~~Department.
  - b. To evaluate and approve proposed nominations of historic, archaeological, architectural, or cultural properties for entry on the National Register of Historic ~~Places;~~Places.
  - c. To evaluate and approve the State plan for historic preservation as provided for in Chapter ~~121;~~121.
  - d. To evaluate and approve historic, archaeological, architectural, or cultural properties proposed to be acquired and administered by the ~~State;~~State.
  - e. To evaluate and prepare a report on its findings and recommendations concerning any property not owned by the State for which State aid or appropriations are requested from the Department of Cultural Resources, and to submit its findings and recommendations in accordance with Chapter ~~121;~~121.
  - f. To serve as an advisory and coordinative mechanism in and by which State undertakings of every kind that are potentially harmful to the cause of historic preservation within the State may be discussed, and where possible, resolved, particularly by evaluating and making recommendations concerning any State undertaking which may affect a property that has been entered on the National Register of Historic Places as provided for in Chapter 121 of the General Statutes of North ~~Carolina;~~Carolina.
  - g. To exercise any other powers granted to the Commission by provisions of Chapter 121 of the General Statutes of North ~~Carolina;~~Carolina.
  - h. To give its professional advice and assistance to the Secretary of Cultural Resources on any matter which the Secretary may refer to it in the performance of the Department's duties and responsibilities provided for in Chapter 121 of the General Statutes of North ~~Carolina;~~Carolina.
  - i. To serve as a search committee to seek out, interview, and recommend to the Secretary of Cultural Resources one or more experienced and professionally trained historian(s) for either the position of ~~Director of the Division Deputy Secretary of Archives and History or the position of the Director of the North Carolina Museum of History Division~~ when a vacancy occurs, and to assist and cooperate with the Secretary in periodic reviews of the performance of the ~~Directors and the Divisions;~~ and Deputy Secretary.
  - j. To assist and advise the Secretary of Cultural Resources and the ~~Director of the Division Deputy Secretary of Archives and History, and the Director of the North Carolina Museum of~~

~~History Division~~—History in the development and implementation of plans and priorities for the State's historical programs.

- (2) The Historical Commission shall have the power and duty to establish standards and provide rules and regulations as follows:
- a. For the acquisition and use of historical materials suitable for acceptance in the North Carolina ~~Division Office~~ of Archives and ~~History or the North Carolina Museum of History Division; History.~~
  - b. For the disposition of public records under provisions of Chapter 121 of the General Statutes of North ~~Carolina;~~ and Carolina.
  - c. For the certification of records in the North Carolina State Archives as provided in Chapter 121 of the General Statutes of North ~~Carolina;~~ Carolina.
  - d. For the use by the public of historic, architectural, archaeological, or cultural properties as provided in Chapter 121 of the General Statutes of North ~~Carolina;~~ Carolina.
  - e. For the acquisition of historic, archaeological, architectural, or cultural properties by the ~~State;~~ State.
  - f. For the extension of State aid or appropriations through the Department of Cultural Resources to counties, municipalities, organizations, or individuals for the purpose of historic preservation or ~~restoration;~~ and restoration.
  - fl. For the extension of State aid or appropriations through the Department of Cultural Resources to nonstate-owned nonprofit history ~~museums;~~ museums.
  - g. For qualification for grants-in-aid or other assistance from the federal government for historic preservation or restoration as provided in Chapter 121 of the General Statutes of North Carolina. This section shall be construed liberally in order that the State and its citizens may benefit from such grants-in-aid.
- (3) The Commission shall adopt rules and regulations consistent with the provisions of this section. All current rules and regulations heretofore adopted by the Executive Board of the State Department of Archives and History, the Historic Sites Advisory Committee, the North Carolina Advisory Council on Historical Preservation, the Executive Mansion Fine Arts Commission, and the Memorials Commission shall remain in full force and effect unless and until repealed or superseded by action of the Historical Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Cultural Resources."

**SECTION 35.(1)** G.S. 143B-132 reads as rewritten:

**"§ 143B-132. Andrew Jackson Historic Memorial Committee.**

(a) The State of North Carolina and its citizens have long noted and recognized the origins and early life of Andrew Jackson, the nation's seventh president, in the Waxhaw region along the North Carolina-South Carolina border. It is important that this State recognize the origins and early life of this outstanding national leader in Western North Carolina. It is necessary to plan an appropriate memorial in Union County, North Carolina, to commemorate and display for all Americans the origins and early life of Andrew Jackson.

(b) There is created an Andrew Jackson Historic Memorial Committee to consist of 12 members, six appointed by the Speaker of the House of Representatives and six appointed by the President Pro Tempore of the Senate. Members shall serve four-year terms. Vacancies shall be filled by the appointing officer for the unexpired term.

- (c) The primary duties and responsibilities of the Committee are:
- (1) To assist the ~~Division Office~~ of Archives and History, Department of Cultural Resources in determining the need for a permanent memorial to honor Andrew Jackson and to commemorate and display the origins and early life of Jackson in the Waxhaw ~~region; region.~~
  - (2) To assist the ~~Division Office~~ of Archives and History, Department of Cultural Resources in determining the location, design, content, and form of a memorial, if the Committee determines that one is needed, at one of the sites associated with the early life of Andrew ~~Jackson; Jackson.~~
  - (3) To assist the ~~Division Office~~ of Archives and History, Department of Cultural Resources in determining the most appropriate methods for proceeding with the establishment and operation of the memorial, including methods for obtaining the necessary financial resources for property acquisition, capital expenditures, and operational ~~expenses; and expenses.~~
  - (4) To select appropriate qualified researchers and research institutions to assist the Committee in undertaking any required studies to complete the Committee's duties and responsibilities.

(d) Members of this Committee may not receive per diem, travel reimbursement, or subsistence allowances.

(e) Administrative and staff services for the Committee shall be provided by the ~~Division Office~~ of Archives and History, Department of Cultural Resources, which shall also provide the Committee with information in its possession relating to past research concerning the origins and early life of Andrew Jackson. In addition, the ~~Division Office~~ of Archives and History, Department of Cultural Resources shall assist the Committee in preparing a report for submission to the General Assembly.

(f) Funds for the operation of the Committee shall be provided by the Department of Cultural Resources."

**SECTION 35.(m)** G.S. 160A-400.6 reads as rewritten:

**"§ 160A-400.6. Required landmark designation procedures.**

As a guide for the identification and evaluation of landmarks, the commission shall undertake, at the earliest possible time and consistent with the resources available to it, an inventory of properties of historical, architectural, prehistorical, and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the ~~Division Office~~ of Archives and History. No ordinance designating a historic building, structure, site, area or object as a landmark nor any amendment thereto may be adopted, nor may any property be accepted or acquired by a preservation commission or the governing board of a municipality, until all of the following procedural steps have been taken:

- (1) The preservation commission shall (i) prepare and adopt rules of procedure, and (ii) prepare and adopt principles and guidelines, not inconsistent with this Part, for altering, restoring, moving, or demolishing properties designated as landmarks.
- (2) The preservation commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such investigation or report shall be forwarded to the ~~Division Office~~ of Archives and History, North Carolina Department of Cultural Resources.
- (3) The Department of Cultural Resources, acting through the State Historic Preservation Officer shall either upon request of the department or at the initiative of the preservation commission be given an opportunity to review and comment upon the substance and effect

of the designation of any landmark pursuant to this Part. Any comments shall be provided in writing. If the Department does not submit its comments or recommendation in connection with any designation within 30 days following receipt by the Department of the investigation and report of the commission, the commission and any city or county governing board shall be relieved of any responsibility to consider such comments.

- (4) The preservation commission and the governing board shall hold a joint public hearing or separate public hearings on the proposed ordinance. Reasonable notice of the time and place thereof shall be given. All meetings of the commission shall be open to the public, in accordance with the North Carolina Open Meetings Law, Chapter 143, Article 33C.
- (5) Following the joint public hearing or separate public hearings, the governing board may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
- (6) Upon adoption of the ordinance, the owners and occupants of each designated landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and all amendments thereto shall be filed by the preservation commission in the office of the register of deeds of the county in which the landmark or landmarks are located. Each designated landmark shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the register of deeds office, and the preservation commission shall pay a reasonable fee for filing and indexing. In the case of any landmark property lying within the zoning jurisdiction of a city, a second copy of the ordinance and all amendments thereto shall be kept on file in the office of the city or town clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the city or county building inspector. The fact that a building, structure, site, area or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the county or city for such period as the designation remains in effect.
- (7) Upon the adoption of the landmarks ordinance or any amendment thereto, it shall be the duty of the preservation commission to give notice thereof to the tax supervisor of the county in which the property is located. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes."

**SECTION 35.(n)** G.S. 163-278.22 reads as rewritten:

**"§ 163-278.22. Duties of State Board.**

It shall be the duty and power of the State Board:

- (1) To prescribe forms of statements and other information required to be filed by this Article, to furnish such forms to the county boards of elections and individuals, media or others required to file such statements and information, and to prepare, publish and distribute or cause to be distributed to all candidates at the time they file notices of candidacy a manual setting forth the provisions of this Article and a prescribed uniform system for accounts required to file statements by this ~~Article;~~Article.
- (2) To accept and file any information voluntarily supplied that exceeds the requirements of this ~~Article;~~Article.

- (3) To develop a filing, coding, and cross-indexing system consonant with the purposes of this ~~Article;~~ Article.
- (4) To make statements and other information filed with it available to the public at a charge not to exceed actual cost of ~~copying;~~ copying.
- (5) To preserve reports and statements filed under this Article. Such reports and statements, after a period of two years following the election year, may be transferred to the Department of Cultural Resources, ~~Division~~ Office of Archives and History, and shall be preserved for a period of 10 years.
- (6) To prepare and publish such reports as it may deem ~~appropriate;~~ appropriate.
- (7) To make investigations to the extent the Board deems necessary with respect to statements filed under the provisions of this Article and with respect to alleged failures to file any statement required under the provisions of this Article, and, upon complaint under oath by any registered voter, with respect to alleged violations of any part of this ~~Article; and~~ Article.
- (8) After investigation, to report apparent violations by candidates, political committees, referendum committees, individuals or persons to the proper district attorney as provided in G.S. 163-278.27.
- (9) To prescribe and furnish forms of statements and other material to the county boards of elections for distribution to candidates and committees required to be filed with the county boards.
- (10) To instruct the chairman and director of elections of each county board as to their respective duties and responsibilities relative to the administration of this Article.
- (11) To require appropriate certification of delinquent or late filings from the county boards of elections and to execute the same responsibilities relative to such reports as provided in G.S. 163-278.27.
- (12) To assist county boards of elections in resolving questions arising from the administration of this Article.
- (13) To require county boards of elections to hold such hearings, make such investigations, and make reports to the State Board as the State Board deems necessary in the administration of this Article.
- (14) To calculate, assess, and collect civil penalties pursuant to this Article."

**SECTION 36.(a)** G.S. 87-21 is amended by adding a new subsection to read:

"(i) The provisions of this Article shall not apply to a retailer, as defined in G.S. 105-164.3(35), who, in the ordinary course of business, enters into a transaction with a buyer in which the retailer of a good and the services necessary for the installation of the good, contracts with a licensee under this Article to provide the installation services if the contract, containing the licensee's license number, is signed by the buyer, the retailer, and the licensee. All services rendered pursuant to this section by the licensee must be performed in compliance with all local permit and inspection requirements."

**SECTION 36.(b)** This section becomes effective March 1, 2003.

**SECTION 37.** G.S. 90-85.3(b1) and (r) read as rewritten:

**"§ 90-85.3. Definitions.**

...  
 (b1) "Clinical pharmacist practitioner" means a licensed pharmacist who meets the guidelines and criteria for such title established by the joint subcommittee of the North Carolina Medical Board and the North Carolina Board of Pharmacy and is authorized to enter into drug therapy management agreements with physicians in accordance with the provisions of ~~G.S. 90-18.3.~~ G.S. 90-18.4.

...

(r) "Practice of pharmacy" means the responsibility for: interpreting and evaluating drug orders, including prescription orders; compounding, dispensing and labeling prescription drugs and devices; properly and safely storing drugs and devices; maintaining proper records; and controlling pharmacy goods and services. A pharmacist may advise and educate patients and health care providers concerning therapeutic values, content, uses and significant problems of drugs and devices; assess, record and report adverse drug and device reactions; take and record patient histories relating to drug and device therapy; monitor, record and report drug therapy and device usage; perform drug utilization reviews; and participate in drug and drug source selection and device and device source selection as provided in G.S. 90-85.27 through G.S. 90-85.31. A pharmacist who has received special training may be authorized and permitted to administer drugs pursuant to a specific prescription order in accordance with rules adopted by each of the Boards of Pharmacy, the Board of Nursing, and the North Carolina Medical Board. The rules shall be designed to ensure the safety and health of the patients for whom such drugs are administered. An approved clinical pharmacist practitioner may collaborate with physicians in determining the appropriate health care for a patient, subject to the provisions of ~~G.S. 90-18.3~~G.S. 90-18.4.

....

**SECTION 37.5.(a)** G.S. 115C-302.1(j) reads as rewritten:

"(j) Parental Leave. – A teacher may use annual leave, personal leave, or leave without pay to care for a newborn child or for a child placed with the teacher for adoption or foster care. A teacher may also use up to 30 days of sick leave to care for a child placed with the teacher for adoption. The leave may be for consecutive workdays during the first 12 months after the date of birth or placement of the child, unless the teacher and local board of education agree otherwise."

**SECTION 37.5.(b)** Article 23 of Chapter 115C of the General Statutes is amended by adding the following new section to read:

**"§ 115C-336.1. Parental leave.**

A school employee may use annual leave or leave without pay to care for a newborn child or for a child placed with the employee for adoption or foster care. A school employee may also use up to 30 days of sick leave to care for a child placed with the employee for adoption. The leave may be for consecutive workdays during the first 12 months after the date of birth or placement of the child, unless the school employee and the local board of education agree otherwise."

**SECTION 38.** G.S. 116-22(2), as amended by Section 9.11(a) of S.L. 2002-126, reads as rewritten:

"(2) "Student" shall mean a person enrolled in and attending an ~~institution's main permanent campus institution~~ located in the State who qualifies as a resident of North Carolina in accordance with definitions of residency that may from time to time be adopted by the Board of Governors of the University of North Carolina and published in the residency manual of said Board; and a person who has not received a bachelor's degree, or qualified therefor, and who is otherwise classified as an undergraduate under such regulations as the Board of Governors of the University of North Carolina may promulgate. The enrollment figures required by G.S. 116-19 through 116-22 shall be the number of full-time equivalent students as computed under regulations prescribed by the Board of Governors of the University of North Carolina. Qualification for in-State tuition under G.S. 116-143.3 makes a person a "student" as defined in this subdivision."

**SECTION 39.** G.S. 120-3(a) reads as rewritten:

"(a) The Speaker of the House shall be paid an annual salary of thirty-eight thousand one hundred fifty-one dollars (\$38,151) payable monthly, and an expense allowance of one thousand four hundred thirteen dollars (\$1,413) per month. The President Pro Tempore of the Senate shall be paid an annual salary of thirty-eight

thousand one hundred fifty-one dollars (\$38,151) payable monthly, and an expense allowance of one thousand four hundred thirteen dollars ~~(1,413)~~ ~~(\$1,413)~~ per month. The Speaker Pro Tempore of the House shall be paid an annual salary of twenty-one thousand seven hundred thirty-nine dollars (\$21,739) payable monthly, and an expense allowance of eight hundred thirty-six dollars ~~(836.00)~~ ~~(\$836.00)~~ per month. The Deputy President Pro Tempore of the Senate shall be paid an annual salary of twenty-one thousand seven hundred thirty-nine dollars (\$21,739) payable monthly, and an expense allowance of eight hundred thirty-six dollars (\$836.00) per month. The majority and minority leaders in the House and the majority and minority leaders in the Senate shall be paid an annual salary of seventeen thousand forty-eight dollars (\$17,048) payable monthly, and an expense allowance of six hundred sixty-six dollars (\$666.00) per month."

**SECTION 40.(a)** G.S. 122C-118.1(a) reads as rewritten:

"(a) An area board shall have no fewer than 11 and no more than 25 members. In a single-county area authority, the members shall be appointed by the board of county commissioners. Except as otherwise provided, in areas consisting of more than one county, each board of county commissioners within the area shall appoint one commissioner as a member of the area board. These members shall appoint the other members. The boards of county commissioners within the multicounty area shall have the option to appoint the members of the area board in a manner other than as required under this section by adopting a resolution to that effect. The boards of county commissioners in a multicounty area authority shall indicate in the business plan each board's method of appointment of the area board members in accordance with ~~G.S. 122C-155.2(b)~~ G.S. 122C-115.2(b). These appointments shall take into account sufficient citizen participation, equitable representation of the disability groups, and equitable representation of participating counties. Individuals appointed to the board shall include an individual with financial expertise or a county finance officer, an individual with expertise in management or business, and an individual representing the interests of children. A member of the board may be removed with or without cause by the initial appointing authority. Vacancies on the board shall be filled by the initial appointing authority before the end of the term of the vacated seat or within 90 days of the vacancy, whichever occurs first, and the appointments shall be for the remainder of the unexpired term."

**SECTION 40.(b)** G.S. 122C-143.2(c) reads as rewritten:

"(c) The Memorandum of Agreement shall include the area authority activities that will be supported by grants allocated in accordance with ~~G.S. 147.1(e)(2)~~ G.S. 122C-147.1(d)(2)."

**SECTION 41.** G.S. 131E-184(d) reads as rewritten:

"(d) ~~The~~ In accordance with, and subject to the limitations of G.S. 148-19.1, the Department shall exempt from certificate of need review persons contracting to provide the construction and operation of a new chemical dependency or substance abuse facility for the purpose of providing inpatient chemical dependency or substance abuse services solely to inmates of the Department of Correction, as described in G.S. 148-19.1. ~~Correction. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, only the portion of the facility that serves inmates shall be exempt from certificate of need review.~~"

**SECTION 41.5.** G.S. 136-176(a1)(1) reads as rewritten:

"(a1) The Department may use two hundred twenty million dollars (\$220,000,000) in fiscal year 2001-2002, two hundred five million dollars (\$205,000,000) in fiscal year 2002-2003, and two hundred fifty-five million dollars (\$255,000,000) in fiscal year 2003-2004 of the cash balance of the Highway Trust Fund for the following purposes:

- (1) For primary route pavement preservation. – One hundred seventy million dollars (\$170,000,000) in fiscal year 2001-2002, and one hundred fifty million dollars (\$150,000,000) in each of the fiscal years

2002-2003 and 2003-2004. Up to ten percent (10%) of the amount for each of the fiscal years 2001-2002, 2002-2003, and 2003-2004 is available in that fiscal year, at the discretion of the Secretary of Transportation, ~~for for:~~

- a. ~~highway~~ Highway improvement projects that further economic growth and development in small urban and rural areas, that are in the Transportation Improvement Program, and that are individually approved by the Board of ~~Transportation.~~ Transportation; or
- b. Highway improvements that further economic development in the State and that are individually approved by the Board of Transportation.

....."  
"§ 143-128. Requirements for certain building contracts.

.....  
"§ 143-128. Requirements for certain building contracts.  
.....  
(b) Separate-prime contracts. – When the State, county, municipality, or other public body uses the separate-prime contract system, it shall accept bids for each subdivision of work for which specifications are required to be prepared under subsection (a) of this section and shall award the respective work specified separately to responsible and reliable persons, firms or corporations regularly engaged in their respective lines of work. When the estimated cost of work to be performed in any single subdivision or branch for which separate bids are required by this subsection is less than twenty-five thousand dollars (\$25,000), the same may be included in the contract for one of the other subdivisions or branches of the work, irrespective of total project cost. The contracts shall be awarded to the lowest responsible, responsive bidders, taking into consideration quality, performance, the time specified in the bids for performance of the contract, and compliance with G.S. 143-128.2. Bids may also be accepted from and awards made to separate contractors for other categories of work.

Each separate contractor shall be directly liable to the State of North Carolina, or to the county, municipality, or other public body and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor. For the purpose of this section, "separate contractor" means any person, firm or corporation who shall enter into a contract with the State, or with any county, municipality, or other public entity to erect, construct, alter or repair any building or buildings, or parts of any building or buildings.

.....  
(f1) Dispute resolution. – A public entity shall use the dispute resolution process adopted by the State Building Commission pursuant to ~~G.S. 143-135.26(12), G.S. 143-135.26(11)~~, or shall adopt another dispute resolution process, which shall include mediation, to be used as an alternative to the dispute resolution process adopted by the State Building Commission. This dispute resolution process will be available to all the parties involved in the public entity's construction project including the public entity, the architect, the construction manager, the contractors, and the first-tier and lower-tier subcontractors and shall be available for any issues arising out of the contract or construction process. The public entity may set a reasonable threshold, not to exceed fifteen thousand dollars (\$15,000), concerning the amount in controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity may require that the costs of the process be divided between the parties to the dispute with at least one-third of the cost to be paid by the public entity, if the public entity is a party to the dispute. The public entity may require in its contracts that a party participate in mediation concerning a dispute as a precondition to initiating litigation concerning the dispute.



...."

**SECTION 43.** G.S. 143-299.4 reads as rewritten:

**"§ 143-299.4. Payment of State excess liability.**

For each claim payable during any fiscal year in excess of one hundred fifty thousand dollars (\$150,000) per claim arising under this Article, or Article 31A or 31B of this Chapter, on account of injury or damage to any one person, each State agency shall transfer to the Office of State Budget and Management its proportionate share of that agency's estimated lapsed salaries, as determined by the Director of the Budget, and the Director of the Budget shall use these transferred funds to pay the balance of that claim in excess of one hundred fifty thousand dollars (\$150,000). However, if the Director of the Budget determines that the agency liable for the claim has the resources to pay the full claim even though it exceeds one hundred fifty thousand dollars (\$150,000), then the Director of the Budget may, in the Director's discretion, require the agency to pay the full claim. Additionally, the Director of the Budget may, in the Director's discretion, limit the number of agencies required to transfer funds to the agency liable for the claim to pay the balance of the claim."

**SECTION 45.** G.S. 143-730 is amended by adding a new subsection to read:

"(e) All health information in the possession of the Managed Care Patient Assistance Program is confidential and is not a public record pursuant to G.S. 132-1 or any other applicable statute.

For purposes of this section, "health information" means any of the following:

- (1) Information relating to the past, present, or future physical or mental health or condition of an individual.
- (2) Information relating to the provision of health care to an individual.
- (3) Information relating to the past, present, or future payment for the provision of health care to an individual.
- (4) Information, in any form, that identifies or may be used to identify an individual, that is created by, provided by, or received from any of the following:
  - a. An individual or an individual's spouse, parent, legal guardian, or designated representative.
  - b. A health care provider, health plan, employer, health care clearinghouse, or an entity doing business with these entities."

**SECTION 46.** G.S. 143B-289.44 reads as rewritten:

**"§ 143B-289.44. North Carolina Aquariums; fees; fund.**

(b) Fund. – The North Carolina Aquariums Fund is hereby created as a special and nonreverting fund. The North Carolina Aquariums Fund shall be used for repair, renovation, expansion, maintenance, educational exhibit construction, and operational expenses at existing aquariums and to match private funds that are raised for these purposes.

(c) Disposition of Fees. – All entrance fee receipts shall be credited to the North Carolina Aquariums Fund. ~~The Secretary of Environment and Natural Resources may expend monies from the North Carolina Aquariums Fund only upon the authorization of the General Assembly.~~

...."

**SECTION 47.** G.S. 143B-480.2(a), as amended by Section 18.6(a) of S.L. 2002-126, reads as rewritten:

"(a) Eligibility for Assistance. – Sexual assault victims or victims of attempted sexual assault are eligible for assistance under this Program if the sexual assault or the attempted sexual assault is reported to a law enforcement officer within five days of the occurrence of the assault or the attempted sexual assault ~~or~~ and if a forensic medical examination is performed within five days of the sexual assault or the attempted sexual assault. The Secretary may waive either five-day requirement for good cause. The term "sexual assault" as used in this section refers to the following crimes: first-degree rape

as defined in G.S. 14-27.2, second-degree rape as defined in G.S. 14-27.3, first-degree sexual offense as defined in G.S. 14-27.4, second-degree sexual offense as defined in G.S. 14-27.5, or statutory rape as defined in G.S. 14-27.7A."

**SECTION 48.** G.S. 147-64.6(c)(18), as amended by Section 27.2(b) of S.L. 2002-126, reads as rewritten:

"(18) The Auditor shall, after consultation and in coordination with the State Chief Information Officer, assess, confirm, and report on the security practices of information technology systems. If an agency has adopted standards pursuant to G.S. 147-33.82(d)(1) or (2), the audit shall be in accordance with those standards. The Auditor's assessment of information security practices shall include an assessment of network vulnerability. The Auditor may conduct network penetration or any similar procedure as the Auditor may deem necessary. The Auditor may enter into a contract with a State agency under G.S. 147-33.82(d)(3) for an assessment of network vulnerability, including network penetration or any similar procedure. Any contract with the Auditor for the assessment and testing shall be on a cost-reimbursement basis. The Auditor may investigate reported information technology security breaches, cyber attacks, and cyber fraud in State government. The Auditor shall issue public reports on the general results of the reviews undertaken pursuant to this subdivision but may provide agencies with detailed reports of the security issues identified pursuant to this subdivision which shall not be disclosed as provided in G.S. 132-6.1(c). The Auditor shall provide the State Chief Information Officer with detailed reports of the security issues identified pursuant to this subdivision. For the purposes of this subdivision only, the Auditor is exempt from the provisions of Article 3 of Chapter 143 of the General Statutes in retaining contractors."

**SECTION 49.** G.S. 150B-1(d)(7) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

“(7) The North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan in administering the provisions of Parts ~~2 and 3~~ 2, 3, 4, and 5 of Article 3 of Chapter 135 of the General Statutes.

**SECTION 50.(a)** G.S. 153A-149(c)(10b) reads as rewritten:

"(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to a combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation. Authorized purposes subject to the rate limitation are:

“(10b) Economic Development. – To provide for economic development as authorized by G.S. 158-7.1 and G.S. 158-12.

**SECTION 50.(b)** G.S. 160A-209(c)(10b) reads as rewritten:

"(c) Each city may levy property taxes for one or more of the following purposes subject to the rate limitation set out in subsection (d):

“(10b) Economic Development. – To provide for economic development as authorized by G.S. 158-7.1 and G.S. 158-12.

**SECTION 51.** Effective January 1, 2002, G.S. 153A-250 reads as rewritten:

**"§ 153A-250. Ambulance services.**

(a) A county may by ordinance franchise ambulance services provided in the county to the public at large, whether the service is based inside or outside the county. The ordinance may:

- (1) Grant franchises to ambulance operators on terms set by the board of commissioners;
- (2) Make it unlawful to provide ambulance services or to operate an ambulance in the county without such a franchise;
- (3) Limit the number of ambulances that may be operated within the county;
- (4) Limit the number of ambulances that may be operated by each franchised operator;
- (5) Determine the areas of the county that may be served by each franchised operator;
- (6) Establish and from time to time revise a schedule of rates, fees, and charges that may be charged by franchised operators;
- (7) Set minimum limits of liability insurance for each franchised operator;
- (8) Establish other necessary regulations consistent with and supplementary to any statute or any Department of Health and Human Services regulation relating to ambulance services.

Before it may adopt an ordinance pursuant to this subsection, the board of commissioners must first hold a public hearing on the need for ambulance services. The board shall cause notice of the hearing to be published once a week for two successive weeks before the hearing. After the hearing the board may adopt an ordinance if it finds that to do so is necessary to assure the provision of adequate and continuing ambulance service and to preserve, protect, and promote the public health, safety, and welfare.

If a person, firm, or corporation is providing ambulance services in a county or any portion thereof on the effective date of an ordinance adopted pursuant to this subsection, the person, firm, or corporation is entitled to a franchise to continue to serve that part of the county in which the service is being provided. The board of commissioners shall determine whether the person, firm, or corporation so entitled to a franchise is in compliance with ~~Chapter 130, Article 26;~~ Chapter 131E, Article 7; and if that is the case, the board shall grant the franchise.

(b) In lieu of or in addition to adopting an ordinance pursuant to subsection (a) of this section, a county may operate or contract for ambulance services in all or a portion of the county. A county may appropriate for ambulance services any revenues not otherwise limited as to use by law, and may establish and from time to time revise schedules of rates, fees, charges, and penalties for the ambulance services. A county may operate its ambulance services as a line department or may create an ambulance commission and vest in it authority to operate the ambulance services.

(c) A city may adopt an ordinance pursuant to and under the procedures of subsection (a) of this section and may operate or contract for ambulance services pursuant to subsection (b) of this section if (i) the county in which the city is located has adopted a resolution authorizing the city to do so or (ii) the county has not, within 180 days after being requested by the city to do so, provided for ambulance services within the city pursuant to this section. Any action taken by a city pursuant to this subsection shall apply only within the corporate limits of the city.

If a city is exercising a power granted by this subsection, the county in which the city is located may thereafter take action to provide for ambulance service within the city, either under subsection (a) or subsection (b) of this section, only after having given to the city 180 days' notice of the county's intention to take action. At the end of the 180 days, the city's authority under this subsection is preempted by the county.

(d) A county or a city may contract with a franchised ambulance operator or with another county or city for ambulance service to be provided upon the call of a department or agency of the county or city. A county may contract with a franchised

ambulance operator for transportation of indigents or persons certified by the county department of social services to be public assistance recipients.

(e) Each county or city operating ambulance services is subject to the provisions of ~~Chapter 130, Article 26 ("Regulation of Ambulance Services")~~. Chapter 131E, Article 7 ("Regulation of Emergency Medical Services")."

**SECTION 52.** G.S. 160A-23.1(d) reads as rewritten:

"(d) If the council adopts the resolution provided for in subsection (a) of this section and does not adopt the changes, or does adopt the changes, but approval under the Voting Rights Act of 1965, as amended, is required, and notice of such approval is not received, by the end of the third day before the opening of the filing period, the municipal election shall be rescheduled as provided in this subsection and current officeholders shall hold over until their successors are elected and qualified. For cities using the:

- (1) Partisan primary and election method under G.S. 163-291, the primary shall be held on the primary election date for county officers in 2002, the second primary, if necessary, shall be held on the second primary election date for county officers in 2002, and the general election shall be held on the general election date for county officers in 2002;
- (2) Nonpartisan primary and election method under G.S. 163-294, the primary shall be held on the primary election date for county officers in 2002 and the election shall be held on the date for the second primary for county officers in 2002;
- (3) Nonpartisan plurality election method under G.S. 163-292, the election shall be held on the primary election date for county officers in 2002;
- (4) Election and runoff method under G.S. 163-293, the election shall be held on the primary election date for county officers in 2002 and the runoffs, if necessary, shall be held on the date for the second primary for county officers in 2002.

The organizational meeting of the new council may be held at any time after the results of the election have been officially determined and published, but not later than the time and date of the first regular meeting of the council in ~~July~~ November 2002, except in the case of partisan municipal elections, when the organizational meeting shall be held not later than the time and date of the first regular meeting of the council in December of 2002."

**SECTION 53.** Effective July 1, 2002, G.S. 161-14(b) reads as rewritten:

"(b) ~~All instruments~~ instruments, except instruments conforming to the provisions of G.S. 25-9-521, presented for registration on paper shall meet all of the following requirements:

- (1) Be eight and one-half inches by eleven inches or eight and one-half inches by fourteen inches.
- (2) Have a blank margin of three inches at the top of the first page and blank margins of one-half inches on the remaining sides of the first page and on all sides of subsequent pages.
- (3) Be typed or printed in black on white paper in a legible font. A font size no smaller than 10 points shall be considered legible. Blanks in an instrument may be completed in pen and corrections to an instrument may be made in pen.
- (4) Have text typed or printed on one side of a page only.
- (5) State the type of instrument at the top of the first page.

If an instrument does not meet these requirements, the register of deeds shall register the instrument after collecting the fee for nonstandard documents as required by G.S. 161-10(a)(19) in addition to all other applicable recording fees. However, if an instrument fails to meet the requirements because it contains print in a font size smaller than 10 points, the register of deeds may register the instrument without collecting the

fee for nonstandard documents if, in the discretion of the register of deeds, the instrument is legible."

**SECTION 54.** G.S. 162-58 reads as rewritten:

**"§ 162-58. Counties may work prisoners.**

The board of commissioners of the several counties may enact by resolution all necessary rules and regulations for work on projects to benefit units of State or local government by persons convicted of ~~crimes-misdemeanors or felonies~~ and imprisoned in the local confinement facilities or satellite jail/work release units of their respective counties. The sheriff shall approve rules and regulations enacted by the board. Prisoners working under this section shall be supervised by county employees or by the sheriff. The rules enacted by the board of county commissioners and approved by the sheriff shall specify a procedure for ensuring that county employees supervising prisoners pursuant to this section be provided with notice that the persons placed under their supervision are inmates from a local confinement facility or a satellite jail/work release unit."

**SECTION 55.(a)** G.S. 163-106(a) reads as rewritten:

"(a) Notice and Pledge. – No one shall be voted for in a primary election ~~unless he shall have without having~~ filed a notice of candidacy with the appropriate board of elections, State or county, as required by this section. To this end every candidate for selection as the nominee of a political party shall file with and place in the possession of the board of elections specified in subsection (c) of this section, a notice and pledge in the following form:

"Date \_\_\_\_\_

I hereby file notice as a candidate for nomination as \_\_\_\_\_ in the \_\_\_\_\_ party primary election to be held on \_\_\_\_\_, \_\_\_\_\_. I affiliate with the \_\_\_\_\_ party, (and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the \_\_\_\_\_ party.)

I pledge that if I am defeated in the primary, I will not run for any office as a write-in candidate in the next general election.

Signed \_\_\_\_\_  
Name of candidate

Witness:  
\_\_\_\_\_  
\_\_\_\_\_  
(Title of witness)"

Each candidate shall sign ~~his-the~~ notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which ~~he-the~~ candidate files. In the alternative, a candidate may have ~~his-the~~ candidate's signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail ~~his-or~~ deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections.

In signing ~~his-the~~ notice of candidacy the candidate shall use only ~~his-that~~ candidate's legal name ~~and, in his discretion, and may use any~~ nickname by which he is commonly known. A candidate may also, in lieu of ~~his-that~~ candidate's legal first name and legal middle initial or middle name (if any) sign ~~his-a~~ nickname, provided that ~~he~~ the candidate appends to the notice of candidacy an affidavit that ~~he-the~~ candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way ~~his-that~~

candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

A notice of candidacy signed by an agent or any person other than the candidate himself shall be invalid.

Prior to the date on which candidates may commence filing, the State Board of Elections shall print and furnish, at State expense, to each county board of elections a sufficient number of the notice of candidacy forms prescribed by this subsection for use by candidates required to file with county boards of elections."

**SECTION 55.(b)** G.S. 163-98 reads as rewritten:

**"§ 163-98. General election participation by new political party.**

In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for national, State, congressional, and national and local offices printed on the official ballots, ~~but it shall not be entitled to have the names of candidates for other offices printed on State, district, or county ballots at that election.~~ ballots.

For the first general election following the date on which it qualifies under G.S. 163-96, a new political party shall select its candidates by party convention. Following adjournment of the nominating convention, but not later than the first day of July prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's candidates for State, congressional, and national offices in the ensuing general election. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party. The State Board of Elections shall send to each county board of elections the list of any new party candidates so that the county board can add those names to the appropriate ballot."

**SECTION 55.(c)** G.S. 120-93 reads as rewritten:

**"§ 120-93. County boards of elections to notify candidates of economic-interest-statement requirements.**

Each county board of elections shall provide for notification of the economic-interest-statement requirements of G.S. 120-89, 120-96, and 120-98 to be given to any candidate filing for nomination or election to the General Assembly at the time of his or her filing in the particular county. Each county board of elections shall also provide notification of those requirements to each candidate nominated by a new party under G.S. 163-98 for the General Assembly, if the candidate will be on the ballot in that county. The county board shall notify the new-party candidate immediately upon that county board's being notified by the State Board of Elections that the party has certified that candidate's nomination."

**SECTION 55.(d)** G.S. 120-98(a) reads as rewritten:

"(a) If a candidate does not file the statement of economic interest within the time required by this Article, the county board of elections shall immediately notify the candidate by registered mail, restricted delivery to addressee only, that, if the statement is not received within 15 days, the candidate shall not be certified as the ~~nominee of his party.~~ party nominee, or in the case of a candidate nominated by a new party under G.S. 163-98 that the candidate shall be decertified by the State Board of Elections. If the statement is not received within 15 days of notification, the board of elections authorized to certify a candidate as nominee to the office shall not certify the candidate as nominee under any circumstances, regardless of the number of candidates for the nomination and regardless of the number of votes the candidate receives in the primary. If the delinquent candidate was nominated by a new party under G.S. 163-98, the State Board of Elections shall decertify the candidate, and no county board of elections shall place the candidate's name on the general election ballot as nominee of the party. A vacancy thus created on a party's ticket shall be considered a vacancy for the purposes of G.S. 163-114, and shall be filled according to the procedures set out in G.S. 163-114."

**SECTION 55.(e)** G.S. 163-213.5 reads as rewritten:

**"§ 163-213.5. Nomination by petition.**

Any person seeking the endorsement by the national political party for the office of President of the United States, or any group organized in this State on behalf of, and with the consent of, such person, may file with the State Board of Elections petitions signed by 10,000 persons who, at the time they signed are registered and qualified voters in this State and are affiliated, by such registration, with the same political party as the candidate for whom the petitions are filed. Such petitions shall be presented to the county board of elections 10 days before the filing deadline and shall be certified promptly by the chairman of the board of elections of the county in which the signatures were obtained and shall be filed by the petitioners with the State Board of Elections no later than 5:00 P.M. on the date the State Board of Elections is required to meet as directed by G.S. 163-213.4.

The petitions must state the name of the candidate for nomination, along with a letter of approval signed by such candidate. Said petitions must also state the name and address of the chairman of any such group organized to circulate petitions authorized under this section. The requirement for signers of such petitions shall be the same as now required under provisions of G.S. 163-96(b)(1) and (2). The requirement of the respective chairmen of county boards of elections shall be the same as now required under the provisions of G.S. 163-96(b)(1) and (2) as they relate to the chairman of the county board of elections.

~~The group of petitioners shall pay to the chairman of the county board of elections a fee of ten cents (10¢) for each signature he is required to examine under the provisions of this section.~~

The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the chairman of such group organized to circulate petitions. The form and style of petition shall be as prescribed by the State Board of Elections."

**SECTION 55.(f)** G.S. 130A-48 reads as rewritten:

**"§ 130A-48. Procedure for incorporating district.**

A sanitary district shall be incorporated as follows. Either fifty-one percent (51%) or more of the resident freeholders within a proposed sanitary district or fifty-one percent (51%) or more of the freeholders within a proposed sanitary district, whether or not the freeholders are residents of the proposed sanitary district, may petition the county board of commissioners of the county in which all or the largest portion of the land of the proposed district is located. This petition shall set forth the boundaries of the proposed sanitary district and the objectives of the proposed district. For the purposes of this Part, the term "freeholder" shall mean a person holding a deed to a tract of land within the district or proposed district, and also shall mean a person who has entered into a contract to purchase a tract of land within the district or proposed district, is making payments pursuant to a contract and will receive a deed upon completion of the contractual payments. The contracting purchaser, rather than the contracting seller, shall be deemed to be the freeholder. The county tax office shall be responsible for checking the freeholder status of those persons signing the petition. That office shall also be responsible for confirming the location of the property owned by those persons. Upon receipt of the petition, the county board of commissioners, through its chairperson, shall notify the Department and the chairperson of the county board of commissioners of any other county or counties in which any portion of the proposed district lies of the receipt of the petition. The chairperson shall request that the Department hold a joint public hearing with the county commissioners of all the counties in which a portion of the district lies concerning the creation of the proposed sanitary district. The Secretary and the chairperson of the county board of commissioners shall name a time and place within the proposed district to hold the public hearing. The chairperson of the county board of commissioners shall give prior notice of the hearing by posting a notice at the courthouse door of the county and also by publication at least once a week for four successive weeks in a newspaper published in the county. In the event the hearing is to

be before a joint meeting of the county boards of commissioners of more than one county, or in the event the land to be affected lies in more than one county, publication and notice shall be made in each of the affected counties. In the event that all matters pertaining to the creation of this sanitary district cannot be concluded at the hearing, the hearing may be continued at a time and place within the proposed district named by the Department."

**SECTION 55.(g)** G.S. 69-25.1 reads as rewritten:

**"§ 69-25.1. Election to be held upon petition of voters.**

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as "

\_\_\_\_\_ (Here insert name)

Fire District," the board of county commissioners of the county shall call an election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred dollars (\$100.00) valuation of property, for the purpose of providing fire protection in said district. The county tax office shall be responsible for checking the freeholder status of those individuals signing the petition and confirming the location of the property owned by those individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the General Statutes concerning petitions for referenda and elections shall apply. If the voters reject the special tax under the first paragraph of this section, then no new election may be held under the first paragraph of this section within two years on the question of levying and collecting a special tax under the first paragraph of this section in that district, or in any proposed district which includes a majority of the land within the district in which the tax was rejected.

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area which has previously been established as a fire protection district and in which there has been authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one hundred dollars (\$100.00) valuation of property within the area, the board of county commissioners shall call an election in said area for the purpose of submitting to the qualified voters therein the question of increasing the allowable special tax for fire protection within said district from ten cents (10¢) on the one hundred dollars (\$100.00) valuation to fifteen cents (15¢) on the one hundred dollars (\$100.00) valuation on all taxable property within such district. Elections on the question of increasing the allowable tax rate for fire protection shall not be held within the same district at intervals less than two years."

**SECTION 55.(h)** G.S. 139-6 reads as rewritten:

**"§ 139-6. District board of supervisors – elective members; certain duties.**

After the issuance of the certificate of organization of the soil and water conservation district by the Secretary of State, an election shall be held in each county of the district to elect the members of the soil and water conservation district board of supervisors as herein provided.

The district board of supervisors shall consist of three elective members to be elected in each county of the district, and that number of appointive members as provided in G.S. 139-7. Upon the creation of a district, the first election of the members shall be held at the next succeeding election for county officers.

All elections for members of the district board of supervisors shall be held at the same time as the regular election for county officers beginning in November 1974. The election shall be nonpartisan and no primary election shall be held. The election shall be held and conducted by the county board of elections.

Candidates shall file their notice of candidacy on forms prescribed by the county board of elections. The notice of candidacy must be filed no earlier than noon on the second Monday in June and no later than 12:00–noon on the first Friday in July



preceding the election. The candidate shall pay a filing fee of five dollars (\$5.00) at the time ~~he files of filing~~ the notice of candidacy.

Beginning with the election to be held in November 1974, the two candidates receiving the highest number of votes shall be elected for a term of four years, and the candidate receiving the next highest number of votes shall be elected for a term of two years; thereafter, as their terms expire, their successors shall be elected for terms of four years. If the position of district supervisor is not filled by failure to elect, then the office shall be deemed vacant upon the expiration of the term of the incumbent, and the office shall be filled as provided in G.S. 139-7.

The persons elected in 1974 and thereafter shall take office on the first Monday in December following their election.

The terms of the present members of the soil and water conservation districts, both elective and appointive members, are hereby extended to or terminated on the first Monday in December 1974.

All qualified voters of the district shall be eligible to vote in the election. Except as provided in this Chapter, the election shall be held in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.

The district board of supervisors, after the appointment of the appointive members has been made, shall select from its members a chairman, a vice-chairman and a secretary. It shall be the duty of the district board of supervisors to perform those powers, duties, and authority conferred upon supervisors under this Chapter; to develop annual county and district goals and plans for soil conservation work therein; to request agencies, whose duties are such as to render assistance in soil and water conservation, to set forth in writing what assistance they may have available in the county and district."

**SECTION 55.(i)** G.S. 163-227.3 reads as rewritten:

**"§ 163-227.3. Date by which absentee ballots must be available for voting.**

(a) ~~The State Board of Elections~~ A board of elections shall provide absentee ballots of the kinds to be furnished by the State Board, to the county boards of elections needed 50 days prior to the date on which the election shall be conducted unless 45 days is authorized by the State Board of Elections under G.S. 163-22(k) or there shall exist an appeal before the State Board or the courts not concluded, in which case the State Board board shall provide the ballots as quickly as possible upon the conclusion of such an appeal. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election. In every instance the State Board board of elections shall exert every effort to provide absentee ballots, of the kinds to be furnished by the State Board, to each county needed by the date on which absentee voting is authorized to commence. In any case where absentee ballots are printed by the county board of elections, that county board shall follow the direction of the State Board in delaying absentee ballots while an appeal is pending and in providing them as soon as possible thereafter.

(b) ~~Second Primary.~~ Second Primary. – The State Board of Elections board of elections shall provide absentee ballots, of the kinds to be furnished by the State Board, needed, as quickly as possible after the ballot information for a second primary has been determined."

**SECTION 55.(j)** G.S. 163-109 is repealed.

**SECTION 55.(k)** G.S. 163-278.14(b) reads as rewritten:

**"(b)** No individual or person shall give, and no candidate, committee or treasurer shall accept, any monetary contribution in excess of one hundred dollars (\$100.00) unless such contribution be in the form of a check, draft, ~~or money order~~ credit card charge, debit, or other noncash method that can be subject to written verification. The State Board of Elections may prescribe guidelines as to the reporting and verification of any method of contribution payment allowed under this Article. For a contribution made by credit card, the credit card account number of a contributor is not a public record."

**SECTION 55.(l)** G.S. 163-278.30 reads as rewritten:

**"§ 163-278.30. Candidates for federal offices to file information reports.**

Candidates for nomination in a party primary or for election in a general or special election to the offices of United States Senator, member of the United States House of Representatives, President or Vice-President of the United States shall file with the Board all reports they or political committee treasurers or other agents acting for them are required to file under the Federal Election Campaign Act of 1971, P.L. 92-225, as amended (T. 2, U.S.C. section 439). Those reports shall be filed with the Board at the times required by that act. The Board shall, with respect to those reports, have the following duties only:

- (1) To receive and maintain in an orderly manner all reports and statements required to be filed with it;
- (2) To preserve reports and statements filed under the Federal Election Campaign Act. Such reports and statements, after a period of two years following the election year, may be transferred to the Department of Cultural Resources, Division of Archives and History, and shall be preserved for a period of 10 years or for such period as may be required by federal law.
- (3) To make the reports and statements filed with it available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which they were received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any individual, at the expense of such individual; and
- (4) To compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

Any duty of a candidate to file and the State Board to receive and make available under this section may be met by an agreement between the State Board and the Federal Election Commission, the effect of which is for the Federal Election Commission to provide promptly to the State Board the information required by this section."

**SECTION 55.(m)** G.S. 163-230.1(a) reads as rewritten:

"(a) A qualified voter who is eligible to vote by absentee ballot under G.S. 163-226(a) or that voter's near relative or verifiable legal guardian, shall request in writing an application for absentee ballots, so that the county board of elections receives the request not later than 5:00 P.M. on the Tuesday before the election. That written request shall be signed by the voter, the voter's near relative, or the voter's verifiable legal guardian. The county board of elections shall enter in the register of absentee requests, applications, and ballots issued the information required in G.S. 163-228 as soon as each item of that information becomes available. Upon receiving the application, the county board of elections shall cause to be mailed to that voter in a single package:

- (1) The official ballots the voter is entitled to vote;
- (2) A container-return envelope for the ballots, printed in accordance with G.S. 163-229; and
- (3) Repealed by Session Laws 1999-455, s. 10.
- (4) An instruction sheet.

The ballots, envelope, and instructions shall be mailed to the voter by the county board's chairman, member, officer, or employee as determined by the board and entered in the register as provided by this Article."

**SECTION 55.(n)** G.S. 163-278.6(1) reads as rewritten:

- "(1) The term "board" means the State Board of Elections with respect to all candidates for ~~State and multi-county district~~ State, legislative, and judicial offices and the county or municipal board of elections with respect to all candidates for ~~single-county district~~, county and municipal offices. The term means the State Board of Elections with

respect to all statewide referenda and the county or municipal board of elections conducting all local referenda."

**SECTION 55.(o)** G.S. 163-165.1 is amended by adding a new subsection to read:

"(e) Voted ballots shall be treated as confidential, and no person other than elections officials performing their duties may have access to voted ballots except by court order or order of the appropriate board of elections as part of the resolution of an election protest or investigation of an alleged election irregularity or violation. Voted ballots shall not be disclosed to members of the public in such a way as to disclose how a particular voter voted, unless a court orders otherwise."

**SECTION 55.(p)** Subsections 55(a) through 55(n) of this section become effective January 1, 2003, and apply to all primaries and elections held on and after that date. Subsection 55(o) is effective when this act becomes law.

**SECTION 56.** G.S. 163-132.3 is amended by adding a new subsection to read:

"(e) During the period beginning October 1, 2002, and ending December 31, 2003, no county board of elections may change any precinct boundary. However, a county that has a precinct line that does not follow a 2000 Census Block Boundary may change that precinct line to conform to the way that precinct is shown on the General Assembly's redistricting database, provided the total population of the area moved from one precinct to another is not greater than ten percent (10%) of the total population of either precinct. A county board of elections proposing a change to a precinct during this period shall submit that change to the Legislative Services Office, which shall examine the proposed change and give its opinion of its compliance with this subsection to the Executive Director of the State Board of Elections. If the proposed change is in compliance with this subsection, the Executive Director shall approve it."

**SECTION 57.(a)** Article 20 of Chapter 163 of the General Statutes is amended by adding a new section to read:

**"§ 163-230.2. Method of requesting absentee ballots.**

(a) Valid Types of Written Requests. – A written request for an absentee ballot as required by G.S. 163-230.1 is valid only if it is written entirely by the requester personally, or is on a form generated by the county board of elections and signed by the requester. The county board of elections shall issue a request form only to the voter seeking to vote by absentee ballot or to a person authorized by G.S. 163-230.1 to make a request for the voter. If a requester, due to disability or illiteracy, is unable to complete a written request, that requester may receive assistance in writing that request from an individual of that requester's choice.

(b) Invalid Types of Written Requests. – A request is not valid if it does not comply with subsection (a) of this section. If a county board of elections receives a request for an absentee ballot that does not comply with subsection (a) of this section, the board shall not issue an application and ballot under G.S. 163-230.1.

(c) Rules by State Board. – The State Board of Elections shall adopt rules for the enforcement of this section."

**SECTION 57.(b)** This section becomes effective January 1, 2003, and applies to all primaries and elections held on or after that date.

**SECTION 57.1.(a)** G.S. 163-278.7(b) reads as rewritten:

"(b) Each appointed treasurer shall file with the Board at the time required by G.S. 163-278.9(a)(1) a statement of organization that includes:

(1) The Name, Address and Purpose of the Candidate, Political Committee, or Referendum Committee. – When the political committee or referendum committee is created pursuant to G.S. 163-278.19(b), the name shall be or include the name of the corporation, insurance company, business entity, labor union or professional association whose officials, employees, or members established the committee. When the political committee or

referendum committee is not created pursuant to G.S. 163-278.19(b), the name shall be or include the economic interest, if identifiable, principally represented by the committee's organizers or intended to be advanced by use of the committee's receipts.

- (2) The names, addresses, and relationships of affiliated or connected candidates, political committees, referendum committees, political parties, or similar organizations;
- (3) The territorial area, scope, or jurisdiction of the candidate, political committee, or referendum committee;
- (4) The name, address, and position with the candidate or political committee of the custodian of books and accounts;
- (5) The name and party affiliation of the candidate(s) whom the committee is supporting or opposing, and the office(s) involved;
- (5a) The name of the referendum(s) which the referendum committee is supporting or opposing, and whether the committee is supporting or opposing the referendum;
- (6) The name of the political committee or political party being supported or opposed if the committee is supporting the ticket of a particular political or political party;
- (7) A listing of all banks, safety deposit boxes, or other depositories used, including the names and numbers of all accounts maintained and the numbers of all such safety deposit boxes ~~used~~; used, provided that the Board shall keep any account number included in any report required by this Article confidential except as necessary to conduct an audit or investigation, except as required by a court of competent jurisdiction, or unless confidentiality is waived by the treasurer. Disclosure of an account number in violation of this subdivision shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of account numbers in violation of this subdivision as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.
- (8) The name or names and address or addresses of any assistant treasurers appointed by the treasurer. Such assistant treasurers shall be authorized to act in the name of the treasurer, who shall be fully responsible for any act or acts committed by an assistant treasurer, and the treasurer shall be fully liable for any violation of this Article committed by any assistant treasurer; and
- (9) Any other information which might be requested by the Board that deals with the campaign organization of the candidate or referendum committee."

**SECTION 57.1.(b)** This section becomes effective January 1, 2003, and applies to any report filed on or after that date. The State Board of Elections may redact, and may authorize county boards of elections to redact, account numbers from public copies of reports filed prior to January 1, 2003.

**SECTION 57.3.(a)** G.S. 163-278.19(a) reads as rewritten:

"(a) Except as provided in subsections (b), (d), (e), ~~and (f)-(f)~~, and (g) of this section it shall be unlawful for any corporation, business entity, labor union, professional association or insurance company directly or indirectly:

- (1) To make any contribution to a candidate or political committee (except a loan of money by a national or State bank or federal or State savings and loan association made in accordance with the applicable banking or savings and loan association laws and regulations and in the ordinary course of business) or to make any expenditure to support or oppose the nomination or election of a clearly identified candidate;

- (2) To pay or use or offer, consent or agree to pay or use any of its money or property for any contribution to a candidate or political committee or for any expenditure to support or oppose the nomination or election of a clearly identified candidate; or
- (3) To compensate, reimburse, or indemnify any person or individual for money or property so used or for any contribution or expenditure so made;

and it shall be unlawful for any officer, director, stockholder, attorney, agent or member of any corporation, business entity, labor union, professional association or insurance company to aid, abet, advise or consent to any such contribution or expenditure, or for any person or individual to solicit or knowingly receive any such contribution or expenditure. Supporting or opposing the election of clearly identified candidates includes supporting or opposing the candidates of a clearly identified political party. Any officer, director, stockholder, attorney, agent or member of any corporation, business entity, labor union, professional association or insurance company aiding or abetting in any contribution or expenditure made in violation of this section shall be guilty of a Class 2 misdemeanor, and shall in addition be liable to such corporation, business entity, labor union, professional association or insurance company for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder or member thereof."

**SECTION 57.3.(b)** G.S. 163-278.19 is amended by adding a new subsection to read:

"(g) If a political committee has as its only purpose accepting contributions and making expenditures to influence elections, and that political committee incorporates as a nonprofit corporation to shield its participants from liability created outside this Chapter, that political committee is not considered to be a corporation for purposes of this section. Incorporation of a political committee does not relieve any individual, person, or other entity of any liability, duty, or obligation created pursuant to any provision of this Chapter. To obtain the benefits of this subsection, an incorporating political committee must state exactly the following language as the only purpose for which the corporation can be organized: "to accept contributions and make expenditures to influence elections as a political committee pursuant to G.S. 163-278.6(14) only." No political committee shall do business as a political committee after incorporation unless it has been certified by the State Board of Elections as being in compliance with this subsection."

**SECTION 57.3.(c)** This section becomes effective January 1, 2003.

**SECTION 57.5.** G.S. 166A-6.01(b)(2), as amended by Section 1 of S.L. 2002-24, reads as rewritten:

- (2) Public assistance. – State disaster assistance in the form of public assistance grants may be made available to eligible entities located within the disaster area on the following terms and conditions:
  - a. Eligible entities shall meet the following qualifications:
    1. The eligible entity suffers a minimum of ten thousand dollars (\$10,000) in uninsurable losses;
    2. The eligible entity suffers uninsurable losses in an amount equal to or exceeding one-half percent (0.5%) of the annual operating budget;
    3. For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after ~~November 1, 2003~~, the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act; and

4. For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall be participating in the National Flood Insurance Program in order to receive public assistance for flooding damage.
- b. Eligible entities shall be required to provide non-State matching funds equal to twenty-five percent (25%) of the eligible costs of the public assistance grant.
- c. An eligible entity that receives a public assistance grant pursuant to this subsection may use the grant for the following purposes only:
  1. Debris clearance.
  2. Emergency protective measures.
  3. Roads and bridges.
  4. Crisis counseling.
  5. Assistance with public transportation needs."

**SECTION 58.** Section 2(b) of S.L. 2001-403 is repealed.

**SECTION 58.7.** Section 20.12 of S.L. 2001-424, as amended by Section 13.2(c) of Session Law 2002-126, reads as rewritten:

"**SECTION 20.12.(c1)** The funds appropriated by this section shall be paid by electronic transfer in two equal installments, the first no later than ~~September 1, 2002,~~ November 1, 2002, and the second subsequent to acceptable submission of the annual report due to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by January 15, 2003, as specified in subdivision (f)(2) of this section."

**SECTION 59.** Section 21.19(y) of S.L. 2001-424, as amended by Section 10.11(a) of S.L. 2002-126, reads as rewritten:

"**SECTION 21.19.(y)** The Department of Health and Human Services may apply federal transfer of assets policies, as described in Title XIX, Section 1917(c) of the Social Security Act, including the attachment of liens, to real property excluded as "income producing", tenancy-in-common, or as nonhomesite property made "income producing" under Title XIX, Section 1902(r)(2) of the Social Security Act. The transfer of assets policy shall apply ~~only~~ to an institutionalized individual or the individual's spouse as defined in Title XIX, Section 1917(c) of the Social Security Act. The transfer of assets policy shall also apply to any noninstitutionalized individuals or spouse of such individuals as defined in Title XIX, Section 1917(c) and as described in an approved Title XIX State Plan. This subsection becomes effective no earlier than October 1, 2001. Federal transfer of asset policies and attachment of liens to properties excluded as tenancy-in-common or as nonhomesite property made "income producing" in accordance with this subsection shall become effective not earlier than November 1, 2002. The application of transfer of assets policy to noninstitutionalized individuals shall become effective no less than 30 days after all Medicaid recipients have been notified and shall not apply to any transfers occurring prior to the implementation of the policy to noninstitutionalized individuals."

**SECTION 60.** Section 3 of S.L. 2001-505 reads as rewritten:

"**SECTION 3.** The Public Officers and Employees Liability Insurance Commission in the Department of Insurance shall effect and place professional liability insurance coverage under G.S. 58-32-15 for local health department sanitarians defended by the State ~~under G.S. 143-300.8~~ under G.S. 58-32-15. ~~G.S. 143-300.8.~~ For insurance purposes only under G.S. 58-32-15, local health department sanitarians are considered to be employees of the Department of Environment and Natural Resources."

**SECTION 61.** The introductory language of Section 12 of S.L. 2002-16 reads as rewritten:

"**SECTION 12.** ~~G.S. 105-467(b)(6)~~ G.S. 105-467(a)(6) reads as rewritten:"

**SECTION 61.5.** Section 4 of S.L. 2002-96 reads as rewritten:

**"SECTION 4.** This act is effective when it becomes ~~law-law~~ in Craven, Nash, and Pamlico counties. This act becomes effective July 1, 2003, in all other counties of the State, except that it may be implemented at an earlier date in any county by the Register of Deeds of that county."

**SECTION 62.** Section 4 of S.L. 2002-94 is repealed.

**SECTION 63.** The introductory language of Section 1 of S.L. 2002-103 reads as rewritten:

**"SECTION 1.** ~~G.S. 115C-47~~ G.S. 115C-12 is amended by adding a new subdivision to read:"

**SECTION 64.(a)** Section 6 of S.L. 2002-107 reads as rewritten:

**"SECTION 6.** This act is effective when it becomes ~~law-law~~, and Sections 1 and 4 apply to bidding opportunities advertised on or after that date."

**SECTION 64.(c)** G.S. 133-3, as amended by Section 5 of S.L. 2002-107, reads as rewritten:

**"§ 133-3. Specifications to carry competitive items; substitution of materials.**

All architects, engineers, designers, or draftsmen, when providing design services, or writing specifications, directly or indirectly, for materials to be used in any city, county or State work, shall specify in their plans the required performance and design characteristics of such materials. However, when it is impossible or impractical to specify the required performance and design characteristics for such materials, then the architect, engineer, designer or draftsman may use a brand name specification so long as they cite three or more examples of items of equal design or equivalent design, which would establish an acceptable range for items of equal or equivalent design. The specifications shall state clearly that the cited examples are used only to denote the quality standard of product desired and that they do not restrict bidders to a specific brand, make, manufacturer or specific name; that they are used only to set forth and convey to bidders the general style, type, character and quality of product desired; and that equivalent products will be acceptable. Where it is impossible to specify performance and design characteristics for such materials and impossible to cite three or more items due to the fact that there are not that many items of similar or equivalent design in competition, then as many items as are available shall be cited. On all city, county or State works, the maximum interchangeability and compatibility of cited items shall be required. The brand of product used on a city, county or State work shall not limit competitive bidding on future works. Specifications may list one or more preferred brands as an alternate to the base bid in limited circumstances. Specifications containing a preferred brand alternate under this section must identify the performance standards that support the preference. Performance standards for the preference must be approved in advance by the owner in an open meeting. Any alternate approved by the owner shall be approved only where (i) the preferred alternate will provide cost savings, maintain or improve the functioning of any process or system affected by the preferred item or items, or both, and (ii) a justification identifying these criteria is made available in writing to the public. Substitution of materials, items, or equipment of equal or equivalent design shall be submitted to the architect or engineer for approval or disapproval; such approval or disapproval shall be made by the architect or engineer prior to the opening of bids. The purpose of this statute is to mandate and encourage free and open competition on public contracts."

**SECTION 64.(d)** Section 64(c) of this act becomes effective January 1, 2003, and applies to bidding opportunities advertised on or after that date.

**SECTION 65.** It is the intent of the General Assembly that Sections 1 through 7 of S.L. 2002-120 shall be effective prospectively only and shall not apply to pending litigation or claims that accrued before the effective date of S.L. 2002-120. Nothing in Section 1 through 7 of S.L. 2002-120 shall be construed as a waiver of the sovereign immunity of the State or any other defenses as to any claim for damages, other recovery of funds, including attorneys' fees, or injunctive relief from the State by any unit of local government or political subdivision of the State.

**SECTION 66.** S.L. 2002-126 is amended by adding a new section to read:  
**"TRANSFER OF COMMUNITY SERVICE CONSULTANT POSITION**

**SECTION 19.8.** Effective August 1, 2002, personnel position # 4101-0000-0000-067, Community Service Consultant, is transferred from the Department of Administration to the Office of State Personnel."

**SECTION 66.5.** If House Bill 1105, 2001 Session, becomes law, G.S. 58-6-25(d)(6) and G.S. 58-6-25(d)(7), as enacted by that act, are recodified as G.S. 58-6-25(d)(7) and G.S. 58-6-25(d)(8), respectively.

**SECTION 67.** If House Bill 1245, 2001 Session, becomes law, Section 2 of that act reads as rewritten:

**"SECTION 2.** The Division of Motor Vehicles shall implement the requirements of Section 1 of this act at the earliest practical date, but no later than April 1, 2003."

**SECTION 68.** If House Bill 1745, 2001 Session, becomes law, the introductory language of Section 4 of that act reads as rewritten:

**"SECTION 4.** G.S. 20-79.4(b) is amended by adding ~~two~~three new subdivisions to read:"

**SECTION 69.** Section 2.2(h) of S.L. 2002-126 reads as rewritten:

**"SECTION 2.2.(h)** The General Assembly finds that over the last two fiscal years, the cost of the Medicaid program has increased over one billion dollars (\$1,000,000,000). The downturn in the economy has caused an unforeseeable increase in the number of persons eligible for the program. Even with the significant expansion funds appropriated for the increased costs, transfers of funds to meet obligations for the 2001-2002 fiscal year, and significant cost-savings measures imposed by the General Assembly and the Department of Health and Human Services, Medicaid will still need additional State funds next year to cover increased costs.

The General Assembly further finds that due to the downturn in the economy and the loss of jobs in various sectors of the economy, the State must undertake various economic initiatives.

Funds transferred pursuant to this section shall be used only for Medicaid and for economic initiatives.

Notwithstanding G.S. 143-16.4(a2), of the funds ~~credited~~added to the Tobacco Trust Account from the Master Settlement Agreement settlement payments pursuant to Section 6(2) of S.L. 1999-2 during the 2002-2003 fiscal year, the sum of thirty-eight million dollars (\$38,000,000) shall be transferred from the Department of Agriculture and Consumer Services, Budget Code 23703 (Tobacco Trust Fund) to the State Controller to be deposited in Nontax Budget Code 19978 (Intra State Transfers) to support General Fund appropriations for the 2002-2003 fiscal year.

Notwithstanding G.S. 143-16.4(a1), of the funds ~~credited~~added to the Health Trust Account from the Master Settlement Agreement settlement payments pursuant to Section 6(2) of S.L. 1999-2 during the 2002-2003 fiscal year, the sum of forty million dollars (\$40,000,000) shall be transferred from the Department of State Treasurer, Budget Code 23460 (Health and Wellness Trust Fund) to the State Controller to be deposited in Nontax Budget Code 19978 (Intra State Transfers) to support General Fund appropriations for the 2002-2003 fiscal year.

Notwithstanding G.S. 147-86.30(c), the Health and Wellness Trust Fund Commission may transfer up to eighteen million dollars (\$18,000,000) from the Fund Reserve created in G.S. 147-86.30 to the Health and Wellness Trust Fund nonreserved funds to be expended in accordance with G.S. 147-86.30(d) during the 2002-2003 fiscal year."

**SECTION 69.3.** Section 3.1 of S.L. 2002-126 reads as rewritten:

**"SECTION 3.1.** Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated are made for the fiscal year ending June 30, 2003, according to the schedule that follows. Amounts set out in brackets are reductions from Highway Fund appropriations for the 2002-2003 fiscal year.



**Current Operations - Highway Fund**

**2002-2003**

Administration	(362,232)	(90,000)
Operations		-
Construction and Maintenance		
a. Construction		
(01) Primary Construction		-
(02) Secondary Construction	(1,887,000)	
(03) Urban Construction	7,000,000	
(04) Access and Public Service Roads		-
(05) Contingency Construction	5,000,000	
(06) Spot Safety Construction		-
b. State Funds to Match Federal Highway Aid		-
c. State Maintenance	13,823,411	13,551,179
d. Ferry Operations		-
e. Capital Improvements		-
f. State Aid to Municipalities	(1,887,000)	
g. State Aid for Public Transportation and Railroads	14,350,000	
h. OSHA - State		-
Governor's Highway Safety Program		-
Division of Motor Vehicles		-
Reserves and Transfers		(6,039,551)
<b>GRAND TOTAL HIGHWAY FUND</b>		<b>\$ 29,997,628"</b>

**SECTION 69.5.** Section 5.2(a) of S.L. 2002-126 reads as rewritten:

**"SECTION 5.2.(a)** Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2003, according to the following schedule:

**COMMUNITY DEVELOPMENT BLOCK GRANT**

01. State Administration	\$1,000,000
02. Urgent Needs and Contingency	1,000,000
03. Scattered Site Housing	13,100,000
04. Economic Development	8,710,000
05. Community Revitalization	13,500,000
06. State Technical Assistance	450,000
07. Housing Development	2,100,000
08. Infrastructure	5,140,000

**TOTAL COMMUNITY DEVELOPMENT**

**BLOCK GRANT - 2002-2003 Program Year \$45,000,000"**

**SECTION 69.6.(a)** Section 5.2(d) of S.L. 2002-126 reads as rewritten:

**"SECTION 5.2.(d)** Limitations on Community Development Block Grant Funds. - Of the funds appropriated in this section for the Community Development Block Grant, the following shall be allocated in each category for each program year: up to one million dollars (\$1,000,000) may be used for State administration; up to not less than one million dollars (\$1,000,000) may be used for Urgent Needs and Contingency; Contingency, but any funds in excess of one million dollars (\$1,000,000)

may be taken only from categories 01,02,04,06, and 08 of subsection (a) of this section: up to thirteen million one hundred thousand dollars (\$13,100,000) may be used for Scattered Site Housing; up to eight million seven hundred ten thousand dollars (\$8,710,000) may be used for Economic Development; not less than thirteen million five hundred thousand dollars (\$13,500,000) shall be used for Community Revitalization; up to four hundred fifty thousand dollars (\$450,000) may be used for State Technical Assistance; up to two million one hundred thousand dollars (\$2,100,000) may be used for Housing Development; up to five million one hundred forty thousand dollars (\$5,140,000) may be used for Infrastructure. If federal block grant funds are reduced or increased by the Congress of the United States after the effective date of this act, then these reductions or increases shall be allocated in accordance with subsection (b) or (c) of this section, as applicable."

**SECTION 69.6.(b)** Section 5.2 of S.L. 2002-126 is amended by adding a new subsection to read:

"**SECTION 5.2.(f)** Notwithstanding Section 5.2 of S.L. 2001-424, up to four million dollars (\$4,000,000) of funds appropriated in Section 5.2 of S.L. 2001-424 to the Department of Commerce for Economic Development may be used for Urgent Needs and Contingency for drought recovery."

**SECTION 70.** The introductory language of Section 7.30 of S.L. 2002-126 reads as rewritten:

"**SECTION 7.30.** Effective January 1, 2003, G.S. 115C-174.12 reads as rewritten:"

**SECTION 70.5.(a)** Section 7.44 of S.L. 2002-126 reads as rewritten:

"**SECTION 7.44.** Notwithstanding G.S. 115C-174.11(a), the Department of Public Instruction may administer a standardized reading test measure for a ~~one time, one year only~~, pilot study of the comparative predictive validity of the reading assessment used in kindergarten through second grade. This standardized measure may be administered to a sample of students in a ~~maximum of five percent (5%) of the~~ eligible public schools, including eligible charter schools, and is limited to the extent necessary to receive funds as part of the federal Reading First Grant. The results of this standardized measure shall not be used to evaluate, promote, or retain any student."

**SECTION 70.5.(b).** This section applies only to the extent that and at such times as it is necessary to receive and retain funds as part of the federal Reading First Grant. This section expires at the time that the federal Reading First Grant expires. In the event that the State is not awarded funds as a part of the federal Reading First Grant, the Department shall not continue to implement Section 7.44 of S.L. 2002-126, as rewritten by this section.

**SECTION 71.** S.L. 2002-126 is amended by adding a new section to read:

**"TRANSFER OF COMMUNITY COLLEGE POSITION**

**SECTION 8.9.** Personnel position # 6800-1500-0075-052, High School Apprenticeship Consultant, is transferred from the North Carolina Community College System to the Department of Public Instruction."

**SECTION 72.** Section 9.7 of S.L. 2002-126 reads as rewritten:

"**SECTION 9.7.** The Chancellor of each constituent institution shall report to the Board of Governors of The University of North Carolina on the reductions made to the General Fund budget codes in order to meet the reduction reserve amounts for that institution. The President of The University of North Carolina shall report to the Board of Governors of The University of North Carolina on the reductions made to the General Fund budget codes controlled by the Board in order to meet the reduction reserve amounts for those entities. The Board of Governors shall make a summary report to the Fiscal Research Division by ~~October 31, November 30,~~ 2002, on all reductions made by these entities and constituent institutions in order to reduce the budgets by the targeted amounts."

**SECTION 73.** Section 10.3(b) of S.L. 2002-126 reads as rewritten:

"**SECTION 10.3.(b)** The Department shall report the results of its review to the Senate Appropriations Committee on Health and Human Services, the House of

Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division not later than ~~December 1, 2002~~ February 15, 2003. The report shall include staffing requirements for adult day care and adult day health programs as compared to adult care homes, assisted living facilities, and nursing homes in the State. The report shall also compare staffing ratios in North Carolina to those of other states, including those states that border North Carolina. The report shall be conducted by the Department, Office of Long-Term Care, or by an independent contractor and shall contain all of the following specific information:

- (1) Number of staff required per resident.
- (2) Education/work experience required and preferred as a basis for hire.
- (3) Specific job duties outlined in job descriptions.
- (4) Rationale and justification for establishing the existing staff ratios in the Division of Aging's policy for adult day care and adult day health care.
- (5) An analysis of the variance in staffing requirements among adult day care and adult day health programs, adult care homes, assisted living facilities, and nursing homes.
- (6) Identification of the entities responsible for licensing and monitoring quality for all providers of long-term care in the State.
- (7) Recommendations for changes to existing policies based on findings of the Department's review."

**SECTION 74.** Section 10.11(c) of S.L. 2002-126 reads as rewritten:

**"SECTION 10.11.(c)** When implementing the Supplemental Security Income (SSI) method for considering equity value of income producing property, the Department shall, to the maximum extent possible, employ procedures to mitigate the hardship to Medicaid enrollees occurring from application of the Supplemental Security Income (SSI) method. The Department shall continue to exclude the equity value of life estate and tenancy-in-common property when determining resource eligibility for Medicaid, even if the property is also income producing."

**SECTION 75.** Section 10.19(b) of S.L. 2002-126 reads as rewritten:

**"SECTION 10.19.(b)** The Secretary of Health and Human Services shall not request or require supplemental rebates from pharmaceutical manufacturers."

**SECTION 75.5.** Section 13.3(c) of S.L. 2002-126 reads as rewritten:

**"SECTION 13.3.(c)** North Carolina REAL Enterprises and the other agencies listed in subsections (a) and (b) of this section shall do the following for the programs for which funds are appropriated in this section:

By January 15, 2003, and more frequently as requested, report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division the following information:

- (1) State fiscal year ~~2002-2003~~ 2001-2002 program activities, objectives, and accomplishments;
- (2) State fiscal year ~~2002-2003~~ 2001-2002 itemized expenditures and fund sources;
- (3) State fiscal year ~~2003-2004~~ 2002-2003 planned activities, objectives, and accomplishments including actual results through December 31, 2002; and
- (4) State fiscal year ~~2003-2004~~ 2002-2003 estimated itemized expenditures and fund sources including actual expenditures and fund sources through December 31, 2002."

**SECTION 76.(a)** Section 13.7 of S.L. 2002-126 is repealed.

**SECTION 76.(b)** Section 13.9 of S.L. 2002-126 reads as rewritten:

**"SECTION 13.9.** The Kenan-Flagler Business School ("Business School") of the University of North Carolina at Chapel Hill shall study the effectiveness of the economic development activities of the North Carolina Department of Commerce ("Commerce") and the Regional Economic Development Commissions

("Commissions"). In conducting its study the Business School shall work with Commerce and the Commissions to do the following:

- (1) Identify how Commerce and the Commissions can improve communication, implement a more coordinated and efficient recruitment and retention effort throughout the State, and avoid duplication of effort,
- (2) Establish specific performance measures and outcomes relevant to the mission, goals, and objectives of Commerce and the Commissions,
- (3) Develop a "scorecard" that can be used to measure the extent to which Commerce and the Commissions have achieved their goals, objectives, and outcomes, and
- (4) Recommend a performance-based funding mechanism that will inform the General Assembly's decisions regarding appropriations to Commerce and the Commissions.

The Business School also may include in its study and recommendations any other information it deems relevant to the study and its intent.

The Business School shall report its findings and recommendations to ~~the Senate Appropriations Subcommittee on Natural and Economic Resources, the Senate Full Appropriations Chairs, the Joint Legislative Commission on Governmental Operations, and the members of the General Assembly~~ and to the Fiscal Research Division by March 15, 2003."

**SECTION 77.** S.L. 2002-126 is amended by adding a new section to read:

"Requested by: Representatives Baddour, Culpepper

**CLARIFY EARNED TIME FOR MEDICALLY AND PHYSICALLY UNFIT INMATES**

**SECTION 17.19.** Subsection (b) of Section 25.1 of S.L. 2001-424 reads as rewritten:

**'SECTION 25.1.(b)** This section is effective when it becomes law and applies to inmates serving sentences on or after that date. Inmates sentenced under the Fair Sentencing Act or prior law who meet the criteria established pursuant to this section may be awarded gain time.'"

**SECTION 78.** Section 18.6(c) of S.L. 2002-126 reads as rewritten:

**"SECTION 18.6.(c)** This section becomes effective ~~December 1,~~October 15, 2002."

**SECTION 79.** The "Requested by" text for Section 18.7 of S.L. 2002-126 reads as rewritten:

"Requested by: Senators Thomas, Wellons, Ballance, Rand, Garrou, Plyler, Odom, Lee; Representatives Baddour, ~~Decker,~~ Culpepper, Haire, Luebke, Easterling, Oldham, Redwine".

**SECTION 80.** Section 19.4 of S.L. 2002-126 reads as rewritten:

**"SECTION 19.4.** The Department of Administration, State Property Office, in consultation with all State agencies, shall identify regional offices established throughout the State in all State agencies and shall develop a plan that provides for the consolidation of the individual regional offices into a central facility in each region, giving consideration to sharing space and utilizing vacant space, and to availability of space in all agencies, including university and community college campuses. The Department shall report its findings and recommendations to the Chairs of the Appropriations Committees of the Senate and House of Representatives and to the Fiscal Research Division by ~~November 1, 2002.~~February 1, 2003."

**SECTION 81.** Section 21.2 of S.L. 2002-126 reads as rewritten:

**"SECTION 21.2.** The Office of State Budget and Management shall study the feasibility of charging an admission fee to the State's museums and other similar facilities open to the public. The Office of State Budget and Management shall conduct the study in consultation with the Fiscal Research Division of the Legislative Services Office. The Office of State Budget and Management shall complete this study and

report to the Chairs of the Senate and House of Representatives Appropriations Committees by ~~November 1, 2002-February 1, 2003.~~"

**SECTION 82.** Section 28.3A of S.L. 2002-126 reads as rewritten:

**"SECTION 28.3A.** Any person who is a full-time permanent employee on September 30, 2002, of (i) a local board of education, ~~except for an employee who receives a salary increment pursuant to Section 7.1, 7.2, or 7.45 of this act,~~ or (ii) the State, who is eligible for annual leave shall have a one-time additional 10 days of annual leave credited on that date. Local board of education employees paid on salary schedules in Section 7.1 or 7.2 of this act are not eligible to receive this additional annual leave unless they are at the top of their respective salary schedules and do not receive a salary increment for the 2002-2003 fiscal year. Employees paid under Section 7.45 of this act shall not be eligible for this additional annual leave unless they are at the top of their respective salary schedules and do not receive a salary increment for the 2002-2003 fiscal year. That leave shall be accounted for separately, and shall remain available until used, notwithstanding any other limitation on the total number of days of annual leave that may be carried forward. Part-time permanent employees and 9- or 10-month employees shall receive a pro rata amount of the 10 days.

The General Assembly encourages the State Board of Community Colleges to adopt rules authorizing the colleges to provide special annual leave bonuses, compensation bonuses, or other employee benefits to their employees. Included within this may be salary increases within available funds to employees not receiving special annual leave bonuses."

**SECTION 83.** If Senate Bill 1238, 2001 Session, becomes law, Sections 4.1 and 5 of that act read as rewritten:

**"SECTION 4.1.** ~~The appropriation to the Department of State Treasurer, Retirement Systems Division, is increased~~ Treasurer is authorized to increase the requirements and receipts for the operating budget of the Retirement Systems Division in the amount of two hundred forty-seven thousand seven hundred thirteen dollars (\$247,713) for the fiscal year 2002-2003 and the fiscal year 2003-2004 to fund eight two-year time-limited positions to implement the provisions of this act.

**SECTION 5.** ~~This Sections 4.1 and 5 of this act become effective November 1, 2002, and the remainder of this act becomes effective January 1, 2003.~~"

**SECTION 84.** The following budget reductions in the Department of Health and Human Services, as provided in the Joint Conference Committee Report on the Continuation, Expansion and Capital Budgets, dated September 18, 2002, are modified as follows:

- (1) The reduction in funding in the Division of Facility Services under the heading "17 Legal Services" is for the elimination of the contract with the Department of Justice for one paralegal position. This reduction does not require the elimination of a personnel position in the Division.
- (2) The reduction in funding for the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services under the heading "40 Mental Retardation Centers" is modified by deleting "1.0 Outreach Specialist II" and substituting "2.0 Outreach Specialist II"; and by deleting "1.0 Patient Review Coordinator".
- (3) The reduction in funding for the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services under the heading "State Psychiatric Hospitals" is modified by deleting "1.0 Patient Relations Representative III" and substituting "1.0 Patient Relations Representative IV".
- (4) The reduction in funding in the Division of Vocation Rehabilitation under the heading "111 Position Eliminations" is modified by deleting "Eliminates 24.0 vacant and 2.0 filled positions:" and substituting "Eliminates 23.0 vacant and 2.0 filled positions:"; by deleting "8.0

Office Assistant III's" and substituting "7.5 Office Assistant III's"; and by deleting "1.0 Processing Assistant III" and substituting ".5 Processing Assistant III". Twenty-five personnel positions are eliminated by this reduction.

- (5) The reduction in funding for Office of Education Services under the heading "122 Central Preschool Program" is modified by deleting "Eliminates 7.0 vacant and 2.0 filled preschool staff positions" and substituting "Eliminates 6.75 vacant and 2.0 filled preschool staff positions"; and by deleting "1.0 EDA II" and substituting ".75 EDA II". Eight and three-fourths personnel positions are eliminated by this reduction.
- (6) The reduction in funding for Office of Education Services under the heading "131 Positions at WNCSD" is modified by deleting "Abolishes 14.75 vacant and 1.0 filled positions" and substituting "Abolishes 11.75 vacant and 1.0 filled positions"; by deleting "1.0 Computer Support Tech II"; and by deleting "5.0 Teachers" and substituting "3.0 Teachers". Twelve and three-fourths positions are eliminated by this reduction.

**SECTION 85.** The following positions in the Office of State Personnel, as provided in the Joint Conference Committee Report on the Continuation, Expansion and Capital Budgets, dated September 18, 2002, are modified as follows:

- (1) Delete "HR Partner - #4000-0500-0004-320 - (\$35,535)" and substitute "HR Partner - #4000-0300-0004-320 - (\$35,535)"; and
- (2) Delete "HR Partner - #4000-0500-0004-946 - (\$36,396)" and substitute "HR Partner - #4000-0300-0004-946 - (\$36,396)".

**SECTION 86.** Notwithstanding any other provision of law, the Department of Health and Human Services shall expend from funds available in the 2002-2003 fiscal year the sum of two million dollars (\$2,000,000) for the purpose of planning and preliminary design through the schematic phase of replacement hospitals for Cherry and Broughton psychiatric hospitals. The Department shall ensure that the identification and use of the funds for these purposes do not adversely impact direct services for mental health, developmental disabilities, or substance abuse and do not impact adversely area or county mental health, developmental disabilities, and substance abuse services programs. The replacement hospitals for Cherry Hospital and Broughton Hospital shall be located in the Counties of Wayne and Burke to serve the Eastern and Western regions of the State.

**SECTION 87.** Any employee subject to a reduction in force action pursuant to Executive Order Number 22 whose position was ultimately funded in S.L. 2002-126 shall maintain the employee's career State employee status as provided in G.S. 126-1.1. Employees may also purchase vacation leave up to the amount that they had accrued, not to exceed 240 hours, prior to the date of their separation. Employees who had accrued in excess of 240 hours of annual leave shall have that balance reinstated. These employees shall also receive the "Special Annual Leave Bonus" as specified in Section 28.3A of S.L. 2002-126.

**SECTION 88.** Notwithstanding G.S. 12-3.1(a)(2), the North Carolina Locksmith Licensing Board may adopt its initial fees as authorized by G.S. 74F-9 without prior consultation with the Joint Legislative Commission on Governmental Operations. The North Carolina Locksmith Licensing Board shall report on the amount and purpose of its initial fees to the Joint Legislative Commission on Governmental Operations prior to the next meeting of the Joint Legislative Commission on Governmental Operations following the adoption of the initial fees.

**SECTION 89.** Notwithstanding any other provision of law to the contrary, the General Assembly may authorize the use of monies from its reserve to pay the dues for the Southern Legislative Conference and other associated organizations for the 2002-2003 fiscal year.

**SECTION 91.** The Secretary of Health and Human Services shall maintain all existing educational and research programs in psychiatry and psychology conducted by the University of North Carolina School of Medicine and the Psychology Department within the School of Arts and Sciences at the University of North Carolina at Chapel Hill at Dorothea Dix Hospital and John Umstead Hospital, unless the programs are otherwise modified by the University of North Carolina School of Medicine or the School of Arts and Sciences. The University of North Carolina School of Medicine shall retain authority over all educational and research programs in psychiatry, and the University of North Carolina School of Arts and Sciences shall retain authority over all educational and research programs in psychology conducted at these hospitals and any new State psychiatric hospital. The Secretary shall consult with the University of North Carolina School of Medicine in programmatic, operational, and facility planning of the new psychiatric hospital to ensure appropriate patient treatment and continuation of educational and research programs conducted by the University of North Carolina School of Medicine. Likewise, the Secretary shall consult with the University of North Carolina School of Arts and Sciences to ensure appropriate continuation of educational and research programs conducted by the University of North Carolina School of Arts and Sciences.

**SECTION 91.1.** Nothing in the General Statutes or any local act entitles any charter school, prior to July 1, 2003, to recover retroactively any funds from penalties, fines, and forfeitures or supplemental school taxes.

**SECTION 91.2.** Section 11.1(a) of S.L. 2002-126 is repealed.

**SECTION 91.3.** Notwithstanding the provisions of S.L. 2002-126, the provisions of Section 4 of Chapter 589 of the 1995 Session Laws remain in effect and the Judicial Department shall use the sum of thirty-eight thousand one hundred thirty-two dollars (\$38,132) in funds available to the Department to continue a superior court judicial assistant position in Superior Court District 19B. That position is currently assigned to a regular superior court judge, but in the event that the position becomes vacant, it shall be reassigned to the senior resident superior court judge.

**SECTION 92.** Unless otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4<sup>th</sup> day of October, 2002.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 11:28 a.m. this 11<sup>th</sup> day of October, 2002