

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2010-96
SENATE BILL 1165

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE VARIOUS OTHER TECHNICAL CHANGES TO THE GENERAL STATUTES AND THE SESSION LAWS.

The General Assembly of North Carolina enacts:

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

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

"§ 7A-809. Reports.

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

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

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

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

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

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

- (1) A judge authorized to do so releases the obligor from his bond; or
- (2) The principal is surrendered by a surety in accordance with G.S. 15A-540; or
- (3) The proceeding is terminated by voluntary dismissal by the State before forfeiture is ordered under ~~G.S. 15A-544(b);~~ G.S. 15A-544.3; or
- (4) Prayer for judgment has been continued indefinitely in the district court."

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

- (1) A renewal application containing all of the following:
 - a. Proof that the applicant is a resident of this State as required by G.S. 58-71-50(c).
 - b. Proof that the applicant meets the qualifications set out in G.S. 58-71-50(b)(5) through G.S. 58-71-50(b)(7).
 - c. The information required by G.S. 58-2-69.
- (2) The annual renewal fee as provided in ~~subsection (c)~~ subsection (d) of this section.
- (3) A complete set of fingerprints of the bail bondsman or runner and a fee to cover the cost of conducting the criminal history record check. The fingerprints shall be submitted in the manner prescribed by the Commissioner and shall be certified by an authorized law enforcement officer.

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

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

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

"(a) In order for a licensee to sponsor and maintain a health benefit plan that is not fully insured by one or more of the entities specified in subsection (a) of ~~G.S. 58-89A-109~~

G.S. 58-89A-105 on and after October 1, 2009, as authorized by subsection (e) of that section, the licensee shall meet all of the requirements listed in this subsection. A health benefit plan developed under this section is not required to provide coverage that meets the requirements of other provisions of this Chapter that mandate either coverage or the offer of coverage by the type or level of health care services or health care provider. The licensee shall:"

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

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

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

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

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

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

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

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

"§ 120-29.1. **Approval of bills.**

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

(b) If any bill becomes law because of the failure of the Governor to take any action, it shall be the duty of the Governor to return the measure to the enrolling clerk, who shall sign the following certificate on the measure and deposit it with the Secretary of State: "This bill having been presented to the Governor for ~~his~~ signature on the _____ day of _____, _____ and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law.

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

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

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

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

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

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

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

(c) The Center shall adopt guidelines and develop procedures for issuing an alert for missing persons and missing children believed to be suffering from dementia or other cognitive

impairment and shall provide education and training to encourage radio and television broadcasters to participate in the alert. The guidelines and procedures shall ensure that specific health information about the missing person or missing child is not made public through the alert or otherwise.

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

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

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

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

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

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

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

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

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

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

- (1) That a person is not a resident of the State of North Carolina, or
- (2) That a person is not a resident of the county in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or
- (3) That a person is not a resident of the precinct in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or
- (4) That a person is not 18 years of age, or if the challenge is made within 60 days before a primary, that the person will not be 18 years of age by the next general election, or
- (5) That a person has been adjudged guilty of a felony and is ineligible to vote under G.S. 163-55(2), or

- (6), (7) Repealed by Session Laws 1985, c. 563, ss. 11.1, 11.2.
- (7a) That a person is dead, or
- (8) That a person is not a citizen of the United States, or
- (9) With respect to municipal registration only, that a person is not a resident of the municipality in which the person is registered, or
- (10) That the person is not who he or she represents himself or herself to be."

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

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

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

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

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

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

PART II. OTHER CHANGES

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

"§ 1-242. Credits upon judgments.

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

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

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

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

"§ 1-306. Enforcement as of course.

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

be allotted within the ten years from the date of ~~rendition~~entry of the judgment, or any judgment directing the payment of alimony. Further, no execution upon any judgment which requires the recovery of personal property may be issued at any time after 10 years from the date of the entry of the judgment."

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

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

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

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

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

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

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

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

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

"(f) The superior court has exclusive jurisdiction over all hearings to revoke probation pursuant to G.S. 15A-1345(e) where the district court is supervising a drug treatment court or therapeutic court probation judgment under G.S. 7A-272(e), except that the district court has

jurisdiction to conduct the revocation proceedings when the chief district court judge and the senior resident superior court judge agree that it is in the interest of justice that the proceedings be conducted by the district court. If the district court exercises jurisdiction under this subsection to revoke probation, appeal of an order revoking probation is to the appellate division."

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

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

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

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

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

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

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

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

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

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

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

"(b) A fee of two hundred fifty dollars (\$250.00) shall be paid by all persons who participate in the program or receive services from the program staff. Only one fee may be assessed for each sentencing transaction, even if the person is assigned to the program on more than one occasion, or while on deferred prosecution, or while serving a sentence for the offense. A sentencing transaction shall include all offenses considered and adjudicated during the same term of court. Fees collected pursuant to this subsection shall be deposited in the General Fund. If the person is convicted in a court in this State, the fee shall be paid to the clerk of court in the county in which the person is convicted, regardless of whether the person is participating in the program as a condition of parole, of probation imposed by the ~~court~~ court, or pursuant to the exercise of authority delegated to the probation officer pursuant to G.S. 15A-1343.2(e) or (f). If the person is participating in the program as a result of a deferred prosecution or similar program, the fee shall be paid to the clerk of court in the county in which the agreement is filed. ~~If the person is participating in the program as a condition of parole, the fee shall be paid to the clerk of the county in which the person is released on parole.~~ Persons participating in the program for any other reason shall pay the fee to the clerk of court in the county in which the services are provided by the program staff. The fee shall be paid in full before the person may participate in the community service program, except that:

(1) A person convicted in a court in this State may be given an extension of time or allowed to begin the community service before the person pays the fee by the court in which the person is convicted; or

- (2) A person performing community service pursuant to a deferred prosecution or similar agreement may be given an extension of time or allowed to begin community service before the fee is paid by the official or agency representing the State in the agreement.
- (3) A person performing community service as a condition of parole may be given an extension of time to pay the fee by the Post-Release Supervision and Parole Commission. No person shall be required to pay the fee before beginning the community service unless the Commission orders the person to do so in writing.
- (4) A person performing community service as ordered by a probation officer pursuant to authority delegated by G.S. 15A-1343.2 may be given an extension of time to pay the fee by the probation officer exercising the delegated authority."

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

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

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

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

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

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

"(d) Members appointed prior to September 1, 1995, shall serve until June 30, 1997, except that the terms of members appointed pursuant to subdivisions (6) and (7) of subsection ~~(d)~~(c) of this section shall expire June 30, 1995. Subsequent appointments shall be for four-year terms, except that two of the members appointed by the 1995 General Assembly pursuant to subdivision (6) of subsection ~~(d)~~(c) of this section and two of the members appointed by the 1995 General Assembly pursuant to subdivision (7) of subsection ~~(d)~~(c) of this section shall serve for two-year terms. The two new members under subdivision (c)(12) of this section shall serve initial terms beginning January 1, 2007, and ending June 30, 2010. The additional member appointed under subdivision (c)(8) of this section shall serve a term beginning January 1, 2007, and ending June 30, 2010. The designation of two deans serving under subdivision (c)(5) of this section shall expire December 31, 2006, and the Governor shall make a new appointment under that subdivision for a term beginning January 1, 2007, and ending June 30, 2010.

Members may serve two consecutive four-year terms.

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

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

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

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

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

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

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

"§ 159D-53. Annual report.

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

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

"§ 163-182. Definitions.

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

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

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

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

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

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

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

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

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

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

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

"(g) Alteration, Disguise, or Concealment of Numbers. – Any operator of a motor vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or partially covered by any bumper, light, spare tire, tire rack, strap, or other device, or who shall paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a

registration plate or the figures or letters thereon, or who shall place or deposit or cause to be placed or deposited any oil, grease, or other substance upon such registration plates for the purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to change any letter or figure thereon, or who shall display a number plate in other than a horizontal upright position, shall be guilty of a Class 2 misdemeanor. Any operator of a motor vehicle who shall willfully cover or cause to be covered any part or portion of a registration plate or the figures or letters thereon by any device designed or intended to prevent or interfere with the taking of a clear photograph of a registration plate by a traffic control or toll collection system using cameras commits an infraction and shall be penalized under G.S. 14-3.1. Any operator of a motor vehicle who shall otherwise intentionally cover any number or registration renewal sticker on a registration plate with any material that makes the number or registration renewal sticker illegible commits an infraction and shall be penalized under G.S. 14-3.1. Any operator of a motor vehicle who covers any registration plate with any frame or ~~transparent clear-transparent, clear,~~ or color-tinted cover that makes a number or letter ~~on the plate, included in the vehicle's registration,~~ the State name on the plate, or a number or month on the registration renewal sticker on the plate illegible commits an infraction and shall be penalized under G.S. 14-3.1."

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

SECTION 40.3. If House Bill 1973, 2009 Regular Session, becomes law, the read-in language for Section 3.4 of that bill is amended by deleting the citation "G.S. 150-129.52" and replacing it with "G.S. 105-129.52".

SECTION 40.7. If House Bill 2066, 2009 Regular Session, becomes law, Section 6.1 of that act reads as rewritten:

~~"SECTION 6.1(a) If House Bill 2054, 2009 Regular Session becomes law, Sections 9(a), 9(b), 10(a) and 10(b) of that act are repealed. Effective January 1, 2011, Section 9(a) and 9(b) of S.L. 2010-72 are repealed."~~

SECTION 6.1(b). Effective July 1, 2010, Section 10(a) and 10(b) of S.L. 2010-72 are repealed.

SECTION 6.1(c). This section is effective when it becomes law."

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

SECTION 41.3. If Senate Bill 1242, 2009 Regular Session, becomes law, G.S. 143-340(1) reads as rewritten:

"(1) To establish the State Employee ~~Incentive-Bonus~~Suggestion Program pursuant to Article 36A of this Chapter, with the authority to adopt all rules necessary to implement the program. The Secretary shall serve ex officio on all program committees and shall designate an executive secretary to administer the program."

SECTION 41.7. The whereas clause of Senate Resolution 1177, 2005 Regular Session, adopted on July 13, 2005, which reads:

"Whereas, R.C. Soles, Jr. has served 19 consecutive terms in the North Carolina General Assembly, serving four terms in the House of Representatives from 1969 to 1976 and serving 15 terms in the Senate from 1977 to the present; and"

is rewritten to read:

"Whereas, R.C. Soles, Jr. has served 21 consecutive terms in the North Carolina General Assembly, serving four terms in the House of Representatives from 1969 to 1976 and serving 17 terms in the Senate from 1977 to the present; and"

law. **SECTION 42.** Except as otherwise provided, this act is effective when it becomes
In the General Assembly read three times and ratified this the 10th day of July, 2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 3:07 p.m. this 20th day of July, 2010