

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 582\*  
House Committee Substitute Favorable 6/28/17  
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Short Title: Agency Technical Corrections.

(Public)

Sponsors:

Referred to:

April 4, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE AGENCY TECHNICAL CORRECTIONS.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 14-27.23(c) and G.S. 14-27.28(c) are repealed.

5 **SECTION 1.5.** G.S. 14-208.18(c) reads as rewritten:

6 "(c) The subdivisions of subsection (a) of this section are applicable as follows:

7 ...

8 (2) Subdivision (2) of subsection (a) of this section applies to persons required  
9 to register under this Article if either of the following applies:

10 a. The person has committed any offense in Article 7B of this Chapter  
11 or any federal offense or offense committed in another state, which if  
12 committed in this State is substantially similar to an offense in  
13 Article 7B of this Chapter, and a finding has been made in any  
14 criminal or civil proceeding that the person presents, or may present,  
15 a danger to minors under the age of 18.

16 b. The person has committed any offense where the victim of the  
17 offense was under the age of 18 years at the time of the  
18 ~~offense~~ offense or has committed an offense in violation of  
19 G.S. 14-202.3."

20 **SECTION 2.** G.S. 14-313(d) reads as rewritten:

21 "(d) Sending or assisting a person less than 18 years to purchase or receive tobacco  
22 products or cigarette wrapping papers. – If any person shall send a person less than 18 years of  
23 age to purchase, acquire, receive, or attempt to purchase, acquire, or receive tobacco products  
24 or cigarette wrapping papers, or if any person shall aid or abet a person who is less than 18  
25 years of age in purchasing, acquiring, or receiving or attempting to purchase, acquire, or  
26 receive tobacco products or cigarette wrapping papers, the person shall be guilty of a Class 2  
27 ~~misdemeanor; provided, however, persons~~ misdemeanor. The following exceptions to this  
28 subsection apply:

29 (1) Persons under the age of 18 may be enlisted by police or local sheriffs'  
30 departments to test compliance if the testing is under the direct supervision  
31 of that law enforcement department and written parental consent is ~~provided;~~  
32 provided.

33 (2) The Department of Health and Human Services may enlist persons under the  
34 age of 18 to test compliance under Subchapter IX of Chapter 9 of Title 21 of  
35 the United States Code if testing is under the direct supervision of



1 commissioned officers of the federal Food and Drug Administration and  
 2 written parental consent is provided.

3 (3) ~~provided further, that the~~ The Department of Health and Human Services  
 4 shall have the authority, pursuant to a written plan prepared by the Secretary  
 5 of Health and Human Services, to use persons under 18 years of age in  
 6 annual, random, unannounced inspections, provided that prior written  
 7 parental consent is given for the involvement of these persons and that the  
 8 inspections are conducted for the sole purpose of preparing a scientifically  
 9 and methodologically valid statistical study of the extent of success the State  
 10 has achieved in reducing the availability of tobacco products to persons  
 11 under the age of 18, and preparing any report to the extent required by  
 12 section 1926 of the federal Public Health Service Act (42 USC § 300x-26)."

13 **SECTION 2.5.(a)** G.S. 18B-1000 reads as rewritten:

14 **"§ 18B-1000. Definitions concerning establishments.**

15 The following requirements and definitions shall apply to this Chapter:

16 ...

17 (11) Sports and entertainment venue. – Stadiums, ballparks, and other similar  
 18 facilities with a permanently constructed seating capacity of 3,000 or more  
 19 which are not located on the campus of a school, college, or university."

20 **SECTION 2.5.(b)** G.S. 18B-1001 reads as rewritten:

21 **"§ 18B-1001. Kinds of ABC permits; places eligible.**

22 When the issuance of the permit is lawful in the jurisdiction in which the premises are  
 23 located, the Commission may issue the following kinds of permits:

24 (1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit  
 25 authorizes (i) the retail sale of malt beverages for consumption on the  
 26 premises, (ii) the retail sale of malt beverages in the manufacturer's original  
 27 container for consumption off the premises, and (iii) the retail sale of malt  
 28 beverages in a cleaned, sanitized, resealable container that is filled or refilled  
 29 and sealed for consumption off the premises and that identifies the permittee  
 30 and the date the container was filled or refilled. It also authorizes the holder  
 31 of the permit to ship malt beverages in closed containers to individual  
 32 purchasers inside and outside the State. The permit may be issued for any of  
 33 the following:

- 34 a. Restaurants;
- 35 b. Hotels;
- 36 c. Eating establishments;
- 37 d. Food businesses;
- 38 e. Retail businesses;
- 39 f. Private clubs;
- 40 g. Convention centers;
- 41 h. Community theatres;
- 42 i. Breweries as authorized by G.S. 18B-1104(7) and ~~(8)~~-(8);
- 43 j. Sports and entertainment venues.

44 ...

45 (3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine  
 46 permit authorizes (i) the retail sale of unfortified wine for consumption on  
 47 the premises, either alone or mixed with other beverages, (ii) the retail sale  
 48 of unfortified wine in the manufacturer's original container for consumption  
 49 off the premises, and (iii) the retail sale of unfortified wine dispensed from a  
 50 tap connected to a pressurized container utilizing carbon dioxide or similar  
 51 gas into a cleaned, sanitized, resealable container that is filled or refilled and

sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Eating establishments;
- d. Private clubs;
- e. Convention centers;
- f. Cooking schools;
- g. Community theatres;
- h. Wineries;
- i. ~~Wine producers-producers;~~
- j. Sports and entertainment venues.

...  
(10)

Mixed Beverages Permit. – A mixed beverages permit authorizes the retail sale of mixed beverages for consumption on the premises. The permit also authorizes a mixed beverages permittee (i) to obtain a purchase-transportation permit under G.S. 18B-403 and 18B-404, (ii) to obtain an antique spirituous liquor permit under subdivision (20) of this section, and (iii) to use for culinary purposes spirituous liquor lawfully purchased for use in mixed beverages. The permit may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Private clubs;
- d. Convention centers;
- e. Community theatres;
- f. Nonprofit organizations; and
- g. ~~Political organizations-organizations;~~
- h. Sports and entertainment venues.

...."

**SECTION 3.** G.S. 18C-112(a) reads as rewritten:

1       "(a) Of the members of the Commission appointed by the Governor, at least one member  
2 shall have a minimum of five years' experience in law enforcement. Notwithstanding  
3 subsection (e) of this section, a member serving in this slot may be an elected law enforcement  
4 official."

5               **SECTION 4.** G.S. 28A-2B-2 reads as rewritten:

6       "**§ 28A-2B-2. Venue.**

7       The venue for a petition under G.S. 28A-2B-1 is the county of this State in which the  
8 petitioner whose will or codicil is the subject of the petition ~~is domiciled.~~ resides."

9               **SECTION 5.(a)** G.S. 39-35 reads as rewritten:

10       "**§ 31D-5-505. Requisites of release or limitation as against creditors and purchasers for**  
11 **value.**

12       No release ~~or limitation~~ of a power of appointment after March 8, 1943, which is made by  
13 the owner of the legal title to real property in this State shall be valid as against creditors and  
14 purchasers for a valuable consideration until an instrument in writing setting forth the release ~~or~~  
15 ~~limitation~~ is executed and acknowledged in the manner required for a deed and recorded in the  
16 county where the real property is."

17               **SECTION 5.(b)** If House Bill 229, 2017 Regular Session, becomes law, the  
18 Revisor of Statutes shall cause to be printed all explanatory comments of the drafters of this  
19 section, as the Revisor may deem appropriate.

20               **SECTION 6.(a)** G.S. 36C-5-505 reads as rewritten:

21       "**§ 36C-5-505. Creditor's claim against settlor.**

22       ...

23       (c) Subject to the Uniform Voidable Transactions Act, Article 3A of Chapter 39 of the  
24 General Statutes, for purposes of this section, property contributed to the following trusts is not  
25 considered to have been contributed by the settlor and a person who would otherwise be treated  
26 as a settlor or a deemed settlor of the following trusts may not be treated as a settlor:

27               (1) If the settlor is a beneficiary after the death of the settlor's spouse:

- 28               a. An irrevocable inter vivos marital trust that is treated as a general  
29 power of appointment trust described in section 2523(e) of the  
30 Internal Revenue Code.
- 31               b. An irrevocable inter vivos marital trust that is treated as a qualified  
32 terminable interest trust under section 2523(f) of the Internal  
33 Revenue Code.
- 34               c. An irrevocable inter vivos trust of which the settlor's spouse is a  
35 beneficiary during the spouse's lifetime but which does not qualify  
36 for the federal gift tax marital deduction, and during the lifetime of  
37 the settlor's spouse (i) the settlor's spouse is the only beneficiary or  
38 (ii) the settlor's spouse and ~~the settlor's issue~~ any issue of the settlor  
39 or the settlor's spouse, or both, are the only beneficiaries.
- 40               d. Another trust, to the extent that the property of the other trust is  
41 attributable to property passing from a trust described in  
42 sub-subdivisions a., b., and c. of this subdivision.

43               For purposes of this subdivision, notwithstanding the provisions of  
44 G.S. 36C-1-103(3), the settlor is a beneficiary whether so named under the  
45 initial trust instrument or through the exercise of a limited or general power  
46 of appointment.

47               (2) An irrevocable inter vivos trust for the benefit of a person if the settlor is the  
48 person's spouse, regardless of whether or when that person was a settlor of  
49 an irrevocable inter vivos trust for the benefit of the person's spouse.

1 For purposes of this subsection, the "settlor's spouse" refers to the person to whom the  
2 settlor was married at the time the irrevocable inter vivos trust was created, notwithstanding a  
3 subsequent dissolution of the marriage."

4 **SECTION 6.(b)** The Revisor of Statutes shall cause to be printed all explanatory  
5 comments of the drafters of this section, as the Revisor may deem appropriate.

6 **SECTION 7.** G.S. 42A-37(a) reads as rewritten:

7 "(a) Any member of the Armed Forces of the United States who executes a vacation  
8 rental agreement and subsequently receives (i) an order for deployment with a military unit for  
9 a period overlapping with the rental period or (ii) permanent change of station orders requiring  
10 the member to relocate on a date prior to the beginning of the lease term may terminate the  
11 member's vacation rental agreement by providing the landlord or landlord's agent with a written  
12 notice of termination within 10 calendar days of receipt of the order. The notice must be  
13 accompanied by either a copy of the official military orders or a written verification signed by  
14 the member's commanding officer. Termination of a lease pursuant to this subsection is  
15 effective immediately upon receipt of the notice by the landlord or landlord's agent. All monies  
16 paid by the terminating member, with the exception of nonrefundable fees paid to third parties  
17 as described in ~~G.S. 42-16(a)~~, G.S. 42A-16, in connection with the vacation rental agreement  
18 shall be refunded to the member within 30 days of termination of the agreement."

19 **SECTION 8.** G.S. 45-10 reads as rewritten:

20 **"§ 45-10. Substitution of trustees in mortgages and deeds of trust.**

21 (a) In addition to the rights and remedies now provided by law, the ~~holders or owners of~~  
22 ~~a majority in amount of the indebtedness, notes, bonds, or other instruments evidencing a~~  
23 ~~promise or promises to pay money and secured by mortgages, deeds of trust, or other~~  
24 ~~instruments conveying real property, or creating a lien thereon,~~ noteholders may, in their  
25 discretion, substitute a trustee whether the trustee then named in the instrument is the original  
26 or a substituted trustee or a holder or owner of any or all of the obligations secured thereby, by  
27 the execution of a written document properly recorded pursuant to Chapter 47 of the North  
28 Carolina General Statutes. An attorney who serves as the trustee or substitute trustee shall not  
29 represent either the noteholders or the interests of the borrower while initiating a foreclosure  
30 proceeding.

31 ...

32 (d) In this section, the term "noteholders" means the holders or owners of a majority in  
33 the amount of the indebtedness, notes, bonds, or other instruments evidencing a promise to pay  
34 money and secured by mortgages, deeds of trust, or other instruments conveying real property,  
35 or creating a lien thereon."

36 **SECTION 10.(a)** G.S. 58-10-345(g) reads as rewritten:

37 "(g) The Commissioner is authorized to retain legal, financial, and audit services from  
38 outside the Department, the costs of which shall be reimbursed by the business entity.  
39 G.S. 58-2-160 shall apply to ~~audits, investigations,~~ audits and processing conducted under the  
40 authority of this section."

41 **SECTION 10.(b)** G.S. 58-10-355 reads as rewritten:

42 **"§ 58-10-355. Organizational audit.**

43 In addition to the processing of the application, an organizational ~~investigation or~~ audit may  
44 be performed before an applicant business entity is licensed. Such investigation or audit shall  
45 consist of a general ~~survey~~ review of the applicant business entity's corporate records, including  
46 charters, bylaws, and minute books; verification of capital and surplus; verification of principal  
47 place of business; determination of assets and liabilities; and a review of such other factors as  
48 the Commissioner deems necessary."

49 **SECTION 10.(c)** G.S. 58-10-385(a) reads as rewritten:

50 "(a) Every captive insurance company shall report to the Commissioner within 30 days  
51 after any change in its executive officers or directors, including in its report a biographical

1 affidavit for each new officer or director. The change shall be deemed approved unless it is  
2 disapproved within 30 days from the completion of the Commissioner's review of the  
3 biographical affidavit."

4 **SECTION 11.(a)** G.S. 58-57-90 reads as rewritten:

5 "**§ 58-57-90. Credit property insurance; personal household-property coverage.**

6 (a) As used in this Article, the term "single interest credit property" insurance means  
7 insurance of the personal ~~household~~-property of the debtor against loss, with the creditor as sole  
8 beneficiary; and the term "dual credit property" insurance means insurance of personal  
9 ~~household~~-property of the debtor, with the creditor as primary beneficiary and the debtor as  
10 beneficiary of proceeds not paid to the creditor. For the purpose of this Article, "personal  
11 ~~household~~-property" means household furniture, ~~furnishings and furnishings~~, appliances  
12 designed for household ~~use and use~~, and other personal property of the debtor, exclusive of an  
13 automobile, not used by the debtor in a business trade or profession.

14 ...."

15 **SECTION 11.(b)** G.S. 58-57-110(a) reads as rewritten:

16 "(a) ~~Each Beginning September 1, 2018, and every third year thereafter,~~ the  
17 Commissioner shall prescribe a minimum incurred loss ratio standard requirement to develop a  
18 premium rate reasonable in relation to the benefits provided by credit unemployment insurance  
19 coverage. This minimum incurred loss ratio standard shall be effective January 1 in the year  
20 after it is prescribed and shall remain in effect until a new minimum incurred loss ratio standard  
21 requirement is prescribed. The following requirements must be met:

22 ...."

23 **SECTION 12.(a)** G.S. 66-58 reads as rewritten:

24 "**§ 66-58. Sale of merchandise or services by governmental units.**

25 ...

26 (c) The provisions of subsection (a) shall not prohibit:

27 ...

28 (4) ~~The operation of lunch counters by the Department of Health and Human~~  
29 ~~Services as blind enterprises of the type operated on January 1, 1951, in~~  
30 ~~State buildings in the City of Raleigh.~~ The operation of food and vending  
31 services under Article 3 of Chapter 111 of the General Statutes.

32 ...."

33 **SECTION 12.(b)** Article 3 of Chapter 111 of the General Statutes is amended by  
34 adding a new section to read:

35 "**§ 111-47.4. Food service at certain State properties or facilities.**

36 Notwithstanding any other provision of this Article, the Department of Health and Human  
37 Services may operate or contract for the operation of food or vending services at State property  
38 or State facilities allocated to the Department of Administration or the Department of  
39 Insurance. The net proceeds of revenue generated by food and vending services at such State  
40 property or State facilities by the Department of Health and Human Services, or a vendor with  
41 whom the Department of Health and Human Services has contracted, shall be credited to the  
42 Division of Services for the Blind of the Department of Health and Human Services for the  
43 purposes specified in G.S. 111-43. Nothing in this section shall be construed to remove an  
44 exemption granted in G.S. 111-42(c)."

45 **SECTION 12.(c)** G.S. 146-29.1 is amended by adding a new subsection to read:

46 "(i) This section shall not apply to leases entered into by the Department of Health and  
47 Human Services for the operation of food and vending services under Article 3 of Chapter 111  
48 of the General Statutes."

49 **SECTION 13.(a)** G.S. 90-92(a) reads as rewritten:

50 "(a) This schedule includes the controlled substances listed or to be listed by whatever  
51 official name, common or usual name, chemical name, or trade name designated. In

1 determining that a substance comes within this schedule, the Commission shall find: a low  
2 potential for abuse relative to the substances listed in Schedule III of this Article; currently  
3 accepted medical use in the United States; and limited physical or psychological dependence  
4 relative to the substances listed in Schedule III of this Article. The following controlled  
5 substances are included in this schedule:

- 6 ...
- 7 (5) Narcotic Drugs. – Unless specifically excepted or unless listed in another  
8 schedule, any material, compound, mixture, or preparation containing  
9 limited quantities of any of the following narcotic drugs, or any salts thereof:
- 10 a. Not more than 1 milligram of difenoxin and not less than 25  
11 micrograms of atropine sulfate per dosage unit.
- 12 b. Buprenorphine.
- 13 c. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its  
14 salts, optical and geometric isomers, and salts of these isomers  
15 (including tramadol)."

16 **SECTION 13.(b)** If House Bill 464, 2017 Regular Session, becomes law, the  
17 sub-subdivision c. added to G.S. 90-92(a)(5) by Section 6 of that act is repealed.

18 **SECTION 13.(c)** This section becomes effective December 1, 2017, and  
19 subsection (a) of this section applies to offenses committed on or after that date.

20 **SECTION 14.** G.S. 90-113.74 reads as rewritten:

21 "**§ 90-113.74. Confidentiality.**

22 (a) Prescription information submitted to the Department is privileged and confidential,  
23 is not a public record pursuant to G.S. 132-1, is not subject to subpoena or discovery or any  
24 other use in civil proceedings, and except as otherwise provided below may only be used (i) for  
25 investigative or evidentiary purposes related to violations of State or federal law, (ii) for  
26 regulatory activities, or (iii) to inform medical records or clinical care. Except as otherwise  
27 provided by this section, prescription information shall not be disclosed or disseminated to any  
28 person or entity by any person or entity authorized to review prescription information.

29 (b) The Department may use prescription information data in the controlled substances  
30 reporting system only for purposes of implementing this Article in accordance with its  
31 provisions.

32 (b1) The Department may review the prescription information data in the controlled  
33 substances reporting system and upon review may:

- 34 (1) Notify practitioners that a patient may have obtained prescriptions for  
35 controlled substances in a manner that may represent abuse, diversion of  
36 controlled substances, or an increased risk of harm to the patient.
- 37 (2) Report information regarding the prescribing practices of a practitioner to  
38 the agency responsible for licensing, registering, or certifying the  
39 practitioner pursuant to rules adopted by the agency as set forth below in  
40 subsection (b2) of this section.

41 (b2) In order to receive a report pursuant to subdivision (2) of subsection (b1) of this  
42 section, an agency responsible for licensing, registering, or certifying a practitioner with  
43 prescriptive or dispensing authority shall adopt rules setting the criteria by which the  
44 Department may report the information to the agency. The criteria for reporting established by  
45 rule shall not establish the standard of care for prescribing or dispensing, and it shall not be a  
46 basis for disciplinary action by an agency that the Department reported a practitioner to an  
47 agency based on the criteria.

48 (c) The Department shall release data in the controlled substances reporting system to  
49 the following persons only:

- 50 (1) Persons authorized to prescribe or dispense controlled substances for the  
51 purpose of providing medical or pharmaceutical care for their patients. A

1 person authorized to receive data pursuant to this paragraph may delegate  
2 the authority to receive the data to other persons working under his or her  
3 direction and supervision, provided the Department approves the delegation.

4 (2) An individual who requests the individual's own controlled substances  
5 reporting system information.

6 (3) Special agents of the North Carolina State Bureau of Investigation who are  
7 assigned to the Diversion & Environmental Crimes Unit and whose primary  
8 duties involve the investigation of diversion and illegal use of prescription  
9 medication. SBI agents assigned to the Diversion & Environmental Crimes  
10 Unit may then provide this information to other SBI agents who are engaged  
11 in a bona fide specific investigation related to enforcement of laws  
12 governing licit drugs. The SBI shall notify the Office of the Attorney  
13 General of North Carolina of each request for inspection of records  
14 maintained by the Department.

15 (4) Primary monitoring authorities for other states pursuant to a specific ongoing  
16 investigation involving a designated person, if information concerns the  
17 dispensing of a Schedule II through V controlled substance to an ultimate  
18 user who resides in the other state or the dispensing of a Schedule II through  
19 V controlled substance prescribed by a licensed health care practitioner  
20 whose principal place of business is located in the other state.

21 (5) To a sheriff or designated deputy sheriff or a police chief or a designated  
22 police investigator who is assigned to investigate the diversion and illegal  
23 use of prescription medication or pharmaceutical products identified in  
24 Article 5 of this Chapter of the General Statutes as Schedule II through V  
25 controlled substances and who is engaged in a bona fide specific  
26 investigation related to the enforcement of laws governing licit drugs  
27 pursuant to a lawful court order specifically issued for that purpose.

28 (6) The Division of Medical Assistance for purposes of administering the State  
29 Medical Assistance Plan.

30 (7) Licensing boards with jurisdiction over health care disciplines pursuant to an  
31 ongoing investigation by the licensing board of a specific individual licensed  
32 by the board.

33 (8) Any county medical examiner appointed by the Chief Medical Examiner  
34 pursuant to G.S. 130A-382 and the Chief Medical Examiner, for the purpose  
35 of investigating the death of an individual.

36 (9) The federal Drug Enforcement Administration's Office of Diversion Control.

37 (10) The North Carolina Health Information Exchange Authority (NC HIE  
38 Authority), established under Article 29B of this Chapter, through  
39 Web-service calls.

40 (11) The North Carolina State Opioid Treatment Authority for purposes of  
41 approving, denying, or evaluating programs.

42 ...  
43 (f) The Department shall, on a quarterly basis, purge from the controlled substances  
44 reporting system database all information more than six years old. The Department shall  
45 maintain in a separate database all information purged from the controlled substances reporting  
46 system database pursuant to this subsection and may release data from that separate database  
47 only as provided in subsection (d) of this section.

48 ...."

49 **SECTION 14.5.(a)** If House Bill 701, 2017 Regular Session, becomes law,  
50 G.S. 93B-1(b)(25) and G.S. 93B-1(b)(50), as enacted by that act, are repealed.

51 **SECTION 14.5.(b)** G.S. 150B-38(a) reads as rewritten:



"(a) The provisions of this Article shall apply to:

- (1) Occupational licensing agencies.
- (2) The State Banking Commission, the Commissioner of Banks, and the Credit Union Division of the Department of Commerce.
- (3) The Department of Insurance and the Commissioner of Insurance.
- (4) The State Chief Information Officer in the administration of the provisions of Article 14 of Chapter 143B of the General Statutes.
- (5) The North Carolina State Building Code Council.
- (6) The State Board of Elections in the administration of any investigation or audit under the provisions of Article 22A of Chapter 163 of the General Statutes.
- (7) The North Carolina Criminal Justice Education and Training Standards Commission.
- (8) The Sheriffs' Education and Training Standards Commission."

**SECTION 15.(a)** Section 7.18(b) of S.L. 2008-107 is repealed.

**SECTION 15.(b)** Section 31.7(b) of S.L. 2015-241 reads as rewritten:

**"SECTION 31.7.(b)** Reporting. – The following reports are required:

- (1) By ~~October 1, 2015~~, October 15, 2017, and every six months thereafter, each State agency shall report on the status of agency capital projects to the Joint Legislative Commission on Governmental Operations.
- (2) By ~~October 1, 2015~~, October 15, 2017, and quarterly thereafter, each State agency shall report on the status of agency capital projects to the Fiscal Research Division of the General Assembly and to the Office of State Budget and Management."

**SECTION 16.** G.S. 143-47.7 reads as rewritten:

**"§ 143-47.7. Notice and record of appointment required.**

(a) Within 30 days after acceptance of appointment by a person appointed to public office, the appointing authority shall file written notice of the appointment with the Governor, the Secretary of State, the Legislative Library, ~~the State Library~~, the State Ethics Commission, and the State Controller. For the purposes of this section, a copy of the letter from the appointing authority, a copy of the properly executed notice of appointment as set forth in subsection (c) of this section, or a copy of the properly executed Commission of Appointment shall be sufficient to be filed if the copy contains the information required in subsection (b) of this section.

(b) The notice required by this Article shall contain the following information:

- (1) The name and office of the appointing authority;
- (2) The public office to which the appointment is made;
- (3) The name and address of the appointee;
- (4) The county of residence of the appointee;
- (5) The citation to the law or other authority authorizing the appointment;
- (6) The specific statutory qualification for the public office to which the appointment is made, if applicable;
- (7) The name of the person the appointee replaces, if applicable;
- (8) The date the term of the appointment begins; and
- (9) The date the term of the appointment ends.

(c) The following form may be used to comply with the requirements of this section:

"NOTICE OF APPOINTMENT

Notice is given that \_\_\_\_\_ is hereby appointed to the following

Name

public office:

Public Office: \_\_\_\_\_

Citation to Law or Other Authority Authorizing the Appointment:

Specific Statutory Qualification for the Public Office, if Applicable:

Address of the Appointee:

County of Residence of the Appointee:

Date Term of Appointment Begins:

Date Term of Appointment Ends:

Name of Person the Appointee Replaces, if applicable:

Date of Appointment

Signature

Office of Appointing Authority

Distribution:

- Governor
- Secretary of State
- Legislative Library
- ~~State Library~~
- State Ethics Commission
- State Controller"

**SECTION 17.(a)** Subdivision (3) of G.S. 143-320 is recodified as subdivision (3a) of G.S. 143B-135.44.

**SECTION 17.(b)** Subsections (a) and (d) of G.S. 143-323 are recodified as subsections (a) and (b) of G.S. 143B-135.58, to be entitled "Additional powers and duties of the Department regarding recreation."

**SECTION 17.(c)** G.S. 143B-135.58, as enacted by subsection (b) of this section, reads as rewritten:

**"§ 143B-135.58. Additional powers and duties of the Department regarding recreation.**

(a) Recreation. – The Department of ~~Environmental Quality~~ shall have the following powers and duties with respect to recreation:

- (1) To study and appraise the recreation needs of the State and to assemble and disseminate information relative to recreation.
- (2) To cooperate in the promotion and organization of local recreation systems for counties, municipalities, and other political subdivisions of the State, to aid them in the administration, finance, planning, personnel, coordination and cooperation of recreation organizations and programs.
- (3) To aid in recruiting, training, and placing recreation workers, and to promote recreation institutes and conferences.
- (4) To establish and promote recreation standards.
- (5) To cooperate with appropriate State, federal, and local agencies and private membership groups and commercial recreation interests in the promotion of recreation opportunities, and to represent the State in recreation conferences, study groups, and other matters of recreation concern.
- (6) To accept gifts, devises, and endowments. The funds, if given as an endowment, shall be invested in securities designated by the donor, or if there is no such designation, in securities in which the State sinking fund may be invested. All such gifts and devises and all proceeds from such

1 invested endowments shall be used for carrying out the purposes for which  
2 they were made.

3 (7) To advise agencies, departments, organizations and groups in the planning,  
4 application and use of federal and State funds which are assigned or  
5 administered by the State for recreation programs and services on land and  
6 water recreation areas and on which the State renders advisory or other  
7 recreation services or upon which the State exercises control.

8 (8) To act jointly, when advisable, with any other State, local or federal agency,  
9 institution, private individual or group in order to better carry out the  
10 Department's objectives and responsibilities.

11 (b) Federal Assistance. – The Department, with the approval of the Governor, may  
12 apply for and accept grants from the federal government and its agencies and from any  
13 foundation, corporation, association, or individual, and may comply with the terms, conditions,  
14 and limitations of the grant, in order to accomplish any of the purposes of the Department.  
15 Grant funds shall be expended pursuant to the ~~Executive Budget Act~~ State Budget Act. The  
16 Director of the Department's Division of Parks and Recreation shall be designated as having the  
17 authority and responsibility to accept and administer funding through the federal Land and  
18 Water Conservation Fund or any successor fund established for similar purposes, and the  
19 Secretary may designate additional personnel to assist the Director in the responsibilities  
20 imposed by this subsection."

21 **SECTION 17.(d)** G.S. 143-166.13(a) reads as rewritten:

22 "(a) The following persons who are subject to the Criminal Justice Training and  
23 Standards Act are entitled to benefits under this Article:

24 ...

25 (21) Sworn State Law Enforcement Officers with the power of arrest, Department  
26 of Natural and Cultural Resources."

27 **SECTION 18.** G.S. 143-548 reads as rewritten:

28 "**§ 143-548. Vocational Rehabilitation Council.**

29 ...

30 (d1) Terms of Appointment. –

31 (1) Length of Term. – Each member of the Council shall serve for a term of not  
32 more than three years, except that:

33 a. A member appointed to fill a vacancy occurring prior to the  
34 expiration of the term for which a predecessor was appointed shall be  
35 appointed for the remainder of that term;

36 b. The terms of service of the members initially appointed are as  
37 specified by the appointing authority for a fewer number of years as  
38 will provide for the expiration of terms on a staggered basis and shall  
39 include the members of the existing Council to the extent possible  
40 with appropriate adjustments to their terms;

41 c. The appointing authority shall have the power to remove any  
42 member of the Council from office in accordance with the provisions  
43 of G.S. 143B-16; and

44 d. A member may continue to serve until a successor for the position is  
45 appointed;

46 (2) Number of Terms. – No member of the Council other than the representative  
47 of the Client Assistance ~~Program~~ Program, the representative of a parent  
48 training and information center, and the representative of the directors of  
49 projects carried out under section 121 of the Rehabilitation Act of 1973, 29  
50 U.S.C. § 741, as amended, may serve more than two consecutive full terms.

51 ...."

1           **SECTION 19.** G.S. 143B-68 reads as rewritten:

2   "**§ 143B-68. Public Librarian Certification Commission – members; selection; quorum;**  
3   **compensation.**

4       The Public Librarian Certification Commission of the Department of Natural and Cultural  
5 Resources shall consist of five members as follows: (i) ~~the chairman of the North Carolina~~  
6 ~~Association of Library Trustees,~~ (ii) the chairman of the public libraries section of the North  
7 Carolina Library Association, ~~(iii) an individual~~ (ii) two individuals named by the Governor  
8 upon the nomination of the North Carolina Library Association, ~~(iv)~~ (iii) the dean of a State or  
9 regionally accredited graduate school of librarianship in North Carolina appointed by the  
10 Governor and ~~(v)~~ (iv) one member at large appointed by the Governor.

11       The members shall serve four-year terms or while holding the appropriate  
12 ~~chairmanships~~ chairmanship. Any appointment to fill a vacancy created by the resignation,  
13 dismissal, death or disability of a member shall be for the balance of the unexpired term.

14       The Governor shall have the power to remove any member of the Commission from office  
15 for misfeasance, malfeasance, and nonfeasance according to the provisions of G.S. 143B-13 of  
16 the Executive Organization Act of 1973.

17       The members of the Commission shall receive per diem, and necessary travel expenses in  
18 accordance with the provisions of G.S. 138-5.

19       A majority of the Commission shall constitute a quorum for the transaction of business.

20       All clerical and other services required by the Commission shall be supplied by the  
21 Secretary of the Department through the regular staff of the Department."

22           **SECTION 20.(a)** The title of Part 39 of Article 2 of Chapter 143B of the General  
23 Statutes reads as rewritten:

24                   "North Carolina Zoological ~~Park Council~~ Park."

25           **SECTION 20.(b)** Part 39 of Article 2 of Chapter 143B of the General Statutes, as  
26 amended by subsection (a) of this section, is amended by adding a new section to read:

27   "**§ 143B-135.204. Powers and duties of the Secretary.**

28       (a)   Operation of Park. – The Secretary of the Department of Natural and Cultural  
29 Resources may adopt rules governing the operation of the Zoological Park, including rules  
30 regulating its use and enjoyment by the public. Nothing in this subsection is intended to limit  
31 the power of the North Carolina Zoological Park Council to establish and set admissions fees as  
32 set forth in G.S. 143B-135.205.

33       (b)   Park Property. – The Secretary of the Department of Natural and Cultural Resources  
34 may acquire, dispose of, and develop Zoological Park property, both real and personal. A sale,  
35 lease, or trade under this subsection must be conducted in accordance with generally accepted  
36 practices for zoos and aquariums that are accredited by the American Association of Zoos and  
37 Aquariums."

38           **SECTION 21.** G.S. 143B-135.234(a) reads as rewritten:

39       "(a)   Fund Established. – The Clean Water Management Trust Fund is established as a  
40 special revenue fund to be administered by the Department of ~~Environmental Quality~~ Natural  
41 and Cultural Resources. The Fund receives revenue from the following sources and may  
42 receive revenue from other sources:

43           ...."

44           **SECTION 21.4.(a)** G.S. 147-86.70 reads as rewritten:

45   "**§ 147-86.70. Policy and definitions.**

46       ...  
47       (b)   Definitions. – The following definitions apply in this section:

48           ...

49       (11) Representative payee. – Any individual who has been designated as a  
50 representative payee for an eligible individual by the Social Security  
51 Administration pursuant to 42 U.S.C. § 1007."

1           **SECTION 21.4.(b)** G.S. 147-86.71 reads as rewritten:

2   "**§ 147-86.71. ABLE Program.**

3           ...  
4           (b)   Accounts. – The following provisions apply to an ABLE account:

5               (1)   An account ~~owner or contributor~~owner, contributor, or representative payee  
6               may establish an account by making an initial contribution to the ABLE  
7               Program Trust, signing an application form approved by the Board or its  
8               designee, and naming the designated beneficiary. If the contributor is not the  
9               account owner, the account owner or the account owner's guardian, trustee,  
10              or agent shall also sign the application form.

11           ...

12           (d)   Limitations. – The Board, in administering the ABLE Program Trust, shall ensure  
13           each of the following:

14           ...

15               (9)   A ~~trustee~~trustee, representative payee, or guardian appointed as a signatory  
16               of an ABLE account does not have or acquire any beneficial interest in the  
17               account and administers the account for the benefit of the designated  
18               beneficiary."

19           **SECTION 21.5(a)** G.S. 95-25.8 reads as rewritten:

20   "**§ 95-25.8. Withholding of wages.**

21           ...

22           (a1) Notwithstanding subsection (a) of this section and except as provided in  
23           G.S. 143B-426.40A and under federal law, an employer shall not withhold or divert any portion  
24           of an employee's wages for the purpose of paying a membership fee or dues to a membership  
25           association organized under 26 U.S.C. § 501(c)(5) or 26 U.S.C. § 501(c)(6).

26           ...."

27           **SECTION 21.5.(b)** G.S. 95-79 reads as rewritten:

28   "**§ 95-79. Certain agreements declared illegal.**

29           ...

30           (b)   Any provision that directly or indirectly conditions the purchase of agricultural  
31           ~~products or products,~~ the terms of an agreement for the purchase of agricultural products  
32           products, or the terms of an agreement not to sue or to settle litigation upon an agricultural  
33           producer's status as a union or nonunion employer or entry into or refusal to enter into an  
34           agreement with a labor union or labor organization is invalid and unenforceable as against  
35           public policy in restraint of trade or commerce in the State of North Carolina. For purposes of  
36           this subsection, the term "agricultural producer" means any producer engaged in any service or  
37           activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938,  
38           29 U.S.C. § 203, or section 3121(g) of the Internal Revenue Code of 1986, 26 U.S.C. § 3121."

39           **SECTION 21.5.(c)** Subsection (a) of this section is effective when it becomes law  
40           and applies to agreements between employers and employees or membership associations  
41           entered into, renewed, or extended on or after that date. Subsection (b) of this section is  
42           effective when it becomes law and applies to agreements and settlements entered into, renewed,  
43           or extended on or after that date.

44           **SECTION 22.(a)** G.S. 153A-335, as amended by Section 2.5(a) of S.L. 2017-10,  
45           reads as rewritten:

46   "**§ 153A-335. "Subdivision" defined.**

47           ...

48           (c)   The county ~~may~~shall require only a plat for recordation for the division of a tract or  
49           parcel of land in single ownership if all of the following criteria are met:

50               (1)   The tract or parcel to be divided is not exempted under subdivision (2) of  
51               subsection (a) of this section.

- 1 (2) No part of the tract or parcel to be divided has been divided under this  
 2 subsection in the 10 years prior to division.  
 3 (3) The entire area of the tract or parcel to be divided is greater than five acres.  
 4 (4) After division, no more than three lots result from the division.  
 5 (5) After division, all resultant lots comply with all of the following:  
 6 a. Any lot dimension size requirements of the applicable land-use  
 7 regulations, if any.  
 8 b. The use of the lots is in conformity with the applicable zoning  
 9 requirements, if any.  
 10 c. ~~A-Each lot either fronts an existing public right-of-way or may be~~  
 11 ~~accessed by a recorded permanent means of ingress and egress is~~  
 12 ~~recorded for each lot. egress, and such is indicated on the plat."~~

13 **SECTION 22.(b)** G.S. 160A-376, as amended by Section 2.5(b) of S.L. 2017-10,  
 14 reads as rewritten:

15 **"§ 160A-376. Definition.**

16 ...  
 17 (c) The city ~~may~~ shall require only a plat for recordation for the division of a tract or  
 18 parcel of land in single ownership if all of the following criteria are met:

- 19 (1) The tract or parcel to be divided is not exempted under subdivision (2) of  
 20 subsection (a) of this section.  
 21 (2) No part of the tract or parcel to be divided has been divided under this  
 22 subsection in the 10 years prior to division.  
 23 (3) The entire area of the tract or parcel to be divided is greater than five acres.  
 24 (4) After division, no more than three lots result from the division.  
 25 (5) After division, all resultant lots comply with all of the following:  
 26 a. Any lot dimension size requirements of the applicable land-use  
 27 regulations, if any.  
 28 b. The use of the lots is in conformity with the applicable zoning  
 29 requirements, if any.  
 30 c. ~~A-Each lot either fronts an existing public right-of-way or may be~~  
 31 ~~accessed by a recorded permanent means of ingress and egress is~~  
 32 ~~recorded for each lot. egress, and such is indicated on the plat."~~

33 **SECTION 22.(c)** Section 2.5(c) of S.L. 2017-10 reads as rewritten:

34 **"SECTION 2.5.(c)** This section becomes effective ~~July 1, 2017.~~ August 1, 2017."

35 **SECTION 22.(d)** Subsection (c) of this section becomes effective July 1, 2017.  
 36 The remainder of this section becomes effective August 1, 2017.

37 **SECTION 23.(a)** G.S. 159-32 reads as rewritten:

38 **"§ 159-32. Daily deposits.**

39 Except as otherwise provided by law, all taxes and other moneys collected or received by  
 40 an officer or employee of a local government or public authority shall be deposited in  
 41 accordance with this section. Each officer and employee of a local government or public  
 42 authority whose duty it is to collect or receive any taxes or other moneys ~~shall~~ shall, on a daily  
 43 basis, deposit his or submit to a properly licensed and recognized cash collection service all  
 44 collections and receipts daily. If receipts. However, if the governing board gives its approval,  
 45 deposits or submissions to a properly licensed and recognized cash collection service shall be  
 46 required only when the moneys on hand amount to as much as two hundred fifty dollars  
 47 (\$250.00), but in any event a deposit shall be made on the last business day of the month.  
 48 (\$250.00) or greater. Until deposited or officially submitted to a properly licensed and  
 49 recognized cash collection service, all moneys must be maintained in a secure location. All  
 50 deposits shall be made with the finance officer or in an official depository. Deposits in an  
 51 official depository shall be immediately reported to the finance officer by means of a duplicate

1 deposit ticket. The finance officer may at any time audit the accounts of any officer or  
2 employee collecting or receiving taxes or other moneys, and may prescribe the form and detail  
3 of these accounts. The accounts of such an officer or employee shall be audited at least  
4 annually."

5 **SECTION 23.(b)** This section becomes effective October 1, 2018.

6 **SECTION 24.** Section 3 of S.L. 2016-81 reads as rewritten:

7 "**SECTION 3.** This act becomes effective ~~October 1, 2015.~~October 1, 2016."

8 **SECTION 25.** Section 3.3 of S.L. 2017-10 reads as rewritten:

9 "**SECTION 3.3.** The Division of Waste Management of the Department of Environmental  
10 Quality shall examine whether solid waste management activities in the State are being  
11 conducted in a manner most beneficial to the citizens of the State in terms of efficiency and  
12 cost-effectiveness, with a focus on solid waste disposal capacity across the State, particularly  
13 areas of the State that have insufficient disposal capacity, as well as areas of the State with  
14 disposal capacity that is underutilized, resulting in transport of waste to other jurisdictions. The  
15 Department shall develop economic estimates of the short- and long-term costs of waste  
16 transport in these situations versus full utilization of capacity, or expansion of capacity, in the  
17 originating jurisdiction. The Department shall also provide information on landfill capacity that  
18 is permitted but not yet constructed and expansion opportunities for future landfill capacity.  
19 The Department shall submit a report, including any legislative recommendations, to the  
20 Environmental Review Commission no later than ~~May 1, 2017.~~March 1, 2018."

21 **SECTION 26.** Except as otherwise provided in this act, this act is effective when it  
22 becomes law.