

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1740*
Committee Substitute Favorable 7/7/10

Short Title: General Statutes Comm. Technical Corrections. (Public)

Sponsors:

Referred to:

May 18, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS
3 RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 7A-809. Reports.**

7 The Conference of Clerks of Superior Court shall, in consultation with the registers of
8 deeds, annually study the status of the individual counties and judicial districts as to whether or
9 not the clerks of superior court or the registers of deeds are implementing ~~Session Laws~~
10 ~~2009-355-G.S. 132-1.10(f1)~~ and report results of the study to the Joint Legislative Commission
11 on Governmental Operations on or before March 1 of each year."

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

13 "**§ 15-203. Duties of the Secretary of Correction; appointment of probation officers;**
14 **reports; requests for extradition.**

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

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

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

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

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

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



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

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

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

6 "(d) Plans prepared under this Article are not "rules" within the meaning of Chapter
7 150B of the General ~~Statutes or within the meaning of Article 6C of Chapter 120 of the General~~
8 ~~Statutes.~~ Statutes."

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

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

13 **SECTION 8.** The catchline of G.S. 36C-3-302 reads as rewritten:

14 "**§ 36C-3-302. Representation by holder of power of revocation or general testamentary**
15 **power of appointment.**"

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

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

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

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

33 "**§ 58-71-75. License renewal; criminal history record checks; renewal fees.**

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

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

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

- 43 a. Proof that the applicant is a resident of this State as required by
44 G.S. 58-71-50(c).
45 b. Proof that the applicant meets the qualifications set out in
46 G.S. 58-71-50(b)(5) through G.S. 58-71-50(b)(7).
47 c. The information required by G.S. 58-2-69.

48 (2) The annual renewal fee as provided in ~~subsection (e)~~ subsection (d) of this
49 section.

50 (3) A complete set of fingerprints of the bail bondsman or runner and a fee to
51 cover the cost of conducting the criminal history record check. The

1 fingerprints shall be submitted in the manner prescribed by the
2 Commissioner and shall be certified by an authorized law enforcement
3 officer.

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

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

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

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

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

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

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

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

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

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

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

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

34 "§ 120-29.1. Approval of bills.

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

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

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

47 (c) If the Governor returns any bill to the house of origin with ~~his~~ objections, the
48 Governor shall write such objections on the measure or cause the objections to be attached to
49 the measure. When any such bill becomes law after reconsideration of the two houses, the
50 principal clerk of the second house to act shall, below the objections of the Governor, sign the
51 following certificate: "Became law notwithstanding the objections of the Governor,

1 _____m. this _____ day of _____, _____". The principal clerk of the second
2 house to act shall fill in the time. The enrolling clerk shall deposit the measure with the
3 Secretary of State.

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

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

8 "**§ 143B-499.8. North Carolina Silver Alert System established.**

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

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

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

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

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

34 "**§ 143C-8-6. Recommendations for capital improvements set forth in the Recommended**
35 **State Budget.**

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

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

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

49 (d) Other Capital Projects in the Recommended State Budget. – The Recommended
50 State Budget shall contain for each capital project involving real property acquisition, new
51 construction, building area (sq. ft.) expansions, or the rehabilitation of existing facilities to

1 accommodate new or expanded uses: (i) a project description and statement of need, (ii) an
2 estimate of acquisition and construction or rehabilitation costs, and (iii) a means of financing
3 the project.

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

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

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

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

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

37 "In addition to the definitions stated below, the definitions set forth in ~~Article 13A~~ Article
38 14A of Chapter 163 of the General Statutes also apply to this Article. As used in this Article,
39 the following definitions apply:"

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

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

43 **SECTION 21.** Due to the amendment to G.S. 143-345.18 by Section 1(b) of S.L.
44 2009-446, designating the Department of Commerce as the lead State agency in matters
45 pertaining to energy efficiency in place of the Department of Administration, the Revisor of
46 Statutes is authorized to recodify Part 3 of Article 36 of Chapter 143 of the General Statutes to
47 a more suitable location.

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

51 **SECTION 23.** This act is effective when it becomes law.