

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**2**

**HOUSE BILL 264  
Committee Substitute Favorable 3/11/19**

Short Title: GSC Technical Corrections 2019.

(Public)

Sponsors:

Referred to:

March 5, 2019

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

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7A-308(a) reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

- |      |  |          |
|------|--|----------|
| (1)  | Foreclosure under power of sale in deed of trust or mortgage.....  | \$300.00 |
|      | If the property is sold under the power of sale, an additional amount will be charged, determined by the following formula: forty-five cents (.45) per one hundred dollars (\$100.00), or major fraction thereof, of the final sale price. If the amount determined by the formula is less than ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be collected. If the amount determined by the formula is more than five hundred dollars (\$500.00), a maximum five hundred-dollar (\$500.00) fee will be collected. |          |
| (2)  | Proceeding supplemental to execution.....  | 30.00    |
| (3)  | Confession of judgment .....   | 25.00    |
| (4)  | Taking a deposition .....  | 10.00    |
| (5)  | Execution.....   | 25.00    |
| (6)  | Notice of resumption of former name .....  | 10.00    |
| (7)  | Taking an acknowledgment or administering an oath, or both, with or without seal, each certificate (except that oaths of office shall be administered to public officials without charge).....   | 2.00     |
| (8)  | Bond, taking justification or approving .....  | 10.00    |
| (9)  | Certificate, under seal.....   | 3.00     |
| (10) | Exemplification of records.....  | 10.00    |
| (11) | Recording or docketing (including indexing) any document<br>– first page.....  | 6.00     |
|      | - each additional page or fraction thereof .....   | .25      |
| (12) | Preparation of copies – first page (of each document copied).....  | 2.00     |
|      | - each additional page or fraction thereof .....   | .25      |
| (13) | Preparation and docketing of transcript of judgment.....   | 10.00    |
| (14) | Substitution of trustee in deed of trust .....   | 10.00    |
| (15) | Execution of passport application – the amount allowed by federal law  |          |



- 1 (16) Repealed by Session Laws 1989, c. 783, s. 2.
- 2 (17) Criminal record search except if search is requested by an agency of
- 3 the State or any of its political subdivisions or by an agency of the
- 4 United States or by a petitioner in a proceeding under Article 2 of
- 5 General Statutes Chapter 20.....25.00
- 6 (18) Filing the affirmations, acknowledgments, agreements and resulting
- 7 orders entered into under the provisions of G.S. 110-132 and
- 8 G.S. 110-133 .....6.00
- 9 (19) Repealed by Session Laws 1989, c. 783, s. 3.
- 10 (20) Filing a motion to assert a right of access under G.S. 1-72.1 .....30.00
- 11 (21) In civil matters, except in actions commenced or prosecuted by a
- 12 child support enforcement agency established pursuant to Part D of
- 13 Title IV of the Social Security Act, all alias and pluries summons
- 14 issued and all endorsements issued on an original summons ... ~~\$15.00~~15.00."

15 **SECTION 2.** G.S. 7B-3101(a) reads as rewritten:

16 "(a) Notwithstanding G.S. 7B-3000, the juvenile court counselor shall deliver verbal and  
 17 written notification of any of the following actions to the principal of the school that the juvenile  
 18 attends:

- 19 (1) A petition is filed under G.S. 7B-1802 that alleges delinquency for an offense
- 20 that would be a felony if committed by an ~~adult~~;adult.
- 21 (2) The court transfers jurisdiction over a juvenile to ~~the~~the superior court under
- 22 ~~G.S. 7B-2200~~;G.S. 7B-2200.
- 23 (3) The court dismisses under G.S. 7B-2411 the petition that alleges delinquency
- 24 for an offense that would be a felony if committed by an ~~adult~~;adult.
- 25 (4) The court issues a dispositional order under Article 25 of Chapter 7B of the
- 26 General Statutes including, but not limited to, an order of probation that
- 27 requires school attendance, concerning a juvenile alleged or found delinquent
- 28 for an offense that would be a felony if committed by an ~~adult~~;oradult.
- 29 (5) The court modifies or vacates any order or disposition under G.S. 7B-2600
- 30 concerning a juvenile alleged or found delinquent for an offense that would
- 31 be a felony if committed by an adult.

32 Notification of the school principal in person or by telephone shall be made before the  
 33 beginning of the next school day. Delivery shall be made as soon as practicable but at least within  
 34 five days of the action. Delivery shall be made in person or by certified mail. Notification that a  
 35 petition has been filed shall describe the nature of the offense. Notification of a dispositional  
 36 order, a modified or vacated order, or a transfer to superior court shall describe the court's action  
 37 and any applicable disposition requirements. As used in this subsection, the term "offense" ~~shall~~  
 38 does not include any offense under Chapter 20 of the General Statutes."

39 **SECTION 3.** G.S. 14-43.15 reads as rewritten:

40 **"§ 14-43.15. Minor victims.**

41 Any minor victim of a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 shall be alleged to  
 42 be abused and neglected and the provisions of Subchapter I of Chapter 7B of the General ~~Statutes~~  
 43 ~~[Statutes]~~Statutes shall apply."

44 **SECTION 4.(a)** G.S. 14-50.21 reads as rewritten:

45 **"§ 14-50.21. Separate offense.**

46 Any offense committed in violation of ~~G.S. 14-50.16~~G.S. 14-50.17 through G.S. 14-50.20  
 47 shall be considered a separate offense."

48 **SECTION 4.(b)** G.S. 14-50.25 reads as rewritten:

49 **"§ 14-50.25. Reports of disposition; criminal gang activity.**

50 When a defendant is found guilty of a criminal offense, other than an offense under  
 51 ~~G.S. 14-50.16~~G.S. 14-50.17 through G.S. 14-50.20, the presiding judge shall determine whether

1 the offense involved criminal gang activity. If the judge so determines, then the judge shall  
2 indicate on the form reflecting the judgment that the offense involved criminal gang activity. The  
3 clerk of court shall ensure that the official record of the defendant's conviction includes a notation  
4 of the court's determination."

5 **SECTION 5.** G.S. 55-16-22 reads as rewritten:

6 "**§ 55-16-22. Annual report.**

7 (a) Requirement. – Except as provided in subsections (a1) and (a2) of this section, each  
8 domestic corporation and each foreign corporation authorized to transact business in this State  
9 shall deliver an annual report directly to the Secretary of State in electronic form or in paper form  
10 as prescribed by the Secretary of State under this section.

11 (a1) Insurers. – Each insurance company subject to the provisions of Chapter 58 of the  
12 General Statutes shall deliver an annual report to the Secretary of State.

13 (a2) Professional Corporations Exempt. – A corporation governed by Chapter 55B of the  
14 General Statutes is exempt from this section.

15 (a3) Form; Required Information. – The annual report required by this section shall be in  
16 a form prescribed by the Secretary of State. The Secretary of State shall prescribe the form needed  
17 to file an annual report electronically and shall provide this form by electronic means. The annual  
18 report shall set forth all of the following:

19 ...

20 If the information contained in the most recently filed annual report has not changed, a  
21 certification to that effect may be made instead of setting forth the information required by  
22 subdivisions (2) through (5) of this subsection.

23 (a4) ~~[Form; Certain Veteran Owned Businesses.]~~ Form; Certain Veteran-Owned  
24 Businesses. – The Secretary of Revenue and the Secretary of State shall also provide appropriate  
25 space and instructions on the annual report form for a domestic corporation or foreign corporation  
26 to voluntarily indicate whether or not the corporation is a veteran-owned small business or a  
27 service-disabled veteran-owned small business.

28 (b) Currency of Information. – Information in the annual report must be current as of the  
29 date the annual report is executed on behalf of the corporation.

30 (c) Due Date. – An annual report is due by the fifteenth day of the fourth month following  
31 the close of the corporation's fiscal year.

32 (d) Incomplete Information. – If an annual report does not contain the information  
33 required by this section, the Secretary of State shall promptly notify the reporting domestic or  
34 foreign corporation in writing and return the report to it for correction. If the report is corrected  
35 to contain the information required by this section and submitted to the Secretary of State within  
36 30 days after the effective date of notice, it is deemed to be timely filed.

37 (e) Amendments. – Amendments to any previously filed annual report may be filed with  
38 the Secretary of State at any time for the purpose of correcting, updating, or augmenting the  
39 information contained in the annual report.

40 (f) Expired.

41 (g) Repealed by Session Laws 2017-204, s. 1.13, effective August 11, 2017.

42 (h) Delinquency. – If the Secretary of State does not receive an annual report within 60  
43 days of the date the report is due, the Secretary of State may presume that the annual report is  
44 delinquent. This presumption may be rebutted by evidence of delivery presented by the filing  
45 corporation."

46 **SECTION 6.** G.S. 120-37(c) and (f) read as rewritten:

47 "(c) The principal clerks shall be full-time officers. Each principal clerk shall be entitled  
48 to other benefits available to permanent legislative employees and shall be paid an annual salary  
49 of one hundred eleven ~~[thousand]~~ thousand one hundred seven dollars (\$111,107), payable  
50 monthly. Each principal clerk shall also receive such additional compensation as approved by  
51 the Speaker of the House of Representatives or the President Pro Tempore of the Senate,

1 respectively, for additional employment duties beyond those provided by the rules of their House.  
2 The Legislative Services Commission shall review the salary of the principal clerks prior to  
3 submission of the proposed operating budget of the General Assembly to the Governor and shall  
4 make appropriate recommendations for changes in those salaries. Any changes enacted by the  
5 General Assembly shall be by amendment to this paragraph.

6 ...

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

13 **SECTION 6.1.(a)** G.S. 122C-263(a) reads as rewritten:

14 "(a) Without unnecessary delay after assuming custody, the law enforcement officer or  
15 the individual designated or required to provide transportation pursuant to G.S. 122C-251(g)  
16 shall take the respondent to a facility or other location identified by the LME/MCO in the  
17 community crisis services plan adopted pursuant to G.S. 122C-202.2 that has an available  
18 commitment examiner and is capable of performing a first examination in conjunction with a  
19 health screening at the same location, unless ~~exigent~~ circumstances ~~require the respondent be~~  
20 ~~transported to an emergency department~~ indicate the respondent appears to be suffering a medical  
21 emergency in which case the law enforcement officer will seek immediate medical assistance for  
22 the respondent. If a commitment examiner is not available, whether on-site, on-call, or via  
23 telemedicine, at any facility or location, or if a plan has not been adopted, the person designated  
24 to provide transportation shall take the respondent to an alternative non-hospital provider or  
25 facility-based crisis center for a first examination in conjunction with a health screening at the  
26 same location. If no non-hospital provider or facility-based crisis center for a first examination  
27 in conjunction with a health screening at the same location for health screening and first  
28 examination exists, the person designated to provide transportation shall take the respondent to  
29 a private hospital or clinic, a general hospital, an acute care hospital, or a State facility for ~~the~~  
30 ~~mentally ill, individuals with mental illnesses.~~ If a commitment examiner is not immediately  
31 available, the respondent may be temporarily detained in an area facility, if one is available; if  
32 an area facility is not available, the respondent may be detained under appropriate supervision in  
33 the respondent's home, in a private hospital or a clinic, in a general hospital, or in a State facility  
34 for ~~the mentally ill, individuals with mental illnesses,~~ but not in a jail or other penal facility. For  
35 the purposes of this section, "non-hospital provider" means an outpatient provider that provides  
36 either behavioral health or medical services."

37 **SECTION 6.1.(b)** G.S. 122C-283 reads as rewritten:

38 **"§ 122C-283. (Effective October 1, 2019) Duties of law enforcement officer; first**  
39 **examination by commitment examiner.**

40 (a) Without unnecessary delay after assuming custody, the law enforcement officer or  
41 the individual designated or required to provide transportation under G.S. 122C-251(g) shall take  
42 the respondent to a facility or other location identified by the LME/MCO in the community crisis  
43 services plan adopted pursuant to G.S. 122C-202.2 that has an available commitment examiner  
44 and is capable of performing a first examination in conjunction with a health screening in the  
45 same location, unless ~~exigent~~ circumstances ~~require the respondent be transported to an~~  
46 ~~emergency department~~ indicate the respondent appears to be suffering a medical emergency in  
47 which case the law enforcement officer will seek immediate medical assistance for the  
48 respondent. If a commitment examiner is not available, whether on-site, on-call, or via  
49 telemedicine, at any facility or location, or if a plan has not been adopted, the person designated  
50 to provide transportation shall take the respondent to an alternative non-hospital provider or  
51 facility-based crisis center for a first examination in conjunction with a health screening at the

1 same location. If no non-hospital provider or facility-based crisis center for a first examination  
2 in conjunction with a health screening at the same location, the person designated to provide  
3 transportations shall take the respondent to a private hospital or clinic, a general hospital, an acute  
4 care hospital, or a State facility for ~~the mentally ill.~~ individuals with mental illnesses. If a  
5 commitment examiner is not immediately available, the respondent may be temporarily detained  
6 in an area facility if one is available; if an area facility is not available, ~~he~~ the respondent may be  
7 detained under appropriate supervision, in ~~his~~ the respondent's home, in a private hospital or a  
8 clinic, or in a general hospital, but not in a jail or other penal facility. For the purposes of this  
9 section, "non-hospital provider" means an outpatient provider that provides either behavioral  
10 health or medical services.

11 ...

12 (c) The commitment examiner described in subsection (a) of this section shall examine  
13 the respondent as soon as possible, and in any event within 24 hours, after the respondent is  
14 presented for examination. The examination shall include but is not limited to an assessment of  
15 ~~the respondent's:~~ all of the following:

- 16 (1) ~~Current~~ The respondent's current and previous substance abuse including, if  
17 available, previous treatment ~~history;~~ and history.
- 18 (2) ~~Dangerousness~~ The respondent's dangerousness to ~~himself~~ self or others as  
19 defined in G.S. 122C-3(11).

20 ...."

21 **SECTION 6.1.(c)** This section becomes effective October 1, 2019, and applies to  
22 proceedings initiated on or after that date.

23 **SECTION 6.2.** G.S. 143B-139.4B(b) reads as rewritten:

24 "(b) The North Carolina Office of Rural Health shall oversee the establishment and  
25 administration of a statewide telepsychiatry program that allows referring sites to utilize  
26 consulting providers at a consultant site to provide timely psychiatric assessment and rapid  
27 initiation of treatment for patients at the referring emergency department site experiencing ~~an~~ a  
28 a mental health or substance abuse crisis, or for patients in need of mental health or substance  
29 abuse care at an approved community-based site. Notwithstanding the provisions of Article 3 of  
30 Chapter 143 of the General Statutes or any other provision of law, the Office of Rural Health  
31 shall contract with East Carolina University Center for Telepsychiatry and e-Behavioral Health  
32 to administer the telepsychiatry program. The contract shall include a provision requiring East  
33 Carolina University Center for Telepsychiatry and e-Behavioral Health to work toward  
34 implementing this program on a statewide basis by no later than January 1, 2014, and to report  
35 annually to the Office of Rural Health on the following performance measures:

- 36 (1) Number of consultant sites and referring sites participating in the program.
- 37 (2) Number of psychiatric assessments conducted under the program, reported by  
38 site or region.
- 39 (3) Length of stay of patients receiving telepsychiatry services in the emergency  
40 departments of hospitals participating in the program, reported by disposition.

41 (4) Number of involuntary commitments recommended as a result of psychiatric  
42 assessments conducted by consulting providers under the program, reported by site or region and  
43 by year, and compared to the number of involuntary commitments recommended prior to  
44 implementation of this program."

45 **SECTION 7.(a)** G.S. 7A-304 reads as rewritten:

46 **"§ 7A-304. Costs in criminal actions.**

47 (a) In every criminal case in the superior or district court, wherein the defendant is  
48 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the  
49 prosecuting witness, the following costs shall be assessed and collected. No costs may be  
50 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of  
51 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs

1 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a),  
2 (11), (12), or (13) of this ~~section~~-subsection. No court may waive or remit all or part of any court  
3 fines or costs without providing notice and opportunity to be heard by all government entities  
4 directly affected. The court shall provide notice to the government entities directly affected of (i)  
5 the date and time of the hearing and (ii) the right to be heard and make an objection to the  
6 remission or waiver of all or part of the order of court costs at least 15 days prior to hearing.  
7 Notice shall be made to the government entities affected by first-class mail to the address  
8 provided for receipt of court costs paid pursuant to the order. ~~[The costs are listed below:]~~The  
9 costs are listed below:

- 10 ...
- 11 (6) For support of the General Court of Justice, the sum of two hundred dollars  
12 (\$200.00) is payable by a defendant who fails to appear to answer the charge  
13 as scheduled, unless within 20 days after the scheduled appearance, the person  
14 either appears in court to answer the charge or disposes of the charge pursuant  
15 to G.S. 7A-146, and the sum of fifty dollars (\$50.00) is payable by a defendant  
16 who fails to pay a fine, penalty, or costs within 40 days of the date specified  
17 in the court's judgment. Upon a showing to the court that the defendant failed  
18 to appear because of an error or omission of a judicial official, a prosecutor,  
19 or a law-enforcement officer, the court shall waive the fee for failure to appear.  
20 These fees shall be remitted to the State Treasurer.
- 21 (7) For the services of the North Carolina State Crime Laboratory facilities, the  
22 district or superior court judge shall, upon conviction, order payment of the  
23 sum of six hundred dollars (\$600.00) to be remitted to the Department of  
24 Justice for support of the Laboratory. This cost shall be assessed only in cases  
25 in which, as part of the investigation leading to the defendant's conviction, the  
26 laboratories have performed DNA analysis of the crime, tests of bodily fluids  
27 of the defendant for the presence of alcohol or controlled substances, or  
28 analysis of any controlled substance possessed by the defendant or the  
29 defendant's agent.
- 30 (8) For the services of any crime laboratory facility operated by a local  
31 government or group of local governments, the district or superior court judge  
32 shall, upon conviction, order payment of the sum of six hundred dollars  
33 (\$600.00) to be remitted to the general fund of the local governmental unit  
34 that operates the laboratory to be used for law enforcement purposes. The cost  
35 shall be assessed only in cases in which, as part of the investigation leading to  
36 the defendant's conviction, the laboratory has performed DNA analysis of the  
37 crime, test of bodily fluids of the defendant for the presence of alcohol or  
38 controlled substances, or analysis of any controlled substance possessed by  
39 the defendant or the defendant's agent. The costs shall be assessed only if the  
40 court finds that the work performed at the local government's laboratory is the  
41 equivalent of the same kind of work performed by the North Carolina State  
42 Crime Laboratory under subdivision (7) of this subsection.
- 43 (8a) For the services of any private hospital performing toxicological testing under  
44 contract with a prosecutorial district, the district or superior court judge shall,  
45 upon conviction, order payment of the sum of six hundred dollars (\$600.00)  
46 to be remitted to the State Treasurer for the support of the General Court of  
47 Justice. The cost shall be assessed only in cases in which, as part of the  
48 investigation leading to the defendant's conviction, the laboratory has  
49 performed testing of bodily fluids of the defendant for the presence of alcohol  
50 or controlled substances. The costs shall be assessed only if the court finds  
51 that the work performed by the local hospital is the equivalent of the same

1 kind of work performed by the North Carolina State Crime Laboratory under  
2 subdivision (7) of this subsection.

3 ...

4 (11) For the services of an expert witness employed by the North Carolina State  
5 Crime Laboratory who completes a chemical analysis pursuant to  
6 G.S. 20-139.1, a forensic analysis pursuant to G.S. 8-58.20, or a digital  
7 forensics analysis and provides testimony about that analysis in a defendant's  
8 trial, the district or superior court judge shall, upon conviction of the  
9 defendant, order payment of the sum of six hundred dollars (\$600.00) to be  
10 remitted to the Department of Justice for support of the State Crime  
11 Laboratory. This cost shall be assessed only in cases in which the expert  
12 witness provides testimony about the chemical or forensic analysis in the  
13 defendant's trial and shall be in addition to any cost assessed under subdivision  
14 (7) or (9a) of this subsection.

15 (12) For the services of an expert witness employed by a crime laboratory operated  
16 by a local government or group of local governments who completes a  
17 chemical analysis pursuant to G.S. 20-139.1, a forensic analysis pursuant to  
18 G.S. 8-58.20, or a digital forensics analysis and provides testimony about that  
19 analysis in a defendant's trial, the district or superior court judge shall, upon  
20 conviction of the defendant, order payment of the sum of six hundred dollars  
21 (\$600.00) to be remitted to the general fund of the local governmental unit  
22 that operates the laboratory to be used for the local law enforcement  
23 laboratory. This cost shall be assessed only in cases in which the expert  
24 witness provides testimony about the chemical or forensic analysis in the  
25 defendant's trial and shall be in addition to any cost assessed under subdivision  
26 (8) or (9b) of this subsection.

27 (13) For the services of an expert witness employed by a private hospital  
28 performing toxicological testing under contract with a prosecutorial district  
29 who completes a chemical analysis pursuant to G.S. 20-139.1 and provides  
30 testimony about that analysis in a defendant's trial, the district or superior court  
31 judge shall, upon conviction of the defendant, order payment of the sum of six  
32 hundred dollars (\$600.00) to be remitted to the State Treasurer for the support  
33 of the General Court of Justice. This cost shall be assessed only in cases in  
34 which the expert witness provides testimony about the chemical analysis in  
35 the defendant's trial and shall be in addition to any cost assessed under  
36 subdivision (8a) of this subsection.

37 ...

38 (d) (1) In any criminal case in which the liability for costs, fines, restitution, attorneys'  
39 fees, or any other lawful charge has been finally determined, the clerk of superior court shall,  
40 unless otherwise ordered by the presiding judge, disburse ~~such~~ the funds when paid in accordance  
41 with the following priorities:

42 ...

43 (2) Sums in restitution received by the clerk of superior court shall be disbursed  
44 when:

45 ...

46 (g) Changes to the costs or fees in this section apply to costs or fees assessed or collected  
47 on or after the effective date of the change. However, in misdemeanor or infraction cases  
48 disposed of on or after the effective date by written appearance, waiver of trial or hearing, or plea  
49 of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), and within  
50 the time limit imposed by ~~G.S. 7A-304(a)(6), subdivision (a)(6) of this section,~~ in which the  
51 citation or other criminal process was issued before the effective date, the costs or fees shall be

1 the lesser of those specified in this section as amended, or those specified in the notice portion of  
 2 the defendant's or respondent's copy of the citation or other criminal process, if any costs or fees  
 3 are specified in that notice."

4 **SECTION 7.(b)** G.S. 105-164.3 reads as rewritten:

5 **"§ 105-164.3. Definitions.**

6 The following definitions apply in this Article:

7 ...

8 (30b) Prosthetic device. – A replacement, corrective, or supporting device worn on  
 9 or in the body that meets one of the conditions of this subdivision. The term  
 10 includes repair and replacement parts for the device. ~~{The conditions are as~~  
 11 ~~follows:}~~The conditions are as follows:

- 12 a. Artificially replaces a missing portion of the body.  
 13 b. Prevents or corrects a physical deformity or malfunction.  
 14 c. Supports a weak or deformed portion of the body.

15 ...."

16 **SECTION 7.(c)** G.S. 105-282.1 reads as rewritten:

17 **"§ 105-282.1. Applications for property tax exemption or exclusion; annual review of**  
 18 **property exempted or excluded from property tax.**

19 (a) Application. – Every owner of property claiming exemption or exclusion from  
 20 property taxes under the provisions of this Subchapter has the burden of establishing that the  
 21 property is entitled to it. If the property for which the exemption or exclusion is claimed is  
 22 appraised by the Department of Revenue, the application shall be filed with the Department.  
 23 Otherwise, the application shall be filed with the assessor of the county in which the property is  
 24 situated. An application must contain a complete and accurate statement of the facts that entitle  
 25 the property to the exemption or exclusion and must indicate the municipality, if any, in which  
 26 the property is located. Each application filed with the Department of Revenue or an assessor  
 27 shall be submitted on a form approved by the Department. Application forms shall be made  
 28 available by the assessor and the Department, as appropriate.

29 Except as provided below, an owner claiming an exemption or exclusion from property taxes  
 30 must file an application for the exemption or exclusion annually during the listing period:

31 ...

32 (2) Single application required. – An owner of one or more of the following  
 33 properties eligible for a property tax benefit must file an application for the  
 34 benefit to receive it. Once the application has been approved, the owner does  
 35 not need to file an application in subsequent years unless new or additional  
 36 property is acquired or improvements are added or removed, necessitating a  
 37 change in the valuation of the property, or there is a change in the use of the  
 38 property or the qualifications or eligibility of the taxpayer necessitating a  
 39 review of the benefit. ~~{The properties are as follows:}~~The properties are as  
 40 follows:

- 41 a. Property exempted from taxation under G.S. 105-278.3, 105-278.4,  
 42 105-278.5, 105-278.6, 105-278.7, or 105-278.8.  
 43 b. Special classes of property excluded from taxation under  
 44 G.S. 105-275(3), (7), (8), (12), (17), (18), (19), (20), (21), (31e), (35),  
 45 (36), (38), (39), (41), (45), (46), (47), (48), or (49) or under  
 46 G.S. 131A-21.  
 47 c. Special classes of property classified for taxation at a reduced  
 48 valuation under G.S. 105-277(h), 105-277.1, 105-277.1C, 105-277.10,  
 49 105-277.13, 105-277.14, 105-277.15, 105-277.17, or 105-278.



- 1 d. Property owned by a nonprofit homeowners' association but where the  
2 value of the property is included in the appraisals of property owned  
3 by members of the association under G.S. 105-277.8.  
4 e. Repealed by Session Laws 2008-35, s. 1.2, effective for taxes imposed  
5 for taxable years beginning on or after July 1, 2008.

6 ...."

7 **SECTION 7.(d)** G.S. 143B-437.56(a1) reads as rewritten:

8 "(a1) Notwithstanding the percentage specified by subsection (a) of this section, the amount  
9 of the grant awarded for a high-yield or transformative project shall be enhanced as provided in  
10 this subsection if the applicable conditions of this subsection are met. A business receiving an  
11 enhanced percentage of withholdings under this subsection that fails to maintain the minimum  
12 job creation requirement or meet all terms of the agreement will be disqualified from receiving  
13 the enhanced percentage and will have the applicable percentage set forth in subsection (a) of  
14 this section applied in the year in which the failure occurs and all remaining years of the grant  
15 term. ~~{The enhanced percentages are as follows:}~~The enhanced percentages are as follows:

- 16 (1) If the project is a high-yield project, the business has met the investment and  
17 job creation requirements, and, for three consecutive years, the business has  
18 met all terms of the agreement, the amount of the grant awarded shall be no  
19 more than one hundred percent (100%) of the withholdings of eligible  
20 positions for each year the business maintains the minimum job creation  
21 requirement and meets all terms of the agreement. Ninety percent (90%) of  
22 the annual grant approved for disbursement shall be payable to the business,  
23 and ten percent (10%) shall be payable to the Utility Account pursuant to  
24 G.S. 143B-437.61.  
25 (2) If the project is a transformative project and the business has met the  
26 investment and job creation requirements and all terms of the agreement, the  
27 amount of the grant awarded shall be no more than one hundred percent  
28 (100%) of the withholdings of eligible and expansion positions for each year  
29 the business maintains the minimum job creation requirement and meets all  
30 terms of the agreement. Ninety percent (90%) of the annual grant approved  
31 for disbursement shall be payable to the business, and ten percent (10%) shall  
32 be payable to the Utility Account pursuant to G.S. 143B-437.61."

33 **SECTION 8.** The introductory language of Section 13A.1(a) of S.L. 2018-5 reads  
34 as rewritten:

35 "**SECTION 13A.1.(a)** ~~G.S. 143B-344.62~~G.S. 143B-344.60 reads as rewritten:"

36 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes  
37 law.