

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 481
Mar 24, 2025
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30223-MUz-29

Short Title: GSC Technical Corrections 2025 Part 2.

(Public)

Sponsors: Representative Davis.

Referred to:

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

The General Assembly of North Carolina enacts:

SECTION 1. Subject to the grammatical rules and general drafting conventions of capitalization, the Revisor of Statutes shall make the following changes:

- (1) Subject to subdivision (2) of this section, replace "e-mail", "electronic mail", or "electronic mailing" with "email" in G.S. 1-75.4, 1-507.34, 1-539.2A, 1A-1, Rule 4, 1A-1, Rule 5, and any other statutes in which any of these terms appear. The Revisor of Statutes shall make a similar change when any of these terms is plural.
- (2) Replace "registered, certified, or electronic mail" with "registered mail, certified mail, or email" in G.S. 143-293.
- (3) Subject to subdivisions (4) and (5) of this section, make "Internet" lowercase in G.S. 14-113.20, 14-113.30, 14-113.31, 14-118.7, 14-196.3, and any other statutes in which the term appears.
- (4) Replace "Internet protocol" with "Internet Protocol" in G.S. 105-164.3, 130A-480, and 143B-1400.
- (5) Replace "internet web site", "internet website", "internet site", or "web site", including any variation in capitalization of any of these terms, with "website" in G.S. 7A-38.2, 7A-38.3F, 10B-36, 14-44.1, 14-202.5, and any other statutes in which any of these terms appear. The Revisor of Statutes shall make a similar change when any of these terms is plural.
- (6) Replace "rule making" or "rule-making" with "rulemaking" in G.S. 7B-4001, 10B-126, 15C-12, 18B-105, 20-37.22, and any other statutes in which either of these terms appear.

The Revisor of Statutes may delete duplicative language resulting from these changes and may replace "an" with "a" to conform with these changes.

SECTION 2. G.S. 14-288.9 reads as rewritten:

"§ 14-288.9. Assault ~~on~~ upon emergency personnel; punishments.

(a) An assault upon emergency personnel is an assault upon any person ~~coming included~~ within the definition of "emergency personnel" ~~which in subsection (b) of this section that is~~ committed in an ~~area~~ area in which either of the following applies:

- (1) ~~In which a~~ A declared state of emergency ~~exists; or exists.~~



* D R H 3 0 2 2 3 - M U Z - 2 9 *

- (2) Within the immediate ~~vicinity of which~~ vicinity, a riot is occurring or is imminent.
- (b) ~~The~~ In this section, the term "emergency personnel" includes law-enforcement officers, ~~firemen, firefighters,~~ ambulance attendants, utility workers, doctors, nurses, members of the North Carolina National Guard, and other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge ~~his or her~~ their official duties during ~~the an~~ emergency.
- (c) ~~Any~~ A person who commits an assault upon emergency personnel is guilty of a Class H felony.
- (d) ~~Any~~ A person who commits an assault upon emergency personnel with or through the use of ~~any a~~ dangerous weapon or substance ~~shall be punished as a Class F felon~~ is guilty of a Class F felony.
- (e) ~~Any~~ A person who commits an assault upon emergency personnel causing serious bodily injury to the emergency personnel is guilty of a Class E felony.
- (f) ~~Any~~ A person who commits an assault upon emergency personnel causing death to the emergency personnel is guilty of a Class D felony."
- SECTION 3.(a)** G.S. 15A-145.5 reads as rewritten:
"§ 15A-145.5. Expunction of certain misdemeanors and felonies; no age limitation.
- (a) For purposes of this section, the term "nonviolent misdemeanor" or "nonviolent felony" means any misdemeanor or felony except the following:
- ...
- (4) Any of the following sex-related or stalking offenses: G.S. 14-27.25(b), 14-27.30(b), 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18, former 14-277.3, 14-277.3A, and 14-321.1.
- (5) Any felony offense in Chapter 90 of the General Statutes ~~where the offense involves that involves~~ methamphetamines, heroin, or possession with intent to sell or deliver or sell and deliver cocaine.
- (6) An offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any offense for which ~~punishment was determined pursuant to G.S. 14-3(c)~~ G.S. 14-3(c) was applied.
- ...
- (c) A person may file a ~~petition, petition~~ in the court of the county where the person was convicted. ~~[The following applies:]~~ The following provisions apply:
- (1) For expunction of one or more nonviolent misdemeanor convictions, the petition shall not be filed earlier than ~~one of the following:~~ the following, as applicable:
- ...
- (2) For expunction of up to three nonviolent felony convictions, the petition shall not be filed earlier than ~~one of the following:~~ the following, as applicable:
- a. For expunction of one nonviolent felony not subject to ~~the waiting period set forth in~~ sub-subdivision a1. of this subdivision, 10 years after the date of the conviction or 10 years after any active sentence, period of probation, or post-release ~~supervision, supervision~~ related to the conviction ~~listed in the petition~~, has been served, whichever occurs later.
- a1. For expunction of one nonviolent felony under G.S. 14-54(a), 15 years after the date of the conviction or 15 years after any active sentence, period of probation, or post-release ~~supervision, supervision~~ related to the conviction ~~listed in the petition~~, has been served, whichever occurs later.

- b. For expunction of two or three nonviolent felonies, 20 years after the date of the most recent conviction listed in the petition, or 20 years after any active sentence, period of probation, or post-release ~~supervision~~, supervision related to a conviction listed in the ~~petition~~, petition has been served, whichever occurs later.

A person previously granted an expunction under this section is not eligible for relief under this section for any offense committed after the date of the previous order for expunction. Except as provided in subsections (c4) and (c5) of this section, a person previously granted an expunction under this section for one or more misdemeanors is not eligible for expunction of additional misdemeanors under this ~~section~~ section, and a person previously granted an expunction under this section for one or more felonies is not eligible for expunction of additional felonies under this section.

(c1) A petition filed pursuant to this section shall contain, but not be limited to, the following:

- (1) An affidavit by the petitioner that the petitioner is of good moral character and one of the following ~~statements~~: statements, as applicable:
...
- (2) ~~Verified affidavits~~ Affidavits of two persons who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which the petitioner lives and that the petitioner's character and reputation are good.
- (3) A statement that the petition is a motion in the cause in the case ~~wherein~~ in which the petitioner was convicted.
- (4) An application on a form approved by the Administrative Office of the Courts requesting and authorizing ~~a~~ all of the following:
 - a. A name-based State and national criminal history record check by the State Bureau of Investigation using any information required by the Administrative Office of the Courts to identify the ~~individual~~, an individual.
 - b. A search by the State Bureau of Investigation for any outstanding warrants ~~on or pending criminal cases, and a cases~~.
 - c. A search of the confidential record of expunctions maintained by the Administrative Office of the Courts.

The application shall be filed with the clerk of superior ~~court~~. The court, who clerk of superior court shall forward the application it to the State Bureau of Investigation and to the Administrative Office of the Courts, which shall Courts to conduct the searches and report their findings to the court.

...

Upon filing of the petition, the petition shall be served upon the district attorney of the court ~~wherein in which~~ the case was tried resulting in conviction. The district attorney shall then have 30 days ~~thereafter in which~~ to file ~~any an~~ an objection ~~thereto~~ and shall be ~~duly~~ notified as to the date of the hearing of the petition. Upon good cause shown, the court may grant the district attorney an additional 30 days to file an objection to the petition. The district attorney shall make his or her best efforts to contact the victim, if any, to notify the victim of the request for expunction prior to the date of the hearing. Upon request by the victim, the victim has a right to be present at any hearing on the petition for ~~expunction~~ expunction, and the victim's views and concerns shall be considered by the court at ~~such the~~ the hearing.

The presiding judge ~~is authorized to may~~ call upon a probation officer for any additional investigation or verification of the petitioner's conduct since the conviction. The court shall review any other information the court deems relevant, including, but not limited to, affidavits

or other testimony provided by law enforcement officers, district attorneys, and victims of crimes committed by the petitioner.

(c2) The court, after hearing a petition for expunction of one or more nonviolent misdemeanors, shall order that the petitioner be restored, in the contemplation of the law, to the status the petitioner occupied before the ~~arrest or indictment~~ arrest, indictment, or information, except as provided in G.S. 15A-151.5, if the court finds all of the following:

...

(3) The petitioner has no outstanding warrants or pending criminal cases, is not under indictment, and no finding of probable cause exists against the ~~defendant-petitioner~~ for a ~~felony, felony~~ in any federal court or state court in the United States.

(3a) The petitioner is not free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime ~~which-that~~ would prohibit the person from having ~~his or her~~ the petition for expunction under this section granted.

...

(6) The petitioner has no ~~convictions for a misdemeanor or felony~~ conviction that is listed as an exception to the terms "nonviolent misdemeanor" or "nonviolent felony" ~~as provided in subsection (a) of this section.~~

...

(c3) The court, after hearing a petition for expunction of one or up to three nonviolent felonies, may order that the petitioner be restored, in the contemplation of the law, to the status the petitioner occupied before the ~~arrest or indictment~~ arrest, indictment, or information, except as provided in G.S. 15A-151.5, if the court finds all of the following:

...

(3) The petitioner has no outstanding warrants or pending criminal cases, is not under indictment, and no finding of probable cause exists against the ~~defendant-petitioner~~ for a ~~felony, felony~~ in any federal court or state court in the United States.

(3a) The petitioner is not free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime ~~which-that~~ would prohibit the person from having his or her petition for expunction under this section granted.

...

(4a) If the petition is for the expunction of two or three felonies, or if the petitioner has filed petitions in more than one county pursuant to subsection (c4) of this section, the petitioner has no misdemeanor ~~convictions~~ convictions, other than a traffic violation not listed in the ~~petition~~ petition, for expunction in the five years preceding the petition, and no other felony convictions during the applicable waiting period set forth in subsection (c) of this section.

...

(5) The petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against the petitioner.

(6) The petitioner has no ~~convictions for a misdemeanor~~ conviction that is listed as an exception to the term "nonviolent misdemeanor" ~~as provided in subsection (a) of this section or any other felony offense.~~

...

(c4) A person ~~petitioning who petitions~~ petitioning for expunction of multiple convictions pursuant to sub-subdivision b. of subdivision (1) of subsection (c) of this section or sub-subdivision b. of subdivision (2) of subsection (c) of this ~~section, where the section and whose~~ section, where the section and whose convictions were obtained in more than one ~~county, county~~ county shall file a petition in each county of conviction. All

petitions shall be filed within a 120-day ~~period.~~ period, except that the court may grant a petition for expunction filed outside this period if good cause is shown for the failure to file the petition within this period. The granting of one petition shall not preclude the granting of any other petition filed within the same 120-day period. ~~Notwithstanding the provisions of this subsection, upon good cause shown for the failure to file a petition within the 120-day period, the court may grant a petition for expunction filed outside the 120-day period.~~

...

(d) ~~No person as to whom an order has been entered pursuant to subsection (c) of this section shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of that person's failure to recite or acknowledge the arrest, indictment, information, trial, or conviction. This subsection shall~~ The effect of an expunction under this section is governed by G.S. 15A-153, except that the protected nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person has been convicted of a subsequent criminal offense.

(d1) ~~Persons pursuing certification under the provisions of Article 1 of Chapter 17C or Article 2 of Chapter 17E of the General Statutes, however, shall disclose any and all convictions to the certifying Commission, regardless of whether or not the convictions were expunged pursuant to the provisions of this section.~~

(d2) ~~Persons requesting that a disclosure statement be prepared by the North Carolina Sheriffs' Education and Training Standards Commission pursuant to Article 3 of Chapter 17E of the General Statutes, however, shall disclose any and all felony convictions to the North Carolina Sheriffs' Education and Training Standards Commission regardless of whether or not the felony convictions were expunged pursuant to the provisions of this section.~~

(d3) ~~Persons required by State law to obtain a criminal history record check on a prospective employee shall~~ are not be deemed to have knowledge of any convictions expunged under this section.

(e) ~~The court shall also order that the conviction or convictions be expunged from the records of the court and direct all law enforcement agencies bearing record of the same conviction to expunge their records of the conviction. The clerk shall notify State and local agencies of the court's order, as provided in G.S. 15A-150.~~

(f) ~~Any other applicable State or local government agency shall expunge from its records entries made as a result of the conviction or convictions ordered expunged under this section upon receipt from the petitioner of an order entered pursuant to this section. The~~ An agency shall also vacate any administrative actions taken against a person whose record is expunged under this section as a result of the charges or convictions expunged. A person whose administrative action has been vacated by an occupational licensing board pursuant to an expunction under this section may ~~then~~ reapply for licensure and ~~must~~ shall satisfy the board's ~~then-current~~ education and preliminary licensing requirements at the time of reapplication in order to obtain licensure. This subsection ~~shall~~ does not apply to the Department of Justice for DNA records and samples stored in the State DNA Database and the State DNA Databank.

(g) ~~A person who files a petition for expunction of a criminal record under this section must~~ shall pay the clerk of superior court a fee of one hundred seventy-five dollars (\$175.00) at the time the petition is filed. Fees collected under this subsection shall be deposited in the General Fund. This subsection does not apply to petitions filed by an ~~indigent~~ indigent person."

SECTION 3.(b) G.S. 15A-145 reads as rewritten:

"§ 15A-145. Expunction of records for misdemeanors of first offenders under the age of 18 at the time of conviction of misdemeanor; expunction of certain other misdemeanors and of underage persons possessing alcohol.

(a) Whenever any person who has not previously been convicted of any felony, or misdemeanor other than a traffic violation, under the laws of the United States, the laws of this State or any other state, (i) pleads guilty to or is guilty of a misdemeanor other than a traffic

violation, and the offense was committed before the person attained the age of 18 years, or (ii) pleads guilty to or is guilty of a misdemeanor possession of alcohol pursuant to G.S. 18B-302(b)(1), and the offense was committed before the person attained the age of 21 years, he may file a petition in the court of the county where he was convicted for expunction of the misdemeanor from his criminal record. The petition cannot be filed earlier than: (i) two years after the date of the conviction, or (ii) the completion of any period of probation, whichever occurs later, and the petition shall contain, but not be limited to, the following:

...

(2) ~~Verified affidavits~~ Affidavits of two persons who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which ~~he~~ the petitioner lives and that ~~his~~ the petitioner's character and reputation are good.

...

(b1) ~~No person as to whom such order has been entered shall be held thereafter under any provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge such arrest, or indictment, information, or trial, or response to any inquiry made of him for any purpose. This subsection shall~~ The effect of an expunction under this section is governed by G.S. 15A-153, except that the protected nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person has been convicted of a subsequent criminal offense.

...."

SECTION 3.(c) G.S. 15A-145.1 reads as rewritten:

"§ 15A-145.1. **Expunction of records for first offenders under the age of 18 at the time of conviction** ~~commission~~ of certain gang offenses.

(a) Whenever any person who has not previously been convicted of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state pleads guilty to or is guilty of (i) a Class H felony under Article 13A of Chapter 14 of the General Statutes or (ii) an enhanced offense under G.S. 14-50.22, or has been discharged and had the proceedings against the person dismissed pursuant to G.S. 14-50.29, and the offense was committed before the person attained the age of 18 years, the person may file a petition in the court of the county where the person was convicted for expunction of the offense from the person's criminal record. Except as provided in G.S. 14-50.29 upon discharge and dismissal, the petition cannot be filed earlier than (i) two years after the date of the conviction or (ii) the completion of any period of probation, whichever occurs later. The petition shall contain, but not be limited to, the following:

...

(2) ~~Verified affidavits~~ Affidavits of two persons who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which the petitioner lives, and that the petitioner's character and reputation are good.

...

(b1) ~~No person as to whom such order has been entered shall be held thereafter under any provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such arrest, or indictment or information, or trial, or response to any inquiry made of the person for any purpose. This subsection shall~~ The effect of an expunction under this section is governed by G.S. 15A-153, except that the protected nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person has been convicted of a subsequent criminal offense.

...."

SECTION 3.(d) G.S. 15A-145.2 reads as rewritten:

"§ 15A-145.2. Expunction of records for first offenders not over 21 years of age at the time of the offense of certain drug offenses.

(a) Whenever a person is discharged, and the proceedings against the person dismissed, pursuant to G.S. 90-96(a) or (a1), and the person was not over 21 years of age at the time of the offense, the person may apply to the court of the county where charged for an order to expunge from all official records, other than the confidential files retained under G.S. 15A-151, all recordation relating to the person's arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. The applicant shall attach to the petition the following:

...

(2) ~~Verified affidavits~~ Affidavits by two persons who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which he or she lives, and that the petitioner's character and reputation are good;

...

(a1) ~~No person as to whom such order was entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failures to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made of him or her for any purpose. This subsection shall~~ The effect of an expunction under this section is governed by G.S. 15A-153, except that the protected nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person has been convicted of a subsequent criminal offense.

...."

SECTION 3.(e) G.S. 15A-145.3 reads as rewritten:

"§ 15A-145.3. Expunction of records for first offenders not over 21 years of age at the time of the offense of certain toxic vapors offenses.

(a) Whenever a person is discharged and the proceedings against the person dismissed under G.S. 90-113.14(a) or (a1), such person, if he or she was not over 21 years of age at the time of the offense, may apply to the court of the county where charged for an order to expunge from all official records, other than the confidential files retained under G.S. 15A-151, all recordation relating to the person's arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. The applicant shall attach to the petition the following:

...

(2) ~~Verified affidavits~~ Affidavits by two persons who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which the petitioner lives, and that his or her character and reputation are good;

...

(b1) ~~No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failures to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made of him or her for any purpose. This subsection shall~~ The effect of an expunction under this section is governed by G.S. 15A-153, except that the protected nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person has been convicted of a subsequent criminal offense.

...."

SECTION 3.(f) G.S. 15A-145.4 reads as rewritten:

"§ 15A-145.4. Expunction of records for first offenders who are under 18 years of age at the time of the commission of a nonviolent felony.

...

(c) Whenever any person who had not yet attained the age of 18 years at the time of the commission of the offense and has not previously been convicted of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state pleads guilty to or is guilty of a nonviolent felony, the person may file a petition in the court of the county where the person was convicted for expunction of the nonviolent felony from the person's criminal record. The petition shall not be filed earlier than four years after the date of the conviction or when any active sentence, period of probation, and post-release supervision has been served, whichever occurs later. The person shall also perform at least 100 hours of community service, preferably related to the conviction, before filing a petition for expunction under this section. The petition shall contain the following:

...

(2) ~~Verified affidavits~~ Affidavits of two persons who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which the petitioner lives and that the petitioner's character and reputation are good.

...

(f) ~~No person as to whom an order has been entered pursuant to subsection (e) of this section shall be held thereafter under any provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of that person's failure to recite or acknowledge the arrest, indictment, information, trial, or conviction. This subsection shall~~ The effect of an expunction under this section is governed by G.S. 15A-153, except that the protected nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person has been convicted of a subsequent criminal offense.

...."

SECTION 3.(g) G.S. 15A-145.6 reads as rewritten:

"§ 15A-145.6. Expunctions for certain defendants convicted of prostitution.

...

(c) The petition shall contain all of the following:

...

(2) ~~Verified affidavits~~ Affidavits of two persons, who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which the petitioner lives and that the petitioner's character and reputation are good.

...

(g) ~~No person as to whom an order has been entered pursuant to subsection (f) of this section shall be held thereafter under any provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of that person's failure to recite or acknowledge the arrest, indictment, information, trial, or conviction. This subsection shall~~ The effect of an expunction under this section is governed by G.S. 15A-153, except that the protected nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person has been convicted of a subsequent criminal offense.

...."

SECTION 3.(h) G.S. 15A-145.7 reads as rewritten:

"§ 15A-145.7. Expunction of records for first offenders under 20 years of age at the time of the offense of certain offenses.

(a) Whenever a person is discharged, and the proceedings against the person dismissed, pursuant to G.S. 14-277.8, and the person was under 20 years of age at the time of the offense, the person may apply to the court of the county where charged for an order to expunge from all official records, other than the confidential files retained under G.S. 15A-151, all recordation relating to the person's arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. The applicant shall attach to the petition the following:

1 ...
2 (2) ~~Verified affidavits~~ Affidavits by two persons who are not related to the
3 petitioner or to each other by blood or marriage, that they know the character
4 and reputation of the petitioner in the community in which he or she lives, and
5 that the petitioner's character and reputation are ~~good~~ good.

6 ...
7 (b) ~~No person as to whom such order was entered shall be held thereafter under any~~
8 ~~provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the~~
9 ~~person's failures to recite or acknowledge such arrest, or indictment or information, or trial in~~
10 ~~response to any inquiry made of him or her for any purpose. This subsection shall~~ The effect of
11 an expunction under this section is governed by G.S. 15A-153, except that the protected
12 nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person
13 has been convicted of a subsequent criminal offense.

14"

15 **SECTION 3.(i)** G.S. 15A-145.8 reads as rewritten:

16 **"§ 15A-145.8. Expunction of records when charges are remanded to district court for**
17 **juvenile adjudication.**

18 (a) Upon remand pursuant to G.S. 7B-2200(c) or G.S. 7B-2200.5(d) or removal pursuant
19 to G.S. 15A-960, the court shall order expunction of all remanded or removed charges. ~~No person~~
20 ~~as to whom such an order has been entered shall be held thereafter under any provision of any~~
21 ~~law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to~~
22 ~~any inquiry made for any purpose, by reason of his or her failure to recite or acknowledge any~~
23 ~~expunged entries concerning apprehension or trial.~~ The effect of an expunction under this section
24 is governed by G.S. 15A-153.

25"

26 **SECTION 3.(j)** G.S. 15A-145.8A reads as rewritten:

27 **"§ 15A-145.8A. Expunction of records for offenders under the age of 18 at the time of**
28 **commission of certain misdemeanors and felonies upon completion of the**
29 **sentence.**

30 ...

31 (f) ~~No person as to whom such order has been entered shall be held thereafter under any~~
32 ~~provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of~~
33 ~~that person's failure to recite or acknowledge such arrest, or indictment, information, or trial, or~~
34 ~~response to any inquiry made of the person for any purpose.~~ The effect of an expunction under
35 this section is governed by G.S. 15A-153.

36"

37 **SECTION 3.(k)** G.S. 15A-145.9 reads as rewritten:

38 **"§ 15A-145.9. Expunctions of certain offenses committed by human trafficking victims.**

39 ...

40 (g) Effect. – ~~No person as to whom an order has been entered pursuant to subsection (f)~~
41 ~~of this section shall be held thereafter under any provision of any laws to be guilty of perjury or~~
42 ~~otherwise giving false statement by reason of that person's failure to recite or acknowledge the~~
43 ~~arrest, indictment, information, trial, or conviction.~~ The effect of an expunction under this section
44 is governed by G.S. 15A-153.

45 Persons required by State law to obtain a criminal history record check on a prospective
46 employee shall not be deemed to have knowledge of any convictions expunged under this section.

47"

48 **SECTION 3.(l)** G.S. 15A-146 reads as rewritten:

49 **"§ 15A-146. Expunction of records when charges are dismissed or there are findings of not**
50 **guilty.**

51 ...

(a3) Effect of Expunction. – ~~Except as provided in G.S. 15A-151.5(b)(5), no person as to whom an order has been entered by a court or by operation of law under this section shall be held thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of the person's failure to recite or acknowledge any expunged entries concerning apprehension or trial. The effect of an expunction under this section is governed by G.S. 15A-153.~~

...."

SECTION 3.(m) G.S. 15A-147 reads as rewritten:

"§ 15A-147. Expunction of records when charges are dismissed or there are findings of not guilty as a result of identity theft or mistaken identity.

...

(b) No person as to whom such an order has been entered under this section shall be held thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of the person's failure to recite or acknowledge any expunged entries concerning apprehension, charge, or trial. The effect of an expunction under this section is governed by G.S. 15A-153.

...."

SECTION 3.(n) G.S. 15A-149 reads as rewritten:

"§ 15A-149. Expunction of records when pardon of innocence is granted.

...

(c) No person as to whom such an order has been entered under this section shall be held thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of the person's failure to recite or acknowledge any expunged entries concerning apprehension, charge, or trial. The effect of an expunction under this section is governed by G.S. 15A-153."

SECTION 3.(o) G.S. 15A-153 reads as rewritten:

"§ 15A-153. Effect of expunction; prohibited practices by employers, educational institutions, agencies of State and local governments.

(a) Purpose. – The purpose of this section is to clear the public record of any entry of any arrest, criminal charge, or criminal conviction that has been expunged so that (i) the person who is entitled to and ~~obtains~~ receives the expunction may omit reference to the charges or convictions to potential employers and others and (ii) a records check for prior arrests and convictions will not disclose the expunged entries. Nothing in this section shall be construed to prohibit an employer from asking a job applicant about criminal charges or convictions that have not been expunged and are part of the public record.

(b) Nondisclosure Protected. – No person ~~as to whom an order of expunction has been entered who receives an expunction pursuant to this Article shall be held thereafter under any provision of any laws to be~~ is guilty of perjury or otherwise giving a false statement by reason of that person's failure following expunction to recite or acknowledge ~~any the~~ expunged arrest, apprehension, charge, indictment, information, trial, or conviction in response to any inquiry made of ~~him or her the person~~ for any purpose other than as provided in subsection (e) of this section.

...."

SECTION 4. G.S. 48-3-309 reads as rewritten:

"§ 48-3-309. ~~Mandatory preplacement criminal checks of prospective adoptive parents seeking to adopt a minor who is in the custody or placement responsibility of a county department of social services and mandatory preplacement criminal checks of all individuals 18 years of age or older who reside in the prospective adoptive home.~~ history checks.

(a) The Department shall ensure that the criminal histories of all prospective adoptive parents seeking to adopt a minor who is in the custody or placement responsibility of a county

department of social services and the criminal histories of all individuals 18 years of age or older who reside in the prospective adoptive home are checked prior to placement and, based on the criminal history, a determination is made as to the prospective adoptive parent's fitness to have responsibility for the safety and well-being of children and whether other individuals required to be checked are fit for an adoptive child to reside with them in the home. The Department shall ensure that all individuals required to be checked are checked prior to placement for county, state, and federal criminal histories.

(b) A county department of social services shall issue an unfavorable preplacement assessment to a prospective adoptive parent if an individual required to submit to a criminal history check pursuant to subsection (a) of this section has a criminal history. A county department of social services shall issue an unfavorable preplacement assessment to a prospective adoptive parent if the county department of social services determines, pursuant to G.S. 48-3-303(e), that, based on other criminal convictions, whether felony or misdemeanor, the prospective adoptive parent is unfit to have responsibility for the safety and well-being of children or other individuals required to be checked are unfit for an adoptive child to reside with them in the home.

histories

(c) The State Bureau of Investigation shall provide to the Department of Health and Human Services the criminal history of any individual required to be checked under subsection (a) of this section as requested by the Department and obtained from the State and National Repositories of Criminal Histories. The Department shall provide to the State Bureau of Investigation, along with the request, the fingerprints of any individual to be checked, any additional information required by the State Bureau of Investigation, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories signed by the individual to be checked. The fingerprints of any individual to be checked shall be used by the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(d) At the time of the request for a preplacement assessment or at a subsequent time prior to placement, any individual whose criminal history is to be checked shall be furnished with a statement substantially similar to the following:

"NOTICE

MANDATORY CRIMINAL HISTORY CHECK: NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL HISTORY CHECK BE CONDUCTED PRIOR TO PLACEMENT ON PROSPECTIVE ADOPTIVE PARENTS SEEKING TO ADOPT A MINOR WHO IS IN THE CUSTODY OR PLACEMENT RESPONSIBILITY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES AND ON ALL PERSONS 18 YEARS OF AGE OR OLDER WHO RESIDE IN THE PROSPECTIVE ADOPTIVE HOME.

"Criminal history" means a county, State, or federal conviction of a felony by a court of competent jurisdiction or a pending felony indictment of a crime for child abuse or neglect, spousal abuse, a crime against a child, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide, other than physical assault or battery; a county, State, or federal conviction of a felony by a court of competent jurisdiction or a pending felony indictment for physical assault, battery, or a drug-related offense, if the offense was committed within the past five years; or similar crimes under federal law or under the laws of other states. Your fingerprints will be used

to check the criminal history records of the State Bureau of Investigation (SBI) and the Federal Bureau of Investigation (FBI).

If it is determined, based on your criminal history, that you are unfit to have responsibility for the safety and well-being of children or have an adoptive child reside with you, you shall have the opportunity to complete, or challenge the accuracy of, the information contained in the SBI or FBI identification records.

If the prospective adoptive parent is denied a favorable preplacement assessment by a county department of social services as a result of a criminal history check as required under G.S. 48-3-309(a), the prospective adoptive parent may request a review of the assessment pursuant to G.S. 48-3-308(a).

Any person who intentionally falsifies any information required to be furnished to conduct the criminal history is guilty of a Class 2 misdemeanor."

Refusal to consent to a criminal history check by any individual required to be checked under ~~G.S. 48-3-309(a)~~ subsection (a) of this section is grounds for the issuance by a county department of social services of an unfavorable preplacement assessment. Any person who intentionally falsifies any information required to be furnished to conduct the criminal history is guilty of a Class 2 misdemeanor.

...

(g) There is no liability for negligence on the part of a State or local agency, or the employees of a State or local agency, arising from any action taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection ~~shall~~ does not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection ~~shall be~~ is deemed to have been waived to the extent of indemnification by insurance, indemnification under Article 31A of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(h) ~~The State Bureau of Investigation shall perform the State and national criminal history checks on prospective adoptive parents seeking to adopt a minor in the custody or placement responsibility of a county department of social services and all individuals 18 years of age or older who reside in the prospective adoptive home and shall charge the Department of Health and Human Services a reasonable fee only for conducting the checks of the national criminal history records authorized required by this section. The Division of Social Services, Services of the Department of Health and Human Services, Services shall bear the costs of implementing this section.~~

SECTION 5.(a) G.S. 58-36-43 reads as rewritten:

"§ 58-36-43. Optional approved program enhancements authorized not altering coverage under not within Rate Bureau jurisdiction.

(a) Member companies writing private passenger automobile, homeowners', dwelling, or residential private flood insurance under this Article may incorporate optional enhancements to ~~their automobile, homeowners', dwelling, and residential private flood~~ these programs as an endorsement to an automobile, homeowners', dwelling, or residential private flood policy issued under this Article a policy if the insurer has filed the proposed ~~enhancement~~ enhancements with the Commissioner and ~~if the proposed enhancement is approved by the Commissioner, the Commissioner has approved them.~~ Any approved optional enhancements ~~shall be considered~~ are outside the authority of the Rate Bureau. If ~~the a~~ proposed enhancement will include an additional premium charge, the proposed premium charge shall be included with the proposed program enhancements filed with the Commissioner. The Commissioner shall review the proposed premium charges and approve them if the Commissioner finds that they are based on sound actuarial principles. Amendments to ~~private passenger automobile, homeowners', dwelling, or~~

1 ~~residential private flood~~ program enhancements are subject to the same requirements as initial
2 filings. ~~dwelling, residential private flood~~

3 A company shall not condition (i) the acceptance or renewal of a policy, (ii) any underwriting
4 criteria, or (iii) any rating criteria upon the acceptance by the policyholder of any optional
5 ~~automobile or homeowners'~~ enhancements authorized by this section. A rate amendment
6 authorized by this section is not a rate deviation and is not subject to the requirements for rate
7 deviations set forth in G.S. 58-36-30(a).

8 (b) Repealed by S.L. 2023-133, s. 16(c), as amended by S.L. 2024-29, s. 9(b), effective
9 July 1, 2025."

10 **SECTION 5.(b)** This section becomes effective July 1, 2025.

11 **SECTION 6.(a)** Part 1 of Article 45 of Chapter 66 of the General Statutes reads as
12 rewritten:

13 "Part 1. Pawnbrokers and ~~Cash~~ Currency Converters.

14 "**§ 66-385. Short title.**

15 This Part shall be known and may be cited as the Pawnbrokers and ~~Cash~~ Currency Converters
16 Modernization Act.

17 "**§ 66-386. Purpose.**

18 The making of pawn loans and the acquisition and disposition of tangible personal property
19 by and through pawnshops and ~~cash-currency~~ converters vitally affects the general economy of
20 this State and the public interest and welfare of its citizens. In recognition of these facts, it is the
21 policy of this State and the purpose of the ~~Pawnbrokers and Cash Converters Modernization Act~~
22 this Part to do all of the following:

- 23 (1) Ensure a sound system of making loans and acquiring and disposing of
24 tangible personal property by and through ~~pawnshops, pawnshops~~ and ~~to~~
25 prevent unlawful property transactions, particularly in stolen property,
26 through licensing and regulating pawnbrokers.
- 27 (2) Ensure a sound system of acquiring and disposing of tangible personal
28 property by and through ~~cash-currency~~ converters and ~~to~~ prevent unlawful
29 property transactions, particularly in stolen property, by requiring record
30 keeping by ~~cash-currency~~ converters.
- 31 (3) Provide for pawnbroker licensing fees and investigation fees of licensees.
- 32 (4) Ensure financial responsibility to the State and the general public.
- 33 (5) Ensure compliance with federal and State laws.
- 34 (6) Assist local governments in the exercise of their police authority.

35"

36 **SECTION 6.(b)** G.S. 25-9-201 reads as rewritten:

37 "**§ 25-9-201. General effectiveness of security agreement.**

38 (a) ~~General effectiveness.~~ Effectiveness. — Except as otherwise provided in this
39 Chapter, a security agreement is effective according to its terms between the parties, against
40 purchasers of the collateral, and against creditors.

41 (b) ~~Applicable consumer laws and other law.~~ Consumer Laws and Other Law. — A
42 transaction subject to this Article is subject to any applicable rule of law ~~which that~~ establishes a
43 different rule for consumers, to any other ~~statute, rule, or regulation~~ statute or rule of this State
44 that regulates the rates, charges, agreements, and practices for loans, credit sales, or other
45 extensions of credit, and to any consumer-protection ~~statute, rule, or regulation~~ statute or rule of
46 this State, including Chapter 24 of the General Statutes, the Retail Installment Sales Act (Chapter
47 25A of the General Statutes), the North Carolina Consumer Finance Act (Article 15 of Chapter
48 53 of the General Statutes), and the Pawnbrokers and ~~Cash~~ Currency Converters Modernization
49 Act (Part 1 of Article 45 of Chapter 66 of the General Statutes).

50 (c) ~~Other applicable law controls.~~ Applicable Law Controls. — In case of conflict
51 between this Article and a rule of ~~law, statute, or regulation~~ law described in subsection (b) of

1 this section, the rule of ~~law, statute, or regulation~~ law controls. Failure to comply with a ~~statute~~
 2 ~~or regulation~~ law described in subsection (b) of this section has only the effect the ~~statute or~~
 3 ~~regulation~~ law specifies.

4 (d) ~~Further deference to other applicable law.~~ Deference to Other Applicable Law. –
 5 This Article does ~~not~~ neither of the following:

- 6 (1) Validate any rate, charge, agreement, or practice that violates a rule of ~~law,~~
 7 ~~statute, or regulation~~ law described in subsection (b) of this ~~section; or section.~~
- 8 (2) Extend the application of ~~the rule of law, statute, or regulation~~ a rule of law to
 9 a transaction not otherwise subject to it."

10 **SECTION 7.(a)** The subunits of G.S. 75D-3 are renumbered to conform to the
 11 General Statutes numbering system, and the definitions in G.S. 75D-3 are reordered so that they
 12 appear in alphabetical order.

13 **SECTION 7.(b)** G.S. 75D-3, as amended by subsection (a) of this section and
 14 Section 1(b) of S.L. 2024-22, reads as rewritten:

15 **"§ 75D-3. Definitions.**

16 ~~As used in this Chapter, the term:~~ The following definitions apply in this Chapter:

- 17 (1) ~~"Attorney General" means the Attorney General.~~ The Attorney General of
 18 North Carolina or any employee of the Department of Justice designated by
 19 ~~him the Attorney General~~ in writing. Any district attorney of this State, with
 20 ~~his the Attorney General's~~ consent, may be designated in writing by the
 21 Attorney General to enforce the provisions of this Chapter.
- 22 (2) ~~a. "Beneficial interest" means either Beneficial interest.~~ Either of the
 23 ~~following:~~
 24 ~~1.a.~~ The interest of a person as a beneficiary under any other a trust
 25 arrangement pursuant to which a trustee holds legal or record title to
 26 real property for the benefit of ~~such person; or the person.~~
 27 ~~2.b.~~ The interest of a person under any other form of express fiduciary
 28 arrangement pursuant to which ~~any other another~~ another person holds legal or
 29 record title to real property for the benefit of ~~such the~~ the person.
- 30 ~~b. "Beneficial interest" The term does not include the interest of a~~
 31 stockholder in a corporation or the interest of a partner in either a general
 32 partnership or limited partnership. A beneficial interest ~~shall be~~ is deemed to
 33 be located where the real property owned by the trustee is located.
- 34 (3) ~~"Civil proceeding" means any Civil proceeding.~~ A civil proceeding
 35 commenced by the Attorney General or an injured person under any provision
 36 of this Chapter.
- 37 (4) ~~"Criminal proceeding" means any Criminal proceeding.~~ A criminal action
 38 commenced by the State for a violation of any provision of those criminal laws
 39 ~~referred to in G.S. 75D-3(c).~~ set forth in subdivision (8) of this section.
- 40 (5) ~~"Documentary material" means any Documentary material.~~ A book, paper,
 41 document, writing, drawing, graph, chart, photograph, phonocord, magnetic
 42 tape, computer printout, other data compilation from which information can
 43 be obtained or from which information can be translated into useable form, or
 44 other tangible item.
- 45 (6) ~~"Enterprise" means any Enterprise.~~ A person, sole proprietorship,
 46 partnership, corporation, business trust, union chartered under the laws of this
 47 State, or other legal entity; or ~~any an~~ an unchartered union, association, or group
 48 of individuals associated in fact although not a legal ~~entity; and it~~ entity. The
 49 term includes illicit as well as licit enterprises and governmental as well as
 50 other entities.

- (7) ~~"Pattern of racketeering activity" means engaging~~ Pattern of racketeering activity. – Engaging in at least two incidents of racketeering activity that have the same or similar purposes, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated and unrelated incidents, ~~provided incidents so long as~~ at least one of ~~such these~~ incidents occurred after October 1, 1986, and that at least one other of ~~such these~~ incidents occurred within a four-year period of time of the other, excluding any periods of imprisonment, after the commission of a prior incident of racketeering activity.
- (8) a. ~~"Racketeering activity" means to~~ Racketeering activity. – To commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit an act ~~or acts which that~~ would be chargeable by indictment if ~~such the act or acts were was~~ accompanied by the necessary mens rea or criminal intent under the following laws of this State:
- 1.a. ~~Article 5 of Chapter 90 of the General Statutes of North Carolina relating to controlled substances and counterfeit controlled substances; substances.~~
- 2.b. ~~Chapter 14 of the General Statutes of North Carolina except Articles 9, 22A, 38, 40, 43, 46, 47, 59 thereof; and further excepting G.S. Sections 14-78.1, and 59 of that Chapter and G.S. 14-82, 14-86, 14-145, 14-146, 14-147, 14-177, 14-178, 14-179, 14-183, 14-184, 14-186, 14-190.9, 14-195, 14-197, 14-201, 14-202, 14-247, 14-248, 14-313 thereof and 14-313.~~
3. ~~Any conduct involved in a "money laundering" activity, including activity covered by G.S. 14-118.8; and~~
- b. ~~"Racketeering activity" The term also includes the description in Title 18, United States Code, Section 1961(1); "racketeering activity," as defined in 18 U.S.C. § 1961(1), and any conduct involved in a money laundering activity, including activity covered by G.S. 14-118.8.~~
- (9) ~~"Real property" means any~~ Real property. – Any real property situated in this State or ~~any an~~ interest in ~~such the~~ real property, including, but not limited to, ~~any a~~ lease of or mortgage upon ~~such the~~ real property.
- (10) ~~"RICO lien notice" means the~~ RICO lien notice. – The notice described in G.S. 75D-13.
- (11) a. ~~"Trustee" means either~~ Trustee. – Either of the following:
- 1.a. ~~Any A person who that~~ holds legal or record title to real property ~~for in which any other another~~ person has a beneficial ~~interest; or interest.~~
- 2.b. ~~Any A~~ successor trustee ~~or trustees to any of the foregoing persons to a person described in sub-subdivision a. of this subdivision.~~
- b. ~~"Trustee" The term does not include the following; either~~
1. ~~Any (i) a~~ person appointed or acting as a personal representative under Chapter 35A of the General Statutes relating to guardian and ward, or under Chapter 28A of the General Statutes relating to the administration of ~~estates; or estates or~~
2. ~~Any (ii) a~~ person appointed or acting as a trustee of ~~any a~~ testamentary trust or as trustee of ~~any an~~ indenture of trust under which any bonds are to be issued."

SECTION 7.(c) G.S. 75D-5 reads as rewritten:

"§ 75D-5. RICO civil forfeiture proceedings.

(a) All property of every kind used or intended for use in the course of, derived from, or realized through a racketeering activity or pattern of racketeering activity is subject to forfeiture to the State. Forfeiture shall be had by a civil procedure known as a RICO forfeiture proceeding.

(b) A RICO forfeiture proceeding ~~shall be~~ is governed by Chapter 1A of the General Statutes of North Carolina except to the extent that special rules of procedure are stated in this Chapter.

(c) A RICO forfeiture proceeding ~~shall be~~ is an in rem proceeding against the property.

(d) A RICO forfeiture proceeding shall be instituted by complaint and prosecuted only by the Attorney General of North Carolina or his designated representative. General. The proceeding may be commenced and a final judgment rendered ~~thereon~~ before or after seizure of the property and before or after ~~any a~~ a criminal conviction of ~~any person~~ for violation of ~~those laws any law~~ set forth in ~~G.S. 75D-3(e);~~ G.S. 75D-3(8).

(e) If the complaint is filed before seizure, it shall state what property is sought to be forfeited, that the property is within the jurisdiction of the court, the grounds for forfeiture, and the names of all persons known to have or claim an interest in the property. The court shall determine ex parte whether there is reasonable ground to believe that the property is subject to forfeiture and, if the State so alleges, whether notice to those persons having or claiming an interest in the property prior to seizure would cause the loss or destruction of the property. ~~If the court finds:~~ The court shall take action as follows:

(1) ~~That~~ If the court finds that reasonable ground does not exist to believe that the property is subject to forfeiture, it shall dismiss the ~~complaint; or~~ complaint.

(2) ~~That~~ If the court finds that reasonable ground does exist to believe the property is subject to forfeiture but there is not reasonable ground to believe that prior notice would result in loss or destruction, it shall order service on all persons known to have or claim an interest in the property prior to a further hearing on whether a writ of seizure should ~~issue; or~~ issue.

(3) ~~That~~ If the court finds that there is reasonable ground to believe that the property is subject to forfeiture and ~~to believe~~ that prior notice would cause loss or destruction, it ~~shall~~ shall, without any further hearing or notice, issue a writ of seizure directing the sheriff of or any other law enforcement officer in the county where the property is found to seize it.

(f) Seizure may be effected by a law enforcement officer authorized to enforce the penal laws of this State prior to the filing of the complaint and without a writ of seizure if the seizure is incident to a lawful arrest, search, or inspection and the officer has probable cause to believe the property is subject to forfeiture and will be lost or destroyed if not seized. Within 24 hours of the time of seizure, the seizure shall be reported by the officer to the district attorney of the prosecutorial district as defined in G.S. 7A-60 in which the seizure is effected who shall immediately report ~~such the~~ seizure to the Attorney General. The Attorney General shall, within 30 days after receiving notice of seizure, examine the evidence surrounding ~~such the~~ seizure, and if ~~he the~~ the Attorney General believes reasonable ground exists for forfeiture under this Chapter, the Attorney General shall file a complaint for forfeiture. The complaint shall state, in addition to the information required in subsection (e) of this section, the date and place of seizure.

(g) After the complaint is filed or the seizure effected, whichever is later, every person known to have or claim an interest in the property, or in the property or enterprise of which the subject property is a part or represents any interest, shall be served, if not previously served, with a copy of the complaint and a notice of seizure in the manner provided by Chapter 1A of the General Statutes of North Carolina. Statutes. Service by publication may be ordered upon any party whose whereabouts cannot be determined with reasonable diligence within 30 days of the filing of the complaint.

(h) (1) ~~Any A~~ A person claiming an interest in the ~~property, property~~ property may become a party to the action at any time prior to judgment whether named in the

- complaint or not. ~~Any~~ A party claiming a substantial interest in the property, upon ~~motion-motion~~, may be allowed by the court to take possession of the property upon posting bond with good and sufficient security in double the amount of the property's value conditioned to pay the value of any interest in the property found to be subject to forfeiture or the value of any interest of another not subject to forfeiture.
- (2) The court, upon ~~such-any~~ terms and conditions ~~as it may prescribe, that it prescribes~~, may order that the property be sold by an innocent party ~~who-that~~ holds a lien on or security interest in the property at ~~anytime-any time~~ during the proceedings. Any proceeds from ~~such-the~~ sale over and above the amount necessary to satisfy the lien or security interest shall be paid into court pending final judgment in the forfeiture proceeding. No ~~such~~ sale shall be ordered, however, unless the obligation upon which the lien or security interest is based is in default.
- (3) Pending final judgment in the forfeiture proceeding, the court may make any other disposition of the property necessary to protect it or in the interest of substantial ~~justice-justice~~ and ~~which-that~~ adequately protects the interests of innocent parties.
- (i) The interest of an innocent party in the property ~~shall not be-is not~~ subject to forfeiture. An innocent party is one ~~who-that~~ did not have actual or constructive knowledge that the property was subject to forfeiture. An attorney who is paid a fee for representing ~~any-a~~ person subject to this act, ~~shall be-Chapter is~~ rebuttably presumed to be an innocent party as to that fee transaction.
- (j) Subject to the requirement of protecting the interest of all innocent parties, the court may, after judgment of forfeiture, make any of the following orders for disposition of the property:
- (1) Destruction of the property or contraband, the possession of, or use of, which is ~~illegal-illegal~~.
- (2) Retention for official use by a law enforcement agency, the ~~State-State~~, or any political subdivision thereof. When ~~such-the~~ agency or political subdivision no longer has use for ~~such-the~~ property, it shall be disposed of by judicial sale as provided in Article 29A of Chapter 1 of the General ~~Statutes-of North Carolina, Statutes~~, and the proceeds shall be paid to the State ~~Treasurer;Treasurer~~.
- (3) Transfer to the Department of Natural and Cultural Resources of property useful for historical or instructional ~~purposes;purposes~~.
- (4) Retention of the property by ~~any-an~~ innocent party having an interest ~~therein, in it~~, including the right to restrict sale of an interest to outsiders, such as a right of first refusal, upon payment or approval of a plan for payment into court of the value of any forfeited interest in the property. The plan may include, in the case of an innocent party ~~who-that~~ holds an interest in the property through ~~an-estate-a tenancy~~ by the entirety, ~~or-an~~ undivided ~~interest in the property, interest, or a lien on-or security interest in the property, interest~~, the sale of the property by the innocent party under ~~such-any~~ terms and conditions ~~as may be-prescribed~~ by the court and the payment into court of any proceeds from ~~such-the~~ sale over and above the amount necessary to satisfy ~~the divided ownership value of the innocent party's interest or the lien or security interest-interest~~. Proceeds paid into the court ~~must-shall~~ then be paid to the State ~~Treasurer;Treasurer~~.
- (5) Judicial sale of the property as provided in Article 29A of Chapter 1 of the General ~~Statutes-of North Carolina, Statutes~~, with the proceeds being paid to the State ~~Treasurer;Treasurer~~.

- (6) Transfer of the property to ~~any~~ an innocent party having an interest ~~therein in~~ it equal to or greater than the value of the ~~property; or property.~~
- (7) Any other disposition of the property ~~which that~~ is in the interest of substantial justice and adequately protects innocent parties, with any proceeds being paid to the State Treasurer.

(k) In addition to ~~the provisions of an in rem action under~~ subsections (c) through (g) ~~relating to in rem actions, of this section,~~ the State may bring an in personam action for the forfeiture of any property subject to forfeiture under subsection (a) of this section.

(l) Upon the entry of a final civil judgment of forfeiture in favor of the ~~State; State,~~ the following provisions apply:

- (1) The title of the State to the forfeited property ~~shall; relates back as follows:~~
- a. In the case of real property or a beneficial interest, ~~relate the title~~ relates back to the date of the filing of the RICO lien notice in the official record of the county where the real property or beneficial interest is ~~located and, if located.~~ If no RICO lien notice is filed, then the title relates back to the date of the filing of any notice of lis pendens in the official records of the county where the real property or beneficial interest is ~~located and, if located.~~ If no RICO lien notice or notice of lis pendens is so filed, then the title relates back to the date of the recording of the final judgment of forfeiture in the official records of the county where the real property or beneficial interest is ~~located; and located.~~
 - b. In the case of personal property, ~~relate the title~~ relates back to the date the personal property was seized pursuant to ~~the provisions of this Chapter.~~
- (2) If property subject to forfeiture is conveyed, alienated, disposed of, or otherwise rendered unavailable for forfeiture after the filing of a RICO lien notice or after the filing of a RICO civil ~~proceeding proceeding,~~ whichever is earlier, the Attorney General may, on behalf of the State, institute an action in an appropriate court against the person named in the RICO lien notice or the defendant in the civil proceeding and the court shall enter final judgment against the person named in the RICO lien notice or the defendant in the civil proceeding in an amount equal to the fair market value of the property, together with investigative costs and ~~attorney's attorneys'~~ fees incurred by the Attorney General in the action."

SECTION 7.(d) G.S. 75D-8 reads as rewritten:

"§ 75D-8. Available RICO civil remedies.

(a) As part of a final judgment of forfeiture, any judge of the superior court may, after giving reasonable notice to potential innocent claimants, enjoin violations of G.S. 75D-4, by issuing ~~appropriate one or more of the following orders and judgments:~~

- (1) Ordering ~~any a~~ defendant to divest ~~himself oneself~~ of ~~any an~~ interest in any enterprise, real property, or personal property including property held by a tenancy by the entirety. ~~Where~~ If property is held by a tenancy by the entirety and one of the spouses is an innocent person as defined in G.S. 75D-5(i), upon entry of a final judgment of forfeiture of entirety property, the judgment ~~operates, operates~~ to convert the tenancy by the entirety to a tenancy in common, and only the one-half undivided interest of the offending spouse shall be forfeited according to ~~the provisions of this Chapter; this Chapter.~~
- (2) Imposing reasonable restrictions upon the future activities or investments of ~~any a~~ defendant in the same or similar type of endeavor as the enterprise in which ~~he the~~ defendant was engaged in violation of ~~G.S. 75D-4; G.S. 75D-4.~~

- (3) Ordering the dissolution or reorganization of ~~any enterprise;~~an enterprise.
- (4) Ordering the suspension or revocation of ~~any a~~ license, permit, or prior approval granted to ~~any an~~ enterprise by ~~any agency of the State;~~a State agency.
- (5) Ordering the forfeiture of the charter of a corporation organized under the laws of this State or the revocation of a certificate authorizing a foreign corporation to conduct business ~~within in~~ this State upon a finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting affairs of the corporation, has authorized or engaged in conduct in violation of ~~G.S. 75D-4,~~ G.S. 75D-4 and that, for the prevention of future unlawful activity, the public interest requires that the charter of the corporation be dissolved or the certificate be ~~revoked;~~revoked.
- (6) Appointment of a receiver pursuant to ~~the provisions of~~ Article 38 of Chapter 1 of the General Statutes of North Carolina, to collect, ~~conserve~~ conserve, and dispose of all the proceeds, money, ~~profits~~ profits, and property, both real and personal, ~~subject to the provisions of this Chapter~~ in accordance with ~~the provisions hereof this Chapter,~~ as directed by the final judgment of the superior court having jurisdiction over the parties or subject matter of the ~~action;~~ or action.
- (7) Any other equitable remedy appropriate to effect complete forfeiture of property subject to forfeiture, or to prevent future violations of this Chapter.
- (b) The State through the Attorney General may institute a proceeding under G.S. 75D-5. In ~~such the~~ proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, ~~provided that no showing of special or irreparable damage to the person shall have to be made and provided further that the State shall not be~~ cases. However, the State is not required to show special or irreparable damage, nor is the State required to execute any bond before or after obtaining temporary restraining orders or preliminary injunctions.
- (c) ~~Any An~~ innocent person ~~who that~~ is injured or damaged in ~~his~~ business or property by reason of any violation of G.S. 75D-4 involving a pattern of racketeering activity ~~shall have~~ has a cause of action for three times the actual damages sustained and reasonable ~~attorneys~~ attorneys' fees. For purposes of this subsection, "pattern of racketeering activity" ~~shall require~~ requires that at least one act of racketeering activity be an act of racketeering activity other than (i) an act indictable under 18 U.S.C. § 1341 or ~~U.S.C. § 1343,~~ 18 U.S.C. § 1343 or (ii) an act ~~which that~~ is an offense involving fraud in the sale of securities. ~~Any A~~ person filing a private action under this subsection ~~must shall~~ concurrently notify the Attorney General in writing of the commencement of the action. Thereafter, the Attorney General may file a motion for a protective order in the court where the private action is pending and shall be granted a stay of the private action for a reasonable time if the court finds ~~either;~~ either of the following:
- (1) The bringing of a private action is likely to materially interfere with or impair a public forfeiture ~~action;~~ or action.
- (2) The public interest is so great as to require the Attorney General to investigate and bring a forfeiture action.
- (d) ~~Any An~~ injured innocent person ~~shall have~~ has a right or claim to forfeited ~~property~~ property, or to the proceeds derived ~~therefrom from it,~~ that is superior to any right or claim the State has in the same property or proceeds. To enforce ~~such a claim the claim,~~ the injured innocent person ~~must shall~~ intervene in the forfeiture proceeding prior to its final disposition.
- (e) A final conviction in ~~any a~~ criminal proceeding ~~for a violation of those laws set forth in G.S. 75D-3(e),~~ shall estop estops the defendant in any subsequent civil action or proceeding under this Chapter as to all matters proved in the criminal proceeding.

(f) A defendant in an action commenced by the State pursuant to this Chapter ~~whose convictions of two or more criminal offenses of those criminal statutes as set forth in G.S. 75D-3(c) have become final, which offenses have occurred within a four-year period of each other as set forth in G.S. 75D-3(b) shall be~~ who has two or more final convictions for violating any law set forth in G.S. 75D-3(8) and whose violations occurred within a four-year period as set forth in G.S. 75D-3(7) is deemed to have, ~~have~~ per se violated the provisions of G.S. 75D-4(a)(1) or (2) as of the date of the second conviction.

(g) Any party is entitled to a jury trial in any action brought under this Chapter."

SECTION 7.(e) This section is effective when it becomes law and applies to actions or proceedings commenced on or after that date.

SECTION 8.(a) The definitions in G.S. 85B-1 are reordered so that they appear in alphabetical order.

SECTION 8.(b) G.S. 85B-1, as amended by subsection (a) of this section, reads as rewritten:

"§ 85B-1. Definitions.

For the purposes of this Chapter ~~Chapter~~, the following definitions shall apply:

- (1) ~~"Absolute Auction" means the Absolute auction.~~ – The sale of real or personal property at auction in which the item offered for auction is sold to the highest bidder without reserve, without the requirement of ~~any~~ a minimum bid, and without competing bids of any type by the owner, or agent of the owner, of the property.
- (2) ~~"Auction" means the Auction.~~ – The sale of goods or real estate by means of exchanges between an auctioneer and members of an audience, the exchanges consisting of a series of invitations for offers made by the auctioneer, offers by members of the audience, and the acceptance by the auctioneer of the highest or most favorable offer.
- (3) ~~"Auction Firm" means a Auction firm.~~ – A sole proprietorship of which the owner is not a licensed auctioneer, or ~~any~~ a partnership, association, or corporation, not otherwise exempt from this Chapter, that does any of the following:
 - a. ~~sells~~ Sells, either directly or through agents, real or personal property at auction, ~~or that auction.~~
 - b. ~~arranges,~~ Arranges, sponsors, manages, ~~conducts~~ conducts, or advertises auctions, ~~or that auctions.~~
 - c. ~~in~~ In the regular course of ~~business~~ business, uses or allows the use of its facilities for auctions.~~This definition~~ This term applies whether or not an owner or officer of the business acts as an auctioneer.
- (4) ~~"Auctioneer" means any Auctioneer.~~ – A person who conducts or offers to conduct ~~auctions and auctions.~~ This term includes apprentice auctioneers except ~~as when~~ stricter standards are specified by this Chapter for apprentice auctioneers.
- (5) ~~"Auctioneering", "conduct of auction", or "conduct of business" means, in Auctioneering, conduct of auction, or conduct of business.~~ – In addition to the actual calling of bids, any of the following:
 - a. Contracting for auction.
 - b. Accepting consignments of items for sale at auction.
 - c. Advertising an auction.
 - d. Offering items for sale at auction.
 - e. Accepting payment or disbursing monies for items sold at auction.

- f. Otherwise soliciting, arranging, sponsoring, or managing an auction or holding oneself out as an auctioneer or auction firm.
- (6) ~~"Consignment" means, unless~~ Consignment. – Unless otherwise modified by written agreement, the act of delivering or transferring goods or real estate in fact or constructively to an auctioneer or the auctioneer's agent in trust for the purpose of resale at auction ~~whereby by which~~ title does not pass to the buyer until there is an action indicating a sale. ~~For purposes of this section, consignment may also mean~~ This term includes a bailment for sale.
- (7) ~~"Designated person" means any~~ Designated person. – A person approved by the Board to have the authority to transact business for a licensed auction firm.
- (8) ~~"Estate Sale" means the~~ Estate sale. – The liquidation by sale at auction of real or personal property of a specified person.
- (9) ~~"Fund" means~~ Fund. – Auctioneer Recovery Fund.
- (10) ~~"Owner" means the~~ Owner. – The bona fide owner of the property being offered for sale; sale. The following provisions apply:
- a. ~~in~~ In the case of partnerships, ~~"owner" this term~~ means a general partner in a partnership that owns the property being offered for sale; ~~provided that sale so long as, in the case of a limited partnership it~~ partnership, the partnership has filed a certificate of limited partnership as required by Chapter 59 of the General Statutes; Statutes.
- b. ~~in~~ In the case of corporations, ~~"owner" this term~~ means an ~~officer or director or employee or someone acting on behalf of the employee of~~ officer, director, employee, or agent of a corporation that owns the property being offered for sale ~~provided that so long as~~ the corporation is registered to do business in ~~the~~ this State."

SECTION 9. G.S. 128-26A is redesignated as G.S. 128-26.1.

SECTION 10.(a) G.S. 131A-3 reads as rewritten:

"§ 131A-3. Definitions.

As used or referred to in this Article, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

- (1) ~~"Bonds" or "notes" means the revenue bonds or bond anticipation notes, respectively, authorized to be issued by the Commission under this Article;~~
- (2) ~~"Commission" means the North Carolina Medical Care Commission, created by Part 10 of Article 3 of Chapter 143B of the General Statutes, or, should said Commission be abolished or otherwise divested of its functions under this Article, the public body succeeding it in its principal functions, or upon which are conferred by law the rights, powers and duties given by this Article to the Commission;~~
- (3) ~~"Cost" as applied to any health care facilities means the cost of construction or acquisition; the cost of acquisition of property, including rights in land and other property, both real and personal and improved and unimproved; the cost of demolishing, removing or relocating any buildings or structures on land so acquired, including the cost of acquiring any land to which such buildings or structures may be moved or relocated; the cost of all machinery, fixed and movable equipment and furnishings; financing charges, interest prior to and during construction and, if deemed advisable by the Commission, for a period not exceeding two years after the estimated date of completion of construction, the cost of engineering and architectural surveys, plans and specifications; the cost of consulting and legal services and other expenses necessary or incident to determining the feasibility or practicability of constructing or acquiring such health care facilities; the cost of administrative~~

and other expenses necessary or incident to the construction or acquisition of such health care facilities, and the financing of the construction or acquisition thereof, including reasonable provision for working capital and a reserve for debt service; the cost of reimbursing any public or nonprofit agency for any payments made for any cost described above or the refinancing of any cost described above, provided that no payment shall be reimbursed or any cost be refinanced if such payment was made or such cost was incurred earlier than two years prior to the effective date of this Article; provided further, that it is the intent that any costs described above shall be payable solely from the revenues of the health care facilities;

- (4) ~~"Health care facilities" means any one or more buildings, structures, additions, extensions, improvements or other facilities, whether or not located on the same site or sites, machinery, equipment, furnishings or other real or personal property suitable for health care or medical care; and includes, without limitation: general hospitals, chronic diseases, maternity, mental, tuberculosis and other specialized hospitals; facilities for intensive care and self care; nursing homes, including skilled nursing facilities and intermediate care facilities; facilities for continuing care of the elderly and infirm; clinics and outpatient facilities; clinical, pathological and other laboratories; health care research facilities; laundries; training facilities for nurses, interns, physicians and other staff members; food preparation and food service facilities; administration buildings, central service and other administrative facilities; communication, computer; and other electronic facilities, fire-fighting facilities, pharmaceutical facilities and recreational facilities; storage space, X-ray, laser, radiotherapy and other apparatus and equipment; dispensaries; utilities; vehicular parking lots and garages; office facilities for health care facilities staff members and physicians; and such other health care facilities customarily under the jurisdiction of or provided by hospitals, or any combination of the foregoing, with all necessary, convenient or related interests in land, machinery, apparatus, appliances, equipment, furnishings, appurtenances, site preparation, landscaping and physical amenities;~~
- (5) ~~"Non-profit agency" means any nonprofit corporation existing or hereafter created and empowered to acquire, by lease or otherwise, operate or maintain health care facilities;~~
- (6) ~~"Public agency" means any county, city, town, hospital district or other political subdivision of the State existing or hereafter created pursuant to the laws of the State authorized to acquire, by lease or otherwise, operate or maintain health care facilities;~~
- (7) ~~"State" means the State of North Carolina;~~
- (8) ~~"Federally guaranteed security" means any security, investment or evidence of indebtedness issued pursuant to any provision of federal law for the purpose of financing or refinancing the cost of any health care facilities which is insured or guaranteed, directly or indirectly, in whole or in part as to the repayment of principal or interest by the United States of America or any instrumentality thereof;~~
- (9) ~~"Federally insured mortgage note" means any loan secured by a mortgage or deed of trust on any health care facilities owned or leased by any public or nonprofit agency which is insured or guaranteed, directly or indirectly, in whole or in part as to the repayment of principal and interest by the United States of America or any instrumentality thereof, or any commitment by the~~

- 1 ~~United States of America or any instrumentality thereof to so insure or~~
2 ~~guarantee such a loan secured by a mortgage or a deed of trust.~~
- 3 (10) ~~"Continuing care" means the furnishing, pursuant to a continuing care~~
4 ~~agreement, of shelter, food, and nursing care to an individual not related by~~
5 ~~consanguinity or affinity to the provider furnishing such care. Other personal~~
6 ~~services provided shall be designated in the continuing care agreement.~~
7 ~~Continuing care shall include only life care, care for life, or care for a term of~~
8 ~~years;~~
- 9 (11) ~~"Life care" or "care for life" means a life lease, life membership, life estate, or~~
10 ~~similar agreement between an individual and a provider by which the~~
11 ~~individual pays a fee for the right to occupy a space in the continuing care~~
12 ~~facility and to receive continuing care for life; and~~
- 13 (12) ~~"Care for a term of years" means an agreement between an individual and a~~
14 ~~provider whereby the individual pays a fee for the right to occupy space in a~~
15 ~~continuing care facility, and to receive continuing care, for at least one year,~~
16 ~~but for less than the life of the member.~~

17 The following definitions apply in this Article:

- 18 (1) Bonds or notes. – The revenue bonds or bond anticipation notes, respectively,
19 authorized to be issued by the Commission under this Article.
- 20 (2) Care for a term of years. – An agreement between an individual and a provider
21 by which the individual pays a fee for the right to occupy space in a continuing
22 care facility and to receive continuing care for at least one year but for less
23 than the life of the member.
- 24 (3) Commission. – The North Carolina Medical Care Commission, created by
25 Part 10 of Article 3 of Chapter 143B of the General Statutes, or a successor
26 body.
- 27 (4) Continuing care. – The furnishing, pursuant to a continuing care agreement,
28 of shelter, food, and nursing care to an individual not related by consanguinity
29 or affinity to the provider furnishing the care. Other personal services
30 provided shall be designated in the continuing care agreement. This term
31 includes only life care, care for life, or care for a term of years.
- 32 (5) Cost. – As applied to any health care facilities, any of the following:
33 a. The cost of construction or acquisition.
34 b. The cost of acquisition of property, including property rights, both real
35 and personal and improved and unimproved.
36 c. The cost of demolishing, removing, or relocating any buildings or
37 structures on land acquired, including the cost of acquiring any land to
38 which the buildings or structures may be moved or relocated.
39 d. The cost of all machinery, fixed and movable equipment, and
40 furnishings.
41 e. Financing charges, interest prior to and during construction, and, if
42 deemed advisable by the Commission, for a period not exceeding two
43 years after the estimated date of completion of construction, the cost
44 of engineering and architectural surveys, plans, and specifications.
45 f. The cost of consulting and legal services and other expenses necessary
46 or incident to determining the feasibility or practicability of
47 constructing or acquiring the health care facilities.
48 g. The cost of administrative and other expenses necessary or incident to
49 the construction or acquisition of the health care facilities and the
50 financing of the construction or acquisition, including reasonable
51 provision for working capital and a reserve for debt service.

- h. The cost of reimbursing a public or nonprofit agency for any payments made for any cost described in this subdivision or the refinancing of any cost described in this subdivision. This term, however, does not include any reimbursement or refinancing costs that are not payable solely from the revenues of the health care facilities.
- (6) Federally guaranteed security. – A security, investment, or evidence of indebtedness issued pursuant to federal law for the purpose of financing or refinancing the cost of a health care facility and that is insured or guaranteed, directly or indirectly, in whole or in part as to the repayment of principal or interest by the United States of America or any instrumentality thereof.
- (7) Federally insured mortgage note. – A loan secured by a mortgage or deed of trust on a health care facility owned or leased by a public or nonprofit agency and that is insured or guaranteed, directly or indirectly, in whole or in part as to the repayment of principal and interest by the United States of America or any instrumentality thereof, or by a commitment of the United States of America or any instrumentality thereof.
- (8) Health care facilities. – Any one or more buildings, structures, additions, extensions, improvements, or other facilities, whether or not located on the same site, machinery, equipment, furnishings, or other real or personal property suitable for health care or medical care. The term includes, without limitation, any of the following facilities related to health care:
- a. General hospitals or specialized hospitals, such as hospitals for chronic diseases, maternity, or mental health.
 - b. Facilities for intensive care and self-care.
 - c. Nursing homes, including skilled nursing facilities and intermediate care facilities.
 - d. Facilities for the continuing care of the elderly and infirm.
 - e. Clinics and outpatient facilities.
 - f. Clinical, pathological, and other laboratories.
 - g. Health care research facilities.
 - h. Laundries.
 - i. Training facilities for nurses, interns, physicians, and other staff members.
 - j. Food preparation and food service facilities.
 - k. Administration buildings, central service facilities, and other administrative facilities.
 - l. Communication, computer, and other electronic facilities, firefighting facilities, pharmaceutical facilities, and recreational facilities.
 - m. Storage space.
 - n. X-ray, laser, radiotherapy, and other apparatus and equipment.
 - o. Dispensaries.
 - p. Utilities.
 - q. Vehicular parking lots and garages.
 - r. Office facilities for staff members and physicians of a health care facility.
 - s. Other facilities customarily under the jurisdiction of or provided by hospitals, or any combination of the facilities listed in this subdivision, with all related interests in land, machinery, apparatus, appliances, equipment, furnishings, appurtenances, site preparation, landscaping, and physical amenities.

(9) Life care or care for life. – A life lease, life membership, life estate, or similar agreement between an individual and a provider by which the individual pays a fee for the right to occupy a space in the continuing care facility and to receive continuing care for life.

(10) Nonprofit agency. – A nonprofit corporation authorized to acquire, by lease or otherwise, operate, or maintain health care facilities.

(11) Public agency. – A county, city, town, hospital district, or other political subdivision of the State authorized to acquire, by lease or otherwise, operate, or maintain health care facilities.

(12) State. – State of North Carolina."

SECTION 10.(b) G.S. 143B-181.16 reads as rewritten:

"§ 143B-181.16. ~~Long Term Care Ombudsman Program/Office; definition.~~Definitions.

~~Unless the content clearly requires otherwise, as used in this Article:~~

(1) ~~"Long term care facility" means any skilled nursing facility and intermediate care facility as defined in G.S. 131A-3(4) or any adult care home as defined in G.S. 131D-20(2).~~

(1a) ~~Reserved for future codification purposes.~~

(1b) ~~"Programmatic supervision" means the monitoring of the performance of the duties of the Regional Ombudsman and ensuring that the Area Agency on Aging has personnel policies and procedures consistent with the laws and policies governing the Ombudsman Program as performed by the State Ombudsman.~~

(1c) ~~"Regional Ombudsman" means a person employed by an Area Agency on Aging who is certified and designated by the State Ombudsman to carry out the functions of the Regional Ombudsman Office established by this Article, 42 U.S.C. § 3001, et seq. and regulations promulgated thereunder.~~

(2) ~~"Resident" means any person who is receiving treatment or care in any long term care facility.~~

(3) ~~"State Ombudsman" means the State Ombudsman as defined by the Older Americans Act of 1965, as amended, 42 U.S.C. § 3001 et seq., and regulations promulgated thereunder, who carries out the duties and functions established by this Article and 42 U.S.C. § 3001, et seq. and regulations promulgated thereunder.~~

(4) ~~"Willful interference" means actions or inactions taken by an individual in an attempt to intentionally prevent, interfere with, or attempt to impede the Ombudsman or a representative of the Office from performing any of the functions, responsibilities, or duties set forth in 42 U.S.C. § 3001 et seq., and regulations promulgated thereunder.~~

The following definitions apply in this Article:

(1) Long-term care facility. – A skilled nursing facility, intermediate care facility, or adult care home as defined in G.S. 131D-20.

(2) Programmatic supervision. – The monitoring of the performance of the duties of the Regional Ombudsman and ensuring that the Area Agency on Aging has personnel policies and procedures consistent with the laws and policies governing the Ombudsman Program as performed by the State Ombudsman.

(3) Regional Ombudsman. – A person employed by an Area Agency on Aging who is certified and designated by the State Ombudsman to carry out the functions of the Regional Ombudsman Office established by this Article, the Older Americans Act of 1965, 42 U.S.C. § 3001, et seq., and the regulations promulgated under that act.

- (4) Resident. – A person who is receiving treatment or care in a long-term care facility.
- (5) State Ombudsman. – The State Ombudsman, as defined by the Older Americans Act of 1965, 42 U.S.C. § 3001, et seq., and the regulations promulgated under it, who carries out the duties and functions established by those laws and this Article.
- (6) Willful or unnecessary obstruction. – Actions or inactions taken by an individual in an attempt to intentionally prevent, interfere with, or attempt to impede the State Ombudsman or Regional Ombudsman from performing any of the functions, responsibilities, or duties set forth in the Older Americans Act of 1965, 42 U.S.C. § 3001, et seq., and the regulations promulgated under it."

SECTION 11.1.(a) G.S. 131E-176(5a) is recodified as G.S. 131E-176(5c).

SECTION 11.1.(b) G.S. 131E-176(10) is recodified as G.S. 131E-176(7e).

SECTION 11.1.(c) G.S. 131E-176(13) is recodified as G.S. 131E-176(13d). The Revisor of Statutes shall substitute "G.S. 131E-176" for "G.S. 131E-176(13)" wherever it appears in G.S. 90-414.4.

SECTION 11.2.(a) G.S. 131E-176, as amended by Section 11.1 of this act, reads as rewritten:

"§ 131E-176. Definitions.

The following definitions apply in this Article:

- (1) Adult care home. – A facility with seven or more beds licensed under Part 1 of Article 1 of Chapter 131D of the General Statutes or under this Chapter that provides residential care for aged individuals or individuals with disabilities whose principal need is a home ~~which~~ that provides the supervision and personal care appropriate to their age and disability and for whom medical care is only occasional or incidental.
- ...
- (1b) Ambulatory surgical facility. – A facility designed for the provision of a specialty ambulatory surgical program or a multispecialty ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional, or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and ~~must~~ shall provide at least one designated operating room or gastrointestinal endoscopy room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient. An ambulatory surgical facility may be operated as a part of a ~~physician~~ physician's or dentist's office, provided ~~office so long as~~ the facility is licensed under Part 4 of Article 6 of this Chapter, but the performance of incidental, limited ambulatory surgical procedures ~~which~~ that do not constitute an ambulatory surgical program and ~~which~~ that are performed in a physician's or dentist's office does not make that office an ambulatory surgical facility.
- (1c) Ambulatory surgical program. – A formal program for providing on a same-day basis those surgical procedures ~~which~~ that require local, regional, or general anesthesia and a period of post-operative observation to patients whose admission for more than 24 hours is determined, prior to surgery or gastrointestinal endoscopy, to be medically unnecessary.

(2) Bed capacity. – Space used exclusively for inpatient care, including space designed or remodeled for licensed inpatient beds even though temporarily not used for ~~such these~~ purposes. The number of beds to be counted in ~~any a~~ patient room shall be the maximum number for which adequate square footage is provided as established by rules of the Department except that single beds in single rooms are counted even if the room contains inadequate square footage. ~~The term "bed capacity"~~ This term also refers to the number of dialysis stations in kidney disease treatment centers, including freestanding dialysis units.

...
(2d) Capital expenditure. – An expenditure for a project, including but not limited to ~~to~~, the cost of construction, engineering, and equipment ~~which that~~, under generally accepted accounting ~~principles—principles~~, is not properly chargeable as an expense of operation and maintenance. Capital expenditure includes, in addition, the fair market value of an acquisition made by donation, lease, or comparable arrangement by which a person obtains equipment, the expenditure for which would have been considered a capital expenditure under this Article if the person had acquired it by purchase.

...
(3) Certificate of need. – A written order ~~which that~~ affords the person ~~so~~ designated as the legal proponent of the proposed project the opportunity to proceed with the development of the project.

...
(5) Change in bed capacity. – Any of the following:
a. ~~Any A~~ relocation of health service facility ~~beds, beds~~ or dialysis stations from one licensed facility or campus to another.
b. ~~Any A~~ redistribution of health service facility bed capacity among the categories of health service facility bed.
c. ~~Any An~~ increase in the number of health service facility ~~beds, beds~~ or dialysis stations in kidney disease treatment centers, including freestanding dialysis units.

...
(5c) Chemical dependency treatment facility. – A public or private facility, or unit in a facility, ~~which that~~ is engaged in providing ~~24-hour-a-day 24-hour-a-day~~ treatment for chemical dependency or a substance use disorder. This treatment may include detoxification, administration of a therapeutic regimen for the treatment of individuals with chemical dependence or substance use disorders, and related services. The facility or unit may be any of the following:

...
(7) Develop. – When used in connection with health services, means to undertake those activities ~~which that~~ will result in the offering of institutional health service or the incurring of a financial obligation in relation to the offering of ~~such a the~~ service.

(7a) **(Effective until November 21, 2026 – see note)** Diagnostic center. – A freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs, in which the total cost of all the medical diagnostic equipment utilized by the facility ~~which cost that costs~~ ten thousand dollars (\$10,000) or more exceeds three million dollars (\$3,000,000). In determining whether the medical diagnostic equipment in a diagnostic center costs more than three million dollars (\$3,000,000), the costs of the equipment, studies,

surveys, designs, plans, working drawings, specifications, construction, installation, and other activities essential to acquiring and making operational the equipment shall be included. The capital expenditure for the equipment ~~shall be~~ is deemed to be the fair market value of the equipment or the cost of the equipment, whichever is greater. ~~Beginning September 30, 2022, and on~~ On September 30 of each year thereafter, year, the cost threshold amount in this subdivision shall be adjusted using the Medical Care Index component of the Consumer Price Index published by the U.S. Department of Labor for the 12-month period preceding the previous September 1.

...

(7c) Gamma knife. – Equipment ~~which that~~ emits photon beams from a stationary radioactive cobalt source to treat lesions deep within the brain and is one type of stereotactic radiosurgery.

...

(7e) Health maintenance organization (HMO). – A public or private organization ~~which that~~ has received its certificate of authority under Article 67 of Chapter 58 of the General Statutes and ~~which that~~ either is a qualified health maintenance organization under ~~Section 1310(d) of the Public Health Service Act~~ 42 U.S.C. § 300e-9, or satisfies all of the following:

...

b. Is compensated, except for copayments, for the provision of the basic health care services listed in sub-subdivision a. of this subdivision to enrolled participants by a payment ~~which that~~ is paid on a periodic basis without regard to the date the health care services are provided and ~~which that~~ is fixed without regard to the frequency, extent, or kind of health service actually provided.

c. Provides physicians' services primarily (i) directly through physicians who are either employees or partners of ~~such organizations, these organizations~~ or (ii) through arrangements with individual physicians or one or more groups of physicians organized on a group practice or individual practice basis.

...

(9a) Health service. – An organized, interrelated activity that is medical, diagnostic, therapeutic, rehabilitative, or a combination ~~thereof of those~~ and that is integral to the prevention of disease or the clinical management of an individual who is sick or injured or who has a disability. ~~"Health service"~~ The term does not include administrative and other activities that are not integral to clinical management.

(9b) **(Effective until November 21, 2025 – see note)** Health service facility. – A hospital; long-term care hospital; rehabilitation facility; nursing home facility; adult care home; kidney disease treatment center, including freestanding hemodialysis units; intermediate care facility for individuals with intellectual disabilities; home health agency office; diagnostic center; hospice office, hospice inpatient facility, or hospice residential care facility; ~~and or~~ ambulatory surgical facility.

...

(9c) Health service facility bed. – A bed licensed for use in a health service facility in the categories of (i) acute care beds; ~~(iii)-(ii)~~ (ii)-(iii) rehabilitation beds; ~~(iv)-(iii)~~ (iii)-(iv) nursing home beds; ~~(v)-(iv)~~ (iv)-(v) intermediate care beds for individuals with intellectual disabilities; ~~(vii)-(v)~~ (v)-(vii) hospice inpatient facility beds; ~~(viii)-(vi)~~ (vi)-(viii)

hospice residential care facility beds; ~~(ix)~~ (vii) adult care home beds; and ~~(x)~~ (viii) long-term care hospital beds.

...

(12) Home health agency. – A private organization or public agency, whether owned or operated by one or more persons or legal entities, ~~which~~ that furnishes or offers to furnish home health services.

(12a) Home health services. – Items and services furnished to an individual by a home health agency, or by others under arrangements ~~with such others~~ made by the agency, on a visiting basis, and except for sub-subdivision e. of this subdivision, in a place of temporary or permanent residence used as the individual's home as follows:

...

d. Medical supplies, other than drugs and ~~biologicals~~ biologicals, and the use of medical appliances.

e. Any of the items and services listed in this subdivision ~~which~~ that are provided on an outpatient basis under arrangements made by the home health agency at a ~~hospital or nursing home facility~~ hospital, nursing home facility, or rehabilitation center ~~facility~~ and the furnishing of which involves the use of equipment ~~of such a nature~~ that the items and services cannot readily be made available to the individual at home, or ~~which~~ that are furnished at the facility while the individual is there to receive ~~any such~~ the item or service, but not including transportation of the individual in connection with ~~any such~~ the item or service.

...

(13a) Hospice. – Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their ~~families, which~~ families that are experienced during the final stages of terminal illness and during dying and bereavement.

(13b) Hospice inpatient facility. – A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility ~~which~~ that provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting. For purposes of this Article only, a hospital ~~which~~ that has a contractual agreement with a licensed hospice to provide inpatient services to a hospice patient as defined in ~~G.S. 131E-201(4)~~ G.S. 131E-201 and provides those services in a licensed acute care bed is not a hospice inpatient facility and ~~is not subject to the requirements in sub-subdivision (5)b. of this section for hospice inpatient beds; the services provided in this manner are not a redistribution of health service facility bed capacity among the categories of health service facility bed.~~

(13c) Hospice residential care facility. – A freestanding licensed hospice facility ~~which~~ that provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting.

(13d) Hospital. – A public or private institution ~~which that~~ is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. The term includes all facilities licensed pursuant to G.S. 131E-77, except long-term care hospitals.

...
(14a) Intermediate care facility for individuals with intellectual disabilities. – Facilities licensed pursuant to Article 2 of Chapter 122C of the General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for individuals with intellectual disabilities, autism, cerebral palsy, ~~epilepsy~~ epilepsy, or related conditions.

...
(14e) Kidney disease treatment center. – A facility that is certified as an end-stage renal disease facility by the Centers for Medicare and Medicaid ~~Services,~~ Services of the United States Department of Health and Human Services, Services pursuant to 42 C.F.R. § 405.

(14f) ~~"Legacy Medical Care Facility" means a Legacy Medical Care Facility.~~ – A facility that meets all of the following requirements:

- a. Is not presently operating.
- b. Has not continuously operated for at least the past six months.
- c. Within the last 24 ~~months~~ months, both of the following:
 1. Was operated by a person holding a license under ~~G.S. 131E-77; and~~ G.S. 131E-77.

...
(14k) Long-term care hospital. – A hospital that has been classified and designated as a long-term care hospital by the Centers for Medicare and Medicaid ~~Services,~~ Services of the United States Department of Health and Human Services, Services pursuant to 42 C.F.R. § 412.

...
(14n) Main campus. – ~~All~~ Both of the following for the purposes of G.S. 131E-184(f) and (g) only:

...
(14o) **(Effective until November 21, 2026 – see note)** Major medical equipment. – A single unit or single system of components with related functions ~~which that~~ is used to provide medical and other health services and ~~which that~~ costs more than two million dollars (\$2,000,000). In determining whether the major medical equipment costs more than two million dollars (\$2,000,000), the costs of the equipment, studies, surveys, designs, plans, working drawings, specifications, construction, installation, and other activities essential to acquiring and making operational the major medical equipment ~~shall be~~ is included. The capital expenditure for the equipment ~~shall be~~ is deemed to be the fair market value of the equipment or the cost of the equipment, whichever is greater. ~~Major medical equipment~~ This term does not include replacement equipment as defined in this section. ~~Beginning September 30, 2022, and on equipment. On September 30 of each year thereafter, year,~~ the cost threshold amount in this subdivision shall be adjusted using the Medical Care Index component of the Consumer Price Index published by the U.S. Department of Labor for the 12-month period preceding the previous September 1.

(15b) Neonatal intensive care services. – Those services provided by a health service facility to high-risk newborn infants who require constant nursing care, including but not limited to ~~to~~ to, continuous cardiopulmonary and other supportive care.

(16) New institutional health services. – Any of the following:

...

b. **(Effective until November 21, 2025 – see note)** Except as otherwise provided in G.S. 131E-184(e), the obligation by ~~any a~~ person of a capital expenditure exceeding four million dollars (\$4,000,000) to develop or expand a health service or a health service facility, or ~~which that~~ relates to the provision of a health service. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities, including ~~staff effort and consulting and staff effort, consulting, and~~ other services, essential to the acquisition, improvement, expansion, or replacement of ~~any a~~ plant or equipment with respect to which an expenditure is made ~~shall be~~ is included in determining if the expenditure exceeds four million dollars (\$4,000,000). ~~Beginning September 30, 2022, and on~~ On September 30 ~~of each year thereafter, year,~~ the amount in this sub-subdivision shall be adjusted using the Medical Care Index component of the Consumer Price Index published by the U.S. Department of Labor for the 12-month period preceding the previous September 1.

...

c. ~~Any A~~ change in bed capacity.

...

e. A change in a project that was subject to certificate of need review and for which a certificate of need was issued, if the change is proposed during the development of the project or within one year after the project was completed. For purposes of this subdivision, a change in a project is a change of more than fifteen percent (15%) of the approved capital expenditure amount or the addition of a health service that is to be located in the facility, or portion ~~thereof, of the facility,~~ of the facility, that was constructed or developed in the project.

f. The development or offering of ~~a health service as listed in this subdivision~~ any of the following health services by or on behalf of ~~any a~~ person:

...

f1. The acquisition by purchase, donation, lease, transfer, or comparable arrangement of any of the following equipment by or on behalf of ~~any a~~ person:

...

l. The purchase, lease, or acquisition of ~~any a~~ health service facility, or portion ~~thereof, of a health service facility,~~ of a health service facility, or a controlling interest in the health service facility or portion ~~thereof, of the health service facility,~~ of the health service facility, if the health service facility was developed under a certificate of need issued pursuant to G.S. 131E-180.

m. ~~Any A~~ conversion of nonhealth service facility beds to health service facility beds.

n. The construction, ~~development~~ development, or other establishment of a hospice, hospice inpatient facility, or hospice residential care ~~facility;~~ facility.

- 1 o. The opening of an additional office by an existing home health agency
2 or hospice within its service area as defined by rules adopted by the
3 Department; or the opening of ~~any an~~ office by an existing home health
4 agency or hospice outside its service area as defined by rules adopted
5 by the Department.
- 6 p. The acquisition by purchase, donation, lease, transfer, or comparable
7 arrangement by ~~any a~~ person of major medical equipment.
- 8 ...
- 9 s. The furnishing of mobile medical equipment to ~~any a~~ person to provide
10 health services in North ~~Carolina, which Carolina that~~ was not in use
11 in North Carolina prior to ~~the adoption of this provision, March 18,~~
12 1993, if the equipment would otherwise be subject to review in
13 accordance with sub-subdivision f1. of this subdivision or
14 sub-subdivision p. of this subdivision if it had been acquired in North
15 Carolina.
- 16 t. Repealed by Session Laws 2001-242, s. 4, effective June 23, 2001.
- 17 u. The construction, development, establishment, increase in ~~the number,~~
18 or relocation of an operating room or gastrointestinal endoscopy room
19 in a licensed health service facility, other than the relocation of an
20 operating room or gastrointestinal endoscopy room within the same
21 building or on the same grounds or to grounds not separated by more
22 than a public right-of-way adjacent to the grounds where the operating
23 room or gastrointestinal endoscopy room is currently located.
- 24 ...
- 25 (17a) Nursing care. – Any of the following:
- 26 ...
- 27 c. Health-related care and services provided on a regular basis to
28 individuals ~~who who,~~ because of their mental or physical ~~condition~~
29 condition, require care and services above the level of room and ~~board,~~
30 ~~which board that~~ can be made available to them only through
31 institutional facilities.
- 32 These are services ~~which that~~ are not primarily for the care and treatment
33 of mental diseases.
- 34 ...
- 35 (20) Project or capital expenditure project. – A proposal to undertake a capital
36 expenditure that results in the offering of a new institutional health service. A
37 project, or capital expenditure project, or proposed project may refer to the
38 project from its earliest planning stages up through the point at which the
39 specified new institutional health service may be offered. In the case of facility
40 construction, the point at which the new institutional health service may be
41 offered ~~must shall~~ take place after the facility is capable of being fully licensed
42 and operated for its intended use, and at that time it shall be considered a health
43 service facility.
- 44 (21) Psychiatric facility. – A public or private facility licensed pursuant to Article
45 2 of Chapter 122C of the General Statutes and ~~which that~~ is primarily engaged
46 in providing to inpatients, by or under the supervision of a physician,
47 psychiatric services for the diagnosis and treatment of individuals with mental
48 illnesses.
- 49 ...
- 50 (22) Rehabilitation facility. – A public or private inpatient facility ~~which that~~ is
51 operated for the primary purpose of assisting in the rehabilitation of

1 individuals with disabilities through an integrated program of medical and
 2 other services ~~which are~~ provided under competent, professional supervision.
 3 (22a) Replacement equipment. – Equipment that costs less than three million dollars
 4 (\$3,000,000) and is purchased for the sole purpose of replacing comparable
 5 medical equipment currently in use ~~which that~~ will be sold or otherwise
 6 disposed of when replaced. In determining whether the replacement
 7 equipment costs less than three million dollars ~~(\$3,000,000) (\$3,000,000)~~, the
 8 costs of equipment, studies, surveys, designs, plans, working drawings,
 9 specifications, construction, installation, and other activities essential to
 10 acquiring and making operational the replacement equipment ~~shall be is~~
 11 included. The capital expenditure for the equipment ~~shall be is~~ deemed to be
 12 the fair market value of the equipment or the cost of the equipment, whichever
 13 is greater. ~~Beginning September 30, 2023, and on~~ On September 30 of each
 14 year thereafter, year, the cost threshold amount in this subdivision shall be
 15 adjusted using the Medical Care Index component of the Consumer Price
 16 Index published by the U.S. Department of Labor for the 12-month period
 17 preceding the previous September 1.

18 ...
 19 (24a) Service area. – The area of the State, as defined in the State Medical Facilities
 20 Plan or in rules adopted by the Department, ~~which that~~ receives services from
 21 a health service facility.

22 ...
 23 (25) State Medical Facilities Plan. – The plan prepared in accordance with
 24 G.S. 131E-176.2 by the Department of Health and Human Services and the
 25 North Carolina State Health Coordinating Council, Council and approved by
 26 the Governor. ~~In preparing the Plan, the Department and the State Health~~
 27 ~~Coordinating Council shall maintain a mailing list of persons who have~~
 28 ~~requested notice of public hearings regarding the Plan. Not less than 15 days~~
 29 ~~prior to a scheduled public hearing, the Department shall notify persons on its~~
 30 ~~mailing list of the date, time, and location of the hearing. The Department~~
 31 ~~shall hold at least one public hearing prior to the adoption of the proposed Plan~~
 32 ~~and at least six public hearings after the adoption of the proposed Plan by the~~
 33 ~~State Health Coordinating Council. The Council shall accept oral and written~~
 34 ~~comments from the public concerning the Plan.~~

35"

36 **SECTION 11.2.(b)** Article 9 of Chapter 131E of the General Statutes is amended by
 37 adding a new section to read:

38 **"§ 131E-176.2. State Medical Facilities Plan.**

39 The Department of Health and Human Services and the North Carolina State Health
 40 Coordinating Council shall prepare and present to the Governor for approval the State Medical
 41 Facilities Plan. In preparing the Plan, the Department and the State Health Coordinating Council
 42 shall maintain a mailing list of persons that have requested notice of public hearings regarding
 43 the Plan. Not less than 15 days prior to a scheduled public hearing, the Department shall notify
 44 persons on its mailing list of the date, time, and location of the hearing. The Department shall
 45 hold at least one public hearing prior to the adoption of the proposed Plan and at least six public
 46 hearings after the adoption of the proposed Plan by the State Health Coordinating Council. The
 47 Council shall accept oral and written comments from the public concerning the Plan."

48 **SECTION 11.2.(c)** G.S. 131E-177 reads as rewritten:

49 **"§ 131E-177. Department of Health and Human Services is designated State Health**
 50 **Planning and Development Agency; powers and duties.**

The Department of Health and Human Services is designated as the State Health Planning and Development Agency for the State of North Carolina, Carolina and ~~is empowered to exercise~~ has all of the following powers and duties:

- (1) ~~To establish~~ Establish standards and criteria or plans required to carry out the provisions and purposes of this Article and to adopt rules pursuant to Chapter 150B of the General Statutes, Statutes to carry out the purposes and provisions of this ~~Article~~; Article.
- (2) Adopt, amend, and repeal ~~such rules and regulations, consistent with the laws of this State, rules,~~ as may be required by the federal government for grants-in-aid for health service facilities and health planning ~~which that~~ may be made available by the federal government. This section shall be liberally construed in order that the State and its citizens may benefit from ~~such grants-in-aid;~~ these grants-in-aid.
- (3) Define, by rule, procedures for submission of periodic reports by persons or health service facilities subject to agency review under this ~~Article~~; Article.
- (4) Develop policy, criteria, and standards for health service facilities ~~planning;~~ shall planning. The Department shall conduct statewide registration and inventories of and make determinations of need for health service facilities, health services as specified in G.S. 131E-176(16)f., and equipment as specified in G.S. 131E-176(16)f1., ~~which shall include~~ including consideration of adequate geographic location of equipment and services; and develop a State Medical Facilities ~~Plan~~; Plan.
- (5) Implement, by rule, criteria for project ~~review~~; review.
- (6) ~~Have the power to grant,~~ Grant, deny, or withdraw a certificate of need and to impose ~~such sanctions as are provided for by this Article~~; Article.
- (7) Solicit, accept, ~~hold~~ hold, and administer on behalf of the State any grants or devises of money, ~~securities~~ securities, or property to the Department for use by the Department in the administration of this ~~Article~~; and Article.
- (8) Repealed by Session Laws 1987, c. 511, s. 1.
- (9) Collect fees for submitting applications for certificates of need.
- (10) ~~The authority to review~~ Review all records in any recording medium of any person or health service facility subject to agency review under this Article ~~which that~~ pertain to construction and acquisition activities, ~~staffing~~ staffing, or costs and charges for patient care, including but not limited to, construction contracts, architectural contracts, consultant contracts, purchase orders, cancelled checks, accounting and financial records, debt instruments, loan and security agreements, staffing records, utilization ~~statistics~~ statistics, and any other records the Department deems ~~to be~~ reasonably necessary to determine compliance with this Article.

The Secretary of Health and Human Services ~~shall have~~ has final decision-making authority with regard to all functions described in this section."

SECTION 11.3.(a) G.S. 131E-176(7a), as amended by Section 11.2 of this act, reads as rewritten:

- "(7a) **(Effective November 21, 2026 – see note)** Diagnostic center. – A freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs, in which the total cost of all the medical diagnostic equipment utilized by the facility that costs ten thousand dollars (\$10,000) or more exceeds three million dollars (\$3,000,000). No facility, program, or provider, ~~including~~ including but not limited to, physicians' offices, clinical laboratories, radiology centers, or mobile diagnostic programs, shall be

deemed a diagnostic center solely by virtue of having a magnetic resonance imaging scanner in a county with a population of greater than 125,000 according to the 2020 federal decennial census or any subsequent federal decennial census. In determining whether the medical diagnostic equipment in a diagnostic center costs more than three million dollars (\$3,000,000), the costs of the equipment, studies, surveys, designs, plans, working drawings, specifications, construction, installation, and other activities essential to acquiring and making operational the equipment shall be included. The capital expenditure for the equipment is deemed to be the fair market value of the equipment or the cost of the equipment, whichever is greater. On September 30 of each year, the cost threshold amount in this subdivision shall be adjusted using the Medical Care Index component of the Consumer Price Index published by the U.S. Department of Labor for the 12-month period preceding the previous September 1."

SECTION 11.3.(b) G.S. 131E-176(14o), as amended by Section 11.2 of this act, reads as rewritten:

"(14o) **(Effective November 21, 2026 – see note)** Major medical equipment. – A single unit or single system of components with related functions that is used to provide medical and other health services and that costs more than two million dollars (\$2,000,000). In determining whether the major medical equipment costs more than two million dollars (\$2,000,000), the costs of the equipment, studies, surveys, designs, plans, working drawings, specifications, construction, installation, and other activities essential to acquiring and making operational the major medical equipment is included. The capital expenditure for the equipment is deemed to be the fair market value of the equipment or the cost of the equipment, whichever is greater. This term does not include replacement ~~equipment~~ equipment or magnetic resonance imaging scanners in counties with a population greater than 125,000 according to the 2020 federal decennial census or any subsequent federal decennial census. On September 30 of each year, the cost threshold amount in this subdivision shall be adjusted using the Medical Care Index component of the Consumer Price Index published by the U.S. Department of Labor for the 12-month period preceding the previous September 1."

SECTION 11.3.(c) G.S. 131E-176(16)f1.7., as amended by Section 11.2 of this act, reads as rewritten:

"7. **(Effective November 21, 2026 – see note)** Magnetic resonance imaging scanner. This sub-sub-subdivision applies only to counties with a population of 125,000 or ~~less~~ fewer according to the 2020 federal decennial census or any subsequent federal decennial census."

SECTION 11.3.(d) This section becomes effective November 21, 2026.

SECTION 11.4.(a) G.S. 131E-176(9b), as amended by Section 11.2 of this act, reads as rewritten:

"(9b) **(Effective November 21, 2025 – see note)** Health service facility. – A hospital; long-term care hospital; rehabilitation facility; nursing home facility; adult care home; kidney disease treatment center, including freestanding hemodialysis units; intermediate care facility for individuals with intellectual disabilities; home health agency office; diagnostic center; hospice office, hospice inpatient facility, or hospice residential care facility; or ambulatory surgical facility. ~~The term "health service facility"~~ This term does not include a qualified urban ambulatory surgical facility."

1 **SECTION 11.4.(b)** This section becomes effective November 21, 2025.

2 **SECTION 12.** G.S. 150B-1 reads as rewritten:

3 **"§ 150B-1. Policy and scope.**

4 (a) Purpose. – This Chapter establishes a uniform system of administrative ~~rule-making~~
5 ~~rulemaking~~ and adjudicatory procedures for agencies. The procedures ensure that the functions
6 of ~~rule-making, rulemaking,~~ investigation, advocacy, and adjudication are not all performed by
7 the same person in the administrative process.

8 (b) Rights. – This Chapter confers procedural rights.

9 (c) Full Exemptions. – This Chapter applies to every agency ~~except~~except the following:

10 ...

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

13 (1) The Commission.

14 (2) Repealed by Session Laws 2000-189, s. 14, effective July 1, 2000.

15 (3) Repealed by Session Laws 2001-474, s. 34, effective November 29, 2001.

16 (4) The Department of Revenue, with respect to the notice and hearing
17 requirements contained in Part 2 of Article ~~2A.~~ 2A of this Chapter. With
18 respect to the Secretary of Revenue's authority to redetermine the State net
19 taxable income of a corporation under G.S. 105-130.5A, the Department is
20 subject to the ~~rule-making-rulemaking~~ requirements of G.S. 105-262.1.

21 (5) The North Carolina Global TransPark Authority with respect to the
22 acquisition, construction, operation, or use, including fees or charges, of any
23 portion of a cargo airport complex.

24 (6) The Department of ~~Public Safety,~~ Adult Correction, with respect to matters
25 relating to executions under Article 19 of Chapter 15 of the General Statutes
26 and matters relating solely to persons in its custody or under its supervision,
27 including prisoners, probationers, and parolees.

28 ...

29 (26) The Board of Agriculture in the Department of Agriculture and Consumer
30 Services with respect to the following:

31 a. Annual admission fees for the State Fair.

32 b. Operating hours, admission fees, or related activity fees at State
33 forests.

34 The Board shall annually post the admission fee and operating hours schedule
35 on its ~~Web site~~ website and provide notice of the schedule, along with a
36 citation to this section, to all persons named on the mailing list maintained
37 pursuant to G.S. 150B-21.2(d).

38 c. Fee schedules for the preparation of forest management plans
39 developed pursuant to G.S. 106-1004.

40 d. Fees for State phytosanitary certificates.

41 (27) The Department of Natural and Cultural Resources with respect to operating
42 hours, admission fees, or related activity fees ~~at~~ at the following:

43 a. The North Carolina Zoological Park pursuant to G.S. 143B-135.205.

44 b. State parks pursuant to G.S. 143B-135.16.

45 c. The North Carolina Aquariums pursuant to G.S. 143B-135.188.

46 d. The North Carolina Museum of Natural Sciences.

47 The exclusion from ~~rule-making-rulemaking~~ for the setting of operating hours
48 set forth in this subdivision (i) ~~shall~~ does not apply to a decision to eliminate
49 all public operating hours for the sites and facilities listed and (ii) does not
50 authorize any of the sites and facilities listed in this subdivision that do not

1 currently charge an admission fee to charge an admission fee until authorized
2 by an act of the General Assembly.

3 ...

4 (e) Exemptions From Contested Case Provisions. – The contested case provisions of this
5 Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The
6 contested case provisions of this Chapter do not apply to the following:

7 ...

8 (5) Hearings required pursuant to the Rehabilitation Act of 1973, (Public Law
9 93-122), as amended and federal regulations promulgated thereunder, adopted
10 under it. G.S. 150B-51(a) is considered a contested case hearing provision that
11 does not apply to these hearings.

12 ...

13 (22) ~~The Department of Public Safety, with respect to matters relating to~~
14 ~~executions under Article 19 of Chapter 15 of the General Statutes.~~

15"

16 **SECTION 13.(a)** Section 4C.11(c) of S.L. 2024-53 reads as rewritten:

17 "SECTION 4C.11.(c) No later than November 15, 2024, the Department of Environmental
18 Quality shall prepare and submit to the United States National Oceanic and Atmospheric
19 Administration for approval by that agency the proposed change made to G.S. 113A-118, as
20 enacted by subsection (b) of this section. ~~The Department of Environmental Quality shall report~~
21 ~~to the Environmental Review Commission on the status of their activities pursuant to this section~~
22 ~~quarterly, beginning January 1, 2025, until such time as the General Assembly repeals this~~
23 ~~reporting requirement."~~

24 **SECTION 13.(b)** Section 4C.12(c) of S.L. 2024-53 reads as rewritten:

25 "SECTION 4C.12.(c) No later than November 15, 2024, the Department of Environmental
26 Quality shall prepare and submit to the United States National Oceanic and Atmospheric
27 Administration for approval by that agency the proposed change made to G.S. 113A-115.1, as
28 enacted by subsection (b) of this section. ~~The Department of Environmental Quality shall report~~
29 ~~to the Environmental Review Commission on the status of their activities pursuant to this section~~
30 ~~quarterly, beginning January 1, 2025, until such time as the General Assembly repeals this~~
31 ~~reporting requirement."~~

32 **SECTION 13.(c)** This section is retroactively effective October 25, 2024.

33 **SECTION 14.** Section 4 of Chapter 601 of the 1983 Session Laws reads as rewritten:

34 "Sec. 4. This act shall become effective July 1, 1983, ~~and shall be reconsidered on or before~~
35 ~~July 1, 1989, and every six years thereafter, by the Joint Legislative Commission on~~
36 ~~Governmental Operations, 1983."~~

37 **SECTION 15.** Except as otherwise provided, this act is effective when it becomes
38 law.