

May 18, 2000

S 1335. 2000 TECHNICAL CORRECTIONS. *TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.* As title indicates.

Intro. by Hartsell.

Ref. to Judiciary I	GS 18B, 20, 43, 93A, 116B, 136
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July 6, 2000

S 1335. 2000 TECHNICAL CORRECTIONS. Intro. 5/18/00. Senate committee substitute makes the following changes to 1st edition. Adds numerous technical and conforming changes to original bill, and includes the following provisions: (1) Adds a new GS 57C-2-20(c) providing that if initial members are not identified in the articles of incorporation of a limited liability company, the organizers are to hold one or more meetings at the call of the majority of the organizers to identify the initial members. Sets rules for such approvals and for acting by written consent in lieu of a meeting. (2) Rewrites GS 5A-23(g) which now provides that a judge conducting a hearing to determine whether a person is in civil contempt may find the person in criminal contempt for the same conduct, so that it would provide that a person who is found in civil contempt may not, for the same conduct, be found in criminal contempt. (3) Adds a new GS 62-302(c) providing that the electric membership corporation regulatory fee imposed by GS 62-302 is due and payable in quarterly installments. (4) Amends Sec. 17.12(c) of the 1998 session laws to provide that the superior court judge elected in 2000 to the newly created judgeship in District 22 is to serve a term expiring in 2008 (the provision currently says the judge elected in 200 will serve a term expiring in 2002). (Floor amendments to S 1335 were unavailable and will be digested in the bulletin for July 7, 2000.)

July 7, 2000

S 1335. 2000 TECHNICAL CORRECTIONS. Intro. 5/18/00. Senate amendments adopted 7/6/00 make the following changes to 2nd edition. Amendment #1 amends GS 90-624 to exempt from the Massage and Bodywork Therapy Practice Act person employed by non-profit community service organization giving massage and bodywork therapy only to person of same gender who is a member of same organization. Amendment #2 (a) makes technical changes contingent on enactment of H 1218 and (b) effective 12/1/00, makes changes to the controlled substances laws with respect to gamma hydroxybutyric acid and gamma butyrolactone. Amendment #3 (a) sets salary of Senior Administrative Law Judge at 95% of salary of Chief Administrative Law Judge and authorizes longevity pay for such Senior Judges on same basis as SPA employees; (b) amends GS Ch. 24 with respect to fees that may be charged by lenders in certain loan transactions; (c) Amends GS Ch. 143 to create the Energy Division within the Dep't of Administration and to establish the Business Energy Improvement Program within that Division; and (d) makes other technical changes. Amendment #4 makes technical correction.

July 13, 2000

S 1335. 2000 TECHNICAL CHANGES. Intro. 5/18/00. House committee substitute makes the following changes to 3rd edition. Directs that substitute service of process on Sec'y of State for corporation lacking registered agent, in accordance with GS 55-504(b), be made on Sec'y or any clerk authorized by Sec'y to accept service of process. Makes conforming changes to GS 55A-5-04(b). Amends GS 55-11-10 and GS 55A-11-09 to provide that, if the surviving business entity of a merger pursuant to those sections is authorized to transact business in this state, then the address for mailing shall be its principal office designated in the latest document filed with the Sec'y of State that is authorized by law to designate the principal office or, if there is no principal office on file, its registered office. If the surviving business entity is not authorized to transact business in this state, the address for mailing shall be the mailing address designated in its articles of merger filed with the Sec'y. Makes conforming changes to GS 57C-2-43(b), GS 57C-9A-23(b), and GS 59-73.6(b). In new Part 2 of Art. 36, GS Ch. 143, retains provisions on reporting of stocks of coal and petroleum fuels, but vests authority for these provisions in the Dep't of Administration while deleting language establishing Energy Division. Changes reference to Energy

Division of Dep't of Commerce, in GS 114-4.2D, to Energy Policy Council and Energy Efficiency Program of the Dep't of Administration. Makes conforming changes to GS 113B-11(e) and GS 143-64.12. Adds provision to GS 163-132.1(d) permitting county board of elections to move a precinct line from a township line to another line the Census Bureau has indicated will be a 2000 block boundary if a Boundary and Annexation Survey issued during a freeze shows that the township line has moved to a location deemed unsuitable by the board. Amends S.L. 2000-67 to provide that the \$326,000 appropriation for 2000-01 to the Div'n of Mental Health, Developmental Disabilities, and Substance Abuse Services for residential services for children with autism must be granted to Residential Services, Inc. Amends GS 113A-120.2 to provide that a structure constructed over coastal wetlands, estuarine waters, or public trust areas prior to July 1, 2000, may be used to serve the public food and drink that is prepared at a food services establishment that began operation on or before July 1, 2000. Deletes provision amending House Bill 1218 that would change expiration date of S.L. 1997-337 from July 1, 2000, to date when Coastal Resources Comm'n adopts temporary rule to establish standards for waterfront development in urban areas and deletes provision directing Comm'n to adopt this rule by its next regularly scheduled meeting. Changes name of Office of Juvenile Justice to Dept. of Juvenile Justice and Delinquency Prevention in GS 143B-253(2). Amends GS 20-309(a1) to provide that owners of commercial vehicles will be required to have financial responsibility in an amount equal to that required for for-hire carriers transporting nonhazardous property in interstate or foreign commerce. Amends GS 55-10-03(d) to require a corporation to notify each shareholder, whether or not the shareholder is entitled to vote, of the proposed shareholders' meeting. Deletes provision of GS 55B-9(b) that provides that the subsection does not affect the joint and several liability of a shareholder, a director, or an officer of a professional corporation for taxes owed by the corporation. Adds new subsection to GS 59-84.2 specifying the requirements to be a registered agent of a limited liability partnership. Adds provision to GS 59-105 regarding the duty of a registered agent. Makes other technical changes.

Amendment #1 to conference report makes technical changes. Amendment #2 amends House Bill 1854, ratified July 11, 2000, to make section 5 (amending GS 7A-313) effective Oct. 1, 2000, instead of July 1, 2000. Amendment #3 makes technical changes. Amendment #4 amends GS 136-18(15) to provide that facilities for recreational purposes shall be funded from funds available for safety or enhancement purposes. Amendment #5 deletes section 86 of conference report, which would have amended SL 1999-237 to extend expiration of term of specified superior court judge elected in 2000 general election from Dec. 31, 2002, to Dec. 31, 2008.