

March 1, 2001

H 338. TECHNICAL CORRECTIONS ACT (=S 276). *TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.* Identical to S276, introduced 3/1/01.

Intro. by Culpepper.

Ref. to Rules	GS 23, 120, 126, 143, 150B
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April 25, 2001

H 338. TECHNICAL CORRECTIONS ACT. Intro. 3/1/01. House committee substitute and amendment make the following changes to 1st edition: make additional technical corrections.

November 27, 2001

H 338. 2001 TECHNICAL CORRECTIONS. Intro. 3/1/01. Senate committee substitute makes the following substantive changes to 3rd edition. Amends GS 62A-22(a)(4) to provide that State Chief Information Officer rather than Sec'y of Commerce sits on Wireless 911 Board and serves as its chairman to conform to transfer of Board from Dep't of Commerce to Office of Governor. Deletes ginseng from list of plants in GS 14-129 for which it is Class 3 misdemeanor to take from another's land and modifies GS 106-202.19, which includes ginseng under Plant Protection and Conservation Act, so that greater punishment provided in GS 14-79 for larceny of ginseng controls. Amends GS 15A-266.4 to add common law robbery and first degree arson to crimes for which convicted defendant must have blood sample taken for DNA analysis. Conforms references to Division of Adult Probation and Parole to new name of Division of Community Corrections. Amends GS 18B-901(c), setting out factors considered in issuing ABC permit, to clarify that in determining the distance between the establishment and a church or school, the distance measured is from "any principal entrance." Amends GS 18B regarding wine growers to provide that it applies to persons who grow berries and other fruits as well as grapes. Amends GS 20-4.01 to define Gross Vehicle Weight Rating (GVWR) from the value specified by the manufacturer as the maximum loaded weight of a vehicle to the maximum loaded weight a vehicle is capable of safely handling and amends GS 20-63 to require plate for vehicle licensed for 7,000 to 26,000 pounds to bear word "weighted." Amends GS 20-118.1 to require vehicles having GVWR of 10,001 or more pounds or vehicles transporting hazardous materials to enter weigh station. Amends GS 20-4.01 to delete from definition of vehicle, a mobility enhancement device that is limited by design to 15 miles per hour. Amends GS 20-39.1 to provide that Dep't of Crime Control and Public Safety is eligible to receive confidential license plates. Amends GS 24-1.1 to clarify how and when new provisions requiring lenders to provide borrowers with amortization information apply. Amends GS 44-49 to provide that law regarding perfecting of liens by hospitals applies to state entities as well as other providers of hospital services. Amends GS 51-2 to delete requirement that parental consent of 16 or 17 year old to marry must be acknowledged before notary public or signed in presence of register of deeds. Amends GS 54-109.57 and 54C-166 to clarify that joint owners of payable on death bank account may individually or jointly withdraw money from the account. Makes numerous conforming changes to SL 2001-387 Business Entity Changes. Deletes provision in GS 74C-3 exempting from definition of "courier service profession" persons operating courier service under motor carrier certificate issued by NC Utilities Comm'n and amends GS 74C-8 to allow director to issue temporary protective services license. Amends GS 105-164.44F to provide a tax distribution to cities served by a telephone membership corporation (SL 2001-430 adds new provision requiring taxation of previously untaxed telephone membership corporations). Amends GS 105-187.6 to exempt from taxation transfer of title of motor vehicle to one or more of the same co-owners to reflect removal from title of one of co-owners when no consideration is given for transfer. Amends GS 110-136.5 to allow notice of child support wage withholding to employer to be served by Rule 5 instead of Rule 4 in non-IV-D cases to conform to recent change in service of IV-D cases. Amends GS 115C-391 to allow superintendent as well as school board to suspend student who makes bomb threat. Amends GS 120-36.8 to require Research Division instead of Fiscal Research Division of General Assembly to prepare certification for proposed legislation that implements federal law or that is required to receive federal funds. Amends GS 126-5 to exempt from State Personnel Act employees of State

Health Plan. Amends GS 128-26 to remove cap for amount of sick leave that may be applied towards retirement for local government employees, which conforms to change made for state employees. Adds definition of therapeutic foster home to GS 131D-10.2. Amends GS 143-661 to expand membership of Criminal Justice Information Network Governing Board by one and directs that the Governor appoint a representative of the Division of Motor Vehicles to fill the additional position. Shifts deferred prosecution, community service restitution, and volunteer program for offenders from Dep't of Crime Control and Public Safety to Dep't of Correction as required by budget bill. Amends GS 162-33 to require sheriff's approval before prisoners are allowed to procure necessities and to eliminate authority for prisoners to provide own bedding, linen, and clothing. Amends GS 163-278.10A to eliminate requirement that campaign reports be notarized. Makes following changes to budget bill: (1) Adds section to TANF block grant to ensure that cash assistance payments to all eligible families throughout 2001-2002 are made; (2) amends provision that creates Office of Policy and Planning in Dep't of Health and Human Services to provide that professional and supervisory employees in policy rather than all employees are exempt from State Personnel Act; (3) provides that membership of "More at Four Pre-K Task Force" must include representatives of NC Partnership for Children, Inc.; (4) authorizes Judicial Dep't to provide technical assistance and seek non-state funds for family drug treatment court in Judicial District 3B as well as 28; (5) provides that \$800,000 appropriated to Dep't of Transportation for railroad bridge replacements be put in reserve for track maintenance and signal improvements to North Carolina Railroad; and (6) delays effective date of Optional Retirement Program for Community College Presidents from Jan. 1, 2002, to Jan. 1, 2003. Amends S 748 if it becomes law (Bill Lee Act Changes presented to Governor) to reduce megawatt-hour volume threshold for determining tax rates for electricity received by industries effective January 1, 2002, and to eliminate the role of Dep't of Commerce in certifying applications for credits for business activities occurring on or after Jan. 1, 2002. Authorizes Dep't of Transportation to spend funds to help with celebration of the 100th Anniversary of Wright Brothers' Flight.

November 28, 2001

H 338. 2001 TECHNICAL CORRECTIONS. Intro. 3/1/01. Senate amendments make the following changes to 4th edition. Amend the proposed changes to the William S. Lee Quality Jobs and Expansion Act (S 748) to make clear that a qualifying taxpayer must submit an application for any tax credit earned with the next return filed by the taxpayer unless the return is an amended return. Amend the Appropriations Act (S.L. 2001-424) to (1) return the Community Service Work program from the Department of Correction to the Department of Crime Control and restore the position eliminated by the transfer, (2) establish an additional position of Law Enforcement Program Specialist and (3) appropriate \$65,968 for the 2001-02 fiscal year and \$131,936 for the 2002-03 fiscal year to fund the positions authorized. Add provision to the Budget Act to permit the State Board of Education to disburse funds for grants to local school administrative units if the State Auditor fails to complete the audit of ExplorNet, Inc. before March 15, 2002. Make changes to G.S. 122C-117 to permit an area mental health authority to coordinate with Treatment Accountability for Safer Communities to provide services to criminal justice clients. Amend G.S. 143B-148 to provide that appointees to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services serve two-year terms and not be appointed to serve more than three consecutive terms. Change G.S. 136-44 to authorize the Department of Transportation to maintain the grounds surrounding the grave of Governor Samuel Ashe. Amend G.S. 135-39.5 to authorize the Executive Administrator of the Teachers' and State Employees' Comprehensive Plan to establish a pilot program, in counties that have at least 10,000 Plan enrollees, to measure the potential cost savings and improvements in patient care available through local, provider-driven medical management. Add new provision to G.S. 143-48.3 to require the Department of Administration to consult with the Joint Legislative Commission on Governmental Operations before expanding the electronic procurement system. Exempt The University of North Carolina at Chapel Hill and North Carolina State University from the state's electronic procurement system but provide that those universities may implement and operate independent procurement card programs. Provide that the Secretary of the Department of Administration may adopt temporary rules for the implementation and operation of the

procurement card program and delete the provisions of G.S. 143-49 as enacted by sec. 15.6(d) of the Appropriations Act. Make other conforming and technical changes.

December 4, 2001

H 338. 2001 TECHNICAL CORRECTIONS. Intro. 3/1/01. Senate amendments make the following changes to 5th edition: (1) make technical and conforming changes; (2) delete secs. 12 (rewriting GS 20-294(2), 14.(j) (rewriting GS 122A-11(3) and (4)), 24 (rewriting GS 96-35(b), 27 (rewriting GS 116D-11(g), 28 (rewriting GS 116D-46(g); (3) provide that the provisions of GS Ch. 150B shall apply to the State Chief Information Officer instead of the Department of Commerce; (4) rewrite GS 143-661(b) to provide that the Board shall consist of 21 members, with five members appointed by the Governor and one representing the Division of Motor Vehicles; (5) amend GS 143-129(e)(10) to make it apply to demo apparatus; (6) add new sec. 107.5. rewriting Section 9 of SL 2001-379, effective October 1, 2001, to provide that sec. 3 becomes effective October 1, 2001, and applies to actions filed before, on, or after that date; (7) add new sec. 46.5 deleting language from GS 15A-540(c) regarding conditions to be set upon a defendant's surrender by a surety and adding new GS 15A-534 regarding conditions of pretrial release for certain defendants; (8) add a new sec. 51.5 amending GS 20-11(h) to add a new subsection pertaining to full provisional licenses and become effective May 1, 2002; (9) rewrites sec. 27.29 of SL 2001-424 to provide that the appropriation shall be used for maintenance of track, signals and equipment; (10) amend 18B-1114.3 and GS 18B-1000(10) to apply to wine producers and add new secs. amending GS 18B-1114.1, -902(d), and -1100(19) and making conforming changes; (11) delete changes in prior edition to GS 143-48.3(a) (electronic procurement); (12) amend GS 143-49(8) pertaining to establishing and maintaining procurement card program; (13) add new sec. providing that the Winston-Salem/Forsyth Board of Education may enter into a partnership agreement with a board of directors of a charter school; (14) modify new section GS 135-39.5(27) created in prior edition by providing that the Executive Administrator may establish pilot programs; (15) make clear that provision of GS 135-40.8(c3) that first \$15.00 of allowable charges is not paid by state employees health plan does not apply to cardiac rehabilitation benefits; (16) amend GS 143B-148 to increase membership of Comm'n for Mental Health, Developmental Disabilities, and Substance Abuse Services from 26 to 29; one additional member each to be appointed by House Speaker, Senate Pres. Pro. Tem., and Governor; (17) add specified precincts to Senate District 36; (18) revise proposed amendment to GS 18B-901(c)(5) to restate factor as whether establishment is located in such proximity to church, public school, or church school that ABC (Alcohol Beverage Control) permit applicant will, in opinion of ABC Commission, have deleterious effect on church, public school, or church school; (19) provide that if Senate Bill 649 becomes law, Nov. 1, 2001, sunset provision of section 5 of bill (dealing with unbranded vehicle titles) is deleted; (20) add new GS 53-281.1 to provide that no default on deferred deposit transaction made by bank through independent contractor who originates, processes, arranges, or accepts or transmits applications for deferred deposit transactions in NC on behalf of bank shall be enforced in NC courts; (21) effective with compacts and amendments executed on or after Aug. 1, 1994, amend GS 147-12 to authorize Governor to negotiate and enter into Class III Tribal-State gaming compacts and compact amendments on behalf of state consistent with state law and specified federal act as necessary to allow federally recognized Indian tribe to operate gaming activities in state as permitted under federal law; add new GS 71A-8 to recognize legality of games by Indian tribe in accordance with compact.

December 6, 2001

H 338. 2001 TECHNICAL CORRECTIONS . Intro. 3/1/01. Conference report recommends the following changes to 6th edition to reconcile matters in controversy. Deletes amendment to G.S. 18B-901(c) regarding factor of proximity of establishment to a church or school in issuing ABC permit. Changes effective date of amendment to statute granting lien on personal injury recovery to state entity that provided medical services in connection with injury from Oct. 1, 2001, to March 1, 2002. Amends various sections of domestic corporation and partnership laws regarding conversions to business entity with status as a limited liability limited partnership under GS 59-102. Provides that requirement for Board of Agriculture to consult with Joint Legislative Comm'n on Governmental Operations on state fairgrounds leases and contracts applies only to contracts

with an estimated revenue to the state of at least \$100,000. Deletes amendment to GS 126-5(c1) exempting employees of State Health Plan from coverage under State Personnel Act. Amends GS 135-40.8(c3) to provide that co-payment in State Health Plan assessed under that section does not apply to charges for injected medications. Deletes amendments to GS 143-48.3 and 143-49 dealing with electronic procurement. Deletes amendments that allow reductions in TANF Block Grant to ensure cash assistance payments to eligible families and that placed representatives of NC Partnership for Children, Inc. on "More at Four" Pre-K Task Force. Deletes provisions restoring position in Dep't of Crime Control and Public Safety eliminated in budget and creating new position within Dep't. Deletes provision modifying effective date of provision in budget bill regarding optional retirement program for NC Community Colleges System. Removes authorization for Dep't of Transportation to expend funds on Wright Brothers Centennial celebration. Deletes provision allowing Winston-Salem/Forsyth Board of Education to enter into partnership agreement for operation of charter school.

December 19, 2001

SL 2001-487 (H 338). 2001 TECHNICAL CORRECTIONS. *AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.* Summarized in *Daily Bulletin* 3/1/01, 4/25/01, 11/27/01, 11/28/01, 12/4/01, and 12/6/01. Enacted Dec. 16, 2001. Effective Dec. 16, 2001, except as otherwise provided.