

June 6, 2002

S 1217. 2002 TECHNICAL CORRECTIONS (=H 1556). *TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.* Identical to H 1556, introduced 06/06/02.

Intro. by Hartsell.

Ref. to Judiciary I	GS 7A, 14, 15, 28A, 47A, 51, 116, 143
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October 1, 2002

S 1217. 2002 TECHNICAL CORRECTIONS. Intro. 6/6/02. Senate committee substitute makes the following changes to 1st edition. Makes technical corrections and other changes as set out below (references are to sections of the bill).

Section 12. Amends GS 48-2-601 to clarify that adoption proceedings will be transferred from the clerk to the district court when there are issues of fact, equitable defenses or a request for equitable relief.

Section 21(b). Adds requirement to GS 163-122(b) that petitions for nomination of unaffiliated candidates must include the name of the office sought.

Section 25. Increases compensation of emergency judges, and justices of the Supreme Court and Court of Appeals in GS 7A-39.3(b) from \$150 to \$300 per day, making it consistent with amount paid to district and superior court emergency judges.

Section 29. Expands power of NC Criminal Justice Education and Training Comm'n in GS 17C-6(a) to include regulation of school directors.

Section 30. Adds a five-day grace period to GS 20-11(j) to enable holders of limited learner's permit or provisional license to obtain regular license.

Section 36. Clarifies that GS 87-21, which requires licensing of heating and plumbing contractors, does not apply to sales of goods and associated installation services where the seller hires a licensed contractor to install the good.

Section 41. Clarifies that the exemption in GS 131E-184(d) from certificate of need review for chemical dependency and substance abuse facilities which provide services to inmates, does not extend to the portion of facility serving the general public.

Section 42. Amends GS 135-39.5B to authorize the development of optional hospital and medical benefits programs for State employees.

Section 43(a). Amends GS 136-102.7 to require the Dep't of Transportation to take all reasonable steps to reduce the impact of sound and visual pollution on a public elementary school when widening an interstate highway within 500 feet of the school.

Section 44. Expands the use of Highway Trust Fund money provided in GS 136-176(a1)(1) to economic development projects, in addition to certain highway improvement projects established in the Transportation Improvement Program.

Section 45. Reinserts provision in GS 143-128(b) pertaining to separate bid requirements, which was inadvertently removed by Senate Bill 914 during the last legislative session.

Section 46. Adds new subsection to GS 143-730 to provide for the confidentiality of individual health information in the possession of the Managed Care Patient Assistance Program.

Section 47. Amends GS 143B-289.44(c) to require that all entrance fees received by the NC Aquariums be used for the expansion and operation of those Aquariums.

Section 52. Changes the date referenced in GS 160A-23.1(d) for local elected officials to assume office from July 2002 to November 2002.

Section 53. Exempts the national standard UCC forms from the deed registration requirements of GS 161-14(b).

Sections 55(a)-55(p). Amends various election statutes. Allows a candidate to file notice of candidacy by commercial carrier (e.g. FedEx or UPS) in addition to U.S. Mail. Allows new parties to nominate candidates for all State and local offices, and provides that the State Board of Elections shall tell county boards about new-party candidates. Requires that county board of elections notify new-party of Economic Interest Statement requirements. Amends presidential primary statute to remove nickel-a-name fee for petition signatures. Transfers duty to check freeholder status of petitioners from county board of election to county tax office. Establishes

opening date of second Monday in June for candidate-filing period for soil and water supervisors. Allows for contributions over \$100 to be made by credit card or other noncash method and deletes money order as acceptable method of making such contributions. Requires that absentee ballot request be confidential.

Section 56. Amends GS 163-132.3 to prohibit county boards of elections from changing precinct lines through 2003 in anticipation of redistricting except under certain limited circumstances.

Section 57(a). Adds new section to GS Ch. 163, outlining method for making absentee ballot requests.

Section 58. Restores law that provides that a vacancy in the office of district judge will be filled for the unexpired term by a member of the same political party as the vacating judge if the vacating judge was elected as a member of a political party.

Section 74. Clarifies that Section 10.11(c) of S.L. 2002-126 provides that the equity value of life estate interests in real property and tenancy in common interests shall continue to be exempt when using SSI method for determining eligibility.

Section 75. Clarifies that Section 10.10(b) of S.L. 2002-126 prohibits the Sec'y of Health and Human Services from requesting or requiring, supplemental rebates from pharmaceutical manufacturers.

Section 79. Amends Section 28.3A of S.L. 2002-126 to state that the annual leave bonus for State employees only applies to teachers and principals at the top of their respective salary schedules who do not receive a salary increment for the 2002-2003 fiscal year.

Section 81. Designates the Asheboro Municipal Airport as the official location of the NC Aviation Hall of Fame and the NC Aviation Museum. Designates the Airborne Operation Museum of Fayetteville as the official location of the Airborne Military Museum of NC.

Section 82. Authorizes the use of funds available to the Judicial Department to continue the existing position of judicial assistant to a regular superior court judge in Superior Court District 19B.

Section 83. Modifies Dep't of Health and Human Services budget reductions provided in the Jt. Conference Comm. Report.

S 1217. 2002 TECHNICAL CORRECTIONS. Intro. 6/6/02. Senate amendments make the following changes to 1st edition. Amendment # 1 adds new Section 55(q) which provides that subsections 55(a) through 55(o) become effective January 1, 2003 and are applicable to all primaries and elections held on or after that date and subsection 55(p) is effective when act becomes law. Amendment # 2 adds Section 47.5 which amends GS 143B-480.2(a) to provide that sexual assault victims are eligible for assistance if they report the incident within five days of the occurrence of the assault and if a forensic medical examination is performed within five days of the incident (was, or). Amendment # 3 amends Section 7.44 of S.L. 2002-126 to remove limitations on the reading test pilot study to be performed by the Dep't of Public Instruction. Amendment # 4 amends GS 163-278.7(b) to require that the State Board of Elections keep campaign bank account numbers confidential. Amendment #5 amends GS 115C-238.29H(b) to define the county's local current expense appropriation as the amount of county revenue appropriated in the county budget from general county revenues and revenue accruing to the local school administrative unit under the "fines and forfeitures" provision of the state constitution (Article IX, Sec. 7). The local current expense appropriation may, but is not required to, include revenue from other local supplements, tuition, fees, grants, or other sources. Contains uncodified provision stating that neither charter schools nor local school administrative units are required to pay back funds that have already been expended, and that they are not required to reimburse each other for funds transferred before the effective date of this provision.

October 3, 2002

S 1217. 2002 TECHNICAL CORRECTIONS. Intro. 6/6/02. House committee substitute and amendments make the following changes to 3rd edition. Make technical corrections. Delete Sections 44, 55(k), and 82. Make other changes as set out below.

Section 29.5. Amends the definition of "sports club" in GS 18B-1000.

Section 31.5. Provides that if H 314 becomes law (1) the catch line of GS 20-196.3 is deleted and reads as rewritten: "Who may hold supervisory positions over sworn members of the Patrol" and (2) sec. 18 of that act is rewritten to include an effective date of March 1, 2003.

Section 33.5. Amends GS 50-20(b)(4) to provide that divisible property includes increases and decreases in marital debt and financing charges and interest related to debt.

Section 36. Provides that services rendered by licensee shall be in accordance with local permit and inspection requirements. Makes subsection effective March 1, 2003.

Section 37.2. Adds a new section to GS Ch. 108A, Art. 2, Part 6 providing that in authorizing payments for medical and other care, the Dep't shall not exclude the care rendered by chiropractors or podiatrists.

Section 37.5. Deletes provisions relating to charter schools and replaces with the following.

Amends GS 115C-302.1(j) to provide that a teacher may use up to 30 days sick leave to care for a child placed with the teacher for adoption. Adds a new section to GS Ch. 115C, Art. 23 providing that a school employee may use annual leave or leave without pay to care for a newborn child or for an adopted or foster child. Such an employee may also use up to 30 days of sick leave to care for a child placed with the employee for adoption. Provides that unless the employee and local board of education agree otherwise, the leave may be for consecutive workdays during the first 12 months after birth or placement of the child.

Section 42. Deletes provision relating to the state health plan and replaces with the following.

Amends GS 143-128(b) to provide that when the estimated cost of work to be performed in any single subdivision or branch for which separate bids are required is less than \$25,000, the same may be included in the contract for one of the other subdivisions or branches of the work, irrespective of total project cost.

Section 43. Deletes provision relating to noise and visual pollution abatement near public elementary schools and replaces with the following. Amends GS 143-299.4 to provide that if the Director of Budget determines that the agency liable for the claim has the resources to pay the full claim even though it exceeds \$150,000, the Director may require the agency to pay the full claim. Also allows the Director to limit the number of agencies required to transfer funds to the agency liable for the claim to pay the claim's balance.

Sections 57(a) and 57(b). Deletes provisions regarding absentee ballots.

Sections 57.3. Amends GS 163-278.19 by adding a new subsection providing that if a political committee has as its only purpose accepting contributions and making expenditures to influence elections and it incorporates as a nonprofit to shield its participation from liability created outside this Chapter, it is not considered to be a corporation for purposes of this section. Incorporation of a political committee does not relieve any person or entity from liability, duty or obligation created by the Chapter. No political committee shall do business as a political committee after incorporating unless it has been certified as being in compliance with the new subsection. Makes conforming changes. Effective January 1, 2003.

Section 57.5. Amends GS 166A-6.01(b)(2), changing the qualifications for eligibility for public assistance.

Section 58.7. Amends sec. 20.12 of SL 2001-424, as amended, changing the date for payment of the appropriation.

Section 61.5. Amends effective date of sec. 4 of SL 2002-96.

Section 64. Amends sec. 6 of SL 2002-107 making sections 1 and 4 applicable to bidding opportunities advertised after effective date. Repeals section 5 of SL 2002-107 effective September 6, 2002. Amends GS 133-3 to require that alternates be selected from preapproved list. Allows cities, counties and Office of State Construction to approve proprietary building products for use as performance standards if they either provide cost savings or maintain or improve the function of any process or system.

Section 69.3. Amends schedule for appropriations from the Highway Fund.

Section 69.6. Amends sec. 5.2(d) of SL 2002-126, changing the allocations for each program year for funds appropriated for the Community Development Block Grant. Provides that up to \$4,000,000 of funds appropriated in sec. 5.2 of SL 2001-424 to the Dep't of Commerce for Economic Development may be used for Urgent Needs and Contingency for drought recovery.

Section 70.5. Provides that provision authorizing Dep't of Public Instruction to administer a standardized reading test in a pilot study to assess the validity of K-2 reading assessments shall not apply unless the state receives funding under the federal Reading First grant.

Section 76. Deletes previous provision and replaces it with the following. Repeals sec. 13.7 of SL 2002-126.

Section 77. Amends SL 2002-126 by adding a new section clarifying earned time for medically and physically unfit inmates.

Section 80. Amends sec. 19.4 of SL 2002-126 to change reporting date.

Section 81. Amends sec. 21.2 of SL 2002-126 to change reporting date.

Section 83. Establishes effective date of November 1, 2002 for Sections 4.1 and 5 of act.

Section 85. Modifies certain positions in the Office of State Personnel.

Section 86. Requires that Dep't of Health and Human Services expend \$2 million in 2002-2003 fiscal year for purpose of planning replacements of Cherry and Broughton psychiatric hospitals and ensure that the use of those funds will not adversely impact Dep't services. Requires that those replacement hospitals shall be located in Wayne County and Burke County.

Section 87. Provides that those employees whose positions were initially subject to a reduction in force as a result of Executive Order 22 but were ultimately funded shall maintain career state employee status. Permits those employees to purchase vacation leave up to amount they had accrued, up to a maximum of 240 hours. Further provides that annual leave forfeited in excess of 240 hours shall be reinstated to those employees and that they are eligible for the Special Annual Leave Bonus set forth in Section 28.3A of S.L. 2002-126.

Section 88. Permits the NC Locksmith Licensing Board to adopt initial fees without prior consultation with Jt. Legis. Comm'n on Governmental Operations and requires that Board report the amount of those fees to the Comm'n.

Section 89. Provides that General Assembly may authorize use of reserve monies to pay Southern Legislative Conference dues for 2002-2003 fiscal year.

Section 90. Designates Wilmington International Airport as the official location of the NC First in Flight Museum.

Section 91. Requires that the Sec'y of Health and Human Services maintain existing education and research programs in psychiatry and psychology at Dorothea Dix and John Umstead Hospitals and that UNC-CH shall retain authority over all such educational and research programs conducted at those hospitals and any new psychiatric hospitals. Further requires that Sec'y consult with UNC-CH in planning for new hospitals to ensure continuation of those programs.

October 4, 2002

S 1217. 2002 TECHNICAL CORRECTIONS. Intro. 6/6/02. Conference report recommends the following changes to 4th edition as amended 10/3/02 to reconcile matters in controversy. Deletes amendment to definition of sports club in GS 18B-100(8). Deletes amendment to Art. 2 of GS Ch. 108A which provided that chiropractic and podiatry care are mandated forms of health care. Changes effective date of H 314, 2001 Session from March 1, 2003 to January 1, 2003. Adds renovation and expansion to purposes for which NC Aquarium entrance fees may be used. Amends Section 4 of SL 2002-96 to authorize Register of Deeds in any county to implement act earlier than July 1, 2003. Deletes amendment to GS 133-3 and replaces it with new amendment which permits owner to include preferred brands as an alternate to base bid in specifications but requires that those specifications identify the performance standards that support the new preference and that those standards be approved in advance by owner in open meeting. Requires that preferences provide cost savings and/or improve the functioning of process or system, and that written justifications for such preferences be provided to public. Amends sec. 7.44 of SL 2002-126 to provide that that pilot study of a K-2 standardized reading test measure is limited to the extent necessary to receive and retain funds as part of the federal Reading First Grant and that the section expires if funds are not awarded or when the grant expires. Deletes provisions designating Asheboro Municipal Airport the official location of the NC Aviation Hall of Fame, Wilmington International Airport the NC Aviation Museum, and the Airborne Operation Museum of Fayetteville as the official location of the Airborne Museum of NC. Restores provisions regarding absentee ballots. Adds new sections as follows: (1) sec. 91.1, providing that prior to July 1, 2003, neither NC statutes nor local acts entitle charter schools to retroactively

recover funds from penalties, fines and forfeitures or supplemental school taxes; (2) sec. 91.2 repealing sec. 11.1(a) of SL 2002-126; and (3) sec. 91.3, authorizing the use of funds available to the Judicial Dep't to continue the existing position of judicial assistant to a regular superior court judge in Superior Court District 19B and providing that if position becomes vacant, it shall be reassigned to the senior resident superior court judge.