

June 10, 2002

S 1281. CHANGE THE LAW-1. TO CHANGE THE LAW. Blank bill.

Intro. by Rand.

Ref. to Rules	UNCODIFIED
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August 27, 2002

S 1281. CERTAIN OCCUPATIONAL LICENSING BOARD CHANGES (NEW). Intro. 6/10/02.

Senate committee substitute makes the following changes to 1st edition. Replaces blank bill with *AN ACT TO CLARIFY TORT CLAIM AND DUTY TO DEFEND EMPLOYEES LIABILITY OF OCCUPATIONAL LICENSING BOARDS; TO PROVIDE FOR FLEXIBILITY IN DISCIPLINARY MATTERS AND TO SECURE EXAM SCORES BY THE REAL ESTATE COMMISSION; AND TO AUTHORIZE THE BOARD OF LANDSCAPE ARCHITECTS TO RETAIN PRIVATE COUNSEL.*

Authorizes occupational licensing boards to purchase commercial liability insurance for their boards, board members, officers, employees, and agents. States that occupational licensing boards shall be deemed state agencies and their employees considered state employees for purposes of the tort claims act and defense of state employees act.

Authorizes NC Real Estate Comm'n to acquire, hold, convey, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private party, subject to the approval of the Governor and Council of State. Authorizes Comm'n to copyright written educational materials it creates and charge reasonable fees for publications and programs. Requires Comm'n to notify persons who fail the real estate license exam of their scores. Makes the fact of passing or failing the exam a matter of public record, but provides that the exam scores shall not be public records. Reduces from 12 months to 6 months the amount of time a licensee may permit his or her license to be expired before the Comm'n may treat the licensee as not having previously been licensed and therefore subject to the requirements for issuance of an original license. Provides that hearings conducted by the Comm'n in contested cases shall be governed by the Administrative Procedure Act. Authorizes the Comm'n to impose reasonable conditions, restrictions, and limitations upon the license, registration, or approval of a person or entity it disciplines.

Repeals GS 114-4.2G, which requires the Attorney General to assign an attorney to serve as advisor to the NC Board of Landscape Architects. Authorizes the Board to retain private counsel.

Effective Oct. 1, 2002.

September 25, 2002

S 1281. CERTAIN OCCUPATIONAL LICENSING BOARD CHANGES. Intro. 6/10/02. Senate committee substitute makes the following changes to 2nd edition. Adds provision that to the extent an occupational licensing board purchases commercial liability insurance, provisions of GS 143-300.6(c), relating to payment of judgments by the state, shall not apply. Adds new GS Ch. 58, Art. 89, the "North Carolina Professional Employer Organization Act," which requires any person engaging in or providing employee leasing services in the state to register with the Dep't of Insurance and allows compliance on a consolidated basis through registration of professional employer organization groups. Specifies the procedure and requirements for registration; sets registration fee of \$500.00; describes appeal procedures; and lists prohibited acts that constitute Class H felonies. Requires Dep't of Insurance to report to the 2005 General Assembly about implementation of the article. Requires any professional employer organization operating in the state as of January 1, 2003, to register not later than 180 days after January 1, 2003. Others must register before commencing operations in the state.

September 26, 2002

S 1281. CERTAIN OCCUPATIONAL LICENSING BOARD CHANGES. Intro. 6/10/02. Senate committee substitute makes the following changes to 2nd edition. Amends GS 58-89-5 to redefine "employee leasing service" as "professional employer services." Decreases the application fee in GS 58-89-20 from \$500 to \$250.