

March 6, 2003

H 281. TECHNICAL CORRECTIONS ACT. TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. Makes technical changes to GS 78A-17.

Intro. by Culpepper.

Ref. to Rules	GS 78A
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April 23, 2003

H 281. TECHNICAL CORRECTIONS ACT. Intro. 3/6/03. House committee substitute makes the following changes to 1st edition. Makes technical changes only.

July 16, 2003

H 281. TECHNICAL CORRECTIONS ACT. Intro. 3/6/03. Senate committee substitute adopted 7/15/03 makes the following changes to 2nd edition. (1) Amends GS 20-7(b1) to include identification card and learners permit as documents for which an application form must be submitted. (2) Repeals GS 49-13.1 (effect of legitimation on adoption consent). (3) Amends GS 14-298 to authorize law enforcement officers to seize items (gaming tables, illegal punchboards, slot machines, and video game machines) in accordance with state and federal law and to retain the items until receiving a disposition order from a district or superior court judge. (4) Repeals GS 14-401.5 (prohibiting fortune telling, etc., in certain counties). (5) Amends GS 15-190 to provide that names of persons designated to carry out the execution are confidential and exempt under GS Ch. 132 and are not subject to discovery. (6) Amends GS 18B-600(f) to limit ABC township elections to malt beverage, unfortified wine, and mixed beverage propositions (deleting ABC store propositions) for those townships qualifying for propositions on the basis of the percentage (20%) of city population comprising county population. Changes definition of "recreation district" at GS 18B-1006(j), and deletes provision in GS 18B-1006(m) that permitted the ABC comm'n to issue permits without an election to establishments located within one mile of an interstate highway interchange. (7) Amends GS 35A-1213 to permit the appointment of a nonresident of North Carolina as a general guardian or guardian of the estate. (8) Amends GS 48-2-206 to clarify that a biological father, that fails to timely respond to a notice of intent of the mother to make a prebirth determination of the father's right of consent to an adoption, is not entitled to participate in the adoption proceeding. Further, if the court determines that father's consent is not required, the father is not entitled to notice of an adoption petition filed within three months of the birth of the minor or to participate in the adoption proceeding. Adds new GS 48-2-207 establishing procedures for the postpetition determination of the necessity of consent to adoption. (9) Amends GS 48-3-304 and 48-2-305 to permit, in lieu of filing a document showing compliance with the Interstate Compact on the Placement of Children, the filing of a statement describing the circumstances of any noncompliance with the compact. (10) Amends GS 48-2-401 to permit the court for cause to waive the requirement that a petitioner's spouse be served notice of the petition for adoption. (11) Amends GS 58-64-33 to provide that the operating reserve required of continuing care facilities may (was, must) be funded by cash, invested cash, or investment grade securities. (12) Amends definition of "public utility" at GS 62-3(23) to provide that it does not include the Office of Information Technology. (13) Repeals provisions, at Article 4 of GS 72, providing for the licensing and regulation of tourist camps and homes, cabin camps, roadhouses, and public dance halls. (14) Changes from March 1 to April 1 the date for Dep't of Revenue to publish reports listed in GS 105-129.6(b) related to business tax credits. (15) Deletes provision in Section 10.29(a) of SL 2003-284 that would have created a financial incentive for beneficiaries of The Health Insurance Program for Children to use generic outpatient prescription drugs rather than brand-name outpatient prescription drugs by setting lower copayments for generic drugs. (16) Amends GS 110-90(1a) as enacted by Section 34.12 of SL 2003-284, to require, rather than permit, the Sec'y of HHS to charge an annual license-monitoring fee to non-religious-sponsored child care centers and to require the suspension of a license for failure to pay the fee. (17) Increases from \$1.6 million to \$2,550,000 the amount of the TANF block grant appropriation to the Division of Social Services for child welfare training projects in Section 5.1(p) of SL 2003-284. Changes Social Services block grant allocation to the Div'n of Social Services in item 7, Section

5.1(a) of SL 2003-284, to a transfer from the TANF block grant. (18) Amends GS 110-139.2(b1), as enacted by SL 2003-288, to provide for notice of a delinquent child support obligor to a financial institution in a manner other than as provided for in Rule 4 of the NC Rules of Civil Procedure. (19) Amends GS 115C-238.29B to provide that a local board of education may apply to establish a charter school. (20) Amends the charter school statutes to permit the State Board of Education to grant an initial charter for a period not to exceed 10 years (was, five) and requires the board to review charter schools at least once every five years. Requires all charter school teachers in grades six through 12 who teach math, science, social studies, and language arts to be college graduates. (21) Amends GS 115C-437 to provide that allocation of penalties, forfeitures, and fines of UNC to local school administrative units must be the full amount collected minus the direct, actual costs of assessing and collecting fees. (22) Adds new GS 116-40.7 to provide for the review of programs and functions of UNC and its constituent institutions by internal auditors. (23) Amends GS 116-238.1, as enacted by SL 2003-284, to provide that a student tuition grant must not exceed the cost of tuition of the constituent institution where the student is enrolled and that the tuition grant must be reduced by an amount determined by the State Education Assistance Authority if a student eligible for a tuition grant also receives a scholarship or other grant covering the cost of tuition. (24) Adds new GS 120-29.5 to require that any state agency report required to be made to the General Assembly also be delivered to the Speaker of the House, the President Pro Tempore of the Senate, the House Principal Clerk, the Senate Principal Clerk, and the Legislative Library. (25) Adds definitions for "emergency medical service instructor" and "emergency medical services peer review committee" to GS 131E-155. (26) Adds to GS 131E-162 language providing for the establishment of regional trauma peer review committees. (27) Amends GS 143-508 require the Medical Care Comm'n to establish occupational standards for EMS systems, EMS educational institutions, and specialty care transport programs. (28) Amends GS 135-3(8)c and GS 115-325(a)(5a), both related to retirement benefits, to add references to charter school employees. (29) Amends GS 143B-437.51 and GS 143B-437.54(d) to change the definition of "business" and public notice requirements. (30) Amends GS 148-32.1(a) to make Dep't of Correction reimbursement to local confinement facilities in accordance with the section conditioned on the local confinement facility submitting DOC an invoice. (31) Amends GS 150B-21.1(a), as enacted by SL 2003-229, to limit the grant of temporary rule-making authority related to the State Medical Facilities Plan to rules authorized by GS 131E-183(b), and to require that any temporary rule adopted after the effective date be adopted in accordance with the act. (32) Makes GS Chapter 152 (Coroners) not applicable to Johnston County. (33) Adds the town of Calabash to the towns affected by GS 160A-176.2. (34) Amends GS 163-35(b) to provide that any one or more members of the State Board of Elections, upon designation of the remaining board members, may conduct a hearing and make a final determination in proceedings for the termination of a county director of elections. (35) Requires the State Board of Elections, in publishing guidelines outlining permissible campaign-related expenditures under GS 163-278.64(d), to differentiate between expenditures that further a candidate's campaign from expenditures for personal use that would be incurred in the absence of the candidacy. (36) Amends Section 7.13(b) of SL 2002-163 to require the Office of State Budget and Management to conduct, rather than issue requests for proposals for, an analysis of the Dep't of Public Instruction and report its findings by March 15, 2004. (37) Makes SL 2003-194 (meningococcal disease immunization) effective beginning with the Spring 2004 semester. (38) Amends Section 3.1 of SL 2003-284 to change from \$14 million to \$28 million the amount of the 2004-05 appropriation from the State Highway Fund to the Dep't of Transportation for Urban transportation construction programs. (39) Amends Section 10.5 of SL 2003-284 to permit DHHS, in administering the Senior Cares prescription drug access program, to apply for a Medicaid waiver to provide federal matching funds for limited prescription drug coverage, prescription assistance, and assistance in accessing primary care for elderly persons. (40) Makes changes to the appropriation provisions in SL 2003-284 and SL 2002-126 relating to a central taxpayer telecommunications service. (41) Makes changes to GS 135-106(a) affecting long term disability determinations of the Board of Trustees. (42) Makes other technical amendments to the 2003 Appropriations Act and other laws.

July 17, 2003

H 281. TECHNICAL CORRECTIONS ACT. Intro. 3/6/03. Senate amendments adopted 7/16/03 make the following changes to 3rd edition. Authorize \$180 million in special indebtedness in accordance with GS 142-83 to finance a new clinical cancer center within the UNC health care system to expand cancer programs to replace the North Carolina Clinical Cancer Center. Debt service to be paid from the Health and Wellness Trust Fund Reserve unless otherwise provided for by the General Assembly. Delete Section 53, which authorized fund allocations from the Trust Fund for the Intrastate System for construction for the US 74 Shelby bypass.

July 18, 2003

H 281. TECHNICAL CORRECTIONS ACT. Intro. 3/6/03. Senate amendments adopted 7/17/03 make the following changes to 4th edition. (1) Make technical change to Section 3 of H 1028 if H 1028 becomes law. (2) Clarify that GS 14-298 applies to gaming items that are illegally used or possessed. (3) Redefine "historic ABC establishment" in GS 18B-101 to include establishments located within a state historic district. (4) Amend GS 18B-903(b1) to make the failure to pay an annual registration and inspection fee under that subsection result in the revocation of the ABC permit. Amend the ABC permit requirements in 18B-900(a), which conditions eligibility to receive and hold an ABC permit on the applicant or permittee not having had an ABC permit revoked within three years, to create an exception where the revocation was based solely on the permittee's failure to pay the annual registration and inspection fee. (5) Amend GS 18B-1104(7) to permit a brewery meeting the sales quantity limitations of that subsection to sell malt beverages manufactured by the brewery at not more than three other locations in the state upon obtaining proper permits as long as the brewery, at any additional retail location, offers a reasonable selection of competitive malt beverage products. (6) Rewrite GS 35A-1213(b) to require the clerk of court, when approving the appointment of a guardian, to require a nonresident guardian of the estate or a nonresident general guardian to post a bond or other security for the faithful performance of the guardian's duties. Permit the clerk to require a nonresident guardian of the person to post such bond. (7) Amend GS 35A-1290(c) to permit the removal of a guardian without hearing and to add to the grounds for removal the failure of a nonresident guardian to obey any citation, notice, or process served on the guardian or the guardian's process agent. (8) Amend GS 95-138 to require that civil penalties for violations of the Occupational Health and Safety Act be assessed according to uniform standards adopted by the Commissioner of Labor. (9) Add new subsection (d) to GS 108A-25 to make community care organizations coordinating health care pursuant to DHHS designation local units of government for purposes of grants-in-aid, public assistance grant programs, and other funding programs. (10) Add new GS 120-2.2A to establish venue in redistricting cases in the senior resident judge of Wake County Superior Court. (11) Amend the definition of EMS Peer Review Committee at GS 131E-155 to provide that the committee, its members, proceedings, records, and materials produced and considered by it shall have the same protections afforded to medical review committees and their documents. (12) Amend GS 143-518(a) to provide that medical records compiled and maintained by a hospital participating in the statewide trauma system fall within the scope of the statute. (13) Amend GS 131E-256 to require DHHS, when an individual disputes a finding entered into the health care personnel registry, to include a statement to that effect. (14) Require DHHS to establish a procedure to permit health care personnel to petition to have their names removed from the health care personnel registry. (15) Rewrite GS 160A-635(a) to permit the chair of the Metropolitan Planning Organization to appoint the Chair of the Transportation Advisory Committee, or a designee of the advisory committee, to the Regional Transportation Authority. (16) Clarify that SL 2003-241 applies only to Kings Mountain and not to Shelby. (17) Rewrite Section 7.36 of SL 2003-284 to require the State Board of Education to consult with the State Board of Community Colleges and the Board of Governors of UNC when studying weighted grades for high school students who take university and community college courses. (18) Add Section 10.8G to SL 2003-284 to require DHHS to use existing resources to provide administrative support to the Child Fatality Task Force. (19) Amend SL 2003-284 to provide that funds credited to the Dep't of Agriculture and Consumer Services for the NC Grape Growers Council for 2003-03 do not revert to the General Fund. (20) Amend Section 12.6C of SL 2003-284 to permit the Industrial Commission to retain fees authorized by the Section in both the 2003-05 and 2005-07 biennia. (21) Amend Section 12.11(d)(1) of SL 2003-284 to include among those eligible for community

development grants local community development corporations that are in the start-up phase. (22) Amend SL 2003-284 to provided that, of the funds appropriated in the act to the Rural Economic Development Center, \$75,000 for fiscal year 2003-04 must be transferred to Western North Carolina Development Association, Inc., no later than July 31, 2003. (23) Amend Section 21.2(a)(5) of SL 2003-284 to delete language that required the Office of Information Technology Services to refund excess revenue to state and local government customers. (24) Provide that if S 357 becomes law it is rewritten to clarify that Mayland Community College may lease the former Lexington Furniture Building for terms it deems appropriate notwithstanding GS 160A-272. (25) Provide that the UNC health care system may use the design-build method of contracting for the Cancer Center without having to formally bid the project, provided that it complies with GS 143-128.2. With respect to the development of the Cancer Center, requires the UNC health care system to conduct the fee negotiations for all design contracts, supervise the letting of all construction and design contracts, develop procedures to perform the duties of the Dep't of Administration and the Director or Office of State Construction under GS 133-1.1(d) and GS 143-341(3), and develop procedures governing the use of open-end design agreements, subject to GS 143-64.34 and the approval of the State Building Comm'n. (26) Require the entity in charge of constructing and equipping a biomanufacturing training center at NC State or a biomanufacturing research center at NC Central or a regional community college to conduct the fee negotiations for all design contracts, supervise the letting of all construction and design contracts, develop procedures to perform the duties of the Dep't of Administration and the Director or Office of State Construction under GS 133-1.1(d) and GS 143-341(3), and develop procedures governing the use of open-end design agreements, subject to GS 143-64.34 and the approval of the State Building Comm'n. (27) Permit members of the Wilmington Race Riot Commission to receive per diem or reimbursement for travel or subsistence. (28) Amend GS 126-3(b) to authorize the Office of State Personnel to adopt policies and procedures, as approved by the State Personnel Comm'n, governing demonstration projects to test human resource programs. Authorizes the Office to operate demonstration projects and approve projects proposed by various agencies, departments, institutions, and universities. Specifies required characteristics of demonstration projects and reporting requirements upon completion of projects. Authorizes rulemaking based on project results.

July 19, 2003

H 281. TECHNICAL CORRECTIONS ACT. Intro. 3/6/03. Senate amendments adopted 7/18/03 make the following changes to 5th edition. Rewrite the policy and mission statements as well as primary definitions for the public health system in GS 130A to require, among other things, creation of local and state public health plans and adoption of state and local public health certification or credentialing programs. Each county is to develop local priorities for public health and report them to the Sec'y of Health and Human Services by Jan. 1, 2004. The Sec'y is to develop and adopt a five year state plan by Oct. 1, 2004. Add five mandatory duties to the Sec'y's authority in GS 130A-5. Change effective dates of license-monitoring fees for child care centers (to Oct. 1, 2003); transfer of TANF funds for various child welfare training projects (to July 1, 2003) and of change in required manner of notice to financial institutions of delinquent child support obligations (to date that sec. 4 of SL 2003-288 becomes effective). Makes fund appropriated to Dep't of Public Instruction for 2002-2003 At-Risk and Improving Student Accountability allotments nonreverting. Allow State Retirement Systems and other employers who contribute to the state Comprehensive Major Medical Plan to contribute to sponsors of TRICARE Supplemental Health Insurance programs for employees who elect coverage under this military health system. Bar citations to drivers of oversize and overweight vehicles who are not in possession of their permits for such vehicles if officer can determine or driver can prove, within 30 days, that the driver did have a permit. Revise formula for refund of escrow amounts to tobacco manufacturers under GS 66-291(b)(2). Revise budget reductions in the Dep't of Administration.

July 16, 2004

H 281. 2003 TECHNICAL CORRECTIONS ACT (NEW). Intro. 3/6/03. Conference report recommends the following changes to 6th edition to reconcile matters in controversy. Deletes amendments to the following: GS 20-119(g); 48-2-206(c), -206(d), -207, -304(c), -305(7), –

401(b), -401(c), and -405; 66-291(b)(2); 108A-70.21(d); 110-90(1a); 113A-115.1(b); 115C-238.29B(a) and -238.29E; 115C-437; 115C-325(a)(5a); 120-2.2A; 126-3(10); 130A-1.1, -2, -2.1, -2.2, -2.3, 2.4, and 5; GS 131E-155, 159, and 162; 135-3(8)c., -40.8(e), and -106(a); 136-180(a); 143-508(13), -509(9), and -518(a); 143B-437.51 and -437.54(d); 150B-21.1(a), -21.1(a1), -21.1A(a), -21-12(c), and -21.1(a)(16); 163-166.12(b1); SL 2003-284, Sections 2.2(a), 3.1, 5.1(a) and (p), 6.3(b), 7.36, 7.5, 10.5, 10.8G, 10A.2(a), 10A.3(a), 12.6C(e), 12.11A, 21.2(a)(5), 23.1, 30.3, 30.20(k), 30.16, 45.12, 46.1, 46.2; SL 2002-126, Sec. 22.6; Sections 49.6(d) and (f), 107, 108, 109, 110, 111, 112, 113; and amendments to the following 2003 acts if they become law: S 236, S 668, S 919, H 1182. Amends GS 14-298 to provide that gaming items may also be destroyed or used for training purpose if the item was being unlawfully used with the owner's knowledge and provides that amendments to sec. are effective Oct. 1, 2004. Amends GS 35A-1290(c) to delete provision authorizing clerk to remove a guardian without hearing under circumstances listed in sec. and to authorize clerk to take other action sufficient to protect the ward's interests. Amends GS 35A-1291 to authorize clerk to remove a guardian without hearing if clerk finds reasonable cause to believe that an emergency exists that threatens ward's physical well-being or presents serious risk to ward's estate. Amends GS 95-138 to change effective date to Oct. 1, 2004 (was, Jan. 1, 2004). Amends GS 120-29.5 and 58-31-66 to change effective date to Oct. 1, 2004 (was, Oct. 1, 2003). Makes GS 20-141(o) effective Dec. 1, 2004. Reinstates SL 2003-147, Sec. 5. Makes technical changes.