

May 20, 2004

S 1225. 2004 TECHNICAL CORRECTIONS ACT (=H 1532). *TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.* Identical to H 1532, introduced 5/19/04.

Intro. by Hartsell.

Ref. to Judiciary II

GS 14, 20, 49, 55B, 58, 105, 136, 143, 160A,
162A, 78A, 90, 96, 110, 113, 143, 147, 163,
160A

July 13, 2004

S 1225. 2004 TECHNICAL CORRECTIONS ACT. Intro. 5/20/04. Senate committee substitute adopted 7/12/04 makes the following changes to 1st edition. Deletes all existing amendments and replaces them with the following substantive amendments. Amends GS 62-3(23)i. to exclude Office of Information Technology Services (was, Office of the State Controller) from definition of "public utility." Amends GS 1a-1, Rule 5(d), effective Oct. 1, 2004, to include objections to subpoenas under Rule 45(c)(3) in the list of documents that should not be filed with court. Makes GS 10A-16(d) (validating certain notarial acts) applicable to notarial acts performed on or before Feb. 1, 2004 (was, March 1, 2003). Amends GS 14-33(d) to provide that person who inflicts serious injury in the course of an assault or battery is guilty of a Class A1 misdemeanor and that person shall be placed on supervised probation if sentenced to community punishment (was, person convicted shall be placed on supervised probation). Enacts new GS 18B-103(11) (exemptions from alcohol regulations) to exempt consumption of alcoholic beverages under the direct supervision of a college or university instructor when drinking alcoholic beverages is required as part of the curriculum. Amends GS 18B-1006(m)(2), authorizing issuance of alcohol sales permits under subsection if all listed requirements are satisfied (was, any). Amends GS 19A-24(1) to provide that a boarding kennel that has a ratio of dogs to employees of not more than 10:1 shall not be subject to any dog day care services regulations which restrict the number of dogs that are permitted within any primary enclosure. Amends GS 20-16.1(b)(3) (conviction of excessive speeding outside state) to provide that person convicted of offense may apply to the district court judge (was, resident judge of the superior court) for limited driving privileges. Amends GS 47-2 to permit the execution of instruments before an associate consul or any other person authorized by federal law to acknowledge documents as consular officers. Enacts new GS 47-50.1 validating deeds or conveyances which were signed and acknowledged but where the register of deeds failed to certify the correctness of the acknowledgment as required by GS 47-14(a), applicable to "all cases prior to Oct. 1, 2004."

Amends GS 55B-2(6) to include licensed speech and language pathologists and audiologists in definition of "professional service." Amends GS 58-3-33(a)(1) to require that person requesting information on policy limits or coverage under automobile insurance policy must first submit all medical records pertaining to the person's claimed injury in addition to release of medical records. Amends GS 58-85-1 to provide that Firemen's Relief Fund shall be used as a fund for the relief of county fire marshals who are members of NC Firemen's Ass'n. Further amends GS 58-85-20 to provide that any county fire marshal may become a member of Ass'n. Amends GS 62-82(a) (application of certificate for generating facility) to exempt solar photovoltaic facility applicants of 10 kilowatts or less from requirement to publish public notice in newspapers. Amends GS 66-27.1(a) to exempt tankless water heaters from relief valve requirements. Amends GS 90-171.21(d), effective Jan. 1, 2005, to require that members of the Board of Nursing who are registered nurses or licensed practical nurses shall be continuously employed in at least 50% of a full-time position. Amends GS 115C-522(a) to exempt purchases of published books, manuscripts, maps, pamphlets, and periodicals from compliance with GS Ch. 143, Art. 8, effective April 1, 2004.

Amends GS 120-87(a) add nonprofit corporation or organization with which legislator is associated to list of activities for which legislator may not use or disclose confidential information for legislator's financial gain. Amends GS 120-96(3) to require disclosure of loans of more than \$5,000 (was, any loan) and enacts new GS 120-96(6a) to require that legislator's statement of

economic interest include a list of nonprofit entities with which person is associated and which receive state funds. Amends GS 120-85 to include definitions of "economic interest" and "nonprofit corporation with which associated." Amends GS 120-99 to provide that a cochair may preside anytime during the absence of the presiding cochair or upon presiding co-chair's designation, and that if cochair gives written notice of co-chair's inability to preside over a matter, a member shall be designated to serve as cochair for that particular purpose. Amends GS 143-34.1(d) to delete references to the carry over of leave as a form of deferred compensation. Repeals GS Ch. 143, Art. 3A, Part 3, authorizing governmental entities to dispose of surplus property through an electronic auction service. Enacts new GS 143-143.5 to provide that notwithstanding any other law or rule, a horizontal travel distance of 300 feet for access to public use toilets in shopping malls shall be allowed. Enacts new GS 157-9(d) prohibiting a housing authority from erecting or maintaining any fence or gate structure that is electrified or that includes spikes or barbed wire. Amends GS 160A-392 to delete references to overlay or special use districts, effective Oct. 1, 2004. Amends following acts if they become law: (1) H 142, to authorize Dare County Board of Comm'rs to levy a privilege tax of up to \$300 per establishment (was, per rental unit), and to provide that "establishment" has same meaning as in GS 105-129.2; (2) H 1414, Sec. 7.22.(a), to require that school participants agree upon the minimum age of the student who participates in workforce development pilot project; and (3) H 1414, Sec. 8.17, to enact new subsection providing that no request for proposals need be issued for any contract under subdivision (a)(2) of sec. Enacts new Sec. 39, requiring that the Dep't of Transportation erect highway directional guide signs at the freeway ramp terminals for colleges or universities with a NC campus located within one mile from the freeway ramp terminal under certain circumstances. Makes technical corrections.

July 14, 2004

S 1225. 2004 TECHNICAL CORRECTIONS ACT. Intro. 5/20/04. Senate amendments make the following changes to 2nd edition. Amend Ch. 196, Sec. 1, of the 1995 SL to provide that GS Ch. 20 (operation of motor vehicles) is applicable to properties owned by the Martin's Point Homeowners Ass'n. Enact new GS 122C-22(a)(11) to exclude certain charitable, non-profit, faith-based, adult residential treatment facilities from mental health facility licensure requirements. Make technical changes.

July 17, 2004

S 1225. 2004 TECHNICAL CORRECTIONS ACT. Intro. 5/20/04. House committee substitute makes the following changes to 3rd edition. Adds amendment to GS 90-85.21A(a) to set additional registration requirements for a pharmacy operating outside NC that ships, mails, or delivers dispensed legend drugs into NC. Adds amendment to GS 143-64 to require school units, community colleges, and UNC institutions to bid contracts for sale of juice and contracts for sale of bottled water separately from each other and from any other contract. Adds amendment to GS 14-298, seizure of illegal gaming items, effective Oct. 1, 2004. Allows sheriffs and law enforcement officers, after determination of probable cause, to seize items illegally possessed or used. Requires law enforcement agency to retain item pending order from judge either releasing item to owner or to law enforcement agency for destruction or training purposes. Provides that these procedures for release do not apply if item is seized for use as evidence in criminal action or proceeding until after entry of final judgment. Adds additional technical corrections. Changes effective date for certain sections of act; most sections are effective when act becomes law.