

February 22, 2005

**H 327. 2005 TECHNICAL CORRECTIONS ACT. TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.** Makes a technical correction only.

**Intro. by Culpepper.**

Ref. to Rules

GS 95

May 31, 2005

**H 327. 2005 TECHNICAL CORRECTIONS ACT.** Intro. 2/22/05. House committee substitute makes the following changes to 1st edition. Amends GS 14-309.15(a) to make it lawful for any governmental entity within the state to conduct a raffle in accordance with that section. Amends GS 20-158(b)(2) to limit right turns at red lights to red lights emitting by a steady-beam traffic signal (previously a steady or strobe beam stoplight). Also makes technical changes to numerous other sections of the General Statutes.

August 23, 2005

**H 327. 2005 TECHNICAL CORRECTIONS ACT.** Intro. 2/22/05. Senate committee substitute makes the following changes to 2nd edition. In addition to technical and conforming changes, makes the following changes. (1) Amends GS 14-404(a)(1) (requiring permit for pistol or crossbow sales) and GS 14-415.13(b) (requiring permit to carry concealed handgun) to require that criminal and background history check be conducted through the National Instant Criminal Background Check System. (2) Amends GS 15A-1371(b) to require that when considering parole of a prisoner serving a life sentence, Post-Release Supervision and Parole Comm'n notify the head of the law enforcement agency that arrested prisoner (was, required notification only upon written request) and the sheriff of the county where crime occurred. (3) Amends GS 18B-500(a) to provide that reserve alcohol law-enforcement agents are considered employees of the Div'n of Alcohol Law Enforcement for purposes of Workers' Compensation while performing duties assigned or approved by the Director of Div'n. (4) Amends GS 20-114.2 and 20-114.3 to clarify that law enforcement officers in Mint Hill and Kings Mountain may operate unregistered *motorized* all-terrain vehicles and to also authorize Surry County law enforcement officers to operate those vehicles. (5) Enacts new GS 20-309(g) to waive the penalty and restoration fee for a lapse in automobile liability insurance for any person who was a member of the US Armed Forces deployed outside the US in support of Operation Enduring Freedom or Operation Iraqi Freedom at the time of notification of the lapse. (6) SL 2005-123, which becomes effective October 1, 2005, added several new provisions to Article 4 of GS Chapter 45 concerning the recording of certain mortgage satisfaction documents. Act amends that Article, as amended, effective October 1, 2005, to: (a) require that a document rescinding certain satisfactions of a security instrument be acknowledged before an officer authorized to make acknowledgments and (b) provide that the register of deeds is not required to verify whether an original of a document previously recorded has been changed or altered. (7) Amends GS 51-1 to allow State superior and district court judges to perform marriages and GS 51-1.1 to validate marriages performed by Universal Life Church ministers. (8) Amends GS 58-40-50 and 58-36-4, as amended by SL 2005-210, effective October 1, 2005, to provide that a statistical organization is considered an insurance company for the purpose of insurance company licensing requirements in GS 58-6-7. (9) Amends GS 58-36-65(e) to provide that the NC Rate Bureau may (was, shall) obtain annual records of convictions for moving traffic violations for the purpose of establishing automobile liability rates.

(10) Amends GS 90-171(d)(3) to delete provision prohibiting public member of the Board of Nursing from holding a vested interest in the provision of health services. (11) Amends GS 95-138(a), as amended by SL 2005-133, to require that Comm'r of Labor, upon recommendation, impose a civil penalty of up to \$7,000 for serious violations of the NC Occupational Safety and Health Act and to authorize Comm'r to impose penalty of up to \$7,000 for violations that are not serious. (12) Enacts GS 113A-57(5) to require that land-disturbing activities be conducted in accordance with the approved erosion and sedimentation plan. (13) Amends GS 115C-81 (School Health Education Programs), effective beginning with the 2006-07 school year, to change references to "Acquired Immune Deficiency Syndrome (AIDS)" to "HIV/AIDS," and to require that

the State Board of Education teach how alcohol and drug use lowers inhibitions, which may lead to risky sexual behavior. Deletes requirement that instruction concerning the causes of sexually transmitted diseases in cases where homosexual acts are a significant cause of transmission include the current legal status of homosexual acts. Requires that the "Dep't of Health and Human Resources" provide the most current information available regarding the effectiveness of contraceptives or prophylactics in preventing pregnancy and sexually transmitted diseases. (14) Repeals GS 143-49(4), which gave the Dep't of Administration general supervision of all storerooms and stores operated by the State. (15) Amends GS 120-32.1(d) (maintenance of State Legislative building and grounds) to include area from the center of Lane Street to the far curbline on the south side of the street, between the western edge of the Lane Street driveway to the gardens behind the State Records Center, and Wilmington Street. (16) Amends provisions in GS Chapter 122C regarding representation of indigent persons in civil commitment proceedings, effective October 1, 2006, to require that appellate counsel in civil commitment cases be appointed in accordance with rules adopted by the Office of Indigent Defense Services (was, required that trial counsel also represent indigent person in connection with appeal of civil commitment order). (17) Effective January 1, 2006, amends GS 130A-209 to also require that health care facilities and health care providers report each diagnosis of benign brain or central nervous system tumors. (18) Amends GS 130A-335.1(a) to require that a person who installs, repairs, or pumps any approved septic tanks designed to treat 3,000 gallons per day or less of sewage provide an effluent filter. Also authorizes that person to purchase and install any approved filters on the systems. (19) Amends GS 130A-480(d) to exclude psychiatric hospital emergency rooms from daily reporting requirements and GS 131E-14.2(d) to exclude directors who provide administrative services from the conflict of interest restrictions applicable to public hospitals. (20) Section 66 of act concerning the subrogation rights of the Teachers' and State Employees' Comprehensive Major Medical Plan is substantively identical to the 2nd edition of S 893, adopted 5/3/05, except makes provisions applicable to Plan payments made after July 20, 2004.

(21) Amends GS 143-3.3(g), as amended by Section 6.35 of SL 2005-276, to authorize political subdivisions of the state to allow periodic payroll deductions for a domiciled employees' association that does not otherwise meet the minimum membership requirements of that subsection. (22) Amends GS 143B-216.67(b) to increase the membership of the Governor's Comm'n on Early Childhood Vision Care from six to seven members, adding a pediatrician to be appointed by the Governor. (23) Amends various provisions of Part 2 of Article 10 of GS Chapter 143B (Job Development Investment Grant Program) to define the "base period" as the period of time during which new employees are to be hired for the positions on which the grant is based, to provide that aggregated payroll or withholding tax information submitted by grant recipients is not tax information subject to GS 105-259 prohibitions against disclosures, and to make technical and conforming changes. (24) Amends GS 145-23 to also include Lee County in the Seagrove area, designated as the official location of the birthplace of NC traditional pottery. (25) Enacts new GS 147-33.97(a1) and (a2), effective October 1, 2006, to require that information technology vendors submitting bids disclose the location where contract services will be disclosed and whether those services will be performed outside the US and that the State Chief Information officer report annually to the Secretary of Administration on the number of contracts anticipated to be performed outside the US. (26) Enacts new GS 160A-459 to authorize a city to adopt and enforce a stormwater control ordinance as authorized by Part 1 of Article 21 of GS Chapter 143. (27) Provides that if H 1115 becomes law, Section 16 (requiring NC's participation in 2010 Census Redistricting Plan) is repealed. Enacts new GS 163-132.1B, which is identical to Section 16.

(28) Amends Senate 223 (Public Confidence in Elections), if it becomes law, to: (a) amend GS 163-165.7(a) to provide that if a voting system was acquired or upgraded before August 1, 2005, the county will not be required to go through purchasing requirements set forth in section; (b) amend GS 163-182.1(b)(1) and GS 163-182.2(b)(1a) to clarify that required hand-to-eye sample count must include one, but not all, one-stop early voting sites, and that sample counts need not be conducted on election night; and (c) to provide that the criminal and civil penalties enacted by S 233 become effective December 1, 2005, and apply to violations on or after that date. (29) Reinstates a provision to the Asheville School Board Charter to require that Board members reside within the City of Asheville taxing district. (30) Amends SL 1983-273, as amended, to provide for use by Burke County of the one-cent local sales tax proceeds. (31)

Repeals Section 4 of SL 1991-1012, which provided that until the debt incurred for the Student Activities Center at UNC-Charlotte has been retired, the total required fees at UNC-Charlotte may not exceed the average required fees for all of the constituent institutions of The University of North Carolina. (32) Amends Section 11.69(b2) of SL 1997-443, as amended, which authorizes persons granted exemptions for building construction to obtain a license for adult care beds under certain conditions, to extend to June 30, 2006, the date on which person granted exemption must submit a certificate of occupancy to the Dep't of Health and Human Services. (33) Amends Section 4 of SL 2005-16 to make changes to Pasquotank County and Elizabeth City occupancy tax effective July 1, 2005 (was, April 26, 2005). (34) Amends Section 1 of SL 2005-256 (authorizing Orange County to conduct one-stop voting pilot program on election day), to authorize county board of elections to provide that if satellite voting place is designated as a voting center, only voters assigned to the satellite voting place may vote at that voting center and not at any other voting center on election day.

Makes the following changes to SL 2005-276 (the 2005 Budget Act). (35) Requires that the NC Board of Science and Technology prepare a biennial report on trends that reflect the impact of education on economic growth for the 21st century and report to the 2007 Regular Session on or before April 1, 2007, and biennially thereafter. (36) Requires that the Office of State Budget and Management conduct a study to determine the methods of collecting and providing access to information on modern infrastructures including technology, water, and sewer to assist communities and report study results to the 2006 Regular Session of the 2005 General Assembly. (37) Requires that the Dep't of Health and Human Services, the Dep't of Public Instruction, and local school district representatives review and make recommendations concerning policies on the administration of medication in school and that a Task Force make recommendations to the Secretary of DHHS by April 1, 2006. Repeals GS 115C-47(46) authorizing certain schools to use medication aides. (38) Provides that for the purposes of determining eligibility for Medical Assistance, DHHS may exclude from countable resources only a life estate that meets the definition of homesite and is measured by the recipient's life. (39) Effective September 1, 2005 (was, June 30, 2005), provides that the terms of members of the Post-Release Supervision and Parole Comm'n serving on August 31, 2005 (was, June 30, 2005), will expire on that date and restructures Comm'n so that it consists of one full-time and two half-time members effective September 1, 2005 (was, August 1, 2005). States that the half-time Comm'n members will not be subject to GS 135-3(8)(c) regarding the suspension of retirement allowance under certain circumstances. (40) Requires that the Dep't of Correction adjust the current contract for 100 female residential substance abuse treatment beds to guarantee a 100% occupancy rate (was, authorized Dep't to adjust contract). (41) With respect to authorized performance-based contracts for routine maintenance and operations, authorizes Dep't of Transportation to require that bonds be provided on a periodic basis. (42) Provides that if State Lottery Act becomes law, provisions requiring the taxing of gambling income would be effective January 1, 2005; requires that Lottery Comm'n deduct and withhold State income tax from lottery winnings of \$600 or more; and requires that the State Education Assistance Authority annually report on the use of allocated funds to the Joint Legislative Comm'n on Governmental Operations. (43) Changes effective date of Section 45.1(a), which amends GS 97-73 to authorize the NC Industrial Comm'n to establish fees for documents filed and agreements reviewed under Workers' Compensation Act, to March 1, 2006 (was, when act becomes law). (44) Amends Section 10.40B to authorize a licensed health care facility in operation on July 1, 2005, and developed under a certificate of need issued by DHHS prior to that date, to remain in operation until the final disposition of any appeals, including remanded proceedings, of DHHS's decision awarding the certificate of need. Provides that if decision to award certificate of need is reversed, facility may remain in operation for the time necessary to apply for a new certificate of need and during the pendency of that application and any appeals that follow. Expires 30 days from the date of DHHS decision on new certificate application or adjournment sine die of the 2005 General Assembly, whichever occurs later.

(45) If H 99 (Amend Workers' Compensation Act) becomes law, amends GS 97-18(c) to authorize the denial of an employee's workers' compensation claim if the employer or insurer is in good faith without sufficient information to admit the employee's rights to compensation and amends GS 97-25.6 to authorize health care providers to charge reasonable fees for providing information required by that section. (46) If H 128 (Election Law Changes) becomes law, amends

GS 163-278.19(a2), effective January 1, 2006, to provide that only the candidate and the candidate's spouse may be liable for an unsecured loan. (47) If H 253 becomes law, amends GS 136-183B to require that Department of Transportation (DOT) expedite completion of environmental reviews required by the National Environmental Policy Act. Further requires that, within ninety days of receiving an approved Record of Decision from the Federal Highway Administration, the DOT contract with a private firm to design and build a replacement bridge for the Herbert C. Bonner Bridge. Deletes requirement that DOT submit request for proposals to the Joint Legislative Transportation Oversight Committee within 90 days of act's effective date. (48) If H 328 (Omnibus Local Laws) becomes law, repeals provision authorizing Matthews to adopt ordinances to regulate planting, removal, and preservation of trees on public and private property and replaces it with a provision requiring a public hearing prior to the adoption of those ordinances. (49) If H 392 becomes law, amends GS 18B-101(9) to exclude unfortified or fortified wine from definition of "malt beverage." (50) Provides that if H 646 (Insurance Company Fee Consolidation) becomes law, fee provisions become effective October 1, 2005 (was, January 1, 2006). (51) Provides that if H 1375 (Child Support Reforms) becomes law, amendments to GS 50-13.9 (child support payment procedures) become effective January 1, 2007 (was, June 1, 2007). (52) Provides that if S 974 becomes law, Section 4 is amended to require that the NC Alcoholic Beverage Control Comm'n issue a special occasion permit to a mixed beverage permittee in a sports facility (was, to a sports facility) occupied by a major league professional sports team to allow patrons to serve alcoholic beverages in suites available for sale or lease at that facility under certain circumstances and to require that permittee provide mixed beverage tax paid spirituous liquor for resale by the container in approved sizes or not larger than 750 milliliters to the host or patron of the suite. (53) Requires that the Dep't of Labor adopt rules regarding fall protection for tower climbers in accordance with guidelines set out in section.

August 24, 2005

**H 327. 2005 TECHNICAL CORRECTIONS ACT.** Intro. 2/22/05. In addition to technical and conforming changes, Senate amendments #1 and #5 make the following changes to 3rd edition. (1) Modifies new GS 20-309(h) (waiver of penalty and restoration fee for a lapse in automobile liability insurance for certain members of the US Armed Forces) to provide that persons who qualify for waiver: (a) have an affirmative defense to any criminal charges relating to their failure to return any registration card or plate to the Div'n of Motor Vehicles; (b) will receive free all necessary registration cards or plates upon re-registration; and (c) upon receiving notice of plate revocation, will be permitted to transfer the vehicle's registration to listed family members. (2) Amends GS 44A-43(c)(2) (self-storage facility liens) to require that public sales of contents of those facilities be conducted between 9 a.m. (was, 10:00 a.m.) and 4 p.m. (3) Enacts new GS 20-26(g) to prohibit persons who obtain copies of another person's driver's license record from selling or distributing that record. (4) Enacts new GS 74C-3(b)(15) to provide that individuals working for nonprofit organizations funded by business improvement districts who provide general information to visitors and inform law enforcement of problems in those districts are not considered "private protective services." (5) Amends GS 95-232 to clarify that for the purposes of administering tests for controlled substances, samples for current and prospective employees may be collected on-site, but that screening and confirmation tests on current employees must be performed by an approved laboratory. With respect to screening tests conducted on prospective employees, authorizes the employer to use a single-use test device. Directs the NC Dep't of Labor to adopt temporary rules within 30 days of effective date of amendments to clarify when employees may use single-use devices. (6) Amends GS 136-89.183(a)(2) to require that the NC Turnpike Authority develop a comprehensive list of all Turnpike Projects it intends to construct under that subdivision that have not been previously approved and obtain approval of those projects by the General Assembly. (7) Amends GS 153A-155(d) and, if H 105 becomes law, GS 160A-215(d), to require payment of room occupancy taxes by the 20th day (was, 15th day) of the month. (8) Adds new Section 76.5(a) which is identical to H 128, 3rd edition, except makes technical and conforming changes and changes effective date of new GS 163-278.19(a2) to the date on which act becomes law (was, January 1, 2006). (9) Codifies Section 7.44 of 3rd edition into new GS 143B-472.80(5) and requires that NC Board of Science and Technology submit first biennial report prior to February 1, 2007 (was, April 1, 2007). (10) Amends Section 10.11(a)(23) of SL

2005-276 (schedule of Medicaid services and payment bases) to require that ocular prosthetists be Board certified or accredited in order to be eligible for Medicaid reimbursement. (11) Amends GS 97-25.6 to authorize the Industrial Comm'n to adopt rules regarding fees for information provided by health care providers and to authorize health care providers to communicate with the employer or insurer regarding the employee's work status upon employee's consent.

(12) If H 1404 becomes law, amends GS 20-45(c) to clarify that the State Highway Patrol is authorized to seize revoked automobile license plates and registrations. (13) If H 1429 becomes law, the name of the NC Grape Growers Council is changed to the Wine and Grape Growers Council. (14) If H 1465 becomes law, enacts new GS 130A-309.10(l), effective January 1, 2007, to require that oyster shells delivered to a landfill be stored for 90 days or until they are removed for recycling. Authorizes disposal of the shells if they remain at the landfill after the 90-day period has expired. Changes effective date of GS 130A-309.10(f)(12) (prohibiting disposal of oyster shells in landfill) from October 1, 2009, to January 1, 2007. (15) If S 629 (Manufacturing Redevelopment Districts) becomes law, provides that the district will be established as a manufacturing district on the date the Secretary of State approves the certification of the operator of the district. Requires that Secretary approve certification if operator provides sufficient documentation that the new operator has met criteria set forth in Section 3.(b) of act. Deletes provision that certification is prima facie evidence that criteria have been met. Clarifies that the operator's deposit of funds in a prefunded escrow account will not affect the authority of DENR to enforce legal requirements. Requires that DENR approve or disapprove of financial assurance within 45 (was, 30 days) of operator's submission of proposal. Provides that DENR's authority to review that assurance will be waived if this deadline is not met, unless period is extended by party's agreement. Act expires if Secretary has not approved any certifications by a new operator prior to September 1, 2008. (16) If S 681 (Clarify Regulation of Forestry) becomes law, changes effective date to November 1, 2005 (was, when act becomes law). (17) If S 686 (Meth Lab Prevention Act) becomes law, requires that State Bureau of Investigation present first study report by June 30, 2006.

(18) Amends Section 1.1 of SL 2004-179 (Finance Vital Projects/Studies) to also authorize the State to incur special indebtedness under GS 142-83 at Western Carolina University for the construction (was, land acquisition, site preparation, and architectural services only) of the Mountain Area Health Education Consortium. (19) Amends Section 28.19 of SL 2005-276 to require that the Dep't of Transportation report to the Joint Legislative Transportation Oversight Committee on its ocean outfall clean-up plan by October 1, 2005 (was, August 1, 2005). (20) Provides that it is the intent of the General Assembly to provide sufficient funding for the NC Museum of Art complex before the end of the 2006 Session of the General Assembly.

Senate Amendment # 2 amends GS 20-7 to prohibit Division of Motor Vehicles from issuing an identification card, learner's permit, or drivers license to an applicant who does not provide a social security number, except authorizes Division to issue a license of limited duration to the spouse or dependent of a person with a valid visa who provides a valid visa. Also requires that licenses issued to applicants holding a visa of limited duration expire upon visa's expiration. Senate amendment # 3 authorizes the Clayton Town Council to direct the Johnston County Board of Elections to conduct an advisory referendum on the manner of electing Council members. Section expires January 1, 2006.