

March 7, 2007

H 545. GENERAL STATUTES COMM. TECHNICAL CORRECTIONS. Filed 3/7/07. *TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION.*

As title indicates. Amends GS 70-27(b), 70-30, 70-39, and 152-7(6), replacing references to GS 130-198 with GS 130A-383 (medical examiner jurisdiction). Repeals GS 140-5.17 (state art museum building commission).

Intro. by Ross.

GS 70, 110, 140, 152

June 25, 2008

H 545. CLARIFY AND AMEND VARIOUS PROVISIONS (NEW). Filed 3/7/07. Senate committee substitute deletes all provisions of the first edition and replaces it with *AN ACT TO: (1) PROVIDE THE HOUSING FINANCE AGENCY TWO ADDITIONAL POWERS CONCERNING REAL PROPERTY AND SERVICES RETAINED FOR ISSUANCE OF BONDS; (2) AUTHORIZE A ONETIME BULK UPDATE OF REGISTERED AGENT INFORMATION; (3) AMEND THE LIST OF ENTITIES INCLUDED AS "ESTABLISHED LEGAL SERVICES PROGRAMS" TO WHICH THE NORTH CAROLINA STATE BAR MAY ALLOCATE FUNDS UNDER THE ACCESS TO CIVIL JUSTICE ACT AND THE DOMESTIC VIOLENCE ASSISTANCE ACT; (4) VALIDATE CERTAIN NOTARIAL ACTS FILED IN THE MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE; (5) VALIDATE CERTAIN NOTARIAL ACTS PERFORMED ON OR BEFORE MAY 1, 2008; (6) MAKE A TECHNICAL CHANGE TO THE NAME OF THE NORTH CAROLINA STATE ART SOCIETY; (7) MAKE VARIOUS CHANGES RELATED TO THE VERIFICATION, RECORDATION, AND INDEXING OF DOCUMENTS PRESENTED TO REGISTERS OF DEEDS; (8) CLARIFY SCOPE OF AUTHORITY TO IMPOSE SANCTIONS IN MEDIATED SETTLEMENT CONFERENCES; (9) PROVIDE AN EXTENSION OF TIME FOR THE REALIGNMENT OF BUDGETS WITHIN THE DEPARTMENT OF PUBLIC INSTRUCTION; (10) AUTHORIZE INCREASED DORMITORY CAPACITY IN CERTAIN COUNTY DETENTION FACILITIES; AND (11) AUTHORIZE THE STATE TREASURER TO DISCLOSE THE NAMES AND ADDRESSES OF RETIRED STATE AND LOCAL EMPLOYEES TO CERTAIN ORGANIZATIONS.*

Amends GS 122A-5 to authorize the Housing Finance Agency (HFA) to act in the same manner as a private person or corporation, subject only to the approval of the Governor and the Council of State, in acquiring, conveying, or otherwise dealing with real property and utilities. Also authorizes the HFA to select and retain, subject to the approval of the Local Government Commission, financial consultants, underwriters, and bond attorneys to be associated with the issuance of any bonds and to pay for any services performed by those entities out of the proceeds from the bond issuance to which the services were performed. Repeals GS 122A-8.1, which gave the State Treasurer the authority regarding the issuance of bonds and notes authorized under the Housing Finance Act.

Authorizes a one-time bulk update of registered office and registered agent information on file with the Department of the Secretary of State.

Amends GS 7A-474.2 and 7A-474.17 (defining *established legal services programs*) and GS 7A-474.4 and 7A-474.19 (regarding the allocation of funds to established legal services programs) to delete the Legal Aid Society of Northwest North Carolina from the list of entities included as established legal services programs receiving funding from the North Carolina State Bar.

Amends GS 10B-70 (validating certain notarial acts) and 10B-65 (was, applied to notarial acts performed on or before February 1, 2004) to validate certain notarial acts as the title indicates.

Amends GS 135-27(d), GS 135-40.2(f), the title of Article 3 of GS Chapter 140, and GS 140-5.13(d)(2) and (5) to change the North Carolina Art Society, Inc., to the North Carolina State Art Society, Inc.

Effective October 1, 2008, amends GS 47-14 as follows. Requires a rerecorded instrument that has been previously recorded to be conspicuously marked on the first page as a rerecording. Allows the register of deeds to rely on the markings of the original recording office's recording

information to determine that an instrument is being presented as it was previously recorded. Specifies six conditions that must be met for verification of the execution of an electronic document, including that the register of deeds has authorized the submitter to electronically register the electronic document and that the document is submitted by a US federal or state governmental unit or instrumentality or a trusted submitter. Provides that the submission of an electronic document requiring proof or acknowledgement to a register of deeds is a representation by the submitter that the submitter verified the officer's signature to be a signature in ink by hand or an electronic signature; the register of deeds may rely on this representation to determine compliance with the signature requirement. Makes technical and organizational changes. Amends GS 47-31(a) to allow the register of deeds to rely on the record keeper's certification on a presented document that the document is a certified copy and is not required to further verify the proof or acknowledgment or to determine whether the document has been changed or altered after it was certified. Effective October 1, 2008, amends GS 47-36.1 to allow notice of a typographical or minor error in a deed or other instrument recorded with the register of deeds to be given by recording an affidavit (current law allows an obvious typographical or minor error to be corrected by rerecording the original instrument with the correction clearly set out on the face of the instrument with a statement of explanation attached). Provides for the indexing of the affidavit. Deems notice of the corrective information to have been given as of the time that the corrective affidavit is registered. Amends GS 161-21 to remove the authority granted to the board of county commissioners to install the "Family" index system and clarifies that the board is to maintain a consolidated index of deeds and documents affecting *real property* in the register's office. Makes technical and conforming changes to GS 161-22. Effective July 1, 2008, removes language in GS 161-22(c) concerning the indexing of instruments affecting real property, personal property, and both types of property. Also amends GS 161-22 to remove the language making violations a Class 1 misdemeanor and provide that an instrument is not deemed registered until it has been indexed in a manner that would put a reasonably careful and prudent examiner upon inquiry, and, if upon inquiry, the instrument would have been found.

Amends GS 7A-38.1(g) to provide that any person required to attend a mediated settlement conference or other settlement procedure who, without good cause, fails to attend or fails to pay any or all of the mediator's or other neutral's fee is subject to the court's contempt powers and monetary sanctions. Extends what may be included in the monetary sanctions to include the payment of fines, attorney fees, mediator and neutral fees, and the expenses and loss of earnings incurred by individuals attending the procedure. Requires a party seeking sanctions against another to do so in a written motion that states the grounds for the motion and the relief sought. Requires the motion to be served on all parties and upon any person against whom the sanctions are being sought and allows the court to initiate sanction proceedings upon its own motion by the entry of a show cause order. Makes conforming changes to GS 7A-38.3B(j). Makes conforming changes to GS 7A-38.4A(e) and provides that if the court imposes sanctions, it must do so in a written order making findings of fact and conclusions of law. Also provides that an order imposing sanctions is reviewable on appeal. Effective January 1, 2008.

Changes the heading of Section 7.29 of SL 2007-323 to Realignment of Budgets to Organizational Structure (was, Reorganization of the Department of Public Instruction). Amends Section 7.29(b) of SL 2007-323 to extend the expiration date of the provision allowing the Department of Public Instruction to reorganize in accordance with the plan adopted by the State Board of Education from June 30, 2008, to June 30, 2009. Effective June 30, 2008.

Allows each dormitory in a county detention facility, in counties with a population exceeding 600,000, to house up to 56 inmates as long as the dormitory provides all of the six specified accommodations.

Amends GS 126-22 (concerning state employee personnel files not subject to inspection under GS 132-6), GS 115C-321 (concerning confidential information in local board of education personnel files), GS 115D-29 (concerning confidential information in community college personnel files), GS 153A-98 (concerning privacy of county employee personnel records), and GS 160A-168 (concerning privacy of city employee personnel records) to allow the retirement Systems Division of the Department of State Treasurer to disclose the name and mailing address of former state employees, public school employees, community college employees, and local

governmental employees to domiciled, nonprofit organizations that represent 2,000 or more active or retired state government, local government, or public school employees.

July 9, 2008

H 545. CLARIFY AND AMEND VARIOUS PROVISIONS. Filed 3/7/07. Conference report recommends the following changes to 2nd edition to reconcile matters in controversy. Amends proposed new subsections in GS 126-22 and GS 115C-321 by increasing the number of *retired* (was, active or retired) state, local, or public school employees from 2,000 or more to 10,000 or more that a domiciled, nonprofit organization must represent to allow disclosure to that organization of the names and addresses of former state employees.

August 8, 2008

SL 2008-194 (H 545). CLARIFY AND AMEND VARIOUS PROVISIONS. AN ACT TO: (1) PROVIDE THE HOUSING FINANCE AGENCY TWO ADDITIONAL POWERS CONCERNING REAL PROPERTY AND SERVICES RETAINED FOR ISSUANCE OF BONDS; (2) AUTHORIZE A ONETIME BULK UPDATE OF REGISTERED AGENT INFORMATION; (3) AMEND THE LIST OF ENTITIES INCLUDED AS "ESTABLISHED LEGAL SERVICES PROGRAMS" TO WHICH THE NORTH CAROLINA STATE BAR MAY ALLOCATE FUNDS UNDER THE ACCESS TO CIVIL JUSTICE ACT AND THE DOMESTIC VIOLENCE ASSISTANCE ACT; (4) VALIDATE CERTAIN NOTARIAL ACTS FILED IN THE MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE; (5) VALIDATE CERTAIN NOTARIAL ACTS PERFORMED ON OR BEFORE MAY 1, 2008; (6) MAKE A TECHNICAL CHANGE TO THE NAME OF THE NORTH CAROLINA STATE ART SOCIETY; (7) MAKE VARIOUS CHANGES RELATED TO THE VERIFICATION, RECORDATION, AND INDEXING OF DOCUMENTS PRESENTED TO REGISTERS OF DEEDS; (8) CLARIFY SCOPE OF AUTHORITY TO IMPOSE SANCTIONS IN MEDIATED SETTLEMENT CONFERENCES; (9) PROVIDE AN EXTENSION OF TIME FOR THE REALIGNMENT OF BUDGETS WITHIN THE DEPARTMENT OF PUBLIC INSTRUCTION; (10) AUTHORIZE INCREASED DORMITORY CAPACITY IN CERTAIN COUNTY DETENTION FACILITIES; AND (11) AUTHORIZE THE STATE TREASURER TO DISCLOSE THE NAMES AND ADDRESSES OF RETIRED STATE AND LOCAL EMPLOYEES TO CERTAIN ORGANIZATIONS. Summarized in *Daily Bulletin* 3/7/07, 6/25/08, and 7/9/08. Enacted August 8, 2008. Subsections (a) and (c) of Section 7 become effective October 1, 2008. The repeal of subsection (c) of GS 161-22 in Section 7(e) is effective July 1, 2008. Section 8 is effective January 1, 2009. Section 9 is effective June 30, 2008. The remainder is effective August 8, 2008.