

May 17, 2006

**S 1523. 2006 TECHNICAL CORRECTIONS ACT (=H 2043).** Filed 05/17/06. *AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.* Identical to H 2043, filed 05/17/06.

**Intro. by Hartsell.**

GS 10B, 28A, 32, 36C, 41, 55, 55A, 57C, 113

July 6, 2006

**S 1523. 2006 TECHNICAL CORRECTIONS ACT.** Filed 5/17/06. Senate committee substitute makes the following changes to 1st edition. Identical to the 2nd edition of H 2043, digested in today's *Daily Bulletin*.

July 25, 2006

**S 1523. 2006 TECHNICAL CORRECTIONS ACT.** Filed 5/17/06. House committee substitute makes the following changes to 2nd edition. Deletes all provisions of 2nd edition except the proposed amendments to GS 10B-106(d) and GS 45-37(a). Provides that these proposed amendments are repealed if S 1479 (Uninc. Nonprofit Assoc. Act/GSC Tech. Corr.) becomes law. Conforms title to reflect the following proposed amendments.

*Substantive changes.* Effective October 1, 2006, amends GS 14-269(b) and GS 74E-6(c) to provide that company police officers are not required to have a permit to carry authorized concealed weapons when discharging their official duties. Amends GS 14-409.11 to modify the definition of "antique firearm" and amends GS 14-415.1 to exempt antique firearms from the prohibition on felons possessing firearms. Amends GS 18C-111(a) to provide that lottery commissioners may be removed by the appointing authority for cause. Amends GS 18C-164(a) to specify the dates by which certain funds in the Lottery Fund must be transferred to the Education Lottery Fund. Amends GS 105-163.2B to specify that \$600 is the threshold for deducting and withholding taxes on lottery winnings and to clarify the procedure for reporting the amount withheld. Changes from July 1, 2005, to January 1, 2005, the effective date of an amendment to GS 105-134 stating that one of the purposes of the Individual Income Tax Act is to tax income from gambling activities in NC. Requires the State Education Assistance Authority to report annually to the Joint Legislative Commission on Governmental Operations regarding the use of lottery funds allocated to it. Effective December 1, 2006, enacts new GS 20-171.19(a1) to exempt from the all-terrain vehicles helmet requirements power line inspectors wearing federally required protective gear. Effective December 1, 2006, corrects the placement of the word "willfully" in GS 20-217(g) (passing stopped school bus).

Effective October 1, 2006, Section 13 (1) amends various sections in GS Chapter 36C (Uniform Trust Code) and GS Chapter 37A (Uniform Principal and Income Act) to make substantive changes to bring the laws more in line with the uniform acts; (2) amends GS 6-21.5 to authorize attorney's fees in estate and trust proceeds; (3) amends GS 53-163.5(d) to conform to GS Chapter 36C; (4) amends GS Chapters 36C and 37A and related statutes to clarify sentence structure, to correct cross-references, and to delete redundant provisions; and (5) authorizes the Revisor of Statutes to conform the published drafter's comments on GS Chapter 36C. Effective October 1, 2006, Section 14 amends GS Chapter 53B (Financial Privacy Act) to (1) exclude forged instruments and fraudulent accounts from privacy protection and (2) authorize the attorney general to access financial records under GS Chapter 75 (monopolies, trusts, and consumer protection).

Amends GS 93E-1-7(a) to exempt members of the General Assembly from appraiser trainee supervision courses. Amends GS 105A-2 to allow all public health authorities to use setoff debt collection. Amends SL 2005-190 to delay by one year the deadline for certain nutrient management rules. Modifies scope of proposed City of Hendersonville height limits in SL 2006-126. Amends GS 143B-394.4(4) (definition of displaced homemaker) to restore a provision regarding eligibility for public assistance. Amends GS 143-143.21 regarding manufactured homes escrow to extend the deadline for returning a deposit from seven to fifteen days in the case of a personal check.

If H 1895 (High Risk Pool) becomes law, amends GS 58-50-255(a) regarding conflicts of interest and enacts GS 58-50-300 to provide for annual audits. If HB 1896 (sex offender registration changes) becomes law, amends GS 14-208.12A regarding termination of the registration requirement and GS 20-9(i) regarding issuance of drivers licenses to certain newcomers to NC. If H 2873 (Safe Drinking Water/Private Wells) becomes law, modifies the sterilization requirements for private drinking water wells in GS 87-88(i) and proposed GS 87-97 and modifies the certificate of completion provisions and the drinking water testing provisions of proposed GS 87-97. If S 602 (2005 Technical Corrections) becomes law, amends GS 47-14(a) relating to re-recording by the register of deeds and delays the effective date of changes to various sections in GS Chapter 47. If S 2009 (Public-Private Partnerships for Schools) becomes law, amends GS 115C-531(i) regarding lien law and GS 115C-532(d) regarding design services requirements.

*Clarifying changes.* Amends GS 14-306.1A (video poker prohibition) to exclude machines described in GS 14-306(b)(1) (machines that do not provide free replays or provide a record that can be redeemed for cash or awards). Amends GS 115C-546.2 to clarify the formula for allocating certain lottery funds to local school administrative units. Amends GS 20-288(g) to clarify that nonrenewal (was, cancellation) does not affect liability incurred before the premium anniversary date. Amends GS 97-19.1 to clarify that the US Department of Transportation is the referenced regulatory agency. Effective January 1, 2006, enacts new GS 128-1.1(c1) to provide that enforcement of certain federal laws by state and local law enforcement officers does not constitute dual office holding. Effective January 1, 2007, amends GS 153A-340(b)(2) to specify that the definition of agricultural products in GS 106-581.1 governs the definition of agricultural products under local zoning ordinances. Amends GS 160A-383 to clarify the timing of procedures relating to zoning amendments. Amends GS 163-278.83, GS 163-278.93, and various statutes proposed in HB 966 to clarify the remedies available to the Board of Elections regarding electioneering communications and candidate-specific communications. Clarifies the effective date of SL 2006-113 (protection of animals) and HB 1896 (sex offender registration changes).

*Conforming changes.* Effective December 1, 2006, amends GS 14-72(b) (felony larceny) to add a reference to GS 14-54.1 (Breaking or entering a building that is a place of religious worship), a felony enacted in 2005. Amends GS 20-157(f)(1) and (2) to conform to the provisions regarding public service vehicles in the remainder of that subsection. Adds telephone membership corporations to the list of utilities in GS 62-182.1 authorized to access a public right-of-way to install infrastructure. Amends GS 120-36.2 regarding the Director of the Fiscal Research Division. Amends GS 122C-142 regarding the authority of a local program under a Medicaid waiver to amend its contract. If H 1965 (Eminent Domain Restrictions) becomes law, the effective date is changed from July 1, to August 15, 2006. Modifies GS 113-174.3(a) to remove references to the captain of a for-hire vessel.

Section 40 provides that if H 914, 2005 Regular session (State Budget Act) becomes law (1) the amendment made to GS 143-3.3(g) (Assignment of Claims Against State; Payroll Deduction for Payments to Certain Employees' Associations Allowed) by Section 6.35 of SL 2005-276 is made to GS 143B-426.39D, as enacted by H 914; (2) several statutes in GS Chapter 143B are renumbered to avoid a conflict and cross-references are changed in GS 143B-426.39(6); (3) GS 143C-9-3A is enacted pertaining to assignment to the State of rights to tobacco manufacturer escrow funds (and provides for repeal of that provision in certain circumstances) to reflect the provisions of GS 143-6.6; (4) GS 143C-3B is enacted establishing the JDIG Reserve Fund; (5) GS 143C-3-1, as enacted by H 914, is amended to correct terminology; and (6) GS 143C-1-1(b), as enacted by H 914, is amended to provide that the provisions of GS Chapter 120 continue to apply to the General Assembly and to control its expenditures and in the event of a conflict with GS Chapter 143C, Chapter 120 controls. Section 40 also provides that nothing in GS Chapter 143C abrogates or diminishes the inherent power of the three branches of government and provides that notwithstanding other provisions, funds appropriated to the Department of Health and Human Services for Long Term Care Quality Improvement will be allocated to the Area Agencies on Aging for specified purposes.

*Technical changes.* Corrects cross-references and technical errors and omissions and deletes obsolete language in GS 18C-130(a), 18C-131(e), 18C-151(e), 114-19.16, 115C-499.1(3), 90-85.46(2)b., 90-85.47(a), 95-25.3, 115D-20(3), 143B-131.2, 153A-376(f),

160A-456(e1), and 163-127.1; SL 2004-158, 2005-344, 2005-421, 2006-6, 2006-10, 2006-69, 2006-85, and 2006-89; and HB 767, HB 1231, HB 1327, HB 1848, HB 1895, HB 2762, and SB 951.

July 26, 2006

**S 1523. 2006 TECHNICAL CORRECTIONS ACT.** Filed 5/17/06. House amendments make the following changes to 3rd edition. Amendment #1 (1) modifies Section 3 to provide if House Bill 1432 becomes law, Section 1 (amending GS 10B-106(d)) of act is repealed, and if Senate Bill 1479 becomes law, Section 2 of act (amending GS 45-37(a)) is repealed; (2) modifies in Section 4 the proposed new GS 14-409.11(a)(2) (description of replica within definition of antique firearm) to include any replica of any firearm only if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; (3) makes a clarifying change in Section 10.(a) concerning proposed new GS 20-171.19(a1); (4) adds additional technical changes in Section 13.(o) concerning amendment to GS 32-71; (5) makes a technical change to Section 40.(b); (6) changes codification of new section (assignment to State of rights to tobacco manufacturer escrow funds) in Section 40.(d) from GS 143C-9-3A to GS 143C-9-5, and makes additional conforming changes; (7) changes codification of new section (JDIG Reserve Fund) in Section 40.(f) from GS 143C-3B to GS 143C-9-6; (8) makes technical changes in Section 44.(a) concerning if H 1848, 2005 Regular Session becomes law; (8) makes technical corrections to Sections 45.(d), and 51. sex offender provisions in Sections 46.(a) through (d), j and j(10). Makes a technical correction to H 2170. Amendment #2 revises the amendment in Section 8.(e) of GS 18C-164(c) to provide that net revenues of the NC State Lottery Fund must be transferred four times a year to the Education Lottery Fund. Amendment #3 revises the proposed change in Section 54.(b) to GS 115C-532(d) to add a provision that all architectural, engineering, and survey services must be procured in accordance with the provisions of Article 3D of Chapter 143 of the General Statutes.

July 27, 2006

**S 1523. 2006 TECHNICAL CORRECTIONS ACT.** Filed 5/17/06. House amendments make the following changes to 4th edition. Amendment #4 provides that if House Bill 1843 becomes law, it is amended to: (1) empower the Secretary of State to review and investigate lobbyist registration reports and violations of registration requirements as set forth in Article 2 of new GS Chapter 120C; (2) provide that complaints of violations of lobbyist registration requirements and investigative records of complaints are records of criminal investigations; (3) require the State Ethics Commission to refer complaints related solely to lobbyist registration requirements to the Secretary of State; (4) permit the Secretary of State to levy civil fines up to \$5,000 per violation for violations of lobbyist registration requirements; (5) allow the State Ethics Commission or the Secretary of State as appropriate (was, solely the Commission) to investigate complaints and report violations of new GS Chapter 120C to the district attorney. Amendment #5 makes technical changes relating to Senate Bill 602 and Senate Bill 1479.

Amendment #6 adds new GS 126-7.1(f), which requires each state agency, department, institution, university, community college, and local education agency to verify each individual's legal status or authorization to work in the United States after hiring the individual as an employee to work in the United States. Legal status and work authorization requirements do not apply to persons under contract or subcontract. Requirements apply to employees of local education agencies hired on or after March 1, 2007 and to other covered employees hired on or after January 1, 2007. Amendment #7 amends SL 2005-294 to delay the effective date of the combined motor vehicle renewal and property tax collection system from July 1, 2009, to July 1, 2010.

July 27, 2006

**S 1523. 2006 TECHNICAL CORRECTIONS ACT.** Filed 5/17/06. House amendment makes the following changes to 5th edition. Amendment #8 amends new GS 105-129.16D(b1), as enacted by SL 2006-66, to permit a taxpayer to carry forward unused portions of the alternative production tax credit for 10 years and to make conforming changes.

September 14, 2006

**SL 2006-259 (S 1523). 2006 TECHNICAL CORRECTIONS ACT. AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.** Summarized in *Daily Bulletin* 5/17/06, 7/6/06, 7/25/06, 7/26/06, and 7/27/06. Enacted August 23, 2006. Effective August 23, 2006, except as otherwise provided.