

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 327*
Committee Substitute Favorable 5/31/05**

Short Title: 2005 Technical Corrections Act.

(Public)

Sponsors:

Referred to:

February 22, 2005

A BILL TO BE ENTITLED
AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING
CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE
GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-775(a)(4) reads as rewritten:

"(4) Arranging for an annual audit, in accordance with ~~G.S. 143-6.1~~; G.S. 143-6.2."

SECTION 1.(b) G.S. 143B-168.12(c) reads as rewritten:

"(c) The North Carolina Partnership shall require each local partnership to place in each of its contracts a statement that the contract is subject to monitoring by the local partnership and North Carolina Partnership, that contractors and subcontractors shall be fidelity bonded, unless the contractors or subcontractors receive less than one hundred thousand dollars (\$100,000) or unless the contract is for child care subsidy services, that contractors and subcontractors are subject to audit oversight by the State Auditor, and that contractors and subcontractors shall be audited as required by ~~G.S. 143-6.1~~; G.S. 143-6.2. Organizations subject to G.S. 159-34 shall be exempt from this requirement."

SECTION 2. G.S. 14-226(b) reads as rewritten:

"(b) A defendant in a criminal proceeding who threatens a witness in the defendant's case with the assertion or denial of parental rights shall be ~~a~~ in violation of this section."

SECTION 3. G.S. 14-309.15(a) reads as rewritten:

"(a) It is lawful for any nonprofit organization or association, recognized by the Department of Revenue as tax-exempt pursuant to G.S. 105-130.11(a), and for any government entity within the State, to conduct raffles in accordance with this section. Any person who conducts a raffle in violation of any provision of this section shall be guilty of a Class 2 misdemeanor. Upon conviction that person shall not conduct a raffle for a period of one year. It is lawful to participate in a raffle conducted pursuant to this section. It shall not constitute a violation of State law to advertise a raffle conducted in

1 accordance with this section. A raffle conducted pursuant to this section is not
2 "gambling"."

3 **SECTION 4.** G.S. 14-404(a) reads as rewritten:

4 "(a) Upon application, the sheriff shall issue the license or permit to a resident of
5 that ~~county~~ county, unless the purpose of the permit is for collecting, in which case a
6 sheriff can issue a permit to a ~~nonresident~~ nonresident, when the sheriff has done all of
7 the following:

- 8 (1) Verified by a criminal history background investigation that it is not a
9 violation of State or federal law for the applicant to purchase, transfer,
10 receive, or possess a handgun. The sheriff shall determine the criminal
11 history of any applicant by accessing computerized criminal history
12 records as maintained by the State Bureau of Investigation and the
13 Federal Bureau of Investigation, by conducting a national criminal
14 history records check, and by conducting a criminal history check
15 through the Administrative Office of the Courts.
- 16 (2) Fully satisfied himself or herself by affidavits, oral evidence, or
17 otherwise, as to the good moral character of the applicant.
- 18 (3) Fully satisfied himself or herself that the applicant desires the
19 possession of the weapon mentioned for (i) the protection of the home,
20 business, person, family or property, (ii) target shooting, (iii)
21 collecting, or (iv) hunting."

22 **SECTION 5.** G.S. 14-407.1 reads as rewritten:

23 **"§ 14-407.1. Sale of blank cartridge pistols.**

24 The provisions of ~~G.S. 14-402 and 14-405 to 14-407~~ G.S. 14-402, 14-405, and
25 14-406 shall apply to the sale of pistols suitable for firing blank cartridges. The ~~clerks of~~
26 ~~the superior courts~~ sheriffs of all the counties of this State are authorized and may in
27 their discretion issue to any person, firm or corporation, in any such county, a license or
28 permit to purchase or receive any pistol suitable for firing blank cartridges from any
29 person, firm or corporation offering to sell or dispose of the same, which said permit
30 shall be in substantially the following form:

31 North Carolina

32 _____ County

33 I, _____, ~~Clerk of the Superior Court~~ sheriff of said county, do hereby
34 certify that _____, whose place of residence is _____ Street in
35 _____ (or) in _____ Township in _____ County,
36 North Carolina, having this day satisfied me that the possession of a pistol suitable for
37 firing blank cartridges will be used only for lawful purposes, a permit is therefore given
38 said _____ to purchase said pistol from any person, firm or corporation
39 authorized to dispose of the same, this _____ day of _____, _____.

40 _____
41 Clerk of Superior Court Sheriff

42 The ~~clerk~~ sheriff shall charge for ~~his~~ the sheriff's services, upon issuing such permit,
43 a fee of fifty cents (50¢)."

44 **SECTION 6.** G.S. 20-158(b)(2) reads as rewritten:

- 1 "~~(2) Approaching with traffic signal traffic signal the approaching~~
2 a. When a ~~steady or strobe beam stoplight steady-beam~~ traffic
3 signal is emitting a red light controlling traffic ~~passing through~~
4 approaching an intersection, an approaching vehicle facing the
5 red light shall come to a stop and shall not enter the
6 intersection. After coming to a complete stop and unless
7 prohibited by an appropriate sign, that approaching vehicle may
8 make a right turn.
9 b. Any vehicle that turns right under this subdivision shall yield
10 the right-of-way to:
11 1. Other traffic and pedestrians using the intersection; and
12 2. Pedestrians who are moving towards the intersection,
13 who are in reasonably close proximity to the intersection,
14 and who are preparing to cross in front of the traffic that
15 is required to stop at the red light.
16 c. Failure to yield to a pedestrian under this subdivision shall be
17 an infraction, and the court may assess a penalty of not more
18 than five hundred dollars (\$500.00) and not less than one
19 hundred dollars (\$100.00).
20 d. The Department of Transportation shall collect data regarding
21 the number of individuals who are found responsible for
22 violations of sub-subdivision b. of this subdivision and the
23 number of pedestrians who are involved in accidents at
24 intersections because of a driver's failure to yield the
25 right-of-way while turning right at a red light. The data shall
26 include information regarding the number of disabled
27 pedestrians, including individuals with visual or
28 mobility-related disabilities, who are involved in right turn on
29 red accidents. The Department shall report the data annually to
30 the Joint Legislative Transportation Oversight Committee
31 beginning January 1, 2006."

32 **SECTION 7.** G.S. 58-31-66(b) reads as rewritten:

- 33 "(b) (1) Repealed by Session Laws 2004-203, s. 74(b), effective October 1,
34 2004.
35 ~~(2) because".~~

36 **SECTION 8.** G.S. 66-58(b)(13a) is repealed.

37 **SECTION 9.** G.S. 95-265(a)(2)b. reads as rewritten:

- 38 "b. The complainant certified to the court that there is good cause
39 to grant the remedy because the harm that the remedy is
40 intended to prevent would ~~like~~ likely occur if the respondent
41 were given any prior notice of the complainant's efforts to
42 obtain judicial relief."

43 **SECTION 10.** G.S. 120-32.1(d) reads as rewritten:

1 "(d) For the purposes of this section, the term "State legislative buildings and
2 grounds" means:

3 (1) At all times:

4 a. The State Legislative Building;

5 a1. Repealed by Session Laws 1998-156, s. 1, effective September
6 24, 1998.

7 a2. The areas between the outer walls of the State Legislative
8 Building and the far curbline of those sections of Jones,
9 Wilmington, Salisbury, and Lane Streets that border the land on
10 which it is situated;

11 b. The Legislative Office Building, which shall include the
12 following areas:

13 1. The garden area and outer stairway;

14 2. The loading dock area bounded by the wall on the east
15 abutting ~~the State Government~~ Halifax Street Mall, the
16 southern edge of the southernmost exit lane on Salisbury
17 Street for the parking deck, and the Salisbury Street
18 sidewalk;

19 3. The area between its outer wall and the near curbline of
20 that section of Lane Street that borders the land on which
21 it is situated; and

22 4. The area bounded by its western outer wall, the
23 extension of a line along its northern outer wall to the
24 middle of Salisbury Street, following the middle line of
25 Salisbury Street to the nearest point of the intersection of
26 Lane and Salisbury Streets, and thence east to the near
27 curbline of the Legislative Office Building at its
28 southwestern corner;

29 c. Any State-owned parking lot which is leased to the General
30 Assembly;

31 d. The bridge between the State Legislative Building and ~~the State~~
32 ~~Governmental~~ Halifax Street Mall; and

33 e. A portion of the brick sidewalk surface area of ~~the State~~
34 ~~Government~~ Halifax Street Mall, described as follows:
35 beginning at the northeast corner of the Legislative Office
36 Building, thence east across the brick sidewalk to the inner edge
37 of the sidewalk adjacent to the grassy area of the Mall, thence
38 south along the inner edge of the sidewalk to the southwest
39 outer corner of the Mall water fountain, thence east along the
40 southern outer edge of the fountain to a point north of the
41 northeast corner of the pedestrian surface of the Lane Street
42 pedestrian bridge, thence south from that point to the northeast
43 corner of the pedestrian surface of the bridge, thence west along
44 the southern edge of the brick sidewalk area of the Mall to the

1 southeast corner of the Legislative Office Building, thence
2 north along the east wall of the Legislative Office Building, to
3 the point of beginning.

- 4 (2) Repealed by Session Laws 1998-156, s. 1, effective September 24,
5 1998."

6 **SECTION 11.** G.S. 120-231(b) reads as rewritten:

7 "(b) The Committee may consult with the State Chief Information Officer on
8 statewide technology strategies and initiatives and review all legislative proposals and
9 other recommendations of the State Chief Information Officer.
10 ~~Office of Information Technology Services".~~

11 **SECTION 12.** G.S. 126-5(e) reads as rewritten:

12 "(e) An exempt employee may be transferred, demoted, or separated from his or
13 her position by the department head authorized to designate the exempt position except:

- 14 (1) When an employee who has the minimum service requirements
15 described in ~~subsection (e)(1) above~~ G.S. 126-1.1 but less than 10
16 years of cumulative service in subject positions prior to placement in
17 an exempt position is removed from an exempt position, for reasons
18 other than just cause, the employee shall have priority to any position
19 that becomes available for which the employee is qualified, according
20 to rules and regulations regulating and defining priority as
21 promulgated by the State Personnel Commission; or
22 (2) When an employee who has 10 years or more cumulative service,
23 including the immediately preceding 12 months, in subject positions
24 prior to placement in an exempt position is removed from an exempt
25 position, for reasons other than just cause, the employee shall be
26 reassigned to a subject position within the same department or agency,
27 or if necessary within another agency, and within a 35 mile radius of
28 the exempt position, at the same grade and salary, including all
29 across-the-board increases since placement in the position designated
30 as exempt, as his most recent subject position."

31 **SECTION 13.** G.S. 126-14.4(g) reads as rewritten:

32 "(g) A career State employee with:

- 33 (1) Less than 10 years of service who was placed in an exempt managerial
34 position, as defined by G.S. 126-5(b)(2), shall be given priority
35 consideration for a position at the same salary grade equal to that held
36 in the most recent position ~~prior to the promotion before being placed~~
37 in the exempt managerial position if he or she has to vacate because of
38 violation of G.S. 126-14.2.
39 (2) 10 or more years of service who was placed in an exempt managerial
40 position, as defined by G.S. 126-5(b)(2), shall be placed in a
41 comparable position at the same grade and salary equal to that held in
42 the most recent position ~~prior to the promotion before being placed in~~
43 the exempt managerial position if he or she had to vacate because of
44 violation of G.S. 126-14.2."

1 **SECTION 14.** G.S. 135-4A is recodified as G.S. 135-4.1.

2 **SECTION 15.** G.S. 153A-129 reads as rewritten:

3 "**§ 153A-129. Firearms.**

4 A county may by ordinance regulate, restrict, or prohibit the discharge of firearms at
5 any time or place except when used to take birds or animals pursuant to Chapter 113,
6 Subchapter ~~III~~IV, when used in defense of person or property, or when used pursuant to
7 lawful directions of law-enforcement officers. A county may also regulate the display of
8 firearms on the public roads, sidewalks, alleys, or other public property. This section
9 does not limit a county's authority to take action under Chapter 14, Article 36A."

10 **SECTION 16.** G.S. 160A-37(h) reads as rewritten:

11 "(h) Remedies for Failure to Provide Services. – If, not earlier than one year from
12 the effective date of annexation, and not later than 15 months from the effective date of
13 annexation, any person owning property in the annexed territory shall believe that the
14 municipality has not followed through on its service plans adopted under the provisions
15 of G.S. 160A-35(3) and ~~160A-37(e)~~, such subsection (e) of this section, the person may
16 apply for a writ of mandamus under the provisions of Article 40, Chapter 1 of the
17 General Statutes. Relief may be granted by the judge of superior court

18 (1) If the municipality has not provided the services set forth in its plan
19 submitted under the provisions of G.S. 160A-35(3)a on substantially
20 the same basis and in the same manner as such services were provided
21 within the rest of the municipality prior to the effective date of
22 annexation, and

23 (2) If at the time the writ is sought such services set forth in the plan
24 submitted under the provisions of G.S. 160A-35(3)a are still being
25 provided on substantially the same basis and in the same manner as on
26 the date of annexation of the municipality.

27 Relief may also be granted by the judge of superior court

28 (1) If the plans submitted under the provisions of ~~G.S. 160A-35(3)e~~
29 G.S. 160A-35(3)b. require the construction of major trunk water mains
30 and sewer outfall lines and

31 (2) If contracts for such construction have not yet been let.

32 If a writ is issued, costs in the action, including a reasonable attorney's fee for such
33 aggrieved person, shall be charged to the municipality."

34 **SECTION 17.** G.S. 160A-49(f2) reads as rewritten:

35 "(f2) Effective Date of Annexation for Certain Property. – Annexation of property
36 subject to annexation under subsection (f1) of this section shall become effective:

37 (1) Upon the effective date of the annexation ordinance, the property is
38 considered part of the city only (i) for the purpose of establishing city
39 boundaries for additional annexations pursuant to this Article and (ii)
40 for the exercise of city authority pursuant to Article 19 of this Chapter.

41 (2) For all other purposes, the annexation becomes effective as to each
42 tract of such property or part thereof on the last day of the month in
43 which that tract or part thereof becomes ineligible for classification
44 pursuant to ~~G.S. 105-227.4~~ G.S. 105-277.4 or no longer meets the

1 requirements of subdivision (f1)(2) of this section. Until annexation of
 2 a tract or a part of a tract becomes effective pursuant to this
 3 subdivision, the tract or part of a tract is not subject to taxation by the
 4 city under Article 12 of Chapter 105 of the General Statutes nor is the
 5 tract or part of a tract entitled to services provided by the city."

6 **SECTION 18.** G.S. 160A-215(g) reads as rewritten:

7 "(g) This section applies only to Beech Mountain District W, to the Cities of
 8 Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain, Lexington, Lincolnton,
 9 Lumberton, Monroe, Mount Airy, Shelby, Statesville, Washington, and Wilmington, to
 10 the Towns of Beech Mountain, Blowing Rock, Carolina Beach, Carrboro, Franklin,
 11 Jonesville, Kure Beach, ~~Jonesville~~,—Mooreville, North Topsail Beach, Selma,
 12 Smithfield, St. Pauls, Wilkesboro, and Wrightsville Beach, and to the municipalities in
 13 Avery and Brunswick Counties."

14 **SECTION 19.** G.S. 163-296 reads as rewritten:

15 **"§ 163-296. Nomination by petition.**

16 In cities conducting partisan elections, any qualified voter who seeks to have his
 17 name printed on the regular municipal election ballot as an unaffiliated candidate may
 18 do so in the manner provided in G.S. 163-122, except that the petitions and affidavits
 19 shall be filed not later than 12:00 noon on the Friday preceding the seventh Saturday
 20 before the election, and the petitions shall be signed by a number of qualified voters of
 21 the municipality equal to at least four percent (4%) of the whole number of voters
 22 qualified to vote in the municipal election according to the voter registration records of
 23 the State Board of Elections as of January 1 of the year in which the general municipal
 24 election is held. A person whose name appeared on the ballot in a primary election is
 25 not eligible to have his name placed on the regular municipal election ballot as an
 26 unaffiliated candidate for the same office in that year. The Board of Elections shall
 27 examine and verify the signatures on the petition, and shall certify only the names of
 28 signers who are found to be qualified registered voters in the municipality. Provided that
 29 in the case where a qualified voter seeks to have his name printed on the regular
 30 municipal election ballot as an unaffiliated candidate for election from an election
 31 district within the municipality, the petition shall be signed by four percent (4%) of the
 32 voters qualified to vote for that office."

33 **SECTION 20.(a)** Section 18.2(e) of S.L. 2004-124 reads as rewritten:

34 **"SECTION 18.2.(e).** ~~The~~ With the exception of G.S. 143-655, the word
 35 "Commission" shall be replaced with "Division" every place that word appears in
 36 Article 68 of Chapter 143 of the General Statutes."

37 **SECTION 20.(b)** G.S. 143-655 reads as rewritten:

38 **"§ 143-655. Fees; State Boxing ~~Commission~~ Revenue Account.**

39 (a) License Fees. – The ~~Commission~~ Division shall collect the following license
 40 fees:

| | | |
|----|------------|---------|
| 41 | | |
| 42 | Announcer | \$50.00 |
| 43 | Contestant | \$25.00 |
| 44 | Judge | \$50.00 |

| | | |
|---|------------|----------|
| 1 | Manager | \$100.00 |
| 2 | Matchmaker | \$200.00 |
| 3 | Promoter | \$300.00 |
| 4 | Referee | \$50.00 |
| 5 | Timekeeper | \$50.00 |
| 6 | Second | \$25.00. |

7 The annual license renewal fees shall not exceed the initial license fees.

8 (b) Permit Fees. – The ~~Commission~~ Division may establish a fee schedule for
 9 permits issued under this Article. The fees may vary depending on the seating capacity
 10 of the facility to be used to present a match. The fee may not exceed the following
 11 amounts:

| 12 | Seating Capacity | Fee Amount |
|----|------------------|------------|
| 13 | Less than 2,000 | \$100.00 |
| 14 | 2,000 – 5,000 | \$200.00 |
| 15 | Over 5,000 | \$300.00. |

16
 17 (c) State Boxing ~~Commission~~ Revenue Account. – There is created the State
 18 Boxing ~~Commission~~ Revenue Account within the Department of Crime Control and
 19 Public Safety. Monies [moneys] collected pursuant to the provisions of this Article shall
 20 be credited to the Account and applied to the administration of the Article."

21 **SECTION 20.(c)** G.S. 143-651(23b) reads as rewritten:

22 "(23b) Sanctioned amateur match. – Any boxing or kickboxing match
 23 regulated by an amateur sports organization that has been recognized
 24 and approved by the Division.

25 ~~North Carolina Boxing Commission."~~

26 **SECTION 21.** The introductory language of Section 15 of S.L. 2004-127
 27 reads as rewritten:

28 "**SECTION 15.** ~~G.S. 163-278(9)~~ G.S. 163-278.6(9) reads as rewritten:".

29 **SECTION 22.** The introductory language of Section 27(e) of S.L. 2004-199
 30 reads as rewritten:

31 "**SECTION 27.(e)** ~~G.S. 106-577~~ G.S. 106-557 reads as rewritten:".

32 **SECTION 23.** Section 44 of S.L. 2004-203 is repealed.

33 **SECTION 24.** Section 68 of S.L. 2004-203 is repealed.

34 **SECTION 25.** This act is effective when it becomes law.