

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS45043-MNz-2* (01/08)

Short Title: GSC Technical Corrections 2015. (Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND
3 SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-1340.16(f) reads as rewritten:

7 "(f) ~~[Notice to State Treasurer of Finding.]~~ Notice to State Treasurer of Finding. – If
8 the court determines that an aggravating factor under subdivision (9) of subsection (d) of this
9 section has been proven, the court shall notify the State Treasurer of the fact of the conviction
10 as well as the finding of the aggravating factor. The indictment charging the defendant with the
11 underlying offense must include notice that the State seeks to prove the defendant acted in
12 accordance with subdivision (9) of subsection (d) of this section and that the State will seek to
13 prove that as an aggravating factor."

14 **SECTION 2.** G.S. 20-183.2(a1) reads as rewritten:

15 "(a1) Safety Inspection Exceptions. – The following vehicles shall not be subject to a
16 safety inspection pursuant to this Article:

- 17 (1) Historic vehicles, as described in ~~G.S. 20-79.4(b)(88)~~. G.S. 20-79.4(b)(90).
18 (2) Buses titled to a local board of education and subject to the school bus
19 inspection requirements specified by the State Board of Education and
20 G.S. 115C-248."

21 **SECTION 3.** G.S. 62-36B is recodified as G.S. 62-36.01.

22 **SECTION 4.** G.S. 66-372(e) reads as rewritten:

- 23 "(e) All service agreements used in this State by a service agreement company shall:
24 (1) Not contain provisions that allow the company to cancel the agreement in its
25 discretion other than for nonpayment of premiums or for a direct violation of
26 the agreement by the consumer where the service agreement states that
27 violation of the agreement would subject the agreement to cancellation;
28 (2) With respect to a motor vehicle service agreement as defined in
29 ~~G.S. 66-370(b)(1)~~, ~~G.S. 66-370(b)(5)~~, provide for a right of assignability by
30 the consumer to a subsequent purchaser before expiration of coverage if the
31 subsequent purchaser meets the same criteria for motor vehicle service
32 agreement acceptability as the original purchaser; and
33 (3) Contain a cancellation provision allowing the consumer to cancel at any time
34 after purchase and receive a pro rata refund less any claims paid on the
35 agreement and a reasonable administrative fee, not to exceed ten percent
36 (10%) of the amount of the pro rata refund."



SECTION 5. G.S. 90-89(5) reads as rewritten:

"(5) Stimulants. – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- a. Aminorex. Some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; ~~_____ or~~
4,5-dihydro-5-phenyl-2-oxazolamine or
4,5-dihydro-5-phenyl-2-oxazolamine.

...

- j. A compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position with an alkyl substituent; or (iii) by substitution at the nitrogen atom with alkyl or ~~di~~alkyl ~~dialkyl~~ groups or by inclusion of the nitrogen atom in a cyclic structure.

...."

SECTION 6. G.S. 143C-6-23(f1) reads as rewritten:

"(f) Suspension and Recovery of Funds to Grant Recipients for Noncompliance. – The Office of State Budget and Management, after consultation with the administering State agency, shall have the power to suspend disbursement of grant funds to grantees or subgrantees, to prevent further use of grant funds already disbursed, and to recover grant funds already disbursed for noncompliance with rules adopted pursuant to subsection (d) of this section. If the grant funds are a pass-through of funds granted by an agency of the United States, then the Office of State Budget and Management must consult with the granting agency of the United States and the State agency that is the recipient of the pass-through funds prior to taking the actions authorized by this subsection.

(f1) Return of Grant Funds. – Except as otherwise required by federal law, a grantee or subgrantee shall return to the State all affected grant funds and interest earned on those funds if any of the following occurs:

- (1) The funds are in the possession or control of a grantee and are not expended, made subject to an encumbrance, or disbursed to a subgrantee by August 31 immediately following the fiscal year in which the funds are appropriated by the General Assembly, or a different period set forth in the terms of the applicable appropriation or federal grant.
- (2) The funds remain unexpended at the time that the grantee or subgrantee dissolves, ceases operations, or otherwise indicates that it does not intend to spend the funds.
- (3) The Office of State Budget and Management seeks to recover the funds pursuant to subsection (f) of this ~~act~~section."

SECTION 7. G.S. 150B-21.1(a)(12) is repealed.**SECTION 8.** G.S. 150B-21.3(b2) reads as rewritten:

"(b2) Objection. – Any person who objects to the adoption of a permanent rule may submit written comments to the agency. If the objection is not resolved prior to adoption of the rule, a person may submit written objections to the Commission. If the Commission receives written objections from 10 or more persons, no later than 5:00 P.M. of the day following the day the Commission approves the rule, clearly requesting review by the legislature in accordance with instructions ~~contained in the notice pursuant to G.S. 150B-21.2(e)(9), posted~~

1 on the agency's Web site pursuant to G.S. 150B-19.1(c)(4), and the Commission approves the
2 rule, the rule will become effective as provided in subsection (b1) of this section. The
3 Commission shall notify the agency that the rule is subject to legislative disapproval on the day
4 following the day it receives 10 or more written objections. When the requirements of this
5 subsection have been met and a rule is subject to legislative disapproval, the agency may adopt
6 the rule as a temporary rule if the rule would have met the criteria listed in G.S. 150B-21.1(a)
7 at the time the notice of text for the permanent rule was published in the North Carolina Register.
8 If the Commission receives objections from 10 or more persons clearly requesting review by
9 the legislature, and the rule objected to is one of a group of related rules adopted by the agency
10 at the same time, the agency that adopted the rule may cause any of the other rules in the group
11 to become effective as provided in subsection (b1) of this section by submitting a written
12 statement to that effect to the Commission before the other rules become effective."

13 **SECTION 9.** G.S. 150B-23.2(d) reads as rewritten:

14 "(d) ~~Wavier~~ Waiver or Refund. – The Office of Administrative Hearings shall by rule
15 provide for the fee to be waived in a contested case in which the petition is filed in forma
16 pauperis and supported by such proofs as are required in G.S. 1-110 and in a contested case
17 involving a mandated federal cause of action. The Office of Administrative Hearings shall by
18 rule provide for the fee to be refunded in a contested case in which the losing party is the
19 State."

20 **SECTION 10.** G.S. 161-22.3 reads as rewritten:

21 "**§ 161-22.3. Minimum standards for land records management.**

22 In addition to the recording and indexing procedures set forth in this Article, the register of
23 deeds shall follow the rules specifying minimum standards and procedures in land records
24 management adopted by the Department of Secretary of State pursuant to
25 ~~G.S. 143-345.6(b1); G.S. 147-54.3(b1).~~"

26 **SECTION 11.(a)** Section 2 of S.L. 2010-32 is codified as G.S. 39A-4.

27 **SECTION 11.(b)** G.S. 39A-4, as created by Section 11(a) of this act, reads as
28 rewritten:

29 "**§ 39A-4. Applicability; interpretation.**

30 (a) This Chapter applies to: (i) any transfer fee covenant that is recorded after July 1,
31 2010; (ii) any lien that is filed to enforce a transfer fee covenant that is recorded after July 1,
32 2010, or purports to secure payment of a transfer fee that is recorded after July 1, 2010; and (iii)
33 any agreement imposing a private transfer fee obligation entered into after July 1, 2010.

34 (b) Nothing in this ~~act~~ Chapter shall be interpreted to mean that a transfer fee covenant
35 recorded prior to ~~the effective date of this act~~ July 1, 2010, is valid or enforceable."

36 **SECTION 11.(c)** Section 3 of S.L. 2010-32 reads as rewritten:

37 "This act is effective when it becomes law ~~and applies to: (i) any transfer fee covenant that~~
38 ~~is recorded after the effective date of this act; (ii) any lien that is filed to enforce a transfer fee~~
39 ~~covenant that is recorded after the effective date of this act or purports to secure payment of a~~
40 ~~transfer fee that is recorded after the effective date of this act; and (iii) any agreement imposing~~
41 ~~a private transfer fee obligation entered into after the effective date of this act.~~ law."

42 **SECTION 12.** The introductory language of Section 3 of S.L. 2014-76 reads as
43 rewritten:

44 "**SECTION 3.** ~~G.S. 94-133(a)~~ G.S. 95-133(a) reads as rewritten:"

45 **SECTION 13.** This act is effective when it becomes law.