



SENATE BILL 429: Labor/2015 Technical and Conforming Changes

2015-2016 General Assembly

Committee:
Introduced by:
Analysis of: S.L. 2015-221

Date:
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SUMMARY: *S.L. 2015-221 makes technical and conforming changes to various provisions in Chapter 95 of the General Statutes (Department of Labor and Labor Regulations), including the following:*

- *Deletes Statistics as one of the Divisions of the Department of Labor and replaces it with Occupational Safety and Health.*
- *Deletes the requirement that the Governor approve certain organizational decisions of the Commissioner of Labor.*
- *Repeals the Board of Boiler and Pressure Vessels Rules, makes conforming changes related to that repeal, and gives certain powers of that Board to the Commissioner of Labor.*
- *Amends language regarding appeals of determinations of noncomplying devices in three statutes (for boilers and pressure vessels, elevators, and amusement devices) to provide that actions are final unless the person against whom the action is taken takes exception to the determination within 15 days.*
- *Deletes statutes related to labor reports to the Governor, certain activities of the Division of Standards and Inspections, and the duties of the Chief Statistician of the Division of Statistics.*
- *Creates a statutory exception to allow employment of those under 18 years of age at the point-of-sale of alcoholic beverages for off-premises consumption only.*

This act became effective August 18, 2015.

BILL ANALYSIS: S.L. 2015-221 makes the following changes to labor-related statutes:

- Deletes Statistics as one of the Divisions of the Department of Labor and replaces it with Occupational Safety and Health.
- Deletes requirement that the Governor approve certain organizational decisions of the Commissioner of Labor.
- Repeals the Board of Boiler and Pressure Vessels Rules and makes conforming changes related to that repeal. The following powers of the Board are added to the list of powers the Commissioner of Labor has under the Uniform Boiler and Pressure Vessel Act:
 - To devise and proctor exams for inspectors of boilers and pressure vessels.
 - To act as proctor for administration of the National Board commissioning exam.
 - To issue, suspend, or revoke boiler and pressure vessel inspector commissions.

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- Amends language regarding appeals of determinations of noncomplying devices in three statutes (for boilers and pressure vessels, elevators, and amusement devices) to say that actions are final unless the person against whom the action is taken takes exception to the determination within 15 days. Previously the statute provided for the process under the Administrative Procedures Act, which allows 60 days for the filing of a petition in a contested case (G.S. 150B-23(f)).
- Deletes the following statutory sections:
 - G.S. 95-5 (Annual report to the Governor). – This report requires the Commissioner of Labor to annually report on the activities of the Department of Labor to the Governor.
 - G.S. 95-6 (Statistical report to the Governor) – This report requires the Commissioner to report on statistical details related to labor to the Governor.
 - G.S. 95-11 (Division of Standards and Inspection) – This statute establishes studies, information, research, and rules to be made by the Division of Standards and Inspections.
 - G.S. 95-12 (Division of Statistics) – This statute established that the Chief Statistician is in charge of the Division of Statistics and establishes that positions' job duties.
- Amends G.S. 95-25.5, which prohibits employment of those under 18 years of age to prepare, serve, dispense or sell any alcoholic beverages at an establishment permitted for on-premises sale or consumption of alcohol, to allow employment of those under 18 at the point-of-sale for alcoholic beverages for only off-premises consumption.

EFFECTIVE DATE: S.L. 2015-221 became effective August 18, 2015.