



# SENATE BILL 821: GSC Technical Corrections 1.

2016-2017 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	June 28, 2016
<b>Introduced by:</b>	Sen. Hartsell	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to Second Edition S821-CSMN-14		Committee Co-Counsel

**SUMMARY:** *Senate Bill 821 (proposed committee substitute) makes technical changes recommended by the General Statutes Commission and various other changes to State law.*

*Part I of the PCS for this bill (Sections 1-14.1) contains technical changes recommended by the General Statutes Commission. Part II of the PCS contains additional technical amendments and changes to State law.*

[As introduced, this bill was identical to H1064, as introduced by Rep. Bryan, which is currently in House Judiciary IV.]

## BILL ANALYSIS:

### PART I. General Statutes Commission Recommendations

Part I of the proposed committee substitute for this bill contains corrections of a technical nature that are recommended by the General Statutes Commission.

*Sections 1-14.2* are technical changes recommended by the General Statutes Commission.

### PART II. Other Amendments

*Section 15* would repeal two provisions that have been found to be unconstitutional by the NC Court of Appeals in *State v. Singletary* because they allow the sentence to be modified based on findings by a judge. The US Supreme Court has held that, other than prior record, factors affecting sentencing must be found by a jury.

*Section 16.* would amend the statute governing drug-related overdose treatment by correcting an internal citation referenced in G.S. 90-12.7(b1).

*Section 17.* In 2014, the General Assembly enacted G.S. 90-113.22A, which separated the possession of marijuana paraphernalia from the possession of all other drug paraphernalia. Section 17 would add the new separate offense to the statute authorizing the conditional discharge of a first offense of possession of drug paraphernalia so that a first offense of possession of marijuana paraphernalia will continue to be eligible for conditional discharge.

*Section 18* would correct incorrect statutory citations.

*Section 18.5* would clarify that the wage standard used by the Department of Commerce to provide funds to aid economically distressed counties is determined by where the project is located, not the location of the datacenter.

*Section 19* would correct the name of a State department.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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*Section 20* would repeal Section 1 of 2015-52, which requires the Department of Health and Human Services to provide information to the Program Evaluation Division. PED in turn is required to report to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services on certain criteria to be used in determining whether provision of overnight respite services in an adult day care setting is a worthwhile service. Permanent provision for such services has, however, been provided through the enactment of G.S. 131D-6.1.

*Section 21* would correct an incorrect statutory citation.

*Section 22* would correct the effective date of House Bill 289 (Money Transmitters Act), which has already passed.

*Section 23* would correct the category of a Board of Agriculture appointee in the resolution giving the Senate's consent.

## **EFFECTIVE DATE:**

### **PART III. Effective Date.**

*Section 24* would provide for the bill to be effective when it becomes law.