



SENATE BILL 419: Technical and Other Changes.

2019-2020 General Assembly

Committee:		Date:	October 31, 2019
Introduced by:	Sens. Britt, Johnson, McInnis	Prepared by:	Wendy Ray
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 419 would make various technical, clarifying, and other changes to statutes and session laws.*

BILL ANALYSIS: The PCS for Senate Bill 419 would amend the law as follows:

Section 2 would change references in the sex offender registry statutes from the Department of Public Safety to the State Bureau of Investigation (SBI). The SBI is the agency that administers and maintains the sex offender registry.

Section 3 would make a technical correction to an expunction statute enacted in S.L. 2019-186 (Raise the Age Modifications) to reflect the expunction requirements therein are related to cases that are remanded to district court for juvenile adjudication, not dismissed.

Section 4 would make clarifying changes in the Criminal Procedure Act and current law related to county jails to require juveniles to be housed in juvenile detention facilities and to require juveniles to be transported by personnel of the Division of Adult Correction and Juvenile Justice or persons approved by the Juvenile Justice Section. Similar provisions appear in Chapter 7B of the General Statutes. This section would become effective July 1, 2020.

Section 6 would amend the wildlife control agent license created by S.L. 2019-204 (Wildlife Resources Commission Amendments) to allow a licensee to issue depredation permits and establish a wildlife control technician certification for employees of wildlife control agents who engage in wildlife damage control or wildlife removal activities for compensation. The certification would not authorize individuals to issue depredation permits. The Wildlife Resources Commission may not charge a fee for the certification, but may adopt rules to certify and set standards for wildlife control technicians. This section would become effective November 1, 2019.

Section 7 would amend a provision enacted this year in S.L. 2019-204 (Wildlife Resources Commission Amendments) to clarify that an “eligible firefighter” authorized to obtain a lifetime hunting or fishing license at half of the applicable fee amount must appear as a *volunteer* on the certified roster of eligible firefighters submitted to the North Carolina State Firefighters’ Association.

Section 8 would designate the Superintendent of Public Instruction as an applicable elected representative under the Internal Revenue Code who may approve issuance of a private activity bond to finance a charter school facility, following a public hearing in the county where the charter school is or would be located conducted in accordance with the Internal Revenue Code and applicable State and federal laws and regulations.

Section 9. S.L. 2019-171 (PED/Safekeeper Health Care Cost Recovery Practices) made changes to the way medical treatment and medical billing is handled for safekeeper inmates transferred from a jail to a prison for medical treatment. This section would make the same changes for inmates housed in a jail

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Senate Bill 419

Page 2

through the Statewide Misdemeanor Confinement Program. This section would become effective December 1, 2019.

Section 10 corrects the applicability language of S.L. 2018-80 (Real Property Tech Corrections/Solicitation of Copies) as it applies to the act's amendments to G.S. 47-17.1 and G.S. 47-18.3. Specifically, the generic applicability provision in the act states that the act applies to "mortgages and deeds of trust" entered into on or after December 1, 2019, but G.S. 47-17.1 applies to deeds as well as deeds of trust, and G.S. 47-18.3 applies to all instruments filed with the registers of deeds, not just mortgages and deeds of trust. This section also (i) strikes language that was added in 2018-80 that has, in practice, not worked and (ii) adds a sentence clarifying that the register of deeds has no duty to verify or make inquiry about the capacity or the authority of the person or entity shown as the drafter on the face of a deed or deed of trust.

Section 11 would amend S.L. 2019-98 (Roanoke Rapids Lake/Unattended Equipment) to clarify that it would be unlawful during waterfowl seasons to either leave equipment unattended during hunting hours or leave equipment overnight (whether attended or unattended).

Section 12 would correct an error in S.L. 2019-158 (Human Trafficking Commission Recommendations) where the introductory language inadvertently rewrote an entire statute and deleted existing language when the intent was only to add new language. This section also removes Human Trafficking Commission recommendations from the budget, if it passes, since the recommendations have already been enacted in S.L. 2019-158. This section would be effective July 1, 2019.

Section 13 would correct lead-in language to reference the amendment of an existing subdivision, rather than creation of a new subdivision.

Section 14 would delay the effective date of the new delivery service permit authorized by S.L. 2019-182 (ABC Regulatory Reform) from December 1, 2019, to February 1, 2020.

Section 15 would add two members to the Joint Legislative Study Committee on Small Business Retirement Options, one to be appointed by the Speaker of the House and one to be appointed by the President Pro Tempore of the Senate.

Section 16 would correct a heading in Senate Bill 553 (Regulatory Reform Act of 2019), if that act becomes law.

Section 17 would allow legal assistants employed in district attorney offices to access certain juvenile delinquency information in JWisE, an automated electronic information management system for juvenile courts.

Section 18 would reenact a provision that was part of the Map Act prior to its repeal by S.L. 2019-35. The provision requires the Department of Transportation to defend and indemnify the City of Wilmington and the Wilmington Urban Area MPO against claims related to transportation corridor maps filed under the Map Act. This section would be effective June 21, 2019.

Section 18A would allocate funds for the 2019-2020 fiscal year to Big Brothers Big Sisters, Triangle Residential Options for Substances Abusers, Inc. (TROSAs), the Boys and Girls Clubs, and Cross Trail Outfitters in the same amounts as in the 2017 budget. This section would be repealed if this year's budget passes.

Section 19 would add a missing "and" to a statute amended by S.L. 2019-32 (Reconstitute/Clarify Boards and Commissions).

EFFECTIVE DATE: Except as otherwise noted, the act would be effective when it becomes law.