

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 338\***

Short Title: Technical Corrections Act-AB.

(Public)

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Sponsors: Representative Culpepper.

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Referred to: Rules, Calendar, and Operations of the House.

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March 1, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING  
3 CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE  
4 GENERAL STATUTES COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1(a).** Effective July 1, 2001, G.S. 23-30.1 reads as rewritten:

7 "**§ 23-30.1. Provisional release.**

8 Every person who has filed a petition under the provisions of G.S. 23-30 shall be  
9 brought before a judge within 72 hours after filing the petition and shall be provisionally  
10 released from imprisonment unless a hearing shall be held and the creditor shall  
11 establish that the prisoner has fraudulently concealed assets. If, at the time he is brought  
12 before a judge, the prisoner makes a showing of indigency, counsel shall be appointed  
13 for the prisoner in accordance with rules adopted by the Office of Indigent Defense  
14 Services. A provisional release under this section shall not constitute a discharge of the  
15 debtor, and the creditor may oppose the discharge by suggesting fraud even if he has  
16 unsuccessfully attempted to oppose the provisional release on the basis of fraudulent  
17 concealment. The debtor may be provisionally released even though actual service upon  
18 the creditor has not been accomplished if 72 hours has passed since the debtor delivered  
19 the notice to the sheriff for service upon the creditor."

20 **SECTION 1(b).** G.S. 120-123(57) reads as rewritten:

21 "No member of the General Assembly may serve on any of the following boards or  
22 commissions:

23 ...

24 (57) The Information Resource Management Commission, as established  
25 by ~~G.S. 143B-426.21~~, G.S. 147-33.78."

26 **SECTION 1(c).** G.S. 126-5(c1)(17) reads as rewritten:

27 "(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions  
28 of this Chapter shall not apply to:

1           ...  
2           (17) The executive director of the independent staff of the Information  
3           Resources Management Commission established under ~~G.S. 143B-~~  
4           ~~472.41A.~~G.S. 147-33.78."

5           **SECTION 1(d).** G.S. 143-52.1 reads as rewritten:

6       "**§ 143-52.1. Board of Awards.**

7           (a) There is created the Board of Awards. The Board shall consist of three  
8           members at a time, appointed by the Chair of the Commission. Members of the Board  
9           shall be appointed on a rotating basis from the membership of the Commission and the  
10          Council of State. Two out of three members appointed for each meeting of the Board  
11          shall constitute a quorum of the Board.

12          (b) The Board shall meet weekly as called by the Chair of the Commission,  
13          except in weeks when no contracts have been submitted to the Board for review.

14          (c) When the dollar value of a contract exceeds the benchmark established either  
15          pursuant to G.S. 143-53.1 or ~~G.S. 143B-472.63,~~G.S. 147-33.101, the Board shall review  
16          and make a recommendation on action to be taken by the Secretary of Administration  
17          on contracts to be awarded under Article 3 of Chapter 143 of the General Statutes and  
18          on contracts to be awarded by the ~~Secretary of Commerce~~Chief Information Officer  
19          under ~~Part 16 of Article 10 of Chapter 143B~~Article 3D of Chapter 147 of the General  
20          Statutes, prior to the awarding of the contract.

21          (d) The State Budget Officer shall designate a secretary for the Board. The  
22          ~~Secretaries~~Secretary of Administration and ~~Commerce~~the State Chief Information  
23          Officer shall each submit their matters for consideration to the secretary for inclusion on  
24          the Board's agenda. Records shall be kept of each meeting and made public by the  
25          ~~applicable~~Secretary of Administration or CommerceState Chief Information Officer,  
26          as applicable unless the ~~applicable~~Secretary of Administration or State Chief  
27          Information Officer, as applicable, determines a specific record of the meeting needs to  
28          be confidential due to the nature of the contract. The ~~applicable~~Secretary of  
29          Administration or State Chief Information Officer, as applicable, may elect to proceed  
30          with the award of a contract without a recommendation of the Board in cases of  
31          emergencies or in the event that a Board is not available. In those cases, contracts  
32          awarded without Board review shall be reported to the next meeting of the Board as a  
33          matter of record.

34          (e) Reports on recommendations made by the Board on matters presented by the  
35          ~~Secretary of Commerce~~State Chief Information Officer to the Board shall be reported  
36          monthly by the Board to the chairs of the Joint Select Committee on Information  
37          Technology."

38       **SECTION 1(e).** G.S. 143-56 reads as rewritten:

39       "**§ 143-56. Certain purchases excepted from provisions of Article.**

40       Unless as may otherwise be ordered by the Secretary of Administration, the  
41       purchase of supplies, materials and equipment through the Secretary of Administration  
42       shall be mandatory in the following cases:

43           (1) Published books, manuscripts, maps, pamphlets and periodicals.

- 1 (2) Perishable articles such as fresh vegetables, fresh fish, fresh meat,  
2 eggs, and others as may be classified by the Secretary of  
3 Administration.

4 Purchase through the Secretary of Administration shall not be mandatory for  
5 information technology purchased in accordance with ~~Part 16 of Article 10 of Chapter~~  
6 ~~143B Article 3D of Chapter 147~~ of the General Statutes, for a purchase of supplies,  
7 materials or equipment for the General Assembly if the total expenditures is less than  
8 the expenditure benchmark established under the provisions of G.S. 143-53.1, for group  
9 purchases made by hospitals through a competitive bidding purchasing program, as  
10 defined in G.S. 143-129, by the University of North Carolina Health Care System  
11 pursuant to G.S. 116-37(h), by the University of North Carolina Hospitals at Chapel Hill  
12 pursuant to G.S. 116-37(a)(4), by the University of North Carolina at Chapel Hill on  
13 behalf of the clinical patient care programs of the School of Medicine of the University  
14 of North Carolina at Chapel Hill pursuant to G.S. 116-37(a)(4), or by East Carolina  
15 University on behalf of the Medical Faculty Practice Plan pursuant to G.S. 116-40.6(c).

16 All purchases of the above articles made directly by the departments, institutions and  
17 agencies of the State government shall, whenever possible, be based on competitive  
18 bids. Whenever an order is placed or contract awarded for such articles by any of the  
19 departments, institutions and agencies of the State government, a copy of such order or  
20 contract shall be forwarded to the Secretary of Administration and a record of the  
21 competitive bids upon which it was based shall be retained for inspection and review."

22 **SECTION 1(f).** G.S. 150B-21.1(a4) reads as rewritten:

23 "(a4) Notwithstanding the provisions of subsection (a) of this section, the ~~Secretary~~  
24 ~~of Commerce~~ State Chief Information Officer may adopt temporary rules to implement  
25 the information technology procurement provisions of ~~Part 16 of Article 10 of Chapter~~  
26 ~~143B Article 3D of Chapter 147~~ of the General Statutes. After having the proposed  
27 temporary rule published in the North Carolina Register and at least 30 days prior to  
28 adopting a temporary rule pursuant to this subsection, the ~~Secretary-Officer~~ shall:

- 29 (1) Notify persons on its mailing list maintained pursuant to G.S.  
30 150B-21.2(d) and any other interested parties of its intent to adopt a  
31 temporary rule;  
32 (2) Accept oral and written comments on the proposed temporary rule;  
33 and  
34 (3) Hold at least one public hearing on the proposed temporary rule.

35 When the ~~Secretary-Officer~~ adopts a temporary rule pursuant to this subsection, the  
36 ~~Secretary-Officer~~ must submit a reference to this subsection as the ~~Secretary's~~Officer's  
37 statement of need to the Codifier of Rules.

38 Notwithstanding any other provision of this Chapter, the Codifer of Rules shall  
39 publish in the North Carolina Register a proposed temporary rule received from the  
40 ~~Secretary-Officer~~ in accordance with this subsection."

41 **SECTION 1(g).** G.S. 150B-38(a) reads as rewritten:

42 "(a) The provisions of this Article shall ~~apply to the following agencies:~~apply:

- 43 (1) Occupational licensing agencies;

- 1           (2)    The State Banking Commission, the Commissioner of Banks, the  
2                Savings Institutions Division of the Department of Commerce, and the  
3                Credit Union Division of the Department of Commerce; and  
4           (3)    The Department of Insurance and the Commissioner of Insurance.  
5           (4)    The ~~Department of Commerce~~ State Chief Information Officer in the  
6                administration of the provisions of ~~Part 16 of Article 10 of Chapter~~  
7                ~~143B~~ Article 3D of Chapter 147 of the General Statutes."  
8           **SECTION 2.** This act is effective when it becomes law.