

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1122\*

Short Title: Lift ESC Voter Sunset.

(Public)

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Sponsors: Senators Gulley; and Winner.

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Referred to: Judiciary II/Election Laws.

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May 14, 1996

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL THE SUNSET ON DESIGNATION OF EMPLOYMENT  
2 SECURITY COMMISSION OFFICES AS VOTER REGISTRATION AGENCIES  
3 AND TO PROVIDE FOR FUNDING.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. Section 73 of Chapter 762 of the 1993 Session Laws, as amended  
7 by Section 25.10 of Chapter 507 of the 1995 Session Laws, reads as rewritten:

8 "Sec. 73. Sections 1 through 68 of this act become effective January 1, 1995, and  
9 apply to all primaries and elections occurring on or after that date. The remainder of this  
10 act is effective upon ratification and shall apply to all primaries and elections occurring  
11 on or after the date of ratification. Prosecutions for, or sentences based on, offenses  
12 occurring before the effective date of any section of this act are not abated or affected by  
13 this act and the statutes that would be applicable to those prosecutions or sentences but  
14 for the provisions of this act remain applicable to those prosecutions or sentences. ~~G.S.~~  
15 ~~163-82.20(a)(3) and G.S. 163-82.20(b1) as enacted in Section 2 of this act expire July 1,~~  
16 ~~1996."~~

17 Sec. 2. G.S. 96-5(c) reads as rewritten:

18 "(c) There is hereby created in the State treasury a special fund to be known as the  
19 Special Employment Security Administration Fund. All interest and penalties, regardless  
20 of when the same became payable, collected from employers under the provisions of this

1 Chapter subsequent to June 30, 1947 as well as any appropriations of funds by the  
2 General Assembly, shall be paid into this fund. No part of said fund shall be expended or  
3 available for expenditure in lieu of federal funds made available to the Commission for  
4 the administration of this Chapter. Said fund shall be used by the Commission for the  
5 payment of costs and charges of administration which are found by the Secretary of  
6 Labor not to be proper and valid charges payable out of any funds in the Employment  
7 Security Administration Fund received from any source and shall also be used by the  
8 Commission for: (i) extensions, repairs, enlargements and improvements to buildings,  
9 and the enhancement of the work environment in buildings used for Commission  
10 business; (ii) the acquisition of real estate, buildings and equipment required for the  
11 expeditious handling of Commission business; and (iii) the temporary stabilization of  
12 federal funds cash flow. The Employment Security Commission may use funds either  
13 from the Special Employment Security Commission Administration Fund created by this  
14 subsection or from federal funds, or from a combination of the two, to offset the costs of  
15 compliance with Article 7A of the General Statutes of North Carolina or compliance with  
16 P.L. 103-31. Refunds of interest allowable under G.S. 96-10, subsection (e) shall be made  
17 from this special fund: Provided, such interest was deposited in said fund: Provided  
18 further, that in those cases where an employer takes credit for a previous overpayment of  
19 interest on contributions due by such employer pursuant to G.S. 96-10, subsection (e),  
20 that the amount of such credit taken for such overpayment of interest shall be reimbursed  
21 to the Unemployment Insurance Fund from the Special Employment Security  
22 Administration Fund. The Special Employment Security Administration Fund, except as  
23 otherwise provided in this Chapter, shall be subject to the provisions of the Executive  
24 Budget Act (G.S. 143-1 et seq.) and the Personnel Act (G.S. 126-1 et seq.). All moneys in  
25 this fund shall be deposited, administered, and disbursed in the same manner and under  
26 the same conditions and requirements as is provided by law for other special funds in the  
27 State treasury, and shall be maintained in a separate account on the books of the State  
28 treasury. The State Treasurer shall be liable on his official bond for the faithful  
29 performance of his duties in connection with the Special Employment Security  
30 Administration Fund provided for under this Chapter. Such liability on the official bond  
31 shall be effective immediately upon the enactment of this provision, and such liability  
32 shall exist in addition to any liability upon any separate bond existent on the effective  
33 date of this provision, or which may be given in the future. All sums recovered on any  
34 surety bond for losses sustained by the Special Employment Security Administration  
35 Fund shall be deposited in said fund. The moneys in the Special Employment Security  
36 Administration Fund shall be continuously available to the Commission for expenditure  
37 in accordance with the provisions of this section."

38       Sec. 3. The Employment Security Commission shall report to the Joint  
39 Legislative Commission on Governmental Operations and to the Fiscal Research  
40 Division no later than April 1 of every year as to how the funds authorized to be used by  
41 this act were expended.

42       Sec. 4. The Employment Security Commission shall report to the Election  
43 Law Reform Committee of the Legislative Research Commission by November 1, 1996,

1 as to how the funds authorized to be used by this act were expended, as to improvements  
2 in procedures for voter registration, and as to voter registration statistics in Employment  
3 Security Commission offices.

4           Sec. 5. This act becomes effective July 1, 1996.