

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 342

Short Title: ESC Records/Evidence-AB.

(Public)

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Sponsors: Representative Redwine.

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Referred to: Judiciary I.

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March 1, 2001

A BILL TO BE ENTITLED

1 AN ACT RELATING TO THE ADMISSIBILITY, PHOTOGRAPHIC  
2 REPRODUCTION, AND RETENTION OF RECORDS OF THE EMPLOYMENT  
3 SECURITY COMMISSION.  
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 8-45.3 reads as rewritten:

7 "**§ 8-45.3. Photographic reproduction of records of Department of Revenue.**  
8 **Revenue and Employment Security Commission.**

9 (a) The State Department of Revenue is hereby specifically authorized to have  
10 photographed, photocopied, or microphotocopied all records of the Department,  
11 including tax returns required by law to be made to the Department, and said  
12 photographs, photocopies, or microphotocopies, when certified by the Department as  
13 true and correct photographs, photocopies, or microphotocopies, shall be as admissible  
14 in evidence in all actions, proceedings and matters as the originals thereof would have  
15 been.

16 (a1) The Employment Security Commission is hereby specifically authorized to  
17 have photographed, photocopied, or microphotocopied all records of the Commission,  
18 including filings required by law to be made to the Commission, and said photographs,  
19 photocopies, or microphotocopies, when certified by the Commission as true and  
20 correct photographs, photocopies, or microphotocopies, shall be as admissible in  
21 evidence in all actions, proceedings, and matters as the originals thereof would have  
22 been.

23 (b) The provisions of ~~subsection (a)~~ of this section shall apply to records stored  
24 on any form of permanent, computer-readable media, such as a CD-ROM, if the  
25 medium is not subject to erasure or alteration. Nonerasable, computer-readable storage  
26 media shall not be used for preservation duplicates, as defined in G.S. 132-8.2, or for  
27 the preservation of permanently valuable records as provided in G.S. 121-5(d), except to

1 the extent expressly approved by the Department of Cultural Resources pursuant to  
2 standards and conditions established by the Department."

3 **SECTION 2.** G.S. 132-3 is amended by adding a new subsection to read:

4 "(c) Employment Security Commission Records. – Notwithstanding subsection  
5 (a) of this section and G.S. 121-5, when a record of the Employment Security  
6 Commission has been copied in any manner, the original record may be destroyed upon  
7 the order of the Chairman of the Employment Security Commission. If a record of the  
8 Commission has not been copied, the original record shall be preserved for at least three  
9 years. After three years the original record may be destroyed upon the order of the  
10 Chairman of the Employment Security Commission."

11 **SECTION 3.** Section 1 of this act becomes effective December 1, 2001, and  
12 applies to all actions and proceedings pending in the courts of this State on or after that  
13 date. The remainder of this act is effective when it becomes law.