

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1656  
Senate Judiciary I Committee Substitute Adopted 7/9/92

Short Title: General Statutes Technical Bill.

(Public)

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Sponsors:

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Referred to:

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June 17, 1992

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL  
STATUTES AS RECOMMENDED BY THE GENERAL STATUTES  
COMMISSION AND TO MAKE TECHNICAL AMENDMENTS TO THE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-54.1 reads as rewritten:

**"§ 1-54.1. Nine months.**

Within nine months an action contesting the validity of any zoning ordinance or amendment thereto adopted by a county under Part 3 of Article 18 of Chapter 153A of the General Statutes or other applicable law or adopted by a city under ~~Article~~ Chapter 160A of the General Statutes or other applicable law."

Sec. 2. G.S. 7A-450.1 reads as rewritten:

**"§ 7A-450.1. Responsibility for payment by certain fiduciaries.**

It is the intent of the General Assembly that, whenever possible, if an attorney or guardian ad litem is appointed pursuant to G.S. 7A-451 for a person who is less than 18 years old or who is at least 18 years old but remains dependent on and domiciled with a parent or guardian, the parent, guardian, or any trustee in possession of funds or property for the benefit of the person, shall reimburse the State for the attorney or guardian ad litem fees, pursuant to the procedures established in G.S. 7A-450.2 and G.S. 7A-450.3. This section shall not apply in any case in which the person for whom an attorney or guardian ad litem is appointed prevails."

Sec. 3. G.S. 7A-517(6) reads as rewritten:

1           "(6) Chief Court Counselor. – The person responsible for administration  
2           and supervision of juvenile intake, probation, and aftercare in each  
3           ~~judicial~~judicial district, operating under the supervision of the  
4           Administrator for Juvenile Services."

5           Sec. 4. G.S. 7A-649(7) reads as rewritten:

6           "(7) Impose confinement on an intermittent basis in an approved detention  
7           facility. Confinement shall be limited to not more than five 24-hour  
8           periods, the timing of which is determined by the court in its  
9           discretion.

10           ~~a., b.           Repealed by Session Laws 1991, c. 353, s. 1, effective~~  
11           ~~October 1, 1991.~~

12           Confinement in ~~either~~such a case shall be completed within a period of  
13           90 days from the date of disposition;".

14           Sec. 5. G.S. 14-234(d1) reads as rewritten:

15           "(d1) The first sentence of subsection (a) shall not apply to (i) any elected official  
16           or person appointed to fill an elective office of a village, town, or city having a  
17           population of no more than 7,500 according to the most recent official federal census,  
18           (ii) any elected official or person appointed to fill an elective office of a county within  
19           which there is located no village, town, or city with a population of more than 7,500  
20           according to the most recent official federal census, (iii) any elected official or person  
21           appointed to fill an elective office on a city board of education in a city having a  
22           population of no more than 7,500 according to the most recent official federal census,  
23           (iv) any elected official or person appointed to fill an elective office as a member of a  
24           county board of education in a county within which there is located no village, town or  
25           city with a population of more than 7,500 according to the most recent official federal  
26           census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse  
27           appointed to a county social services board, local health board, or ~~area mental health~~  
28           ~~board~~area mental health, developmental disabilities, and substance abuse board serving  
29           one or more counties within which there is located no village, town, or city with a  
30           population of more than 7,500 according to the most recent official federal census, and  
31           (vi) any member of the board of directors of a public hospital if:

32           (1) The undertaking or contract or series of undertakings or contracts  
33           between the village, town, city, county, county social services board,  
34           county or city board of education, local health board or area mental  
35           health, ~~mental retardation,~~developmental disabilities, and substance  
36           abuse board, or public hospital and one of its officials is approved by  
37           specific resolution of the governing body adopted in an open and  
38           public meeting, and recorded in its minutes and the amount does not  
39           exceed ten thousand dollars (\$10,000) for medically related services  
40           and fifteen thousand dollars (\$15,000) for other goods or services  
41           within a 12-month period; and

42           (2) The official entering into the contract or undertaking with the unit or  
43           agency does not in his official capacity participate in any way or vote;  
44           and

- 1           (3) The total annual amount of undertakings or contracts with each  
2           official, shall be specifically noted in the audited annual financial  
3           statement of the village, town, city, or county; and
- 4           (4) The governing board of any village, town, city, county, county social  
5           services board, county or city board of education, local health board,  
6           area mental health, ~~mental retardation,~~ developmental disabilities, and  
7           substance abuse board, or public hospital which undertakes or  
8           contracts with any of the officials of their governmental unit shall post  
9           in a conspicuous place in its village, town, or city hall, or courthouse,  
10          as the case may be, a list of all such officials with whom such  
11          undertakings or contracts have been made, briefly describing the  
12          subject matter of the undertakings or contracts and showing their total  
13          amounts; this list shall cover the preceding 12 months and shall be  
14          brought up-to-date at least quarterly."

15           Sec. 6. G.S. 14-250 reads as rewritten:

16   **"§ 14-250. Publicly owned vehicle to be marked.**

17       It shall be the duty of the executive head of every department of the State  
18       government, and of any county, or of any institution or agency of the State, to have  
19       painted on every motor vehicle owned by the State, or by any county, or by any  
20       institution or agency of the State, a statement that such car belongs to the State or to  
21       some county, or institution or agency of the State. Provided, however, that no  
22       automobile used by any county officer or county official for the purpose of transporting,  
23       apprehending or arresting persons charged with violations of the laws of the State of  
24       North Carolina, shall be required to be lettered. Provided, further, that in lieu of the  
25       above method of marking motor vehicles owned by any agency or department of the  
26       State government, it shall be deemed a compliance with the law if such vehicles have  
27       imprinted on the license tags thereof, above the license number, the words 'State Owned'  
28       and that such vehicles have affixed to the front thereof a plate with the statement 'State  
29       Owned'. Provided, further, that in lieu of the above method of marking vehicles owned  
30       by any county, it shall be deemed a compliance with the law if such vehicles have  
31       painted or affixed on the side thereof a circle not less than eight inches in diameter  
32       showing a replica of the seal of such county. Provided, further, that no county-owned  
33       motor vehicle used for transporting day or residential facility clients of area mental  
34       health, ~~mental retardation,~~ developmental disabilities, and substance abuse authorities  
35       established under Article 4 of Chapter 122C of the General Statutes shall be required to  
36       be lettered; provided, further, notwithstanding this sentence, each vehicle shall bear the  
37       distinctive permanent registration plate pursuant to G.S. 20-84. Provided, further, that  
38       in lieu of the above method of marking vehicles owned by the State and permanently  
39       assigned to members of the Council of State, it shall be deemed a compliance with the  
40       law if such vehicles have imprinted on the license tags thereof the license number  
41       assigned to the appropriate member of the Council of State pursuant to G.S. 20-81(4); a  
42       member of the Council of State shall not be assessed any registration fee if he elects to  
43       have a State-owned motor vehicle assigned to him designated by his official plate  
44       number.

1 The General Assembly may authorize exemptions from the provisions of this section  
2 for each fiscal year. Each agency shall submit requests for private tags to the Division  
3 of Motor Fleet Management of the Department of Administration. The Division shall  
4 report the requests to the Appropriations Committees of the General Assembly by June  
5 1."

6 Sec. 7. G.S. 14-277(e) reads as rewritten:

7 "(e) It shall be unlawful for any person other than duly authorized employees of a  
8 county, a municipality or the State of North Carolina, including but not limited to, the  
9 Department of Social Services, Health, Area Mental Health, ~~Mental Retardation,~~  
10 Developmental Disabilities, and Substance Abuse Authority or Building Inspector to  
11 represent to any person that they are duly authorized employees of a county, a  
12 municipality or the State of North Carolina or one of the above-enumerated departments  
13 and acting upon such representation to perform any act, make any investigation, seek  
14 access to otherwise confidential information, perform any duty of said office, gain  
15 access to any place not otherwise open to the public, or seek to be afforded any  
16 privilege which would otherwise not be afforded to such person except for such false  
17 representation or make any attempt to do any of said enumerated acts. Any person,  
18 corporation, or business association violating the provisions of this section shall be  
19 guilty of a misdemeanor and upon conviction may be fined or imprisoned at the  
20 discretion of the court."

21 Sec. 8. G.S. 15A-406(a) reads as rewritten:

22 "(a) For purposes of this section, 'federal law enforcement officer' means any of  
23 the following persons who are employed as full-time law enforcement officers by the  
24 federal government and who are authorized to carry firearms in the performance of their  
25 duties:

- 26 (1) United States Secret Service special agents;
- 27 (2) Federal Bureau of Investigation special agents;
- 28 (3) Bureau of Alcohol, Tobacco and Firearms special agents;
- 29 (4) United States Naval Investigative Service special agents;
- 30 (5) Drug Enforcement Administration special agents;
- 31 (6) United States Customs Service officers;
- 32 (7) United States Postal Service inspectors;
- 33 (8) Internal Revenue Service special agents;
- 34 (9) United States Marshals Service marshals and deputies;
- 35 (10) United States Forest Service officers;
- 36 (11) National Park Service officers; and
- 37 (12) ~~U.S. United States Fish and Wildlife Service Service officers.~~"

38 Sec. 9. G.S. 17E-10(b) reads as rewritten:

39 "(b) The Commission may authorize grants pursuant to this section and consistent  
40 with the powers conferred upon the Commission under ~~Section 6 of this Chapter.~~ G.S.  
41 17E-6."

42 Sec. 10. G.S. 20-7(n) reads as rewritten:

43 "(n) Every drivers license issued by the Division shall bear thereon the  
44 distinguishing number assigned to the licensee and color photograph of the licensee of a

1 size approved by the Commissioner and shall contain the name, age, residence address  
2 and a brief description of the licensee, who, for the purpose of identification and as a  
3 condition precedent to the validity of the license, immediately upon receipt thereof,  
4 shall endorse his or her regular signature in ink upon the same in the space provided for  
5 that purpose unless a facsimile of his or her signature appears thereon; provided the  
6 requirement that a color photograph of the licensee appear on the license may be waived  
7 by the Commissioner upon satisfactory proof that the taking of such photograph violates  
8 the religious convictions of the licensee. ~~Drivers'~~ Drivers licenses shall be issued with  
9 differing color photographic backgrounds according to the licensee's age at time of  
10 issuance for the following age groups:

11 (1) Persons who have not attained the age of 21 years.

12 (2) Persons who have attained the age of 21 years.

13 The Division of ~~Motor Vehicles~~ shall determine the different colors to be used. Such  
14 license shall be carried by the licensee at all times while engaged in the operation of a  
15 motor vehicle."

16 Sec. 11. G.S. 20-84 reads as rewritten:

17 **"§ 20-84. Vehicles owned by State, municipalities or orphanages, etc.; certain**  
18 **vehicles operated by the local chapters of American National Red Cross.**

19 The Division upon proper proof being filed with it that any motor vehicle for which  
20 registration is herein required is owned by the State or any department thereof, or by  
21 any county, township, city or town, or by any board of education, or by any orphanage  
22 or civil air patrol, or incorporated emergency rescue squad, or incorporated REACT  
23 ('Radio Emergency Association of Citizen Teams') Team, or for any motor vehicle  
24 involved exclusively in the support of a disaster relief effort, shall collect six dollars  
25 (\$6.00) for the registration of such motor vehicles, but shall not collect any fee for  
26 application for certificate of title in the name of the State or any department thereof, or  
27 by any county, township, city or town, or by any board of education or orphanage:  
28 Provided, that the term 'owned' shall be construed to mean that such motor vehicle is the  
29 actual property of the State or some department thereof or of the county, township, city  
30 or town, or of the board of education, and no motor vehicle which is the property of any  
31 officer or employee of any department named herein shall be construed as being 'owned'  
32 by such department. Provided, that the above exemptions from registration fees shall  
33 also apply to any church-owned bus used exclusively for transporting children and  
34 parents to Sunday school and church services and for no other purpose.

35 In lieu of the annual six dollars (\$6.00) registration provided for in this section, the  
36 Division may for the license year 1950 and thereafter provide for a permanent  
37 registration of the vehicles described in this section and issue permanent registration  
38 plates for such vehicles. The permanent registration plates issued pursuant to this  
39 paragraph shall be of a distinctive color and shall bear thereon the word 'permanent.'  
40 Such plates may be transferred as provided in G.S. 20-78 to a replacement vehicle of the  
41 same classification. For the permanent registration and issuance of permanent  
42 registration plates provided for in this paragraph, the Division shall collect a fee of six  
43 dollars (\$6.00) for each vehicle so registered and licensed.

1 The provisions of this section are hereby made applicable to vehicles owned by a  
2 rural fire department, agency or association.

3 The Division of Motor Vehicles shall issue to the North Carolina Tuberculosis  
4 Association, Incorporated, or any local chapter or association of said corporation, for a  
5 fee of six dollars (\$6.00) for each plate a permanent registration plate which need not be  
6 thereafter renewed for each motor vehicle in the form of a mobile X-ray unit which is  
7 owned by said North Carolina Tuberculosis Association, Incorporated, or any local  
8 chapter or local association thereof and operated exclusively in this State for the  
9 purpose of diagnosis, treatment and discovery of tuberculosis. The initial six dollars  
10 (\$6.00) fee required by this section and for this purpose shall be in full payment of the  
11 permanent registration plates issued for such vehicle operated as a mobile X-ray unit,  
12 and such plates need not thereafter be renewed, and such plates may be transferred as  
13 provided in G.S. 20-78 to replacement vehicles to be used for the purposes above  
14 described and for which the plates were originally issued.

15 The Division of Motor Vehicles shall issue to the American National Red Cross,  
16 upon application of any local chapter thereof and payment of a fee of six dollars (\$6.00)  
17 for each plate, a permanent registration plate, which need not be thereafter renewed, for  
18 all disaster vans, bloodmobiles, handivans, and such sedans and station wagons as are  
19 used for emergency or disaster work, and operated by a local chapter in this State in the  
20 business of the American National Red Cross. Such plates may be transferred as  
21 provided in G.S. 20-78 to a replacement vehicle to be used for the purposes above  
22 described and for which the plates were originally issued. In the event of transfer of  
23 ownership to any other person, firm or corporation, or transfer or reassignment of any  
24 vehicle bearing such registration plate to any chapter or association of the American  
25 National Red Cross in any other state, territory or country, the registration plate  
26 assigned to such vehicle shall be surrendered to the Division of Motor Vehicles.

27 In lieu of all other registration requirements, the Commissioner shall each year  
28 assign to the State Highway Patrol, upon payment of six dollars (\$6.00) per registration  
29 plate, a sufficient number of regular registration plates of the same letter prefix and in  
30 numerical sequence beginning with number 100 to meet the requirements of the State  
31 Highway Patrol for use on Division vehicles assigned to the State Highway Patrol. The  
32 commander of the Patrol shall, when such plates are assigned, issue to each member of  
33 the State Highway Patrol a registration plate for use upon the Division vehicle assigned  
34 to him pursuant to G.S. 20-190 and assign a registration plate to each Division service  
35 vehicle operated by the Patrol. An index of such assignments of registration plates shall  
36 be kept at each State Highway Patrol radio station and a copy thereof shall be furnished  
37 to the registration division of the Division. Information as to the individual assignments  
38 of such registration plates shall be made available to the public upon request to the same  
39 extent and in the same manner as regular registration information. The commander,  
40 when necessary, may reassign registration plates provided that such reassignment shall  
41 be made to appear upon the index required herein within 20 days after such  
42 reassignment.

43 The Division of Motor Vehicles shall, upon appropriate certification of financial  
44 responsibility, issue to sheltered workshops recognized or approved by the Division of

1 Vocational Rehabilitation Services and to public and nonprofit agencies or  
2 organizations which provide transportation for or operate programs subject to and  
3 approved in accordance with standards adopted by the Commission ~~on~~ for Mental  
4 Health, ~~Mental Retardation~~ Developmental Disabilities, and Substance Abuse Services of  
5 the Department of Human Resources upon application and payment of a fee of six  
6 dollars (\$6.00) for each plate, a permanent registration plate for vehicles registered to  
7 and operated by such agencies. The initial six dollars (\$6.00) fee required by this  
8 section and for this purpose shall be in full payment of the permanent registration plate  
9 issued for such vehicle operated by a sheltered workshop and such plates need not  
10 thereafter be renewed, and such plates may be transferred as provided in G.S. 20-78 to a  
11 replacement vehicle to be used by the sheltered workshop designated on the registration  
12 card.

13 On and after January 1, 1972, permanent registration plates used on all vehicles  
14 owned by the State of North Carolina or a department thereof shall be of a distinctive  
15 color and design which shall be readily distinguishable from all other permanent  
16 registration plates issued pursuant to this section or G.S. 20-84.1. For the purpose of  
17 carrying out the intent of this paragraph, all vehicles owned by the State of North  
18 Carolina or a department thereof in operation as of October 1, 1971, and bearing a  
19 permanent registration shall be reregistered during the months of October, November  
20 and December, 1971, and upon reregistration, registration plates issued for such  
21 vehicles shall be of a distinctive color and design as provided for hereinabove."

22 Sec. 12. G.S. 20-179.2 reads as rewritten:

23 **"§ 20-179.2. Alcohol and drug education traffic school programs; guidelines and**  
24 **implementation by Commission for Mental Health, ~~Mental Retardation~~**  
25 **Developmental Disabilities, and Substance Abuse Services; approval of**  
26 **Department of Human Resources; fees.**

27 (a) The Commission for Mental Health, ~~Mental Retardation~~ Developmental  
28 Disabilities, and Substance Abuse Services shall establish standards and guidelines for  
29 the curriculum and operation of local alcohol and drug education traffic school  
30 programs. The Department shall oversee the development of a statewide system of  
31 schools and shall insure that schools are available in all localities of the State as soon as  
32 is practicable.

33 (1) to (4) Recodified as subsections (c) to (f) of this section by Session  
34 Laws 1983, c. 435, s. 30.

35 (b) Repealed by Session Laws 1983, c. 435, s. 30.

36 (c) A fee of one hundred dollars (\$100.00) shall be paid by all persons enrolling  
37 in an alcohol and drug education traffic school program established pursuant to this  
38 section. That fee must be paid to an official designated for that purpose and at a time  
39 and place specified by the Area Mental Health, ~~Mental Retardation~~ Developmental  
40 Disabilities, and Substance Abuse Authority providing the course of instruction in  
41 which the person is enrolled, except that if the clerk of court in the county in which the  
42 person is convicted agrees to collect the fees, the clerk shall collect all fees for persons  
43 convicted in that county. The clerk shall pay the fees collected to the Area Mental  
44 Health, ~~Mental Retardation~~ Developmental Disabilities, and Substance Abuse Authority

1 for the catchment area where the clerk is located regardless of the location where the  
2 defendant attends the alcohol and drug education traffic school and that authority shall  
3 distribute the funds in accordance with the rules and regulations of the Department. The  
4 fee must be paid in full within two weeks from the date school attendance is ordered as  
5 a condition of probation, unless the court, upon a showing of hardship by the person,  
6 allows the person additional time to pay the fee. If the person enrolling in the school  
7 demonstrates to the satisfaction of the court that ordered him to enroll in the school that  
8 he is unable to pay and his inability to pay is not willful, the court may excuse him from  
9 paying the fee.

10 (d) The Department of Human Resources shall have the authority to approve  
11 programs to be implemented by Area Mental Health, ~~Mental Retardation~~ Developmental  
12 Disabilities, and Substance Abuse Authorities. Area Mental Health, ~~Mental Retardation~~  
13 Developmental Disabilities, and Substance Abuse Authorities may subcontract for the  
14 delivery of alcohol and drug education traffic school program services. The Department  
15 shall have the authority to approve budgets and contracts with public and private  
16 governmental and nongovernmental bodies for the operation of such schools.

17 (d1) The Department of Human Resources may approve programs offered in  
18 another state if they are substantially similar to programs approved in this State, and if  
19 that state recognizes North Carolina programs for similar purposes. The defendant shall  
20 be responsible for the fees at the approved program.

21 (e) Fees collected under this section and retained by Area Mental Health, ~~Mental~~  
22 ~~Retardation~~, Developmental Disabilities, and Substance Abuse Authorities shall be  
23 placed in a nonreverting fund. That fund must be used, as necessary, for the operation,  
24 evaluation and administration of alcohol and drug education traffic school programs;  
25 excess funds may only be used to fund other drug or alcohol programs. Area authorities  
26 shall remit five percent (5%) of each fee collected to the Department of Human  
27 Resources on a monthly basis. Fees received by the Department as required by this  
28 section may only be used in supporting, evaluating, and administering alcohol and drug  
29 education traffic schools, and any excess funds will revert to the General Fund.

30 (f) All fees collected by the Area Mental Health, ~~Mental Retardation~~,  
31 Developmental Disabilities, and Substance Abuse Authorities under the authority of this  
32 section may not be used in any manner to match other State funds or to be included in  
33 any computation for State formula-funded allocations."

34 Sec. 13. G.S. 25-8-317 reads as rewritten:

35 **"§ 25-8-317. Creditors' rights.**

36 (1) Subject to the exceptions in subsections (3) and (4) of this section, no  
37 attachment or levy upon a certificated security or any share or other interest represented  
38 thereby which is outstanding is valid until the security is actually seized by the officer  
39 making the attachment or levy, but a certificated security which has been surrendered to  
40 the issuer may be reached by a creditor by legal process at the issuer's chief executive  
41 office in the United States.

42 (2) An ~~uncertified~~ ~~[uncertificated]~~ uncertificated security registered in the name of  
43 the debtor may not be reached by a creditor except by legal process at the issuer's chief  
44 executive office in the United States.



1 (3) The interest of a debtor in a certificated security that is in the possession of a  
2 secured party not a financial intermediary or in an uncertificated security registered in  
3 the name of a secured party not a financial intermediary (or in the name of a nominee of  
4 the secured party) may be reached by a creditor by legal process upon the secured party.

5 (4) The interest of a debtor in a certificated security that is in the possession of or  
6 registered in the name of a financial intermediary or in an uncertificated security  
7 registered in the name of a financial intermediary may be reached by a creditor by legal  
8 process upon the financial intermediary on whose books the interest of the debtor  
9 appears.

10 (5) Unless otherwise provided by law, a creditor's lien upon the interest of a  
11 debtor in a security obtained pursuant to subsection (3) or (4) of this section is not a  
12 restraint on the transfer of the security, free of the lien, to a third party for new value;  
13 but in the event of a transfer, the lien applies to the proceeds of the transfer in the hands  
14 of the secured party or financial intermediary, subject to any claims having priority.

15 (6) A creditor whose debtor is the owner of a security is entitled to aid from  
16 courts of appropriate jurisdiction, by injunction or otherwise, in reaching the security or  
17 in satisfying the claim by means allowed at law or in equity in regard to property that  
18 cannot readily be reached by ordinary legal process."

19 Sec. 14. G.S. 47-41.02(a) reads as rewritten:

20 "(a) The following forms of probate for deeds and other conveyances executed by  
21 a corporation shall also be deemed sufficient but shall not exclude other forms of  
22 probate ~~with [which]~~ which would be deemed sufficient in law."

23 Sec. 15. G.S. 49-12.1(d) reads as rewritten:

24 "(d) The effect of legitimation under this section shall be ~~[the]~~ the same as  
25 provided by G.S. 49-11."

26 Sec. 16. G.S. 63A-9(l) reads as rewritten:

27 "(l) Bonds and notes and their transfer, including any profit made on ~~the~~ their  
28 sale, are exempt from all State, county, and municipal taxation or assessment, direct or  
29 indirect, general or special, whether imposed for the purpose of general revenue or  
30 otherwise, excluding inheritance and gift taxes. The interest on bonds and notes is not  
31 subject to taxation as income, and the bonds and notes are not subject to taxation when  
32 constituting a part of the surplus of any bank, trust company, or other corporation."

33 Sec. 17. G.S. 66-64 reads as rewritten:

34 "**§ 66-64. Violation a misdemeanor.**

35 Any person violating the provisions of this Article, including the ~~make~~ making of  
36 any false statement in the affidavit required under G.S. 66-62, shall be guilty of a  
37 misdemeanor and, upon conviction, be fined or imprisoned, or both, in the discretion of  
38 the court."

39 Sec. 18. G.S. 66-68(b) reads as rewritten:

40 "(b) If the owner is an individual or a partnership, the certificate must be signed  
41 and duly acknowledged by the individual owner, or by each general partner. If the  
42 owner is a corporation, it must be signed in the name of the corporation and duly  
43 acknowledged as provided by ~~G.S. 47-41.~~ G.S. 47-41.01 or G.S. 47-41.02."

44 Sec. 19. G.S. 66-224(b) reads as rewritten:



1 (3) If the holder of a temporary employment permit does not pass the  
 2 examination that he took during the period that the permit was valid or  
 3 within 30 days of permit expiration, and if at the time the examination  
 4 results are published the permit has expired or will expire within 30  
 5 days of such publication, the permit holder may apply to the Board to  
 6 have the temporary employment permit extended for a period not to  
 7 exceed three months from the date of publication by the Board of the  
 8 results of the examination taken and not passed by the individual,  
 9 provided that the applicant for a permit extension has applied and is  
 10 qualified to retake the examination within the same ~~six-month~~three-  
 11 month period. A permit shall not be extended more than one time for  
 12 the same individual."

13 Sec. 21. G.S. 90-87(3a) reads as rewritten:

14 "(3a) 'Commission' means the Commission for Mental Health, ~~Mental~~  
 15 ~~Retardation—Developmental Disabilities,~~ and Substance Abuse  
 16 Services established under Part 4 of Article 3 of Chapter 143B of  
 17 the General Statutes."

18 Sec. 22. G.S. 90-171.37 reads as rewritten:

19 **"§ 90-171.37. Revocation, suspension, or denial of licensure.**

20 The Board shall initiate an investigation upon receipt of information about any  
 21 practice that might violate any provision of this Article or any rule or regulation  
 22 promulgated by the Board. In accordance with the provisions of Chapter 150B of the  
 23 General Statutes, the Board may require remedial education, issue a letter of reprimand,  
 24 restrict, revoke, or suspend any license to practice nursing in North Carolina or deny  
 25 any application for licensure if the Board determines that the nurse or applicant:

- 26 (1) Has given false information or has withheld material information from  
 27 the Board in procuring or attempting to procure a license to practice  
 28 nursing;
- 29 (2) Has been convicted of or pleaded guilty or **nolo contendere** to any  
 30 crime which indicates that the nurse is unfit or incompetent to practice  
 31 nursing or that the nurse has deceived or defrauded the public;
- 32 (3) Has a mental or physical disability or uses any drug to a degree that  
 33 interferes with his or her fitness to practice nursing;
- 34 (4) Engages in conduct that endangers the public health;
- 35 (5) Is unfit or incompetent to practice nursing by reason of deliberate or  
 36 negligent acts or omissions regardless of whether actual injury to the  
 37 patient is established;
- 38 (6) Engages in conduct that deceives, defrauds, or harms the public in the  
 39 course of professional activities or services; ~~or~~
- 40 (7) Has violated any provision of this Article; ~~or~~or
- 41 (8) Has willfully violated any rules enacted by the Board.

42 The Board may take any of the actions specified above in this section when a  
 43 registered nurse approved to perform medical acts has violated rules governing the  
 44 performance of medical acts by a registered nurse; provided this shall not interfere with

1 the authority of the Board of Medical Examiners to enforce rules and regulations  
2 governing the performance of medical acts by a registered nurse.

3 The Board may reinstate a revoked license or remove licensure restrictions when it  
4 finds that the reasons for revocation or restriction no longer exist and that the nurse or  
5 applicant can reasonably be expected to safely and properly practice nursing."

6 Sec. 23. G.S. 90-394 reads as rewritten:

7 **"§ 90-394. Duplicate and replacement certificates.**

8 A certified fee-based pastoral counselor may request that the Board issue a duplicate  
9 or replacement certificate for a fee set by the Board not to exceed fifty dollars (\$50.00).  
10 Upon receipt of the request, a showing of good cause for the issuance of a duplicate ~~for~~  
11 or replacement certificate, and payment of the fee, the Board shall issue a duplicate or  
12 replacement certificate."

13 Sec. 24. G.S. 93D-6 reads as rewritten:

14 **"§ 93D-6. Persons selling in other jurisdictions.**

15 Whenever the Board determines that another state or jurisdiction has requirements at  
16 least equivalent to those in effect pursuant to this Chapter for the fitting and selling of  
17 hearing aids, and that such state or jurisdiction has a program at least equivalent to the  
18 program for determining whether applicants pursuant to this Chapter are qualified to sell  
19 and fit hearing aids, the Board may issue, but is not compelled to issue, licenses to  
20 applicants therefor who hold current, unsuspended and unrevoked certificates or  
21 licenses to fit and sell hearing aids in such other state or jurisdiction. No such applicant  
22 shall be required to submit to any examination or other procedure required by G.S. 93D-  
23 5, but shall be required to pay ~~a~~ an application fee to the Board in an amount set by the  
24 Board, not to exceed one hundred fifty dollars (\$150.00). Such applicant must have one  
25 full year of experience satisfactory to the Board before issuance of the license."

26 Sec. 25. G.S. 105-164.14(c) reads as rewritten:

27 "(c) Certain Governmental Entities. Upon receipt of timely applications for  
28 refund, the Secretary of Revenue shall make refunds annually to all governmental  
29 entities, as hereinafter defined, of sales and use tax paid under this Article, except under  
30 G.S. 105-164.4(4a) and G.S. 105-164.4(4c), by said governmental entities on direct  
31 purchases of tangible personal property. Sales and use tax liability indirectly incurred  
32 by such governmental entities on building materials, supplies, fixtures and equipment  
33 which shall become a part of or annexed to any building or structure being erected,  
34 altered or repaired which is owned or leased by such governmental entities shall be  
35 construed as sales or use tax liability incurred on direct purchases by such governmental  
36 entities, and such entities may obtain refunds of such taxes indirectly paid. The refund  
37 provisions contained in this subsection shall not apply to any governmental entities not  
38 specifically named herein. In order to receive the refund herein provided for,  
39 governmental entities shall file a written request for said refund within six months of the  
40 close of the fiscal year of the governmental entities seeking said refund, and such  
41 request for refund shall be substantiated by such records, receipts and information as the  
42 Secretary may require. No refunds shall be made on applications not filed within the  
43 time allowed by this section and in such manner as the Secretary may otherwise require.  
44 The term 'governmental entities,' for the purposes of this subsection, shall mean all

1 counties, incorporated cities and towns, water and sewer authorities created and existing  
2 under the provisions of Chapter 162A of the General Statutes, lake authorities created  
3 by a board of county commissioners pursuant to an act of the General Assembly,  
4 sanitary districts, regional councils of governments created pursuant to G.S. 160A-470,  
5 area mental health, ~~mental retardation,~~ developmental disabilities, and substance abuse  
6 authorities (other than single-county area authorities) established pursuant to Article 4  
7 of Chapter 122C of the General Statutes, district health departments, regional planning  
8 and economic development commissions created pursuant to G.S. 158-14, regional  
9 sports authorities created pursuant to G.S. 160A-479, regional economic development  
10 commissions created pursuant to G.S. 158-8, regional planning commissions created  
11 pursuant to G.S. 153A-391, regional solid waste management authorities created  
12 pursuant to G.S. 153A-421, metropolitan sewerage districts and metropolitan water  
13 districts in this State, the North Carolina Low-Level Radioactive Waste Management  
14 Authority created pursuant to Chapter 104G of the General Statutes, the North Carolina  
15 Hazardous Waste Management Commission created pursuant to Chapter 130B of the  
16 General Statutes, and the Rockingham County Airport Authority. Notwithstanding the  
17 foregoing provisions of this subsection, the constituent institutions of The University of  
18 North Carolina may obtain in the manner prescribed by this subsection a refund of sales  
19 and use tax paid by them on or after January 1, 1992, for tangible personal property  
20 acquired by them through the expenditure of contract and grant funds."

21 Sec. 26. G.S. 106-516.1 reads as rewritten:

22 **"§ 106-516.1. Carnivals and similar amusements not to operate without permit.**

23 Every person, firm, or corporation engaged in the business of a carnival company or  
24 a show of like kind, including menageries, merry-go-rounds, Ferris wheels, riding  
25 devices, circus and similar amusements and enterprises operated and conducted for  
26 profit, shall, prior to exhibiting in any county annually staging an agricultural fair, apply  
27 to the sheriff of the county in which the exhibit is to be held for a permit to exhibit. The  
28 sheriff of the county shall issue a permit without charge; provided, however, that no  
29 permit shall be issued if he shall find the requested exhibition date is less than 30 days  
30 prior to a regularly advertised agricultural fair and so in conflict with G.S. ~~105-39.~~ 105-  
31 37.1(d). Exhibition without a permit from the sheriff of the county in which the  
32 exhibition is to be held shall constitute a misdemeanor and be punished by a fine or  
33 imprisonment, or both, in the discretion of the court: Provided, that nothing contained  
34 in this section shall prevent veterans' organizations and posts chartered by Congress or  
35 organized and operated on a statewide or nationwide basis from holding fairs or tobacco  
36 festivals on any dates which they may select if such fairs or festivals have heretofore  
37 been held as annual events."

38 Sec. 27. G.S. 115C-116(h) reads as rewritten:

39 "(h) Decision of the ~~Administration~~ Administrative Law Judge. – Following the  
40 hearing, the administrative law judge shall make a decision regarding the issues set forth  
41 in subsection (c). The decision shall contain findings of fact and conclusions of law.  
42 Notwithstanding the provisions of Chapter 150B of the General Statutes, the decision of  
43 the administrative law judge becomes final and not subject to further review unless  
44 appealed to the Review Officer as provided in subsection (i). A copy of the

1 administrative law judge's decision shall be served upon each party and a copy shall be  
2 furnished to the attorneys of record. The written notice shall contain a statement  
3 informing the parties of the availability of appeal and the 30-day limitations period for  
4 appeal as set forth in subsection (i)."

5 Sec. 28. G.S. 115C-284(f) reads as rewritten:

6 "(f) The allotment of classified principals shall be one principal for each duly  
7 constituted school with seven or more state-allotted ~~teachers and shall be included in the~~  
8 ~~calculation of the allotment of general teachers set out in G.S. 115C-301(b)(i).~~ teachers."

9 Sec. 29. G.S. 115C-363.23A(b) reads as rewritten:

10 "(b) The Commission shall administer the program in cooperation with teacher  
11 training institutions selected by the Commission. Teaching Fellows should be exposed  
12 to a range of extra-curricular activities while in college. These activities should be  
13 geared to ~~installing~~ instilling a strong motivation not only to remain in teaching but to  
14 provide leadership for tomorrow's schools."

15 Sec. 30. G.S. 115C-546.2(c) reads as rewritten:

16 "(c) Monies in the Fund shall be matched on the basis of one dollar of local funds  
17 for every three dollars of State funds. Revenue received from local sales and use taxes  
18 that is restricted for public school capital outlay purposes pursuant to G.S. ~~405-502, 105-~~  
19 ~~494, 105-502~~ or G.S. 105-487 may be used to meet the local matching requirement.  
20 Funds expended by a county after July 1, 1986, for land acquisition, engineering fees,  
21 architectural fees, or other directly related costs for a public school building capital  
22 project that was not completed prior to July 1, 1987, may be used to meet the local  
23 match requirement."

24 Sec. 31. G.S. 116-41.18 reads as rewritten:

25 "**§ 116-41.18. Distinguished Professors Endowment Trust Fund; selection of**  
26 **Distinguished Professors.**

27 (a) Each constituent institution that receives, through private gifts and an  
28 allocation by the Board of Governors, funds for the purpose shall, under procedures  
29 established by rules of the Board of Governors and the board of trustees of the  
30 constituent institution, select a holder of the Distinguished Professorship. Once given,  
31 that designation shall be retained by the distinguished professor as long as he remains in  
32 the full-time service of the institution. When a distinguished professorship becomes  
33 vacant, it shall remain assigned to the institution and another distinguished professor  
34 shall be selected under procedures established by rules of the Board of Governors and  
35 the board of trustees of the constituent institution.

36 (b) The Board of Governors of The University of North Carolina shall  
37 promulgate rules to implement this section.

38 (c) There is appropriated from the General Fund to the Board of Governors of  
39 The University of North Carolina the sum of two million dollars (\$2,000,000) for fiscal  
40 year 1985-86, and the sum of two million dollars (\$2,000,000) for fiscal year 1986-87,  
41 to implement this section."

42 Sec. 32. G.S. 116-143.1(j) reads as rewritten:

43 "(j) Notwithstanding the **prima facie** evidence of legal residence of an individual  
44 derived pursuant to subsection (e), notwithstanding the presumptions of the legal

1 residence of a minor established by common law, and notwithstanding the authority of a  
2 judicially determined custody award of a minor, for purposes of this section, the legal  
3 residence of a minor whose parents are divorced, separated, or otherwise living apart  
4 shall be deemed to be North Carolina for the time period relative to which either parent  
5 is entitled to claim and does in fact claim the minor as a dependent pursuant to the North  
6 Carolina individual income tax provisions of G.S. 105-149(a)(5) for North Carolina  
7 individual income tax purposes. The provisions of this subsection shall pertain only to a  
8 minor who is claimed as a dependent by a North Carolina legal resident.

9 Any person who immediately prior to his or her eighteenth birthday would have  
10 been deemed under this subsection a North Carolina legal resident but who achieves  
11 majority before enrolling at an institution of higher education shall not lose the benefit  
12 of this subsection if that person:

- 13 (1) Upon achieving majority, acts, to the extent that the person's degree of  
14 actual emancipation permits, in a manner consistent with bona fide  
15 legal residence in North Carolina; and
- 16 (2) Begins enrollment at an institution of higher education not later than  
17 the fall academic term next following completion of education  
18 prerequisite to admission at such institution."

19 Sec. 33. G.S. 120-123 reads as rewritten:

20 **"§ 120-123. Service by members of the General Assembly on certain boards and**  
21 **commissions.**

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

- 24 (1) The Board of Agriculture, as established by G.S. 106-2.
- 25 (1a) Not effectuated.
- 26 (1b) The Administrative Rules Review Commission as established by G.S.  
27 143B-30.1.
- 28 (2) The Art Museum Building Commission, as established by G.S. 143B-  
29 59.
- 30 (3) The Governor's Advocacy Council for Persons with Disabilities, as  
31 established by G.S. 143B-403.2.
- 32 (3a) The State Banking Commission, as established by G.S. 53-92.
- 33 (4) The Board of Public Telecommunications Commissioners, as  
34 established by G.S. 143B-426.9.
- 35 (5) The Board of Transportation, as established by G.S. 143B-350.
- 36 (6) The Board of Trustees Teachers' and State Employees' Retirement  
37 System, as established by G.S. 135-6.
- 38 ~~(6a) The North Carolina Technological Development Authority as created~~  
39 ~~by G.S. 143B-471.~~
- 40 (7) The Coastal Resources Commission, as established by G.S. 113A-104.
- 41 (8) The Environmental Management Commission, as established by G.S.  
42 143B-283.
- 43 (8a) The Genetic Engineering Review Board, as created by G.S. 106-769.

- 1 (9) The State Fire and Rescue Commission, as established by G.S. 58-78-  
2 1.
- 3 (10) The Public Officers and Employees Liability Insurance Commission,  
4 as established by G.S. 58-32-1.
- 5 (11) Repealed by Session Laws 1983 (Regular Session, 1984), c. 995, s. 4.
- 6 (12) Repealed by Session Laws 1987, c. 71, s. 4.
- 7 (13) The North Carolina Criminal Justice Education and Training Standards  
8 Commission, as established by G.S. 17C-3.
- 9 (14) The North Carolina Housing Finance Agency Board of Directors, as  
10 established by G.S. 122A-4.
- 11 (15) The North Carolina Seafood Industrial Park Authority, as established  
12 by G.S. 113-315.25.
- 13 (16) Repealed by Session Laws 1985, c. 479, s. 153(b).
- 14 (17) The Board of Trustees of the North Carolina School of Science and  
15 Mathematics, as established by G.S. 116-233.
- 16 (18) The North Carolina Board of Science and Technology, as established  
17 by G.S. 143B-426.30.
- 18 (19) Repealed by Session Laws 1989, c. 500, s. 107(b).
- 19 (20) Repealed by Session Laws 1989 (Reg. Sess., 1990), c. 1024, s. 23(a).
- 20 (21) The Board of Trustees of the University of North Carolina Center for  
21 Public Television, as established by G.S. 116-37.1.
- 22 (22) The Commission for Mental Health, Developmental Disabilities, and  
23 Substance Abuse Services, as established by G.S. 143B-147.
- 24 (23) The Governor's Waste Management Board, as established by G.S.  
25 143B-285.12.
- 26 (24) The North Carolina Alcoholism Research Authority, as established by  
27 G.S. 122C-431.
- 28 (25) The North Carolina Ports Railway Commission, as established by G.S.  
29 143B-469.
- 30 (25a) The North Carolina Air Cargo Airport Authority as established  
31 under G.S. 63A-3.
- 32 (26) The North Carolina State Ports Authority, as established by G.S.  
33 143B-452.
- 34 (27) The Property Tax Commission, as established by G.S. 143B-223.
- 35 (28) The Social Services Commission, as established by G.S. 143B-154.
- 36 (29) The North Carolina State Commission of Indian Affairs, as  
37 established by G.S. 143B-407.
- 38 (30) The Wildlife Resources Commission, as established by G.S. 143-  
39 240.
- 40 (31) The North Carolina Council for Women, as established by G.S.  
41 143B-393.
- 42 (32) The Board of Trustees of North Carolina Museum of Art,  
43 established by G.S. 140-5.13.



- 1 (33) The North Carolina Sheriffs' Education and Training Standards  
2 Commission, established by G.S. 17E.
- 3 (33a) Repealed by Session Laws 1987, c. 738, s. 41(d).
- 4 (34) The Board of Trustees of the North Carolina Public Employee  
5 Deferred Compensation Plan, as established by G.S. 143B-426.24.
- 6 (34a) Repealed by Session Laws 1989 (Reg. Sess., 1990), c. 1024, s.  
7 23(b).
- 8 (34b) The North Carolina Housing Partnership, as established by G.S.  
9 122E-4.
- 10 (35) The Board of Trustees of the Teachers' and State Employees'  
11 Comprehensive Major Medical Plan, as established by G.S. 135-  
12 39.
- 13 (36) The Milk Commission as established by G.S. 106-266.7.
- 14 (37) The State Board of Chiropractic Examiners as established by G.S.  
15 90-139.
- 16 (38) The North Carolina Manufactured Housing Board, as established  
17 by G.S. 143-143.10.
- 18 (39) Repealed by Session Laws 1987, c. 71, s. 4.
- 19 (40) The Alarm System Licensing Board, as established by G.S. 74D-4.
- 20 (41) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 1011, s.  
21 2.1(c).
- 22 (42) The Crime Victims Compensation Commission, as established by  
23 G.S. 15B-3.
- 24 (43) ~~The North Carolina Marine Science Council, as established by G.S.~~  
25 ~~143B-389.~~ Council on Ocean Affairs, as established by G.S. 143B-  
26 390.10.
- 27 (44) The Child Day-Care Commission, as established by G.S. 143B-  
28 168.3.
- 29 (45) The North Carolina Medical Database Commission, as established  
30 by G.S. 131E-211.
- 31 (45a) The North Carolina Teaching Fellows Commission, as established  
32 by G.S. 115C-363.22.
- 33 (46) The Board of Directors of the North Carolina Arboretum, as  
34 established in G.S. 116-240.
- 35 (47) The North Carolina Agricultural Finance Authority, as established  
36 by G.S. 122D-4.
- 37 (48) Reserved for future codification purposes.
- 38 (49) The Northeastern North Carolina Farmers Market Commission as  
39 established by G.S. 106-720.
- 40 (50) The Southeastern North Carolina Farmers Market Commission as  
41 established by G.S. 106-727.
- 42 (50a) The North Carolina Board of Dietetics/Nutrition as created by  
43 Article 25 of Chapter 90 of the General Statutes.

- 1 (51) The State Building Commission, as established by G.S. 143-  
2 135.25.
- 3 (52) The Commission on School Facility Needs, established by G.S.  
4 115C-489.4.
- 5 (53) The North Carolina Marine Fisheries Commission as established  
6 by G.S. 143B-289.5.
- 7 (54) The North Carolina Low-Level Radioactive Waste Management  
8 Authority, as established by G.S. 104G-5.
- 9 (55) The North Carolina Health Insurance Trust Commission, as  
10 established by G.S. 58-68-10.
- 11 (56) The North Carolina Hazardous Waste Management Commission,  
12 as established by G.S. 130B-6.
- 13 (57) The Information Technology Commission, as established by G.S.  
14 143B-426.21.
- 15 (58) The Real Estate Appraisal Board of the Real Estate Commission  
16 created in G.S. 93A-78."

17 Sec. 34. G.S. 121-9 reads as rewritten:

18 **"§ 121-9. Historic properties.**

19 (a) Administration of Properties Acquired by State. – Historic or archaeological  
20 properties acquired by the State for administration by the State of North Carolina shall  
21 be under the control and administration of the Department of Cultural Resources. Upon  
22 approval of the North Carolina Historical Commission and the Secretary of Cultural  
23 Resources, the Department of Cultural Resources may, in its discretion, make a contract  
24 with any county or municipality within the State or with any nonprofit corporation or  
25 organization for the administration of any portion of such property.

26 (b) Acquisition of Historic Properties. – For the purpose of protecting or  
27 preserving any property of historical, architectural, archaeological, or other cultural  
28 importance to the people of North Carolina, and subject to the provisions of Subchapter  
29 II of Chapter 146 of the General Statutes, the Department may, with the approval of the  
30 North Carolina Historical Commission, acquire, preserve, restore, hold, maintain,  
31 operate, and dispose of such properties, together with such adjacent lands as may be  
32 necessary for their protection, preservation, maintenance, and operation. Such property  
33 may be real or personal in nature, and in the case of real property, the acquisition may  
34 include the fee or any lesser interest therein. Property may be acquired by gift, grant,  
35 bequest, devise, lease, purchase, or condemnation pursuant to the provisions of ~~Article 2~~  
36 ~~of Chapter 40~~ Chapter 40A of the North Carolina General Statutes, or otherwise. Property  
37 may be acquired by the Department, using such funds as may be appropriated for the  
38 purpose or moneys available to it from any other source.

39 (c) Interests Which May Be Acquired. – In the case of real property, the interest  
40 acquired shall be limited to that estate, interest, or term deemed by the Department to be  
41 reasonably necessary for the continued protection or preservation of the property. The  
42 Department may acquire the fee simple title, but where it finds that a lesser interest,  
43 including any development right, negative or affirmative easement in gross or  
44 appurtenant, covenant, lease, or other contractual right of or to any real property to be

1 the most practical and economical method of protecting and preserving historic  
2 property, the lesser interest may be acquired.

3 (d) Conveyance of Property for Preservation Purposes. – In appropriate cases, the  
4 Department may acquire or dispose of the fee or lesser interest to any such property for  
5 the specific purpose of conveying or leasing the property back to its original owner or of  
6 conveying or leasing it to such other person, firm, association, corporation, or other  
7 organization under such covenants, deed restrictions, lease, or other contractual  
8 arrangements as will limit the future use of the property in such a way as to insure its  
9 preservation. Where such action is taken, the property may be conveyed or leased by  
10 private sale. In all cases where property is conveyed, it shall be subjected by covenant  
11 or otherwise to such rights of access, public visitation, and other conditions or  
12 restrictions of operation, maintenance, restoration, and repair as the Department may  
13 prescribe, or to such conditions as may be agreed upon between the Department and the  
14 grantee or lessee to accomplish the purposes of this section.

15 (e) Use of Property so Acquired. – Any historic property acquired, whether in fee  
16 or otherwise, may be used, maintained, improved, restored, or operated by the  
17 Department for any public purpose within its powers and not inconsistent with the  
18 purpose of the continued preservation of the property. The property shall not be subject  
19 to condemnation by the State of North Carolina or any of its agencies or political  
20 subdivisions at any time, unless such method of acquisition is first approved by the  
21 Governor and Council of State.

22 (f) Emergency Acquisition Where Funds Not Immediately Available. – If funds  
23 or contributions for the acquisition of needed historic property are not available, the  
24 Governor and Council of State may, upon the recommendation of the Secretary of  
25 Cultural Resources and approval of the North Carolina Historical Commission, allocate  
26 from the Contingency and Emergency Fund an amount sufficient to acquire an option  
27 on the property or properties, which option shall continue until 90 days after the  
28 adjournment sine die of the next General Assembly. Upon recommendation of the  
29 Secretary and approval of the Historical Commission, the Governor and Council of  
30 State may allocate funds from the Contingency and Emergency Fund for the immediate  
31 acquisition, preservation, restoration, or operation of historically, archaeologically,  
32 architecturally, or culturally important properties. All funds hereinafter appropriated to  
33 purchase, restore, maintain, develop, or operate historic or archaeological or other  
34 important property shall be administered subject to the provisions of Article 1 of  
35 Chapter 143 of the General Statutes unless the statute making the appropriation shall in  
36 specific and express terms provide otherwise.

37 (g) Power to Acquire Property by Condemnation. – In the event that a property  
38 which has been found by the Department of Cultural Resources to be important for  
39 public ownership or assistance is in danger of being sold, used, or neglected to such an  
40 extent that its historical or cultural importance will be destroyed or seriously impaired,  
41 or that the property is otherwise in danger of destruction or serious impairment, the  
42 Department of Cultural Resources, after receiving the approval of the North Carolina  
43 Historical Commission and of the Governor and Council of State, may acquire the  
44 historic property or any interest therein by condemnation under the ~~provision of Article 2~~

1 of Chapter 40 of the General Statutes of North Carolina. provisions of Chapter 40A of the  
2 General Statutes. The Department of Cultural Resources, upon finding that destruction  
3 or serious impairment of the value of the property is imminent, shall file with the  
4 Governor and Council of State a report on the importance of the property and the  
5 desirability of ownership of the property, or the ownership of an interest therein, by the  
6 State of North Carolina. Upon giving their approval, the Governor and Council of State  
7 shall cause to have filed such approval with the clerk of the superior court in the county  
8 or counties where the property is situated. Until the approval is filed, the power of  
9 condemnation may not be exercised. All condemnation proceedings shall be instituted  
10 and prosecuted in the name of the State of North Carolina.

11 (h) Preservation and Custodial Care of State Capitol. – The rotunda, corridors,  
12 and stairways of the first floor of the State Capitol and all portions of the second, third,  
13 and loft floors of the said building shall be placed in the custody of the Department of  
14 Cultural Resources; and the Department shall, subject to the availability of funds for the  
15 purpose, care for and administer these areas for the edification of present and future  
16 generations. The aforesaid areas shall be preserved as historic shrines and shall be  
17 maintained insofar as practicable as they shall appear following the restoration of the  
18 Capitol. The Department of Cultural Resources is authorized to deny the use of the  
19 legislative chambers for meetings in order that they, with their historic furnishings, may  
20 be better preserved for posterity; provided, however, that the General Assembly may  
21 hold therein such sessions as it may by resolution deem proper.

22 The Department of Cultural Resources is hereby entrusted with the responsibilities  
23 herein specified as being the agency with the experience best qualified to preserve and  
24 administer historic properties in a suitable manner. However, for the purposes of  
25 carrying out the provisions of this section, it is hereby directed that such cooperation  
26 and assistance shall be made available to the said Department of Cultural Resources and  
27 such labor supplied, as may be feasible, by the Department of Administration.

28 The offices and working areas of the first floor as well as all washrooms and the  
29 exterior of the Capitol shall remain under the jurisdiction of the Department of  
30 Administration: Provided, however, that the Department of Administration shall seek  
31 the advice of the Department of Cultural Resources in matters relating to any alteration,  
32 renovation, and furnishing of said offices and areas."

33 Sec. 35. G.S. 127A-81(c) reads as rewritten:

34 "(c) The Governor's authority hereunder shall not be subject to regulations  
35 prescribed by the Secretary of Defense. Age and membership requirements for the State  
36 defense militia generally, as set forth in G.S. 127A-80 shall apply. The training of the  
37 cadre need not be in accordance with training regulations issued by the Department of  
38 Defense. The provisions of G.S. ~~127-58~~ ~~[127A-80]~~ 127A-80 (c), (d), (g), (h) and (i) shall  
39 also apply to cadres."

40 Sec. 36. G.S. 131E-51 reads as rewritten:

41 "§ 131E-51. **Applicability.**

42 Garnishment of disposable earnings under this Article ~~48~~ is in lieu of any other  
43 execution against the property of the debtor. Upon the satisfaction of the judgment or  
44 the expiration of the order of garnishment or 60 months from the date of the entry of the

1 order of garnishment, whichever occurs first, the clerk shall mark the judgment paid and  
2 satisfied."

3 Sec. 37. G.S. 131E-184(c) reads as rewritten:

4 "(c) The Department shall exempt from certificate of need review any conversion  
5 of existing acute care beds to psychiatric beds provided:

- 6 (1) The hospital proposing the conversion has executed a contract with the  
7 Department's Division of Mental Health, ~~Mental Retardation,~~  
8 Developmental Disabilities, and Substance Abuse Services and/or one  
9 or more of the Area Mental Health, ~~Mental Retardation, Developmental~~  
10 Disabilities, and Substance Abuse Authorities to provide psychiatric  
11 beds to patients referred by the contracting agency or agencies; and  
12 (2) The total number of beds to be converted shall not be more than twice  
13 the number of beds for which the contract pursuant to subdivision (1)  
14 of this subsection shall provide."

15 Sec. 38. G.S. 133-23(c) reads as rewritten:

16 "(c) The term 'subsidiary' is ~~used as defined in G.S. 55-2(9).~~ shall mean a  
17 corporation with respect to which another corporation by virtue of its shareholdings  
18 alone has legal power, either directly or indirectly through another corporation or series  
19 of other corporations, domestic or foreign, to elect a majority of the directors. A  
20 corporation is a subsidiary of each such corporation, including any corporation through  
21 which this legal power may be indirectly exercised."

22 Sec. 39. G.S. 136-32 reads as rewritten:

23 **"§ 136-32. Other than official signs prohibited.**

24 No unauthorized person shall erect or maintain upon any highway any warning or  
25 direction sign, marker, signal or light or imitation of any official sign, marker, signal or  
26 light erected under the provisions of G.S. ~~136-30 and 136-31,~~ 136-30, except in cases of  
27 emergency. No person shall erect or maintain upon any highway any traffic or highway  
28 sign or signal bearing thereon any commercial advertising: Provided, nothing in this  
29 section shall be construed to prohibit the erection or maintenance of signs, markers, or  
30 signals bearing thereon the name of an organization authorized to erect the same by the  
31 Department of Transportation or by any local authority referred to in G.S. 136-31. Any  
32 person who shall violate any of the provisions of this section shall be guilty of a  
33 misdemeanor and punished in the discretion of the court. The Department of  
34 Transportation may remove any signs erected without authority."

35 Sec. 40. G.S. 136-32.1 reads as rewritten:

36 **"§ 136-32.1. Misleading signs prohibited.**

37 No person shall erect or maintain within 100 feet of any highway right-of-way any  
38 warning or direction sign or marker of the same shape, design, color and size of any  
39 official highway sign or marker erected under the provisions of G.S. ~~136-30 and 136-31,~~  
40 136-30, or otherwise so similar to an official sign or marker as to appear to be an  
41 official highway sign or marker. Any person who violates any of the provisions of this  
42 section is guilty of a misdemeanor and shall be punished by a fine or imprisonment, or  
43 both, in the discretion of the court."

44 Sec. 41. G.S. 136-33 reads as rewritten:

1 **"§ 136-33. Damaging or removing signs; rewards.**

2 (a) No person shall willfully deface, damage, knock down or remove any sign  
3 posted as provided in G.S. ~~136-26, 136-30, or 136-31.~~ 136-26 or G.S. 136-30.

4 (b) No person, without just cause or excuse, shall have in his possession any  
5 highway sign as provided in G.S. ~~136-26, 136-30, or 136-31.~~ 136-26 or G.S. 136-30.

6 (b1) Any person violating the provisions of this section shall be guilty of a  
7 misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or  
8 imprisonment for not more than six months, or both, in the discretion of the court.

9 (c) The Department of Transportation is authorized to offer a reward not to  
10 exceed five hundred dollars (\$500.00) for information leading to the arrest and  
11 conviction of persons who violate the provisions of this section, such reward to be paid  
12 from funds of the Department of Transportation.

13 (d) The enforcement of this section shall be the specific responsibility and duty  
14 of the State Highway Patrol in addition to all other law-enforcement agencies and  
15 officers within this State."

16 Sec. 42. G.S. 143-318.14A(a) reads as rewritten:

17 "(a) Except as provided in subsection ~~(e)~~-(e) below, all official meetings of  
18 commissions, committees, and standing subcommittees of the General Assembly  
19 (including, without limitation, joint committees and study committees), shall be held in  
20 open session. For the purpose of this section, the following also shall be considered to  
21 be 'commissions, committees, and standing subcommittees of the General Assembly':

- 22 (1) The Legislative Research Commission;
- 23 (2) The Legislative Services Commission;
- 24 (3) The Advisory Budget Commission;
- 25 (4) The Joint Legislative Utility Review Committee;
- 26 (5) The Joint Legislative Commission on Governmental Operations;
- 27 (6) The Joint Legislative Commission on Municipal Incorporations;
- 28 (7) The Commission on the Family;
- 29 (8) The Joint Select Committee on Low-Level Radioactive Waste;
- 30 (9) The Environmental Review Commission;
- 31 (10) The Joint Legislative Highway Oversight Committee;
- 32 (11) The Joint Legislative Education Oversight Committee;
- 33 (12) The Joint Legislative Commission on Future Strategies for North  
34 Carolina;
- 35 (13) The Commission on Children with Special Needs;
- 36 (14) The Legislative Committee on New Licensing Boards;
- 37 (15) The Commission on Agriculture, Forestry, and Seafood Awareness;
- 38 (16) The North Carolina Study Commission on Aging; and
- 39 (17) The standing Committees on Pensions and Retirement."

40 Sec. 43. The heading of Part 3 of Article 1 of Chapter 143B reads as  
41 rewritten:

42 **"PART 3. ADMINISTRATIVE RULES REVIEW COMMISSION."**

43 Sec. 44. G.S. 143B-163(d) reads as rewritten:

1       "(d) All State boards, commissions, agencies, divisions, departments, schools,  
2 corporations, or other State-administered associations or entities including the secretary,  
3 director and members of said State boards, agencies, departments, et cetera, which  
4 supervise, administer or control any program for or affecting the citizens of the State of  
5 North Carolina who are now or will become visually handicapped or impaired shall  
6 inform the Consumer and Advocacy Advisory Committee for the Blind of any proposed  
7 change in policy, program, budget, rule, or regulation which will affect the citizens of  
8 North Carolina who are now or will become visually handicapped or impaired. Said  
9 board, commission, et cetera, shall allow the Consumer and Advocacy Advisory  
10 Committee for the Blind, prior to passage, unless such change is made pursuant to G.S.  
11 ~~150B-13~~, 150B-21.1, an opportunity to object to the change and present information and  
12 proposals on behalf of the citizens of North Carolina who are now or will become  
13 visually handicapped or impaired. This subsection shall also apply to all sight  
14 conservation programs of the State of North Carolina."

15       Sec. 45. Part 6 of Article 8 of Chapter 143B of the General Statutes is  
16 repealed.

17       Sec. 46. G.S. 150B-1(e) reads as rewritten:

18       "(e) Exemptions From Contested Case Provisions. – The contested case  
19 provisions of this Chapter apply to all agencies and all proceedings not expressly  
20 exempted from the Chapter. The contested case provisions of this Chapter do not apply  
21 to the following:

- 22       (1) The Department of Human Resources and the Department of  
23 Environment, Health, and Natural Resources in complying with the  
24 procedural safeguards mandated by Section 680 of Part H of Public  
25 Law 99-457 as amended (Education of the Handicapped Act  
26 Amendments of 1986).
- 27       (2) The Governor's Waste Management Board in administering the  
28 provisions of G.S. 104E-6.2 and G.S. 130A-293.
- 29       (3) The North Carolina Low-Level Radioactive Waste Management  
30 Authority in administering the provisions of G.S. 104G-9, 104G-10,  
31 and 104G-11.
- 32       (4) The North Carolina Hazardous Waste Management Commission in  
33 administering the provisions of G.S. 130B-11, 130B-13, and 130B-14.
- 34       (5) Hearings required pursuant to the Rehabilitation Act of 1973, (Public  
35 Law 93-122), as amended and federal regulations promulgated  
36 thereunder. G.S. 150B-51(a) is considered a contested case hearing  
37 provision that does not apply to these hearings.
- 38       (6) The Department of Revenue.
- 39       (7) The Department of Correction.
- 40       (8) The Department of Transportation, except as provided in G.S. 136-29.
- 41       (9) The Occupational Safety and Health Review Board in all actions that  
42 do not involve agricultural employers.

1 (10) The North Carolina Air Cargo Airport Authority with respect ~~to~~ to the  
2 acquisition, construction, operation, or use, including fees or charges,  
3 of any portion of a cargo airport complex."

4 Sec. 47. G.S. 153A-77.1 reads as rewritten:

5 **"§ 153A-77.1. Single portal of entry.**

6 A county may develop for human services a single portal of entry, a consolidated  
7 case management system, and a common data base; provided that if the county is part of  
8 a district health department or a multi-county area mental health, ~~mental-retardation,~~  
9 developmental disabilities, and substance abuse authority, such action must be approved  
10 by the district board of health or the area mental health, ~~mental-retardation,~~  
11 developmental disabilities, and substance abuse board to affect any matter within the  
12 jurisdiction of that board. Nothing in this section shall be construed to abrogate a  
13 patient's right to confidentiality as provided by law."

14 Sec. 48. G.S. 160A-58.28 reads as rewritten:

15 **"§ 160A-58.28. Effect on prior local acts.**

16 This Part does not ~~effect~~-affect Chapter 953, Session Laws of 1983, Chapter 847,  
17 Session Laws of 1985 (1986 Reg. Sess.), or Chapters 204, 233, or 1009, Session Laws  
18 of 1987, authorizing annexation agreements, but any city which is authorized to enter  
19 into agreements by one of those acts may enter into future agreements either under such  
20 act or this Part."

21 Sec. 49. G.S. 161-10(a) reads as rewritten:

22 "(a) Except as provided in G.S. 161-11.1 or G.S. 161-11.2, all fees collected under  
23 this section shall be deposited into the county general fund. In the performance of his  
24 duties, the register of deeds shall collect the following fees which shall be uniform  
25 throughout the State:

26 (1) Instruments in General. – For registering or filing any instrument for  
27 which no other provision is made by this section, whether written,  
28 printed, or typewritten, the fee shall be five dollars (\$5.00) for the first  
29 page, which page shall not exceed 8 1/2 inches by 14 inches, plus two  
30 dollars (\$2.00), for each additional page or fraction thereof. A page  
31 exceeding 8 1/2 inches by 14 inches shall be considered two pages.

32 When a document is presented for registration that consists of  
33 multiple instruments, the fee shall be ten dollars (\$10.00) for each  
34 additional instrument. A document consists of multiple instruments  
35 when it contains two or more instruments with different legal  
36 consequences or intent, each of which is separately executed and  
37 acknowledged and could be recorded alone.

38 (2) Marriage Licenses. – For issuing a license – forty dollars  
39 (\$40.00); for issuing a delayed certificate with one certified copy –  
40 five dollars (\$5.00); and for a proceeding for correction of names in  
41 application, license or certificate, with one certified copy – five  
42 dollars (\$5.00).



- 1 (3) Plats. – For each original or revised plat recorded – nineteen dollars  
2 (\$19.00); for furnishing a certified copy of a plat – three dollars  
3 (\$3.00).
- 4 (4) Right-of-Way Plans. – For each original or amended plan and profile  
5 sheet recorded – five dollars (\$5.00). This fee is to be collected from  
6 the Board of Transportation.
- 7 (5) Registration of Birth Certificate One Year or More after Birth. – For  
8 preparation of necessary papers when birth to be registered in another  
9 county – five dollars (\$5.00); for registration when necessary papers  
10 prepared in another county, with one certified copy – five dollars  
11 (\$5.00); for preparation of necessary papers and registration in the  
12 same county, with one certified copy – ten dollars (\$10.00).
- 13 (6) Amendment of Birth or Death Record. – For preparation of  
14 amendment and affecting correction – two dollars (\$2.00).
- 15 (7) Legitimations. – For preparation of all documents concerned with  
16 legitimations – seven dollars (\$7.00).
- 17 (8) Certified Copies of Birth and Death Certificates and Marriage  
18 Licenses. – For furnishing a certified copy of a death or birth  
19 certificate or marriage license – three dollars (\$3.00). Provided  
20 however, a Register of Deeds may issue without charge a certified  
21 Birth Certificate to any person over the age of 62 years.
- 22 (9) Certified Copies. – For furnishing a certified copy of an instrument for  
23 which no other provision is made by this section – three dollars (\$3.00)  
24 for the first page, plus one dollar (\$1.00) for each additional page or  
25 fraction thereof.
- 26 (10) Comparing Copy for Certification. – For comparing and certifying a  
27 copy of any instrument filed for registration, when the copy is  
28 furnished by the party filing the instrument for registration and at the  
29 time of filing thereof – two dollars (\$2.00).
- 30 (11) Uncertified Copies. – When, as a convenience to the public, the  
31 register of deeds supplies uncertified copies of instruments, or index  
32 pages, he may charge fees that in his discretion bear a reasonable  
33 relation to the quality of copies supplied and the cost of purchasing  
34 and maintaining copying and/or computer equipment. These fees may  
35 be changed from time to time, but the amount of these fees shall at all  
36 times be prominently posted in his office.
- 37 (12) Notarial acts. – For taking an acknowledgment, oath, or affirmation or  
38 performing any other notarial act – the maximum fee set in G.S. 10A-  
39 10. This fee shall not be charged if the act is performed as a part of  
40 one of the services for which a fee is provided by this subsection;  
41 except that this fee shall be charged in addition to the fees for  
42 registering, filing, or recording instruments or plats as provided by  
43 subdivisions (1) and (3) of this subsection.

- 1 (13) Uniform Commercial Code. – Such fees as are provided for in Chapter  
2 25, Article 9, Part 4, of the General Statutes.
- 3 (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.
- 4 (15) Master Forms. – Such fees as are provided for instruments in general.
- 5 (16) Probate. – For certification of instruments for registration as provided  
6 in G.S. 47-14 – one dollar (\$1.00).
- 7 (17) Qualification of Notary Public. – For administering the oaths of office  
8 to a notary public and making the appropriate record entries as  
9 provided in ~~G.S. 10-2~~G.S. 10A-8 – five dollars (\$5.00).
- 10 (18) Reinstatement of Articles of Incorporation. – For filing reinstatements  
11 of Articles of Incorporation prepared pursuant to G.S. 105-232; such  
12 fees as provided for instruments in general. The fee shall be paid by  
13 the corporation affected."

14 Sec. 50. Section 7.3 of Chapter 759 of the 1991 Session Laws reads as  
15 rewritten:

16 "Sec. 7.3. Section 18 of Chapter ~~714-756~~ of the 1991 Session Laws is amended by  
17 deleting the word 'Rowan' and substituting the word 'Davidson'."

18 Sec. 51. Section 7.4 of Chapter 759 of the 1991 Session Laws reads as  
19 rewritten:

20 "Sec. 7.4. Section 20 of Chapter ~~714-756~~ of the 1991 Session Laws is amended by  
21 deleting the phrase 'C.' and substituting the phrase 'G.'"

22 Sec. 51.1. G.S. 128-27(e)(3a), as amended by Section 1 of Chapter 766 of  
23 the 1991 Session Laws, Regular Session 1992, reads as rewritten:

24 "(3a) Notwithstanding the foregoing, should a beneficiary who retired on  
25 a disability retirement allowance be restored to service as an  
26 employee, then the retirement allowance shall cease as of the first  
27 day of the month following the month in which the beneficiary is  
28 restored to service and the beneficiary shall become a member of  
29 the Retirement System and shall contribute thereafter as allowed by  
30 law at the uniform contribution payable by all members. Upon the  
31 subsequent retirement of the beneficiary, he shall be entitled to an  
32 allowance to which he would have been entitled if he were retiring  
33 for the first time, calculated on the basis of his total creditable  
34 service represented by the sum of his creditable service at the time  
35 of his first retirement and his creditable service after he was  
36 restored to service. Provided, however, any election of an optional  
37 allowance cannot be changed unless the member subsequently  
38 completes three years of membership service after being restored to  
39 service."

40 Sec. 51.2. Section 5 of Chapter 767 of the 1991 Session Laws, Regular  
41 Session 1992, reads as rewritten:

42 "~~Sec. 5. Sections 1 and 2 of this act are effective upon ratification.~~ Section 3 of this act  
43 becomes effective July 1, 1981. The remainder of this act is effective upon ratification."

1           Sec. 51.3. Section 12 of Chapter 802 of the 1991 Session Laws, Regular  
2 Session 1992, reads as rewritten:

3           "Sec. 12. Article 3 of Chapter 97 of the General Statutes, G.S. ~~97-106~~97-105 to G.S.  
4 97-122, is repealed."

5           Sec. 51.4. Section 1 of Chapter 827 of the 1991 Session Laws, Regular  
6 Session 1992, is amended by deleting the phrase "~~annual-cumulative~~" and substituting the  
7 phrase "~~cumulative-annual~~" in the last sentence of that section.

8           Sec. 51.5. G.S. 85B-4(g), as amended by Chapter 819 of the 1991 Session  
9 Laws, 1992 Regular Session, is amended by deleting the phrase "renew auction firm  
10 license" and substituting the phrase "renew an auction firm license".

11           Sec. 51.6. Subdivision (5)a. of Section 50 of Title VIII of Chapter 926 of the  
12 1947 Session Laws, as amended by Section 1 of Chapter 830 of the 1991 Session Laws,  
13 reads as rewritten:

14           "a. The diversification of the investments of the ~~System~~System."

15           Sec. 51.7. Section 10 of Chapter 869 of the 1991 Session Laws, Regular  
16 Session 1992, reads as rewritten:

17           "~~Section 10. Effective upon ratification~~ Sec. 10. This act is effective upon ratification."

18           Sec. 51.8. G.S. 47-100 reads as rewritten:

19 **"§ 47-100. Acknowledgments taken by officer who was grantor.**

20           In all cases where a deed or deeds dated prior to the first day of January, ~~1951, 1980,~~  
21 purporting to convey lands, have been registered in the office of the register of deeds of  
22 the county where the lands conveyed in said deed or deeds are located, prior to said first  
23 day of January, ~~1951, 1980,~~ and the acknowledgments or proof of execution of such  
24 deed or deeds has been taken as to some of the grantors by an officer who was himself  
25 one of the grantors named in such deed or deeds, such defective execution,  
26 acknowledgment and proof of execution and probate of such deed or deeds thereon and  
27 the registration thereof as above described, shall be, and the same are hereby declared to  
28 be in all respects valid, and such deed or deeds shall be declared to be in all respects  
29 duly executed, probated and recorded to the same effect as if such officer taking such  
30 proof or acknowledgment of execution had not been named as a grantor therein, or in  
31 anywise interested therein."

32           Sec. 51.9. G.S. 120-47.6(a) reads as rewritten:

33           "(a) Each lobbyist shall file an expense report with the Secretary of State with  
34 respect to each principal within 60 days after the last day of the regular session. This  
35 expense report shall include all expenditures made between January 1 and the last day  
36 of the regular session. The lobbyist shall file a supplemental report including all  
37 expenditures made after the last day of the regular session, but during the calendar year,  
38 by February 28 of the following year. The lobbyist shall file both expense reports  
39 whether or not expenditures are made."

40           Sec. 51.10. G.S. 120-47.7(a) reads as rewritten:

41           "(a) Each lobbyist's principal shall file an expense report with the Secretary of  
42 State within 60 days after the last day of the regular session. This expense report shall  
43 include all expenditures made between January 1 and the last day of the regular session.  
44 The principal shall file a supplemental expense report, including all expenditures made

1 after the last day of the regular session, but during the calendar year, by February 28 of  
2 the following year. The principal shall file both expense reports whether or not  
3 expenditures are made during a reporting period."

4 Sec. 51.11. G.S. 54-109.82(7) reads as rewritten:

5 "(7) In an aggregate amount not to exceed twenty-five percent (25%) of the  
6 allocations to the reserve fund in any agency or association of the type  
7 described in subdivision (2) of this section provided the purposes of  
8 ~~any such~~ the agency or association are designed to assist in establishing  
9 and maintaining liquidity, solvency, and security in credit union  
10 operations."

11 Sec. 51.12. Section 1 of Chapter 904, Session Laws of 1991, is amended by  
12 adding a double quotation mark at the end. Section 2 of that Chapter is amended by  
13 adding a double quotation mark at the beginning of the second line of the section.

14 Sec. 52. This act is effective upon ratification.