

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 1030
HOUSE BILL 1656

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:

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

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

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

~~a., b. Repealed by Session Laws 1991, c. 353, s. 1, effective October 1, 1991.~~

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

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

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

- (1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, ~~mental retardation,~~ developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed ten thousand dollars (\$10,000) for medically related services and fifteen thousand dollars (\$15,000) for other goods or services within a 12-month period; and
- (2) The official entering into the contract or undertaking with the unit or agency does not in his official capacity participate in any way or vote; and
- (3) The total annual amount of undertakings or contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county; and
- (4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, ~~mental retardation,~~ developmental disabilities, and substance abuse board, or public hospital which undertakes or contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such undertakings or contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly."

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

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

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

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

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

"(e) It shall be unlawful for any person other than duly authorized employees of a county, a municipality or the State of North Carolina, including but not limited to, the Department of Social Services, Health, Area Mental Health, ~~Mental Retardation,~~ Developmental Disabilities, and Substance Abuse Authority or Building Inspector to represent to any person that they are duly authorized employees of a county, a municipality or the State of North Carolina or one of the above-enumerated departments and acting upon such representation to perform any act, make any investigation, seek access to otherwise confidential information, perform any duty of said office, gain

access to any place not otherwise open to the public, or seek to be afforded any privilege which would otherwise not be afforded to such person except for such false representation or make any attempt to do any of said enumerated acts. Any person, corporation, or business association violating the provisions of this section shall be guilty of a misdemeanor and upon conviction may be fined or imprisoned at the discretion of the court."

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

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

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

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

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

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

"(n) Every drivers license issued by the Division shall bear thereon the distinguishing number assigned to the licensee and color photograph of the licensee of a size approved by the Commissioner and shall contain the name, age, residence address and a brief description of the licensee, who, for the purpose of identification and as a condition precedent to the validity of the license, immediately upon receipt thereof, shall endorse his or her regular signature in ink upon the same in the space provided for that purpose unless a facsimile of his or her signature appears thereon; provided the requirement that a color photograph of the licensee appear on the license may be waived by the Commissioner upon satisfactory proof that the taking of such photograph violates the religious convictions of the licensee. ~~Drivers'~~ Drivers licenses shall be issued with differing color photographic backgrounds according to the licensee's age at time of issuance for the following age groups:

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

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

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

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

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

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

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

The Division of Motor Vehicles shall issue to the North Carolina Tuberculosis Association, Incorporated, or any local chapter or association of said corporation, for a fee of six dollars (\$6.00) for each plate a permanent registration plate which need not be thereafter renewed for each motor vehicle in the form of a mobile X-ray unit which is owned by said North Carolina Tuberculosis Association, Incorporated, or any local chapter or local association thereof and operated exclusively in this State for the purpose of diagnosis, treatment and discovery of tuberculosis. The initial six dollars (\$6.00) fee required by this section and for this purpose shall be in full payment of the permanent registration plates issued for such vehicle operated as a mobile X-ray unit, and such plates need not thereafter be renewed, and such plates may be transferred as

provided in G.S. 20-78 to replacement vehicles to be used for the purposes above described and for which the plates were originally issued.

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

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

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

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

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

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

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

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

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

(c) A fee of one hundred dollars (\$100.00) shall be paid by all persons enrolling in an alcohol and drug education traffic school program established pursuant to this section. That fee must be paid to an official designated for that purpose and at a time and place specified by the Area Mental Health, ~~Mental Retardation~~ Developmental Disabilities, and Substance Abuse Authority providing the course of instruction in which the person is enrolled, except that if the clerk of court in the county in which the person is convicted agrees to collect the fees, the clerk shall collect all fees for persons convicted in that county. The clerk shall pay the fees collected to the Area Mental Health, ~~Mental Retardation~~ Developmental Disabilities, and Substance Abuse Authority for the catchment area where the clerk is located regardless of the location where the defendant attends the alcohol and drug education traffic school and that authority shall distribute the funds in accordance with the rules and regulations of the Department. The fee must be paid in full within two weeks from the date school attendance is ordered as a condition of probation, unless the court, upon a showing of hardship by the person, allows the person additional time to pay the fee. If the person enrolling in the school demonstrates to the satisfaction of the court that ordered him to enroll in the school that he is unable to pay and his inability to pay is not willful, the court may excuse him from paying the fee.

(d) The Department of Human Resources shall have the authority to approve programs to be implemented by Area Mental Health, ~~Mental Retardation~~ Developmental Disabilities, and Substance Abuse Authorities. Area Mental Health,

~~Mental Retardation~~ Developmental Disabilities, and Substance Abuse Authorities may subcontract for the delivery of alcohol and drug education traffic school program services. The Department shall have the authority to approve budgets and contracts with public and private governmental and nongovernmental bodies for the operation of such schools.

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

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

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

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

"§ 25-8-317. Creditors' rights.

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

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

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

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

(5) Unless otherwise provided by law, a creditor's lien upon the interest of a debtor in a security obtained pursuant to subsection (3) or (4) of this section is not a

restraint on the transfer of the security, free of the lien, to a third party for new value; but in the event of a transfer, the lien applies to the proceeds of the transfer in the hands of the secured party or financial intermediary, subject to any claims having priority.

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

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

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

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

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

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

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

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

"§ 66-64. Violation a misdemeanor.

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

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

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

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

"(b) The contract shall be accompanied by a completed form in duplicate, captioned 'NOTICE OF CANCELLATION', which shall be attached to the contract and easily detachable, and which shall contain in ~~an~~ ~~[at]~~ at least 10-point boldface type the following statement:

'NOTICE OF CANCELLATION

YOU MAY CANCEL THIS CONTRACT, WITHOUT ANY PENALTY OR OBLIGATION, AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE THE CONTRACT IS SIGNED.

IF YOU CANCEL, ANY PAYMENT MADE BY YOU UNDER THIS CONTRACT WILL BE RETURNED WITHIN 10 DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE.

TO CANCEL THIS CONTRACT, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE, OR ANY OTHER WRITTEN NOTICE, TO

..... (Name of Seller)

AT (Address of Seller)

..... (Place of Business) NOT LATER

THAN MIDNIGHT.....(Date).

I HEREBY CANCEL THIS TRANSACTION.

.....
Date Buyer's Signature'.

A copy of the fully completed contract and all other documents the credit repair business requires the consumer to sign shall be given by the credit repair business to the consumer at the time they are signed."

Sec. 20. G.S. 88-12.1(b) reads as rewritten:

"(b) Temporary employment permits shall be issued by the Board provided that the following conditions are satisfied:

- (1) Within six months of having met the classroom hour requirements for registration under this Chapter, the applicant for a temporary employment permit has applied and is qualified to take the Board's examination for registration as an apprentice cosmetologist or registered cosmetologist.
- (2) Except as otherwise provided in subparagraph (3) of this section, a permit issued to the qualifying individual for the first time shall be valid for not more than six months from the date that the permit applicant has met the classroom hour requirements for registration as a cosmetologist or apprentice cosmetologist.
- (3) If the holder of a temporary employment permit does not pass the examination that he took during the period that the permit was valid or within 30 days of permit expiration, and if at the time the examination results are published the permit has expired or will expire within 30 days of such publication, the permit holder may apply to the Board to have the temporary employment permit extended for a period not to exceed three months from the date of publication by the Board of the results of the examination taken and not passed by the individual, provided that the applicant for a permit extension has applied and is qualified to retake the examination within the same ~~six-month~~ three-

month period. A permit shall not be extended more than one time for the same individual."

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

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

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

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

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

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

The Board may take any of the actions specified above in this section when a registered nurse approved to perform medical acts has violated rules governing the performance of medical acts by a registered nurse; provided this shall not interfere with the authority of the Board of Medical Examiners to enforce rules and regulations governing the performance of medical acts by a registered nurse.

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

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

"§ 90-394. Duplicate and replacement certificates.

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

or replacement certificate, and payment of the fee, the Board shall issue a duplicate or replacement certificate."

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

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

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

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

"(c) Certain Governmental Entities. Upon receipt of timely applications for refund, the Secretary of Revenue shall make refunds annually to all governmental entities, as hereinafter defined, of sales and use tax paid under this Article, except under G.S. 105-164.4(4a) and G.S. 105-164.4(4c), by said governmental entities on direct purchases of tangible personal property. Sales and use tax liability indirectly incurred by such governmental entities on building materials, supplies, fixtures and equipment which shall become a part of or annexed to any building or structure being erected, altered or repaired which is owned or leased by such governmental entities shall be construed as sales or use tax liability incurred on direct purchases by such governmental entities, and such entities may obtain refunds of such taxes indirectly paid. The refund provisions contained in this subsection shall not apply to any governmental entities not specifically named herein. In order to receive the refund herein provided for, governmental entities shall file a written request for said refund within six months of the close of the fiscal year of the governmental entities seeking said refund, and such request for refund shall be substantiated by such records, receipts and information as the Secretary may require. No refunds shall be made on applications not filed within the time allowed by this section and in such manner as the Secretary may otherwise require. The term 'governmental entities,' for the purposes of this subsection, shall mean all counties, incorporated cities and towns, water and sewer authorities created and existing under the provisions of Chapter 162A of the General Statutes, lake authorities created by a board of county commissioners pursuant to an act of the General Assembly, sanitary districts, regional councils of governments created pursuant to G.S. 160A-470, area mental health, ~~mental retardation,~~ developmental disabilities, and substance abuse authorities (other than single-county area authorities) established pursuant to Article 4 of Chapter 122C of the General Statutes, district health departments, regional planning and economic development commissions created pursuant to G.S. 158-14, regional sports authorities created pursuant to G.S. 160A-479, regional economic development commissions created pursuant to G.S. 158-8, regional planning commissions created

pursuant to G.S. 153A-391, regional solid waste management authorities created pursuant to G.S. 153A-421, metropolitan sewerage districts and metropolitan water districts in this State, the North Carolina Low-Level Radioactive Waste Management Authority created pursuant to Chapter 104G of the General Statutes, the North Carolina Hazardous Waste Management Commission created pursuant to Chapter 130B of the General Statutes, and the Rockingham County Airport Authority. Notwithstanding the foregoing provisions of this subsection, the constituent institutions of The University of North Carolina may obtain in the manner prescribed by this subsection a refund of sales and use tax paid by them on or after January 1, 1992, for tangible personal property acquired by them through the expenditure of contract and grant funds."

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

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

Every person, firm, or corporation engaged in the business of a carnival company or a show of like kind, including menageries, merry-go-rounds, Ferris wheels, riding devices, circus and similar amusements and enterprises operated and conducted for profit, shall, prior to exhibiting in any county annually staging an agricultural fair, apply to the sheriff of the county in which the exhibit is to be held for a permit to exhibit. The sheriff of the county shall issue a permit without charge; provided, however, that no permit shall be issued if he shall find the requested exhibition date is less than 30 days prior to a regularly advertised agricultural fair and so in conflict with G.S. ~~405-39.105-37.1(d)~~. Exhibition without a permit from the sheriff of the county in which the exhibition is to be held shall constitute a misdemeanor and be punished by a fine or imprisonment, or both, in the discretion of the court: Provided, that nothing contained in this section shall prevent veterans' organizations and posts chartered by Congress or organized and operated on a statewide or nationwide basis from holding fairs or tobacco festivals on any dates which they may select if such fairs or festivals have heretofore been held as annual events."

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

"(h) Decision of the ~~Administration~~ Administrative Law Judge. – Following the hearing, the administrative law judge shall make a decision regarding the issues set forth in subsection (c). The decision shall contain findings of fact and conclusions of law. Notwithstanding the provisions of Chapter 150B of the General Statutes, the decision of the administrative law judge becomes final and not subject to further review unless appealed to the Review Officer as provided in subsection (i). A copy of the administrative law judge's decision shall be served upon each party and a copy shall be furnished to the attorneys of record. The written notice shall contain a statement informing the parties of the availability of appeal and the 30-day limitations period for appeal as set forth in subsection (i)."

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

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

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

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

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

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

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

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

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

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

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

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

"(j) Notwithstanding the **prima facie** evidence of legal residence of an individual derived pursuant to subsection (e), notwithstanding the presumptions of the legal residence of a minor established by common law, and notwithstanding the authority of a judicially determined custody award of a minor, for purposes of this section, the legal residence of a minor whose parents are divorced, separated, or otherwise living apart shall be deemed to be North Carolina for the time period relative to which either parent is entitled to claim and does in fact claim the minor as a dependent ~~pursuant to the North Carolina individual income tax provisions of G.S. 105-149(a)(5).~~ for North Carolina individual income tax purposes. The provisions of this subsection shall pertain only to a minor who is claimed as a dependent by a North Carolina legal resident.

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

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

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

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

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

- (1) The Board of Agriculture, as established by G.S. 106-2.
 - (1a) Not effectuated.
 - (1b) The Administrative Rules Review Commission as established by G.S. 143B-30.1.
- (2) The Art Museum Building Commission, as established by G.S. 143B-59.
- (3) The Governor's Advocacy Council for Persons with Disabilities, as established by G.S. 143B-403.2.
 - (3a) The State Banking Commission, as established by G.S. 53-92.
- (4) The Board of Public Telecommunications Commissioners, as established by G.S. 143B-426.9.
- (5) The Board of Transportation, as established by G.S. 143B-350.
- (6) The Board of Trustees Teachers' and State Employees' Retirement System, as established by G.S. 135-6.
- ~~(6a) The North Carolina Technological Development Authority as created by G.S. 143B-471.~~
- (7) The Coastal Resources Commission, as established by G.S. 113A-104.
- (8) The Environmental Management Commission, as established by G.S. 143B-283.
 - (8a) The Genetic Engineering Review Board, as created by G.S. 106-769.
- (9) The State Fire and Rescue Commission, as established by G.S. 58-78-1.
- (10) The Public Officers and Employees Liability Insurance Commission, as established by G.S. 58-32-1.
- (11) Repealed by Session Laws 1983 (Regular Session, 1984), c. 995, s. 4.
- (12) Repealed by Session Laws 1987, c. 71, s. 4.
- (13) The North Carolina Criminal Justice Education and Training Standards Commission, as established by G.S. 17C-3.

- (14) The North Carolina Housing Finance Agency Board of Directors, as established by G.S. 122A-4.
- (15) The North Carolina Seafood Industrial Park Authority, as established by G.S. 113-315.25.
- (16) Repealed by Session Laws 1985, c. 479, s. 153(b).
- (17) The Board of Trustees of the North Carolina School of Science and Mathematics, as established by G.S. 116-233.
- (18) The North Carolina Board of Science and Technology, as established by G.S. 143B-426.30.
- (19) Repealed by Session Laws 1989, c. 500, s. 107(b).
- (20) Repealed by Session Laws 1989 (Reg. Sess., 1990), c. 1024, s. 23(a).
- (21) The Board of Trustees of the University of North Carolina Center for Public Television, as established by G.S. 116-37.1.
- (22) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, as established by G.S. 143B-147.
- (23) The Governor's Waste Management Board, as established by G.S. 143B-285.12.
- (24) The North Carolina Alcoholism Research Authority, as established by G.S. 122C-431.
- (25) The North Carolina Ports Railway Commission, as established by G.S. 143B-469.
- (25a) The North Carolina Air Cargo Airport Authority as established under G.S. 63A-3.
- (26) The North Carolina State Ports Authority, as established by G.S. 143B-452.
- (27) The Property Tax Commission, as established by G.S. 143B-223.
- (28) The Social Services Commission, as established by G.S. 143B-154.
- (29) The North Carolina State Commission of Indian Affairs, as established by G.S. 143B-407.
- (30) The Wildlife Resources Commission, as established by G.S. 143-240.
- (31) The North Carolina Council for Women, as established by G.S. 143B-393.
- (32) The Board of Trustees of North Carolina Museum of Art, established by G.S. 140-5.13.
- (33) The North Carolina Sheriffs' Education and Training Standards Commission, established by G.S. 17E.
- (33a) Repealed by Session Laws 1987, c. 738, s. 41(d).
- (34) The Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan, as established by G.S. 143B-426.24.
- (34a) Repealed by Session Laws 1989 (Reg. Sess., 1990), c. 1024, s. 23(b).
- (34b) The North Carolina Housing Partnership, as established by G.S. 122E-4.
- (35) The Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan, as established by G.S. 135-39.

- (36) The Milk Commission as established by G.S. 106-266.7.
- (37) The State Board of Chiropractic Examiners as established by G.S. 90-139.
- (38) The North Carolina Manufactured Housing Board, as established by G.S. 143-143.10.
- (39) Repealed by Session Laws 1987, c. 71, s. 4.
- (40) The Alarm System Licensing Board, as established by G.S. 74D-4.
- (41) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 1011, s. 2.1(c).
- (42) The Crime Victims Compensation Commission, as established by G.S. 15B-3.
- (43) ~~The North Carolina Marine Science Council, as established by G.S. 143B-389.~~ Council on Ocean Affairs, as established by G.S. 143B-390.10.
- (44) The Child Day-Care Commission, as established by G.S. 143B-168.3.
- (45) The North Carolina Medical Database Commission, as established by G.S. 131E-211.
- (45a) The North Carolina Teaching Fellows Commission, as established by G.S. 115C-363.22.
- (46) The Board of Directors of the North Carolina Arboretum, as established in G.S. 116-240.
- (47) The North Carolina Agricultural Finance Authority, as established by G.S. 122D-4.
- (48) Reserved for future codification purposes.
- (49) The Northeastern North Carolina Farmers Market Commission as established by G.S. 106-720.
- (50) The Southeastern North Carolina Farmers Market Commission as established by G.S. 106-727.
- (50a) The North Carolina Board of Dietetics/Nutrition as created by Article 25 of Chapter 90 of the General Statutes.
- (51) The State Building Commission, as established by G.S. 143-135.25.
- (52) The Commission on School Facility Needs, established by G.S. 115C-489.4.
- (53) The North Carolina Marine Fisheries Commission as established by G.S. 143B-289.5.
- (54) The North Carolina Low-Level Radioactive Waste Management Authority, as established by G.S. 104G-5.
- (55) The North Carolina Health Insurance Trust Commission, as established by G.S. 58-68-10.
- (56) The North Carolina Hazardous Waste Management Commission, as established by G.S. 130B-6.
- (57) The Information Technology Commission, as established by G.S. 143B-426.21.
- (58) The Real Estate Appraisal Board of the Real Estate Commission created in G.S. 93A-78."

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

"§ 121-9. Historic properties.

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

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

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

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

(e) Use of Property so Acquired. – Any historic property acquired, whether in fee or otherwise, may be used, maintained, improved, restored, or operated by the

Department for any public purpose within its powers and not inconsistent with the purpose of the continued preservation of the property. The property shall not be subject to condemnation by the State of North Carolina or any of its agencies or political subdivisions at any time, unless such method of acquisition is first approved by the Governor and Council of State.

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

(g) Power to Acquire Property by Condemnation. – In the event that a property which has been found by the Department of Cultural Resources to be important for public ownership or assistance is in danger of being sold, used, or neglected to such an extent that its historical or cultural importance will be destroyed or seriously impaired, or that the property is otherwise in danger of destruction or serious impairment, the Department of Cultural Resources, after receiving the approval of the North Carolina Historical Commission and of the Governor and Council of State, may acquire the historic property or any interest therein by condemnation under the ~~provision of Article 2 of Chapter 40 of the General Statutes of North Carolina.~~ provisions of Chapter 40A of the General Statutes. The Department of Cultural Resources, upon finding that destruction or serious impairment of the value of the property is imminent, shall file with the Governor and Council of State a report on the importance of the property and the desirability of ownership of the property, or the ownership of an interest therein, by the State of North Carolina. Upon giving their approval, the Governor and Council of State shall cause to have filed such approval with the clerk of the superior court in the county or counties where the property is situated. Until the approval is filed, the power of condemnation may not be exercised. All condemnation proceedings shall be instituted and prosecuted in the name of the State of North Carolina.

(h) Preservation and Custodial Care of State Capitol. – The rotunda, corridors, and stairways of the first floor of the State Capitol and all portions of the second, third, and loft floors of the said building shall be placed in the custody of the Department of Cultural Resources; and the Department shall, subject to the availability of funds for the purpose, care for and administer these areas for the edification of present and future generations. The aforesaid areas shall be preserved as historic shrines and shall be

maintained insofar as practicable as they shall appear following the restoration of the Capitol. The Department of Cultural Resources is authorized to deny the use of the legislative chambers for meetings in order that they, with their historic furnishings, may be better preserved for posterity; provided, however, that the General Assembly may hold therein such sessions as it may by resolution deem proper.

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

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

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

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

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

"§ 131E-51. Applicability.

Garnishment of disposable earnings under this Article ~~48~~ is in lieu of any other execution against the property of the debtor. Upon the satisfaction of the judgment or the expiration of the order of garnishment or 60 months from the date of the entry of the order of garnishment, whichever occurs first, the clerk shall mark the judgment paid and satisfied."

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

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

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

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

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

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

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

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

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

"§ 136-32.1. Misleading signs prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

"Part 3. ~~Administrative~~-Rules Review Commission."

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

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

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

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

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

- (1) The Department of Human Resources and the Department of Environment, Health, and Natural Resources in complying with the procedural safeguards mandated by Section 680 of Part H of Public Law 99-457 as amended (Education of the Handicapped Act Amendments of 1986).
- (2) The Governor's Waste Management Board in administering the provisions of G.S. 104E-6.2 and G.S. 130A-293.
- (3) The North Carolina Low-Level Radioactive Waste Management Authority in administering the provisions of G.S. 104G-9, 104G-10, and 104G-11.
- (4) The North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B-11, 130B-13, and 130B-14.
- (5) Hearings required pursuant to the Rehabilitation Act of 1973, (Public Law 93-122), as amended and federal regulations promulgated thereunder. G.S. 150B-51(a) is considered a contested case hearing provision that does not apply to these hearings.
- (6) The Department of Revenue.
- (7) The Department of Correction.
- (8) The Department of Transportation, except as provided in G.S. 136-29.
- (9) The Occupational Safety and Health Review Board in all actions that do not involve agricultural employers.
- (10) The North Carolina Air Cargo Airport Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex."

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

"§ 153A-77.1. Single portal of entry.

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

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

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

This Part does not ~~effect~~-affect Chapter 953, Session Laws of 1983, Chapter 847, Session Laws of 1985 (1986 Reg. Sess.), or Chapters 204, 233, or 1009, Session Laws of 1987, authorizing annexation agreements, but any city which is authorized to enter

into agreements by one of those acts may enter into future agreements either under such act or this Part."

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

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

- (1) Instruments in General. – For registering or filing any instrument for which no other provision is made by this section, whether written, printed, or typewritten, the fee shall be five dollars (\$5.00) for the first page, which page shall not exceed 8 1/2 inches by 14 inches, plus two dollars (\$2.00), for each additional page or fraction thereof. A page exceeding 8 1/2 inches by 14 inches shall be considered two pages.
When a document is presented for registration that consists of multiple instruments, the fee shall be ten dollars (\$10.00) for each additional instrument. A document consists of multiple instruments when it contains two or more instruments with different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.
- (2) Marriage Licenses. – For issuing a license – forty dollars (\$40.00); for issuing a delayed certificate with one certified copy – five dollars (\$5.00); and for a proceeding for correction of names in application, license or certificate, with one certified copy – five dollars (\$5.00).
- (3) Plats. – For each original or revised plat recorded – nineteen dollars (\$19.00); for furnishing a certified copy of a plat – three dollars (\$3.00).
- (4) Right-of-Way Plans. – For each original or amended plan and profile sheet recorded – five dollars (\$5.00). This fee is to be collected from the Board of Transportation.
- (5) Registration of Birth Certificate One Year or More after Birth. – For preparation of necessary papers when birth to be registered in another county – five dollars (\$5.00); for registration when necessary papers prepared in another county, with one certified copy – five dollars (\$5.00); for preparation of necessary papers and registration in the same county, with one certified copy – ten dollars (\$10.00).
- (6) Amendment of Birth or Death Record. – For preparation of amendment and affecting correction – two dollars (\$2.00).
- (7) Legitimations. – For preparation of all documents concerned with legitimations – seven dollars (\$7.00).
- (8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license – three dollars (\$3.00). Provided however, a Register of Deeds may issue without charge a certified Birth Certificate to any person over the age of 62 years.

- (9) Certified Copies. – For furnishing a certified copy of an instrument for which no other provision is made by this section – three dollars (\$3.00) for the first page, plus one dollar (\$1.00) for each additional page or fraction thereof.
- (10) Comparing Copy for Certification. – For comparing and certifying a copy of any instrument filed for registration, when the copy is furnished by the party filing the instrument for registration and at the time of filing thereof – two dollars (\$2.00).
- (11) Uncertified Copies. – When, as a convenience to the public, the register of deeds supplies uncertified copies of instruments, or index pages, he may charge fees that in his discretion bear a reasonable relation to the quality of copies supplied and the cost of purchasing and maintaining copying and/or computer equipment. These fees may be changed from time to time, but the amount of these fees shall at all times be prominently posted in his office.
- (12) Notarial acts. – For taking an acknowledgment, oath, or affirmation or performing any other notarial act – the maximum fee set in G.S. 10A-10. This fee shall not be charged if the act is performed as a part of one of the services for which a fee is provided by this subsection; except that this fee shall be charged in addition to the fees for registering, filing, or recording instruments or plats as provided by subdivisions (1) and (3) of this subsection.
- (13) Uniform Commercial Code. – Such fees as are provided for in Chapter 25, Article 9, Part 4, of the General Statutes.
- (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.
- (15) Master Forms. – Such fees as are provided for instruments in general.
- (16) Probate. – For certification of instruments for registration as provided in G.S. 47-14 – one dollar (\$1.00).
- (17) Qualification of Notary Public. – For administering the oaths of office to a notary public and making the appropriate record entries as provided in ~~G.S. 10-2~~G.S. 10A-8 – five dollars (\$5.00).
- (18) Reinstatement of Articles of Incorporation. – For filing reinstatements of Articles of Incorporation prepared pursuant to G.S. 105-232; such fees as provided for instruments in general. The fee shall be paid by the corporation affected."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In all cases where a deed or deeds dated prior to the first day of January, ~~1951, 1980~~, purporting to convey lands, have been registered in the office of the register of deeds of

the county where the lands conveyed in said deed or deeds are located, prior to said first day of January, ~~1951, 1980,~~ and the acknowledgments or proof of execution of such deed or deeds has been taken as to some of the grantors by an officer who was himself one of the grantors named in such deed or deeds, such defective execution, acknowledgment and proof of execution and probate of such deed or deeds thereon and the registration thereof as above described, shall be, and the same are hereby declared to be in all respects valid, and such deed or deeds shall be declared to be in all respects duly executed, probated and recorded to the same effect as if such officer taking such proof or acknowledgment of execution had not been named as a grantor therein, or in anywise interested therein."

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

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

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

"(a) Each lobbyist's principal shall file an expense report with the Secretary of State within 60 days after the last day of the regular session. This expense report shall include all expenditures made between January 1 and the last day of the regular session. The principal shall file a supplemental expense report, including all expenditures made after the last day of the regular session, but during the calendar year, by February 28 of the following year. The principal shall file both expense reports whether or not expenditures are made during a reporting period."

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

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

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

Sec. 51.13. (a) Section 1(2) of Chapter 870, Session Laws of 1991 is amended by deleting "Bunnlevel Rural Fire Insurance District" and substituting "Bunnlevel Rural Fire District".

(b) The title of Chapter 870 of the 1991 Session Laws is amended by deleting "BUNNLEVEL RURAL FIRE INSURANCE DISTRICT" and substituting "BUNNLEVEL RURAL FIRE DISTRICT".

Sec. 51.14. (a) Section 14(h) of Chapter 900 of the 1991 Session Laws reads as rewritten:

"(h) Subsections (a), (f), and (g) of this section become effective on September 1, 1992, except that appointments to the Information Resources Management Commission may be made by the General Assembly at any time after ratification of this act. The remainder of this section becomes effective July 4, ~~15~~, 1992."

(b) Section 14(i) of Chapter 900 of the 1991 Session Laws is repealed.

(c) This section becomes effective July 14, 1992.

Sec. 51.15. G.S. 113A-12(2), as enacted by Sections 5 and 7 of Chapter 945 of the 1991 Session Laws (1992 Regular Session), reads as rewritten:

"(2) An action approved under a general permit issued under G.S. 113A-118.1, 143-215.1(b)(3), or ~~143-215.108(b)(8)~~. ~~143-215.108(c)(8)~~."

Sec. 51.16. The General Statutes Commission will study the requirements of G.S. 47-30(m) and G.S. 89C-26 to determine whether it is possible to provide for a photographic copy of a map to be attached to a deed or other instrument without requiring an original personal signature and original seal as approved by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, while still protecting the public and assuring that maps have not been altered prior to submission for recording. The General Statutes Commission shall report its findings and recommendations to the 1993 General Assembly and shall submit its report not later than January 31, 1993 to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Sec. 52. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of July, 1992.

Henson P. Barnes
President Pro Tempore of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives