

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-456
HOUSE BILL 115

AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-650(b1) reads as rewritten:

"(b1) At the dispositional hearing or a subsequent hearing in the case of a juvenile who has been adjudicated delinquent, undisciplined, abused, neglected, or dependent, if the court finds that it is in the best interest of the juvenile for the parent to be directly involved in the juvenile's treatment, the court may order the parent to participate in medical, psychiatric, psychological, or other treatment of the juvenile. The cost of the treatment shall be paid pursuant to G.S. 7A-647(3)a."

Section 2. G.S. 14-277(a) reads as rewritten:

"(a) No person shall falsely represent to another that he is a sworn law-enforcement officer. As used in this section, a person represents that he is a sworn law-enforcement officer if he:

- (1) Verbally informs another that he is a sworn law-enforcement officer, whether or not the representation refers to a particular agency;
- (2) Displays any badge or identification signifying to a reasonable individual that the person is a sworn law-enforcement officer, whether or not the badge or other identification refers to a particular law-enforcement agency; ~~or~~
- (3) Unlawfully operates a vehicle on a public street, highway or public vehicular area with an operating red light as defined in G.S. ~~20-130.1(a).~~ 20-130.1(a); or
- (4) Unlawfully operates a vehicle on a public street, highway, or public vehicular area with an operating blue light as defined in G.S. 20-130.1(c)."

Section 3. G.S. 15A-401(b) reads as rewritten:

"(b) Arrest by Officer Without a Warrant. --

- (1) Offense in Presence of Officer. -- An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal offense in the officer's presence.

- (2) Offense Out of Presence of Officer. -- An officer may arrest without a warrant any person who the officer has probable cause to believe:
 - a. Has committed a felony; or
 - b. Has committed a misdemeanor, and:
 1. Will not be apprehended unless immediately arrested, or
 2. May cause physical injury to himself or others, or damage to property unless immediately arrested; or
 - c. Has committed a misdemeanor under G.S. 14-72.1, 14-134.3, 20-138.1, or 20-138.2; or
 - d. Has committed a misdemeanor under G.S. 14-33(a), ~~G.S. 14-33(b)(1), or G.S. 14-33(b)(2)~~14-33(c)(1), or 14-33(c)(2) when the offense was committed by a person who is the spouse or former spouse of the alleged victim or by a person with whom the alleged victim is living or has lived as if married.

(3) Repealed by Session Laws 1991, c. 150."

Section 4. G.S. 25-9-105(1)(h), as amended by Section 3 of S.L. 1997-181, reads as rewritten:

"(h) 'Goods' includes all things which are movable at the time the security interest attaches or which are fixtures (G.S. 25-9-313), but does not include money, documents, instruments, investment property, ~~commodity contracts~~, accounts, chattel paper, general intangibles, or minerals or the like (including oil and gas) before extraction. "Goods"also includes standing timber which is to be cut and removed under a conveyance or contract for sale, the unborn young of animals, and growing crops;"

Section 5. G.S. 25-9-312(7), as amended by Section 16 of S.L. 1997-181, reads as rewritten:

"(7) If future advances are made while a security interest is perfected by filing, the taking of possession, or under G.S. 25-9-115 or G.S. 25-9-116 on investment property, the security interest has the same priority for the purposes of subsection (5) or G.S. 25-9-115(5)with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made."

Section 6. G.S. 25-9-303(1) reads as rewritten:

"(1) A security interest is perfected when it has attached and when all of the applicable steps required for perfection have been taken. Such steps are specified in G.S. 25-9-115, 25-9-302, 25-9-304, 25-9-305 and 25-9-306. If such steps are taken before the security interest attaches, it is perfected at the time it attaches."

Section 7. G.S. 28A-18-2(a) reads as rewritten:

"(a) When the death of a person is caused by a wrongful act, neglect or default of another, such as would, if the injured person had lived, have entitled him to an action

for damages therefor, the person or corporation that would have been so liable, and his or their personal representatives or collectors, shall be liable to an action for damages, to be brought by the personal representative or collector of the decedent; and this notwithstanding the death, and although the wrongful act, neglect or default, causing the death, amounts in law to a felony. The personal representative or collector of the decedent who pursues an action under this section may pay from the assets of the estate the reasonable and necessary expenses, not including attorneys' fees, incurred in pursuing the action. At the termination of the action, any amount recovered shall be applied first to the reimbursement of the estate for the expenses incurred in pursuing the action, then to the payment of attorneys' fees, and shall then be distributed as provided in this section. The amount recovered in such action is not liable to be applied as assets, in the payment of debts or legacies, except as to burial expenses of the deceased, and reasonable hospital and medical expenses not exceeding four thousand five hundred dollars (\$4,500) incident to the injury resulting in death, except that the amount applied for hospital and medical expenses shall not exceed fifty percent (50%) of the amount of damages recovered after deducting attorneys' fees. fees, but shall be disposed of as provided in the Intestate Succession Act. All claims filed for such services shall be approved by the clerk of the superior court and any party adversely affected by any decision of said clerk as to said claim may appeal to the superior court in term ~~time~~, but shall be disposed of as provided in the Intestate Succession Act. time."

Section 8. G.S. 41-19(a) reads as rewritten:

"(a) Except as extended by subsection (b) of this section, this Article applies to a nonvested property interest or a power of appointment that is created on or after October 1, 1995. For purposes of this section, a nonvested property interest or a power of appointment created by the exercise of a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable."

Section 9. G.S. 68-42 reads as rewritten:

"§ 68-42. Stock running at large prohibited; certain ponies excepted.

From and after July 1, 1958, it shall be unlawful for any person, firm or corporation to allow his or its horses, cattle, goats, sheep, or hogs to run free or at large along the outer banks of this State. This Article shall not apply to horses known as marsh ponies or banks ponies on Ocracoke Island, Hyde County. This Article shall not apply to horses known as marsh ponies or banks ponies on ~~Shackelford~~ Shackleford Banks between Beaufort Inlet and Barden's Inlet in Carteret County. Saving and excepting those animals known as 'banker ponies' on the island of Ocracoke owned by the Boy Scouts and not exceeding 35 in number."

Section 10. G.S. 68-43 reads as rewritten:

"§ 68-43. Authority of Secretary of Environment, Health, and Natural Resources to remove or confine ponies on Ocracoke Island and ~~Shackelford~~ Shackleford Banks.

Notwithstanding any other provisions of this Article, the Secretary of Environment, Health, and Natural Resources shall have authority to remove or cause to be removed from Ocracoke Island and ~~Shackelford~~ Shackleford Banks all ponies known as banks ponies or marsh ponies if and when he determines that such action is essential to

prevent damage to the island. In the event such a determination is made, the Secretary, in lieu of removing all ponies, may require that they be restricted to a certain area or corralled so as to prevent damage to the island. In the event such action is taken, the Secretary is authorized to take such steps and act through his duly designated employees or such other persons as, in his opinion, he deems necessary and he may accept any assistance provided by or through the National Park Service."

Section 11. G.S. 81A-26(a)(4) reads as rewritten:

"(4) The identity of the commodity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale,".

Section 12. G.S. 90-89(c)15. reads as rewritten:

"15. ~~Psilocyn.~~ Psilocin."

Section 14. G.S. 106-727(b) reads as rewritten:

"(b) The Commission shall consist of nine members, as follows:

- (1) The Commissioner of Agriculture;
- (2) Four members appointed by the General Assembly upon the recommendation of the President Pro Tempore ~~of~~ of the Senate in accordance with G.S. 120-121, one of whom shall be designated to serve as chairman as provided in subsection (d) of this section; and
- (3) Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121."

Section 15. G.S. 106-802(4) reads as rewritten:

"(4) 'Site evaluation' means an investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission. ~~Department of Environment, Health and Natural Resources~~".

Section 16. G.S. 115C-81.2(e) reads as rewritten:

"(e) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by December 31, 1996, and annually thereafter on the comprehensive plan developed under ~~Section 1 of Session Laws 1995 (Reg. Sess., 1996), c. 716, s. 1. subsection (a) of this section.~~ The first report shall include revisions made to the standard course of study, teacher certification standards, and teacher education programs. Subsequent reports shall address the effectiveness, based on factors including improved student performance in reading, of the implementation of the plan. The State Board may make recommendations to the General Assembly in any of its reports."

Section 17. G.S. 115C-302(f) reads as rewritten:

"(f) A teacher may use annual leave, personal leave, or leave without pay to care for a newborn child or for a child placed with the teacher for adoption or foster care.

The leave may be for consecutive workdays during the first 12 months after the date of birth or placement of the child, unless ~~the~~ the teacher and local board of education agree otherwise."

Section 18. G.S. 115D-2.1(b)(3) reads as rewritten:

"(3) The Governor shall appoint to the State Board four members from the State at large and one member from each of the six Trustee Association Regions defined in ~~G.S. 115D-63~~G.S. 115D-62. The initial appointments by the Governor shall be made effective July 1, 1980, or as soon as feasible thereafter. In order to establish regularly overlapping terms, the initial appointments by the Governor shall be made so that three expire June 30, 1981, three expire June 30, 1983, and four expire June 30, 1985. Each subsequent regular appointment by the Governor shall be for a term of six years and until a successor is appointed and qualifies. Any vacancy occurring among his appointees before the expiration of term shall be filled by appointment of the Governor; the member so appointed shall meet the same residential qualification, if any, as the member whom he succeeds and shall serve for the remainder of the unexpired term of that member."

Section 19. G.S. 115D-2.1(d) reads as rewritten:

"(d) No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. Furthermore, no person who within the prior ~~5~~ five years has been an employee of the Department of Community Colleges shall be eligible to serve on the State Board."

Section 20. G.S. 131D-2(a1)(4) reads as rewritten:

"(4) Individuals whose health needs cannot be met in the specific adult care home as determined by the ~~residence~~, residence; and".

Section 21. G.S. 131D-20(6) reads as rewritten:

"(6) 'Group home for developmentally disabled adults' means ~~and an~~ an adult care home which has two to nine developmentally disabled adult residents."

Section 22. G.S. 143B-153(3)b. reads as rewritten:

"b. For the inspection and licensing of adult care homes for aged or disabled persons as provided by G.S. 131D-2(b) and for personnel requirements of staff employed in ~~adult care homes~~ adult care homes;"

Section 23. G.S. 148-32.1(b) reads as rewritten:

"(b) In the event that the custodian of the local confinement facility certifies in writing to the clerk of the superior court in the county in which said local confinement facility is located that the local confinement facility is filled to capacity, or that the facility cannot reasonably accommodate any more prisoners due to segregation requirements for particular prisoners, or that the custodian anticipates, in light of local experiences, an influx of temporary prisoners at that time, or if the local confinement facility does not meet the minimum standards published pursuant to G.S. 153A-221, any

judge of the district court in the district court district as defined in G.S. 7A-133 where the facility is located, or any superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or G.S. 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the facility is located may order that the prisoner be transferred to any other qualified local confinement facility within that district or within another such district where space is available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if the prisoner is a non-violent misdemeanor, which local facility shall accept the transferred prisoner, if the prison population has exceeded a manageable level as provided for in G.S. 148-4.1(a). If no such local confinement facility is available, then any such judge may order the prisoner transferred to such camp or facility as the proper authorities of the Department of Correction shall designate, notwithstanding that the term of imprisonment of the prisoner is 90 days or less. In no event, however, shall a prisoner whose term of imprisonment is less than 30 days be assigned or ordered transferred to any such camp or facility."

Section 24. G.S. 153A-301(a) reads as rewritten:

"(a) The board of commissioners of any county may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities and functions in addition to or to a greater extent than those financed, provided or maintained for the entire county:

- (1) Beach erosion control and flood and hurricane protection works.
- (2) Fire protection.
- (3) Recreation.
- (4) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
- (5) Solid waste collection and disposal systems.
- (6) Water supply and distribution systems.
- (7) Ambulance and rescue.
- (8) Watershed improvement projects, including but not limited to watershed improvement projects as defined in ~~General Statutes Chapter 139~~; Chapter 139 of the General Statutes; drainage projects, including but not limited to the drainage projects provided for by ~~General Statutes Chapter 156~~; Chapter 156 of the General Statutes; and water resources development projects, including but not limited to the federal water resources development projects provided for by ~~General Statutes Chapter 143, Article 21~~. Article 21 of Chapter 143 of the General Statutes.
- (9) Cemeteries.
- (10) Law enforcement if all of the following apply:
 - a. The population of the county is over ~~five hundred thousand~~ 500,000 according to the most recent federal decennial census.
 - b. The county has an interlocal agreement with a city in the county under which the city provides law enforcement services in the entire unincorporated area of the county.

- c. The county will pay to the city the following percentages of the city-county police department budget if there are no significant changes to the city's statutory annexation authority:
1. 9.60% for fiscal years 1995-96 and 1996-97.
 2. 7.60% for fiscal years 1997-98 and 1998-99.
 3. 5.60% for fiscal years 1999-2000 and 2000-2001.
 4. 3.60% for fiscal years 2001-02 and 2002-03.
 5. 1.60% for fiscal years 2003-04 and 2004-05.

Provided, if the difference between the ratio of the population in the unincorporated area to the total population served by the city-county police department and the rate for the current year as stated above is greater than fifteen percent (15%), ~~the~~ the county's agreement to pay such percentages can be amended to reflect that difference."

Section 25. Chapter 261 of the 1995 Session Laws is repealed.

Section 26. Section 2 of Chapter 627 of the 1995 Session Laws reads as rewritten:

"Sec. 2. ~~G.S. 413-133(e)~~ 113-133.1(e) is amended by deleting the words 'Currituck: Session Laws 1959, Chapter 545.'"

Section 27. The Revisor of Statutes is authorized to renumber or reletter those sections and any parts of sections of the General Statutes that have been published in the General Statutes of North Carolina prior to the 1997 Session of the 1997 General Assembly and have a number or letter designation that is not compatible with the General Assembly's computer program database to be implemented in 1997 or 1998. This authority is in addition to the authority contained in G.S. 164-10.

Section 28. Effective January 1, 1998, G.S. 1-339.25(a), as amended by Section 18 of S.L. 1997-83 and Section 1 of S.L. 1997-119, reads as rewritten:

"(a) An upset bid is an advanced, increased or raised bid in a public sale by auction whereby a person offers to purchase real property theretofore sold for an amount exceeding the reported sale price by a minimum of five percent (5%) thereof, but in any event with a minimum increase of seven hundred fifty dollars (\$750.00). ~~the~~ ~~the~~ An upset bid shall be made by delivering to the clerk of superior court, with whom the report of the sale was filed, a deposit in cash or by certified check or cashier's check satisfactory to the clerk in an amount greater than or equal to five percent (5%) of the amount of the upset bid but in no event less than seven hundred fifty dollars (\$750.00). The deposit required by this section shall be filed with the clerk of the superior court, with whom the report of sale was filed, by the close of normal business hours on the tenth day after the filing of the report of sale, and if the tenth day shall fall upon a Sunday or legal holiday or upon a day in which the office of the clerk is not open for the regular dispatch of its business, the deposit may be made on the day following when ~~said~~ ~~the~~ the office is open for the regular dispatch of its business. An upset bid need not be in writing, and the timely deposit with the clerk of the required amount, together with an indication to the clerk as to the sale to which it is applicable, is sufficient to constitute the upset bid, subject to the provisions of subsection (b) of this section."

Section 29. G.S. 20-4.01(27)d1. reads as rewritten:

"d1. Moped. -- ~~Vehicles having~~ A vehicle that has two or three wheels and operable pedals and equipped with wheels, no external shifting device, and a motor which that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface."

Section 30. G.S. 20-28.2(a), as amended by Section 1.1 of S.L. 1997-379, reads as rewritten:

"(a) Meaning of 'Impaired Driving License Revocation'. -- The revocation of a person's driver's license is an impaired driving license revocation if the revocation is pursuant to:

- (1) G.S. 20-13.2, 20-16(a)(8b), 20-16.2, 20-16.5, 20-17(a)(2), 20-17(a)(12), or 20-17.2; or
- (2) G.S. 20-16(a)(7), ~~20-17(1), or 20-17(9),~~ 20-17(a)(1), or 20-17(a)(9), if the offense involves impaired driving."

Section 31. G.S. 20-28.3(a), as enacted by Section 1.2 of S.L. 1997-379, reads as rewritten:

"(a) A motor vehicle that is driven by a person in violation of G.S. 20-138.1 or G.S. 20-138.5 is subject to seizure if at the time of the violation the driver's license of the person driving the motor vehicle was revoked as a result of a prior impaired ~~drivers~~ driving license revocation. The revocation of a person's driver's license is an impaired drivers license revocation for purposes of this section if the revocation is pursuant to:

- (1) ~~G.S. 20-13.2, 20-16(a)(8b), 20-16.2, 20-16.5, 20-17(a)(2), 20-17(a)(12), or 20-17.2; or~~
- (2) ~~G.S. 20-16(a)(7), 20-17(a)(1), or 20-17(a)(9) if the offense involved impaired driving.~~ revocation as defined in G.S. 20-28.2(a)."

Section 32. Effective December 1, 1997, G.S. 20-7(a1), as amended by Section 8 of S.L. 1997-16, reads as rewritten:

"(a1) Motorcycles and mopeds. -- To drive a motorcycle, a person ~~must have~~ shall have:

- (1) ~~a motorcycle learner's permit, a~~ A full provisional license with a motorcycle learner's permit; and a motorcycle endorsement, or a
- (2) A regular driver's license with a motorcycle learner's permit; or
- (3) Either:
 - a. A full provisional license; or
 - b. A regular driver's license, and with a motorcycle endorsement.

Subsection (a2) of this section sets forth the requirements for a motorcycle learner's permit.

To obtain a motorcycle endorsement, a person ~~must~~ shall demonstrate competence to drive a motorcycle ~~by~~ by:

- (1) ~~passing~~ Passing a road test ~~and test;~~
- (2) Passing a written or oral test concerning ~~a motorcycle~~ motorcycles; and
- (3) ~~must pay~~ Paying the fee for a motorcycle endorsement.

Neither a drivers license nor a motorcycle endorsement is required to drive a moped."

Section 33. Effective December 1, 1997, G.S. 20-7(a2), as enacted by Section 9 of S.L. 1997-16, reads as rewritten:

"(a2) Motorcycle Learner's Permit. -- The following persons are eligible for a motorcycle learner's permit:

- (1) A person who is at least 16 years old but less than 18 years old and has ~~a limited provisional license or a full provisional license~~ issued by the Division.
- (2) A person who is at least 18 years old and has a license issued by the Division.

To obtain a motorcycle learner's permit, an applicant ~~must~~ shall pass a vision test, a road sign test, and a written test specified by the Division. A motorcycle learner's permit expires 18 months after it is issued. The holder of a motorcycle learner's permit may not drive a motorcycle with a passenger. ~~The holder of a motorcycle learner's permit who has a limited provisional license may drive the motorcycle only at a time when the license holder could drive a motor vehicle without supervision under G.S. 20-41.~~ The fee for a motorcycle learner's permit is the amount set in G.S. 20-7(l) for a learner's permit."

Section 34. (a) G.S. 20-28.6, as enacted in Section 1.5 of S.L. 1997-379, reads as rewritten:

"§ 20-28.6. Forfeiture of right of registration.

(a) A person convicted of violating G.S. 20-138.1 or G.S. 20-138.5 while the person's drivers license is revoked as a result of a prior impaired drivers license revocation as defined in G.S. 20-28.3 forfeits the right to register or have registered a motor vehicle in the person's name until the person's drivers license is restored. The trial judge at the sentencing hearing on the person's charge of violating G.S. 20-138.1 or G.S. 20-138.5 while the person's drivers license is revoked as a result of a prior impaired drivers license revocation as defined in G.S. 20-28.3 shall order the defendant's rights of registration forfeited for the period the defendant's drivers license is revoked. The defendant shall be ordered to surrender the registration on all motor vehicles registered in the defendant's name to the Division within 10 days of the date of the order. Information in the order pertaining to the registration of motor vehicles shall be transmitted electronically or otherwise by the clerk of superior court to the Division. The Division shall not thereafter register a motor vehicle in the defendant's name until the defendant's drivers license has been restored.

(b) A registered owner other than the operator of the vehicle that is seized pursuant to G.S. 20-28.3 who is not an innocent party pursuant to G.S. 20-28.2 forfeits the right to register or have registered in the person's name the motor vehicle seized, until the drivers license of the person whose driving violation resulted in the motor vehicle being seized is restored. The trial judge on the person's charge of violating G.S. 20-138.1 or G.S. 20-138.5 while the person's drivers license is revoked as a result of a prior impaired drivers license revocation as defined in G.S. 20-28.3 shall order the registered owner's rights of registration for the seized motor vehicle forfeited for the

period the defendant's drivers license is revoked after an opportunity for a hearing and a determination that the requirements of subsections (a) through (c) of G.S. 20-28.2 exist. The registered owner shall be ordered to surrender the registration on the motor vehicle seized to the Division within 10 days of the date of the order. Information in the order pertaining to the registration of motor vehicles shall be transmitted electronically or otherwise by the clerk of superior court to the Division. The Division shall not thereafter register the motor vehicle seized in the registered owner's name until the defendant's drivers license has been restored."

(b) G.S. 20-139.1(b5), as enacted in Section 5.4 of S.L. 1997-379, reads as rewritten:

"(b5) Subsequent Tests Allowed. -- A person may be requested, pursuant to G.S. 20-16.2, to submit to a chemical analysis of the person's blood or other bodily fluid or substance in addition to or in lieu of a chemical analysis of the breath, in the discretion of the charging officer. If a subsequent chemical analysis is requested pursuant to this subsection, the person shall again be advised of the implied consent rights in accordance with G.S. 20-16.2(a). A person's willful refusal to submit to a chemical analysis of the blood or other bodily fluid or substance is a willful refusal under G.S. 20-16.2."

Section 35. G.S. 20-183.8C(b), as amended by Section 7 of S.L. 1997-29, reads as rewritten:

"(b) Type II. -- It is a Type II violation for an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic to do any of the following:

- (1) Use the identification code of another to gain access to an emissions analyzer.
- (2) Keep inspection stickers and other compliance documents in a manner that makes them easily accessible to individuals who are not inspection mechanics.
- (3) Put an emissions inspection sticker on a vehicle that is required to have one of the following emissions control devices but does not have it:
 - a. Catalytic converter.
 - b. PCV valve.
 - c. Thermostatic air control.
 - d. Oxygen sensor.
 - e. Unleaded gas restrictor.
 - f. Gasoline tank cap.
 - g. Air injection system.
 - h. Evaporative emissions system.
 - i. Exhaust gas recirculation (EGR) valve.
- (4) Put an emissions inspection sticker on a vehicle without performing a visual inspection of the vehicle's exhaust system and checking the exhaust system for leaks.
- (5) Impose no fee for an emissions inspection of a vehicle or the issuance of an emissions inspection sticker or impose a fee for one of these

actions in an amount that differs from the amount set in ~~G.S. 20-187.3.~~
G.S. 20-183.7."

Section 36. G.S. 20-376(1) reads as rewritten:

"(1) Federal safety regulations. -- The federal motor carrier safety regulations contained in 49 ~~U.S.C. Subchapter B, Parts 350 through 399.~~ C.F.R. Parts 382 and 390 through 398."

Section 37. G.S. 20-381(1a) reads as rewritten:

"(1a) To set safety standards for vehicles of motor carriers engaged in foreign, interstate, or intrastate commerce over the highways of this State and for the safe operation of these vehicles. The Division may ~~stop and inspect a vehicle stop, enter upon, and perform inspections of~~ motor carriers' vehicles in operation to determine if it is in compliance with these standards and may conduct any investigations and tests it finds necessary to promote the safety of equipment and the safe operation on the highway of these vehicles."

Section 38. G.S. 20-381(3) reads as rewritten:

"(3) To relieve the highways of all undue burdens and safeguard traffic thereon by adopting and enforcing rules and orders designed and calculated to minimize the dangers attending transportation on the highways of all hazardous ~~materials.~~ materials and other commodities."

Section 39. Effective June 27, 1997, G.S. 53-212.1, as amended by Section 2.1 of S.L. 1997-241, reads as rewritten:

"§ 53-212.1. Bank agent for deposit institution affiliate.

A bank may act as the agent of any depository institution affiliate in receiving deposits, renewing time deposits, closing loans, servicing loans, and receiving payments on loans and other obligations, without being deemed a branch of such affiliate, in accordance with Section 101(d) of the Reigle-Neal Interstate Banking and Branching Efficiency Act of 1994. An affiliate for the purposes of this section shall include (i) an affiliate as defined in Section 2(k) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. § 1841(k)), and (ii) an affiliate as defined in Section 23A(b)(1) of the Federal Reserve Act, as amended (~~12 U.S.C. § 37c(b)(1)) (but (12 U.S.C. § 371c(b)(1)), but~~ without regard to whether the bank or the affiliate is a member of the Federal Reserve ~~System).~~ System."

Section 40. (a) The catch line for G.S. 58-51-61, as enacted in Section 1 of S.L. 1997-312, reads as rewritten:

"~~§ 58-51-61.~~ § 58-51-62. Coverage for reconstructive breast surgery resulting from mastectomy."

(b) G.S. 58-50-155(a2), as enacted in Section 4 of S.L. 1997-312, reads as rewritten:

"(a2) Notwithstanding G.S. 58-50-123(c), the standard health plan developed and approved under G.S. 58-50-125 shall provide coverage for reconstructive breast surgery resulting from a mastectomy at least equal to the coverage required by ~~G.S. 58-51-61.~~ G.S. 58-51-62."

(c) Subsection (a) of this section is effective retroactively to July 10, 1997. Subsection (b) of this section becomes effective January 1, 1998.

Section 41. If Senate Bill 843 of the 1997 General Assembly becomes law, G.S. 58-31-45 reads as rewritten:

"§ 58-31-45. Report required of Commissioner.

The Commissioner must submit to the Governor a full report of his official action under this Article, with such recommendations as commend themselves to ~~him, and it shall be embodied in or attached to his biennial report to the General Assembly.~~ him."

Section 42. G.S. 58-68-45(b)(3), as enacted by S.L. 97-259, reads as rewritten:

"(3) Violation of participation or contribution rules. -- The policyholder has failed to comply with a material plan provision relating to employer contribution or group participation rules, as permitted under ~~G.S. 58-68-40(e)~~ G.S. 58-68-40(d) in the case of the small group market or pursuant to this Chapter in the case of the large group market."

Section 43. (a) G.S. 105-305(b), (d), and (e) are repealed.

(b) This section becomes effective July 1, 1997.

Section 43.1. (a) If Senate Bill 929, 1997 Session becomes law, then G.S. 110-91(1) as rewritten by Section 8 of that act reads as rewritten:

"(1) Medical Care and Sanitation. -- The Commission for Health Services shall adopt rules which establish minimum sanitation standards for child care centers and their personnel. The sanitation rules adopted by the Commission for Health Services shall cover such matters as the cleanliness of floors, walls, ceilings, storage spaces, utensils, and other facilities; adequacy of ventilation; sanitation of water supply, lavatory facilities, toilet facilities, sewage disposal, food protection facilities, bactericidal treatment of eating and drinking utensils, and solid-waste storage and disposal; methods of food preparation and serving; infectious disease control; sleeping facilities; and other items and facilities as are necessary in the interest of the public health. The Commission for Health Services shall allow child care ~~facilities~~ centers to use domestic kitchen equipment, provided appropriate temperature levels for heating, cooling, and storing are maintained. Child care centers that fry foods shall use commercial hoods. These rules shall be developed in consultation with the Department.

The Commission shall adopt rules for child care facilities to establish minimum requirements for child and staff health assessments and medical care procedures. These rules shall be developed in consultation with the Department of Environment, Health, and Natural Resources. Each child shall have a health assessment before being admitted or within 30 days following admission to a child care facility. The assessment shall be done by: (i) a licensed physician, (ii) the physician's authorized agent who is currently approved by the North Carolina Medical Board, or comparable certifying board in any state

contiguous to North Carolina, (iii) a certified nurse practitioner, or (iv) a public health nurse meeting the Department of Environment, Health, and Natural Resources' Standards for Early Periodic Screening, Diagnosis, and Treatment Program. However, no health assessment shall be required of any staff or child who is and has been in normal health when the staff, or the child's parent, guardian, or full-time custodian objects in writing to a health assessment on religious grounds which conform to the teachings and practice of any recognized church or religious denomination.

Organizations that provide prepared meals to child care centers only are considered child care centers for purposes of compliance with appropriate sanitation standards."

(b) This section becomes effective at the same time as Section 8 of Senate Bill 929, 1997 Session becomes effective.

Section 44. G.S. 113-291.3(b)(8), as enacted by Section 15 of S.L. 1997-142, reads as rewritten:

"(8) ~~The sale of the~~ edible parts of deer raised domestically in another state may be transported into this State and resold as a meat product for human consumption when the edible parts have passed inspection in the other state by that state's inspection agency or the United States Department of Agriculture."

Section 45. G.S. 120-34(a) reads as rewritten:

"(a) The Legislative Services Commission shall publish all laws and joint resolutions passed at each session of the General Assembly. The laws and joint resolutions shall be kept separate and indexed separately. Each volume shall contain a certificate from the Secretary of State stating that the volume was printed under the direction of the Legislative Services Commission from ratified acts and resolutions on file in the Office of the Secretary of State. The Commission may publish the Session Laws and House and Senate Journals of extra and special sessions of the General Assembly in the same volume or volumes as those of regular sessions of the General Assembly. In printing, the signatures of the presiding officers and the Governor shall be omitted.

The enrolling clerk or the Legislative Services Office shall assign to each bill that becomes law a number in the order the bill became law, and the laws shall be printed in the Session Laws in that order. The number shall be preceded by the ~~letters 'S.L.'~~ phrase 'Session Law' or the letters 'S.L.' followed by the calendar year it was ordered enrolled, followed by a hyphen and the sequential law number. Laws of Extra Sessions shall so indicate. In the case of any bill required to be presented to the Governor, and which became law, the Session Laws shall carry, below the date of ratification, editorial notes as to what time and what date the bill became law. In any case where the Governor has returned a bill to the General Assembly with objections, those objections shall be printed verbatim in the Session Laws, regardless of whether or not the bill became law notwithstanding the objections."

Section 46. (a) G.S. 120-70.80 reads as rewritten:

"§ 120-70.80. Creation and membership of Joint Legislative Education Oversight Committee.

The Joint Legislative Education Oversight Committee is established. The Committee consists of 16 members as follows:

- (1) Eight members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and
- (2) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1991 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

(b) G.S. 120-70.82(a) reads as rewritten:

"(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Education Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs."

Section 47. G.S. 122C-261(d) reads as rewritten:

"(d) If the affiant is a physician or eligible psychologist, the affiant may execute the affidavit before any official authorized to administer oaths. This affiant is not required to appear before the clerk or magistrate for this purpose. This affiant's examination shall comply with the requirements of the initial examination as provided in G.S. 122C-263(c). If the physician or eligible psychologist recommends outpatient commitment and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for outpatient commitment, the clerk or magistrate shall issue an order that a hearing before a district court judge be held to determine whether the respondent will be involuntarily committed. ~~If a physician or eligible psychologist recommends outpatient commitment, the clerk or magistrate~~ The physician or eligible psychologist shall provide the respondent with written notice of any scheduled appointment and the name, address, and telephone number of the proposed outpatient treatment physician or center. If the physician or eligible psychologist recommends inpatient commitment and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for inpatient commitment, the clerk or magistrate shall issue an order for transportation to or custody at a 24-hour facility described in G.S. 122C-252. However, if the clerk or magistrate finds probable cause to believe that the respondent, in addition to being mentally ill, is also mentally retarded, the clerk or magistrate shall contact the area authority before issuing the order and the area authority

shall designate the facility to which the respondent is to be transported. If a physician or eligible psychologist executes an affidavit for inpatient commitment of a respondent, a second physician shall be required to perform the examination required by G.S. 122C-266."

Section 48. G.S. 130A-412.1(g), as enacted by Section 2 of S.L. 1997-192, reads as rewritten:

"(g) Hospitals and hospital personnel shall not be subject to civil or criminal liability nor to discipline for unprofessional conduct for actions taken in good faith to comply with this section. This subsection shall not provide immunity from a civil liability arising from gross negligence."

Section 49. (a) G.S. 131E-146(1) reads as rewritten:

"(1) 'Ambulatory surgical facility' means a facility designed for the provision of ~~an ambulatory surgical program~~ a specialty ambulatory surgical program or a multispecialty ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least ~~one~~ two designated operating ~~room~~ rooms and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient. An ambulatory surgical facility may be operated as a part of a physician or dentist's office, provided the facility is licensed under G.S. Chapter 131E, Article 6, Part D, but the performance of incidental, limited ambulatory surgical procedures which do not constitute an ambulatory surgical program as defined in subdivision (1a) and which are performed in a physician or dentist's office does not make that office an ambulatory surgical facility."

(b) This section conforms the definition of the term "ambulatory surgical facility" in the Ambulatory Surgical Facility Licensure Act to the definition of the same term in G.S. 131E-176, to reflect the amendment made to that statute by Section 2 of Chapter 7 of the 1993 Session Laws. However, ambulatory surgical facilities with only one operating room developed prior to the effective date of Chapter 7 of the 1993 Session Laws may still be licensed as if this section had not been enacted.

Section 50. Effective October 1, 1997, G.S. 143-215.84(e), as enacted by Section 4 of S.L. 1997-394, reads as rewritten:

"(e) (f) In order to reduce or eliminate the danger to public health or the environment posed by a discharge or release of oil or a hazardous substance, an owner, operator, or other responsible party may impose restrictions on the current or future use of the real property comprising any part of the site if the restrictions meet the requirements of this subsection. The restrictions must be agreed to by the owner of the real property, included in a remedial action plan for the site that has been approved by the Secretary, and implemented as a part of the remedial action program for the site. The Secretary

may approve restrictions included in a remedial action plan in accordance with standards determined: (i) pursuant to rules for remediation of soil or groundwater contamination adopted by the Commission; (ii) with respect to the cleanup of a discharge or release from a petroleum underground storage tank, pursuant to rules adopted by the Commission pursuant to G.S. 143-215.94V; or (iii) as provided in G.S. 130A-310.3(d). Restrictions may apply to activities on, over, or under the land, including, but not limited to, use of groundwater, building, filling, grading, excavating, and mining. Any approved restriction shall be enforced by any owner, operator, or other party responsible for the oil or hazardous substance discharge site. Any land-use restriction may also be enforced by the Department through the remedies provided in this Article, Part 2 of Article 1 of Chapter 130A of the General Statutes, or by means of a civil action. The Department may enforce any land-use restriction without first having exhausted any available administrative remedies. A land-use restriction may also be enforced by any unit of local government having jurisdiction over any part of the site. A land-use restriction shall not be declared unenforceable due to lack of privity of estate or contract, due to lack of benefit to particular land, or due to lack of any property interest in particular land. Any person who owns or leases a property subject to a land-use restriction under this Part shall abide by the land-use restriction."

Section 51. Section 8 of Chapter 1436 of the 1957 Session Laws, as rewritten by Section 6 of Chapter 622 of the 1981 Session Laws and by Section 1 of S.L. 1997-163, reads as rewritten:

"Sec. 8. To obtain a license for either a stationary bush blind or a floating bush blind, the applicant shall apply in writing to the clerk to the Game Commission enclosing:

- (1) Twenty-five dollars (\$25.00) if the applicant is a resident of North Carolina; or
- (2) Two hundred fifty dollars (\$250.00) if the applicant is not a resident of North Carolina.

In addition to ~~the~~ this nonrefundable application fee, each application shall be accompanied by a nonrefundable processing fee of ten dollars (\$10.00). Applicants shall submit proof of North Carolina residency along with each application.

Applicants who are not residents of North Carolina but who were the holders of licensed blinds for the 1996-97 waterfowl season shall be charged as North Carolina residents for all subsequent renewals of that application. However, this exemption terminates if the blind license is not renewed during any subsequent annual renewal period and is not transferable to any different blind location.

Float blinds when licensed shall bear the license number or tag, and the same shall be displayed in a prominent or conspicuous place upon the blind."

Section 52. Section 1 of S.L. 1997-11 reads as rewritten:

"Section 1. That part of Section 1 of Chapter 6 7 of the Session Laws of the 1991 Extra Session which rewrote G.S. 163-201(a) is repealed."

Section 53. Section 1 of S.L. 1997-97 reads as rewritten:

"Section 1. ~~Subsection (f) of Chapter 33 of the 1993 Session Laws~~ G.S. 113-291.9(g) is repealed."

Section 54. The prefatory language of Section 1 of S.L. 1997-172 reads as rewritten:

"Section 1. The title of Article 5 of Chapter ~~30~~ 130A of the General Statutes reads as rewritten:".

Section 55. Section 7(a) of S.L. 1997-221 is amended by adding quotation marks at the end.

Section 55.1. Section 3 of S.L. 1997-323 reads as rewritten:

"Section 3. Agreements under Section 1 of this act apply only to the following described properties:

TRACT I:

All that certain tract or parcel of land lying and being situated in Chocowinity Township, Beaufort County, North Carolina, and being more particularly described as follows:

Beginning at a point in the southern right-of-way line of NCSR 1166 (Whichards Beach Road); said point being located the following courses and distances from a concrete monument located at the southeasterly corner of the subdivision known as Harbor Estates, as shown on a plat thereof recorded in plat Cabinet A, Slide 113A in the office of the Register of Deeds of Beaufort County, North Carolina (said concrete monument also being the southwesterly corner of Tract II described below): South 35° 52' 54"East 62.93 feet; South 36° 20' 33"West 30.61 feet; and South 64° 01' 09"East 16.66 feet to a point. THENCE FROM SAID POINT OF BEGINNING BEING SO LOCATED, along and with the southern right-of-way line of Whichards Beach Road South 64° 01' 03"East 132.39 feet to a point; thence south 64° 00' 52"East 49.07 feet to a point, thence South 64° 01' 18"East 50.66 feet to a point; thence South 64° 01' 12"East 220.27 feet to a point; thence South 64° 01' 09"East 45.61 feet to a point; thence continuing along and with the southern right-of-way line of NCSR 1166 with a curve to the right in a southeastwardly direction which has a chord bearing and distance of South 57° 55' 13"East 341.99 feet to a point; thence South 51° 52' 17"East 22.40 feet to a point; thence continuing South 51° 52' 17"East 300.00 feet to a point in the southern right-of-way line of NCSR 1166 (all previous calls being along and with the southern right-of-way line of NCSR 1166); thence leaving NCSR 1166 South 38° 00' 08"West 140.26 feet to a point; thence South 51° 52' 37"East 31.00 feet to a point; thence South 51° 52' 19"East 131.00 feet to a point; thence South 38° 00' 08"West 50.00 feet to a point; thence North 51° 59' 55"West 21.00 feet to a point; thence South 37° 50' 26"West 137.56 feet to a point; thence South 52° 57' 27"East 107.66 feet to a point; thence South 35° 48' 31"West, 49.16 feet to a point; thence South 37° 39' 39"West 149.73 feet to a point; thence continuing South 37° 39' 39"West 18.38 feet to a point in a ditch; thence along and with said ditch the following courses: North 56° 10' 32"West 114.97 feet to a point; North 57° 56' 27"West 120.08 feet to a point; thence North 59° 09' 12"West 105.20 feet to a point; thence North 57° 02' 11"West 105.33 feet to a point; thence North 64° 27' 40"West 506.54 feet to a point; thence North 56° 33' 24"West 99.24 feet

to a point; thence North 48° 59' 54"West 220.23 feet to a point; thence North 47° 02' 51"West 145.55 feet to a point; thence North 36° 19' 37"East 158.65 feet to a point; thence North 36° 20' 38"East 20.00 feet to a point; thence North 36° 19' 33"East 51.10 feet to a point; thence North 36° 20' 24"East 24.66 feet to a point; thence North 36° 20' 20"East 100.34 feet to a point; thence North 36° 20' 41"East 166.95 feet to a point; thence with a curve to the right (which curve has a radius of 20 feet, a chord bearing and distance of North 76° 08' 47"East 25.60 feet, and an arc distance of 27.78 feet) to the point of beginning.

TRACT II:

All that certain tract or parcel of land lying and being situate in Chocowinity Township, Beaufort County, North Carolina, and being more particularly described as follows: Beginning at an existing concrete monument in the northern right-of-way line of NCSR 1166 (Whichard's Beach Road), said concrete monument being also the southeasterly corner of the subdivision known as Harbor Estates, as shown on a plat thereof recorded in Plat Cabinet A, Slide 113A in the office of the Register of Deeds of Beaufort County, North Carolina. THENCE FROM SAID POINT OF BEGINNING BEING SO LOCATED, North 30° 36' 00"East 375.64 feet to a point; thence North 30° 36' 00"East 17.0 feet to a point in a canal; thence continuing with the canal North 48° 42' 00"East 23.43 feet to a point; thence continuing with the canal North 30° 26' 00"East 476.44 feet to a point; thence North 31° 42' 00"East 427.85 feet to a point in the mean high water line of the Pamlico River; thence along and with the mean high water line of the Pamlico River the following courses and distances: North 71° 11' 00"East 88.88 feet to a point; thence North 78° 57' 00"East 77.78 feet to a point; thence North 51° 09' 00"East 53.88 feet to a point; thence South 21° 39' 00"East 42.48 feet to a point; thence South 55° 23' 00"East 82.19 feet to a point; thence North 65° 06' 00"East 38.64 feet to a point; thence South 45° 07' 00"East 146.64 feet to a point; thence South 59° 32' 00"East 106.73 feet to a point; thence South 65° 56' 46"East 91.98 feet to a point; thence South 87° 44' 21"East 82.14 feet to a point; thence South 83° 21' 00"East 96.80 feet to a point; thence North 78° 56' 00"East 251.10 feet to a point; thence South 63° 13' 00"East 91.37 feet to a point; thence South 63° 13' 00"East 182.56 feet to a point; thence South 63° 13' 00"East 107.00 feet to a point; thence leaving said river South 38° 18' 41"West 21.94 feet to a concrete monument; thence continuing South 38° 18' 41"West 701.64 feet to a concrete monument; thence continuing South 38° 18' 41"West 64.72 feet to a concrete monument; thence continuing South 38° 18' 41"West 108.03 feet to a concrete monument; thence South 38° 18' 41"West 106.26 feet to a concrete monument; thence continuing South 38° 18' 41"West 104.29 feet to a concrete monument; thence continuing South 38° 18' 41"West 102.43 feet to a concrete monument; thence South 38° 18' 41"West 127.21 feet to a concrete monument; thence South 38° 18' 41"West 35.74 feet to a concrete monument; thence South 38° 18' 41"West 63.98 feet to a concrete monument; thence continuing South 38° 18' 41"West 99.54 feet to a concrete monument; thence continuing South 38° 18' 41"West 99.16 feet to a concrete monument; thence continuing South 38° 18' 41"West 106.40 feet to a concrete

monument in the northern right-of-way line of NCSR 1166; thence continuing along and with the northern right-of-way line of NCSR 1166 along a curve to the left in a northwestwardly direction to a point (which curve has a chord bearing and distance of North 51° 41' 19"West 100.00 feet); thence continuing along and with the northern right-of-way line of NCSR 1166 along a curve to the left in a northwestwardly direction to a point (which curve has a chord bearing and distance of North 55° 31' 51"West 396.18 feet); thence continuing along and with the northern right-of-way line of NCSR 1166 North 62° 36' 41"West 58.52 feet to a point; thence continuing along and with the northern right-of-way line of NCSR 1166 North 63° 28' 00"West 100.00 feet to a point; thence continuing along and with the northern right-of-way line of NCSR 1166 North 64° 04' 00"West 470.44 feet to the point or place of beginning. Together with all property lying between the northern property line of the above-described property, the eastern and western property line of the above-described property extended in a northeasterly direction to the mean high water line of the Pamlico River and the mean high water line of the southern shore of the Pamlico River.

TRACT III:

All that certain tract or parcel of land lying and being situate in Chocowinity Township, Beaufort County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing concrete monument located in the northern right-of-way line of NCSR 1166 (Whichard's Beach Road - 60 ft. right-of-way), said point being located South 59° 50' 02"East 1121.46 feet from the existing concrete monument at the southeast corner of Harbour Estates on the northern right-of-way line of NCSR 1166. Said point of beginning also being the southeast corner of the property of Fountain Powerboats, Inc., described in Deed Book 844, Page 519. THENCE FROM SAID POINT OF BEGINNING SO LOCATED, North 38° 18' 41"East 205.53 feet to an existing concrete monument; thence continuing North 38° 18' 41"East 99.54 feet to an existing concrete monument; thence continuing North 38° 18' 41"East 99.57 feet to an existing concrete monument; thence continuing North 38° 18' 41"East 127.20 feet to an existing concrete monument; thence North 38° 18' 41"East 102.41 feet to an existing concrete monument; thence continuing North 38° 18' 41"East 363.45 feet to an existing concrete monument; thence continuing North 38° 18' 41"East 723.64 feet more or less to the mean highwater line on the southern shoreline of the Pamlico River; thence along and with the mean highwater line on the southern shoreline of the Pamlico River South 03° 46' 08"East 35.33 feet to a point; thence South 31° 43' 09"West 1,725.69 feet more or less to the northern right-of-way line of NCSR 1166; thence continuing along and with the northern right-of-way line of NCSR 1166 North 51° 54' 27"West 221.81 feet to the point or place of beginning, said property containing approximately 4.84 acres. The above description is from a survey by W. C. Owen of Quible and Associates, P.C.

Section 55.2. Resolution 30 of the 1997 Session Laws is amended by deleting "October 18, 1993;" where it appears in the Resolution, and substituting "October 28, 1993;".

Section 55.2A. If House Bill 87, 1997 Regular Session is enacted, then G.S. 66-58(b)(8) as rewritten by that act reads as rewritten:

"(8) The Greater University of North Carolina with regard to its utilities and other services now operated by it nor to the sale of articles produced incident to the operation of instructional departments, articles incident to educational research, articles of merchandise incident to classroom work, meals, books, or to articles of merchandise not exceeding twenty-five cents (25¢) in value when sold to members of the educational staff or staff auxiliary to education or to duly enrolled students or occasionally to immediate members of the families of members of the educational staff or of duly enrolled students nor to the sale of meals or merchandise to persons attending meetings or conventions as invited guests nor to the operation by the University of North Carolina of an inn or hotel and dining and other facilities usually connected with a hotel or inn, nor to the hospital and Medical School of the University of North Carolina, nor to the Coliseum of North Carolina State University at Raleigh, ~~nor to the Centennial Campus of North Carolina State University at Raleigh, and the other schools and colleges for higher education maintained or supported by the State, nor to the Centennial Campus of North Carolina State University at Raleigh,~~ nor to the comprehensive student health services or the comprehensive student infirmaries maintained by the constituent institutions of the University of North Carolina."

Section 55.2B. Section 3 of S.L. 1997-337 reads as rewritten:

"Section 3. This act is effective when it becomes law. ~~law, expires 1 July 2000, and applies to permits granted and applications submitted prior to 1 July 2000. Any permits granted or applications issued prior to July 1, 2000 shall be transferable.~~"

Section 55.3. Section 5.8 of Senate Bill 727, 1997 Regular Session, as enacted, reads as rewritten:

"Section 5.8. The amendment to G.S. 55-1-22(a)(23), made by Section 5.1 of this act, becomes effective January 1, 1998, and applies to tax years ending on or after December 31, 1997. The remaining changes made by Section 5.1 of this act become effective ~~September-October 1, 1997. Sections 5.2 and 5.3 of this act become effective September-October 1, 1997. Sections 5.4 through 5.7 of this act become effective September-November 1, 1997.~~"

Section 55.4. Section 13 of S.L. 1997-430 reads as rewritten:

"Section 13. ~~G.S. 115C-238.29F(e)(4), as amended by Section 5 of this act, is effective on the first day of the calendar month following the State's receipt of a favorable letter of determination or ruling from the Internal Revenue Service, United States Department of Treasury, under Section 12 of this act. The remainder of this~~ This act is effective when it becomes law."

Section 55.5. G.S. 105-116.1(c)(4), as amended by S.L. 97-118, reads as rewritten:

"(4) If the adjusted 1995-96 amount is more than the city's 1990-91 distribution, the hold-back amount for the city is the city's freeze deduction minus the difference between the city's ~~adjusted 1995-96 amount and the city's 1990-91 distribution.~~ 1990-91 distribution and the city's 1995-96 distribution."

Section 55.6. (a) Newly enacted G.S. 143-215.85A(a)(2) as it appears in Section 5 of S.L. 1997-394 is rewritten to read:

"(2) The type, location, and quantity of oil or hazardous substances known to the owner of the site to exist on the site."

(b) G.S. 143-215.85A(a), as amended by subsection (a) of this section, reads as rewritten:

"(a) The owner of the real property on which a site is located that is subject to current or future use restrictions approved as provided in ~~G.S. 143-215.84(e)~~ G.S. 143-215.84(f) shall submit to the Department a survey plat as required by this section within 180 days after the owner is notified to do so. The survey plat shall identify areas designated by the Department, shall be prepared and certified by a professional land surveyor, and shall be entitled 'NOTICE OF OIL OR HAZARDOUS SUBSTANCE DISCHARGE SITE'. Where an oil or hazardous substance discharge site is located on more than one parcel or tract of land, a composite map or plat showing all parcels or tracts may be recorded. The Notice shall include a legal description of the site that would be sufficient as a description in an instrument of conveyance, shall meet the requirements of G.S. 47-30 for maps and plats, and shall identify:

- (1) The location and dimensions of the disposal areas and areas of potential environmental concern with respect to permanently surveyed benchmarks.
- (2) The type, location, and quantity of oil or hazardous substances known by the owner of the site to exist on the site.
- (3) Any restrictions approved by the Department on the current or future use of the site."

Section 55.7. G.S. 113-173(b), as enacted in S.L. 1997-400, reads as rewritten:

"(b) Sale of Fish Prohibited. -- It is unlawful for the holder of a RCGL or for a person who is exempt under ~~subsection (k)~~ subsection (j) of this section to sell fish taken under the RCGL or pursuant to the exemption."

Section 55.8. G.S. 31-5.5(a), reads as rewritten:

"(a) A will shall not be revoked by the subsequent birth of a child to the testator, or by the subsequent adoption of a child by the testator, or by the subsequent entitlement of an after-born illegitimate child to take as an heir of the testator pursuant to the provisions of G.S. 29-19(b), but any after-born, after-adopted or entitled after-born illegitimate child shall have the right to share in the testator's estate to the same extent he would have shared if the testator had died intestate unless:

- (1) The testator made some provision in the will for the child, whether adequate or not;

- (2) It is apparent from the will itself that the testator intentionally did not make specific provision therein for the child;
- (3) The testator had children living when the will was executed, and none of the testator's children actually take under the will;
- (4) The surviving spouse receives all of the estate under the will; or
- (5) The testator made provision for the child that takes effect upon the death of the testator, whether adequate or not."

Section 55.9. If House Bills 299 and 435, 1997 Regular Session, both become law before October 1, 1997, then G.S. 135-40.7(19) as enacted by House Bill 299 is recodified as G.S., 135-40.7(22).

Section 55.10. If Senate Bill 352 becomes law, then G.S. 108A-27.9(c)(2), as enacted by Section 12.6 of that act, reads as rewritten:

- "(2) Provisions to ensure the establishment and maintenance of grievance procedures to resolve complaints by regular employees who allege that the employment or assignment of a Work First Program recipient is in violation of subdivision ~~(3)~~ (1) of this subsection;"

Section 56.2. (a) G.S. 48-3-706(a) reads as rewritten:

"(a) A relinquishment of an infant who is in utero or is three months old or less at the time the relinquishment is executed may be revoked within 21 days following the day on which it is executed, inclusive of weekends and holidays. A relinquishment of any other minor may be revoked within seven days following the day on which it is executed, inclusive of weekends and holidays. If the final day of the period falls on a weekend or a North Carolina or federal holiday, then the revocation period extends to the next business day. The individual who gave the relinquishment may revoke by giving written notice to the agency to which the relinquishment was given. Notice may be given by personal delivery, overnight delivery service, or registered or certified mail, return receipt requested. If notice is given by mail, notice is deemed complete when it is deposited in the United States mail, postage prepaid, addressed to the agency at the agency's address as given in the relinquishment. If notice is given by overnight delivery service, notice is deemed complete on the date it is deposited with the service as shown by the receipt from the service, with delivery charges paid by the sender, addressed to the agency at the agency's address as given in the relinquishment."

(b) This section applies to notices given on or after the effective date of this act.

Section 56.3. If Senate Bill 352, 1997 Regular Session, is enacted, then Section 28(a) of Senate Bill 352, 1997 Regular Session, as enacted in that act, reads as rewritten:

"The Office of State Controller is encouraged to consider new technologies and capabilities as a means of providing NCIH users access to the existing or upgraded ATM-SONET network. The Office of State Controller shall report to the General Assembly in 1998 before the convening of the regular session on its findings."

Section 56.4. (a) If Senate Bill 352, 1997 Regular Session, is enacted, the entry in Section 8.30(b) of Senate Bill 352, 1997 Regular Session, for Step 24 of Principal V, Base + 1%, is amended by deleting "4216" and substituting "4261".

(b) If Senate Bill 352, 1997 Regular Session, is enacted, Section 8.30(f) of Senate Bill 352, 1997 Regular Session, is amended by deleting "1997-98" and substituting "1998-99".

Section 56.5. Section 32.27(b) of the Ratified Version of Senate Bill 352, 1997 General Assembly, reads as rewritten:

"(b) Section 3.1 of S.L. 1997-393 House Bill 993 as ratified, reads as rewritten:

'Section 3.1. ~~If The Major Investment Study (MIS) authorized in~~ Senate Bill 352 is as enacted ~~and which~~ provides that funds appropriated to the Department of Transportation for the 1997-98 fiscal year shall be used to fund a Major Investment Study (MIS) ~~which shall include:~~ including:

- (1) A passenger rail proposal providing service between Asheville and Raleigh through Winston-Salem generally following the I-40 corridor; and
- (2) A passenger rail proposal providing for commuter rail services between Winston-Salem, Greensboro, High Point, and outlying communities,

~~then notwithstanding that act, the MIS authorized in~~ shall be administered by the Regional Transportation Authority created under this act which includes Guilford and Forsyth Counties, in consultation with the Department of Transportation, the Forsyth County Metropolitan Planning Organization (MPO), the Greensboro MPO, and the High Point MPO."

Section 7.12(b) of Ratified Senate Bill 352, 1997 Session, reads as rewritten:

"(b) State funds that are designated ~~to match federal funds~~ for disaster relief, but that are not needed as ~~matching funds~~, for that purpose, shall revert to the General Fund."

Section 56.7. Senate Bill 352 of the 1997 General Assembly, as enacted, is amended by renumbering Section 18.13 as Section 18.13 (a) and by adding a new subsection (b) to read:

"(b) The Judicial Department may use funds appropriated to the Department for the 1997-99 biennium to establish a magistrate position in Davidson County."

Section 56.8. If House Bill 1087, 1997 General Assembly, becomes law, then G.S. 14-159.3(a)(2), as enacted in House Bill 1087, 1997 General Assembly, reads as rewritten:

- "(2) Within the banks of any stream or waterway, but excluding a sound or the Atlantic Ocean, the adjacent lands of which are not owned by the operator, without the consent of the owner or outside the restrictions imposed by the owner."

Section 56.9. Section 28.9 of Chapter 507 of the 1995 Session Laws is amended by adding the following sentence at the end of that section to read: "Section 23.22 of this act shall be effective until the end of the 1997-99 fiscal biennium."

Section 56.10. A person 19 years of age or older shall be financially eligible for the Adult Cystic Fibrosis Program if the person's net family income is at or below the federal poverty level in effect on July 1 of each year.

Section 57. Unless otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of August, 1997.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 1:46 p.m. this 29th day of August, 1997