

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 420

Short Title: Omnibus Technical Amendments.

(Public)

Sponsors: Representative Kennedy.

Referred to: Judiciary I.

April 1, 1991

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

Section 1. The first sentence of subsection (e) of Section 33 of Chapter 1066 of the 1989 Session Laws (1990 Regular Session) reads as rewritten:

"This ~~act~~ section shall become effective July 15, 1990."

Sec. 2. Chapter 823 of the 1989 Session Laws (1990 Regular Session) is amended:

- (1) In the introductory language of subdivision (4) by deleting "G.S. 122C-163(d)" and substituting in lieu thereof "G.S. 122C-263(d)";
- (2) In the introductory language of subdivision (5) by deleting "G.S. 122C-165(e)" and substituting in lieu thereof "G.S. 122C-265(e)".

Sec. 3. Consistent with G.S. 97-1.1, the Revisor of Statutes is authorized to change the terms "Workmen's Compensation Act", "Workmen's Compensation", and "workmen's compensation" to "Workers' Compensation Act", "Workers' Compensation", and "workers' compensation", respectively, wherever these terms are used in the General Statutes.

Sec. 4. (a) G.S. 25-8-313(1)(j) reads as rewritten:

"(j) With respect to the transfer of a security interest where the secured party is a financial intermediary and the security has already been transferred to the financial intermediary under paragraphs (a), (b), (c), (d), or (g), at the time the ~~transfer~~ transferor

1 has signed a security agreement containing a description of the security and value is
2 given by the secured party."

3 (b) G.S. 25-8-313(2) is amended by deleting the words "paragraphs (c), (d), (i),
4 and (g)" and inserting in lieu thereof "paragraphs (c), (d), (i), and (g)".

5 (c) G.S. 25-8-317(4) reads as rewritten:

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

12 Sec. 5. G.S. 88-23.1(b)(2) is amended by deleting the period appearing in the
13 phrase "ten thousand dollars (\$10.000)" and inserting a comma in lieu thereof.

14 Sec. 6. G.S. 90-202.8(a) is amended in the introductory language by deleting
15 "General Assembly" and substituting in lieu thereof "General Statutes".

16 Sec. 7. G.S. 106-65.31(a) and (b) are amended by deleting "G.S. 106-
17 65.27(e)(3)" wherever this reference appears and substituting in lieu thereof "G.S. 106-
18 65.27(d)(3)".

19 Sec. 8. The catch line of G.S. 113-292 is amended by deleting the word
20 "rule" in the phrase "in rule of inland fishing" and substituting in lieu thereof the word
21 "regulation".

22 Sec. 9. G.S. 115C-81(f)(1) is amended by deleting "G.S. 115C-81(f) and
23 115C-82" and substituting in lieu thereof the words "this subsection".

24 Sec. 10. G.S. 115C-238.6(a) is amended by deleting "G.S. 115C-238.3(e)"
25 and substituting in lieu thereof "G.S. 115C-238.3(d)".

26 Sec. 11. G.S. 115D-90(d) reads as rewritten:

27 "(d) Any license shall be restricted to the programs of instruction or courses or
28 subjects specifically indicated in the application for a license. The holder of a license
29 shall present a supplementary application as may be directed by the ~~State Superintendent~~
30 President of the Community College System for approval of additional programs of
31 instruction, courses, or subjects, in which it is desired to offer instruction during the
32 effective period of the license."

33 Sec. 12. The first paragraph of G.S. 119-18 reads as rewritten:

34 "For the purpose of defraying the expenses of enforcing the provisions of this Article
35 there shall be paid to the Secretary of Revenue a charge of one fourth of one cent (1/4 of
36 1¢) per gallon upon all kerosene and motor fuel. The inspection tax shall be due and
37 payable at the same time that the per gallon excise tax is due and payable under the
38 provisions of G.S. 105-434 to 105-436, and payment shall be made concurrently with
39 payment of said per gallon excise tax, unless the Secretary of Revenue shall by rule and
40 regulation prescribe other methods for the collection of such tax. There shall, from time
41 to time, be allotted by the ~~Budget Bureau~~, Office of State Budget and Management, from
42 the inspection fees collected under authority of the inspection laws of this State, such
43 sums as may be necessary to administer and effectively enforce the provisions of the
44 inspection laws."

1 Sec. 13. The first sentence of G.S. 120-4.29 reads as rewritten:

2 "Except for the applications of the provisions of G. S. 110-136, and in connection
3 with a court-ordered equitable distribution under G.S. 50-20, the right of a person to a
4 pension, annuity, or retirement allowance, to the return of contributions, or to the receipt
5 of the pension, annuity or retirement allowance itself, any optional benefit or any other
6 right accrued or accruing to any person under the provisions of this Article, and the
7 moneys in the various funds created by this Article, are exempt from levy and sale,
8 garnishment, attachment, or any other process whatsoever, and shall be unassignable
9 except as this Article specifically provides."

10 Sec. 14. G.S. 125-11.9(1) is amended by deleting the words "this act" and
11 substituting in lieu thereof the words "this Article".

12 Sec. 15. G.S. 135-39.5B is amended by deleting the fifth sentence thereof as
13 it appears in the November 1990 Replacement Pamphlet in the General Statutes.

14 Sec. 16. G.S. 143-204.8(b) reads as rewritten:

15 "(b) An allotment shall only be made under this section upon evidence submitted
16 to the Governor and Council of State by the Secretary of Cultural Resources that during
17 the immediately preceding season of production, the drama was operated at a deficit
18 because of inclement weather or other circumstances beyond the control of the
19 corporation or trust and that contributions or gifts made to the corporation or trust are
20 deductible ~~from net income for income tax purposes under G.S. 105-147(15)~~ for income tax
21 purposes under the Internal Revenue Code."

22 Sec. 17. G.S. 143-299.3(b) is amended by deleting the words "this act" and
23 substituting in lieu thereof the words "this section".

24 Sec. 18. G.S. 161-10 is amended by deleting the words "G.S. 130-40 or".

25 Sec. 19. (a) The term "area mental health, mental retardation, and substance
26 abuse director" is deleted wherever it appears in G.S. 7A-647(3), and the term "area
27 mental health, developmental disabilities, and substance abuse director" is substituted in
28 lieu thereof.

29 (b) The term "Commission for Mental Health, Mental Retardation, and Substance
30 Abuse Services" is deleted wherever it appears in G.S. 15A-1002, 20-179(m) and (t),
31 90-96.01(a), 131D-10.4, and 131D-32(g) and the term "Commission for Mental Health,
32 Developmental Disabilities, and Substance Abuse Services" is substituted in lieu
33 thereof.

34 (c) The terms "Area Mental Health, Mental Retardation, and Substance Abuse
35 Authority", "Area Mental Health, Mental Retardation, and Substance Abuse
36 Authorities", "area mental health, mental retardation, and substance abuse authority",
37 and "area mental health, mental retardation, and substance abuse authorities" are deleted
38 wherever they appear in G.S. 20-179(m), 90-96.01(a), 108A-103(b), 131D-3, and 131D-
39 4, and the terms "Area Mental Health, Developmental Disabilities, and Substance
40 Abuse Authority", "Area Mental Health, Developmental Disabilities, and Substance
41 Abuse Authorities", "area mental health, developmental disabilities, and substance
42 abuse authority", and "area mental health, developmental disabilities, and substance
43 abuse authorities", respectively, are substituted in lieu thereof.

1 (d) The term "Division of Mental Health, Mental Retardation and Substance
2 Abuse Services" is deleted in G.S. 143B-153(8) and the term "Division of Mental
3 Health, Developmental Disabilities and Substance Abuse Services" is substituted in lieu
4 thereof.

5 Sec. 20. (a) G.S. 128-27(e)(5) is amended by deleting the words "of this
6 section" in the phrase "subdivision (3a) of this section" and substituting in lieu thereof
7 the words "of this subsection".

8 (b) G.S. 163-278.42(d) is amended by deleting the words "section (e)" in the
9 phrase "section (e) of this section" and substituting "subsection (e)" in lieu thereof.

10 Sec. 21. This act is effective upon ratification.