

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 115\*  
Committee Substitute Favorable 4/14/97

Short Title: 1997 Technical Corrections.

(Public)

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Sponsors:

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Referred to:

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February 12, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES  
3 TO THE GENERAL STATUTES AND SESSION LAWS AS RECOMMENDED  
4 BY THE GENERAL STATUTES COMMISSION.

5 The General Assembly of North Carolina enacts:

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

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

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

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

- 17 (1) Verbally informs another that he is a sworn law-enforcement officer,  
18 whether or not the representation refers to a particular agency;

- 1 (2) Displays any badge or identification signifying to a reasonable  
2 individual that the person is a sworn law-enforcement officer, whether  
3 or not the badge or other identification refers to a particular law-  
4 enforcement agency; ~~or~~
- 5 (3) Unlawfully operates a vehicle on a public street, highway or public  
6 vehicular area with an operating red light as defined in G.S. ~~20-130.1(a)-~~  
7 20-130.1(a); or
- 8 (4) Unlawfully operates a vehicle on a public street, highway, or public  
9 vehicular area with an operating blue light as defined in G.S. 20-  
10 130.1(c)."

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

12 "(b) Arrest by Officer Without a Warrant. –

- 13 (1) Offense in Presence of Officer. – An officer may arrest without a  
14 warrant any person who the officer has probable cause to believe has  
15 committed a criminal offense in the officer's presence.
- 16 (2) Offense Out of Presence of Officer. – An officer may arrest without a  
17 warrant any person who the officer has probable cause to believe:
- 18 a. Has committed a felony; or
- 19 b. Has committed a misdemeanor, and:
- 20 1. Will not be apprehended unless immediately arrested, or
- 21 2. May cause physical injury to himself or others, or damage  
22 to property unless immediately arrested; or
- 23 c. Has committed a misdemeanor under G.S. 14-72.1, 14-134.3, 20-  
24 138.1, or 20-138.2; or
- 25 d. Has committed a misdemeanor under G.S. 14-33(a), ~~G.S. 14-~~  
26 ~~33(b)(1), or G.S. 14-33(b)(2)-~~G.S. 14-33(c)(1), or G.S. 14-33(c)(2)  
27 when the offense was committed by a person who is the spouse  
28 or former spouse of the alleged victim or by a person with whom  
29 the alleged victim is living or has lived as if married.
- 30 (3) Repealed by Session Laws 1991, c. 150."

31 Section 4. G.S. 41-19(a) reads as rewritten:

32 "(a) Except as extended by subsection (b) of this section, this Article applies to a  
33 nonvested property interest or a power of appointment that is created on or after October  
34 1, 1995. For purposes of this section, a nonvested property interest or a power of  
35 appointment created by the exercise of a power of appointment is created when the power  
36 is irrevocably exercised or when a revocable exercise becomes irrevocable."

37 Section 5. G.S. 68-42 reads as rewritten:

38 "**§ 68-42. Stock running at large prohibited; certain ponies excepted.**

39 From and after July 1, 1958, it shall be unlawful for any person, firm or corporation to  
40 allow his or its horses, cattle, goats, sheep, or hogs to run free or at large along the outer  
41 banks of this State. This Article shall not apply to horses known as marsh ponies or banks  
42 ponies on Ocracoke Island, Hyde County. This Article shall not apply to horses known as  
43 marsh ponies or banks ponies on ~~Shackleford~~ Shackleford Banks between Beaufort Inlet

1 and Barden's Inlet in Carteret County. Saving and excepting those animals known as  
2 'banker ponies' on the island of Ocracoke owned by the Boy Scouts and not exceeding 35  
3 in number."

4 Section 6. G.S. 68-43 reads as rewritten:

5 "**§ 68-43. Authority of Secretary of Environment, Health, and Natural Resources to**  
6 **remove or confine ponies on Ocracoke Island and ~~Shackelford~~Shackleford**  
7 **Banks.**

8 Notwithstanding any other provisions of this Article, the Secretary of Environment,  
9 Health, and Natural Resources shall have authority to remove or cause to be removed  
10 from Ocracoke Island and ~~Shackelford~~Shackleford Banks all ponies known as banks  
11 ponies or marsh ponies if and when he determines that such action is essential to prevent  
12 damage to the island. In the event such a determination is made, the Secretary, in lieu of  
13 removing all ponies, may require that they be restricted to a certain area or corralled so as  
14 to prevent damage to the island. In the event such action is taken, the Secretary is  
15 authorized to take such steps and act through his duly designated employees or such other  
16 persons as, in his opinion, he deems necessary and he may accept any assistance provided  
17 by or through the National Park Service."

18 Section 7. G.S. 90-89(c)15. reads as rewritten:

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

20 Section 8. G.S. 97-93(d) reads as rewritten:

21 "(d) Groups of two or more employers who agree to pool their liabilities under  
22 subdivision (a)(2) of this section are subject, in addition to the provisions cited in G.S.  
23 58-2-145(a), to G.S. 58-2-165, ~~G.S.~~58-3-81, 58-6-25, 58-7-50, 58-7-55, 58-7-140, 58-7-  
24 160, 58-7-162, 58-7-163, 58-7-165, 58-7-167, 58-7-168, 58-7-170, 58-7-172, 58-7-173,  
25 58-7-177, 58-7-179, 58-7-180, 58-7-183, 58-7-185, 58-7-187, 58-7-188, 58-7-192, 58-7-  
26 193, 58-7-195, 58-7-197, 58-7-200, and Articles 13, 19, 30, and 34 of Chapter 58 of the  
27 General Statutes."

28 Section 9. G.S. 106-727(b) reads as rewritten:

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

30 (1) The Commissioner of Agriculture;

31 (2) Four members appointed by the General Assembly upon the  
32 recommendation of the President Pro Tempore ~~of~~ of the Senate in  
33 accordance with G.S. 120-121, one of whom shall be designated to  
34 serve as chairman as provided in subsection (d) of this section; and

35 (3) Four members appointed by the General Assembly upon the  
36 recommendation of the Speaker of the House of Representatives in  
37 accordance with G.S. 120-121."

38 Section 10. G.S. 106-802(4) reads as rewritten:

39 "(4) 'Site evaluation' means an investigation to determine if a site meets all  
40 federal and State standards as evidenced by the Waste Management  
41 Facility Site Evaluation Report on file with the Soil and Water  
42 Conservation District office or a comparable report certified by a  
43 professional engineer or a comparable report certified by a technical

1 specialist approved by the North Carolina Soil and Water Conservation  
2 Commission.

3 ~~Department of Environment, Health and Natural Resources".~~

4 Section 11. G.S. 115C-81.2(e) reads as rewritten:

5 "(e) The State Board of Education shall report to the Joint Legislative Education  
6 Oversight Committee by December 31, 1996, and annually thereafter on the  
7 comprehensive plan developed under ~~Section 1 of Session Laws 1995 (Reg. Sess., 1996), c.~~  
8 ~~716, s. 1, subsection (a) of this section.~~ The first report shall include revisions made to the  
9 standard course of study, teacher certification standards, and teacher education programs.  
10 Subsequent reports shall address the effectiveness, based on factors including improved  
11 student performance in reading, of the implementation of the plan. The State Board may  
12 make recommendations to the General Assembly in any of its reports."

13 Section 12. G.S. 115C-302(f) reads as rewritten:

14 "(f) A teacher may use annual leave, personal leave, or leave without pay to care  
15 for a newborn child or for a child placed with the teacher for adoption or foster care. The  
16 leave may be for consecutive workdays during the first 12 months after the date of birth  
17 or placement of the child, unless ~~the~~ the teacher and local board of education agree  
18 otherwise."

19 Section 13. G.S. 115D-2.1(d) reads as rewritten:

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

25 Section 14. G.S. 131D-2(a1)(4) reads as rewritten:

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

28 Section 15. G.S. 131D-20(6) reads as rewritten:

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

32 Section 16. G.S. 143B-153(3)b. reads as rewritten:

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

37 Section 17. G.S. 148-32.1(b) reads as rewritten:

38 "(b) In the event that the custodian of the local confinement facility certifies in  
39 writing to the clerk of the superior court in the county in which said local confinement  
40 facility is located that the local confinement facility is filled to capacity, or that the  
41 facility cannot reasonably accommodate any more prisoners due to segregation  
42 requirements for particular prisoners, or that the custodian anticipates, in light of local  
43 experiences, an influx of temporary prisoners at that time, or if the local confinement

1 facility does not meet the minimum standards published pursuant to G.S. 153A-221, any  
2 judge of the district court in the district court district as defined in G.S. 7A-133 where the  
3 facility is located, or any superior court judge who has jurisdiction pursuant to G.S. 7A-  
4 47.1 or G.S. 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the  
5 facility is located may order that the prisoner be transferred to any other qualified local  
6 confinement facility within that district or within another such district where space is  
7 available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if the  
8 prisoner is a non-violent misdemeanor, which local facility shall accept the transferred  
9 prisoner, if the prison population has exceeded a manageable level as provided for in G.S.  
10 148-4.1(a). If no such local confinement facility is available, then any such judge may  
11 order the prisoner transferred to such camp or facility as the proper authorities of the  
12 Department of Correction shall designate, notwithstanding that the term of imprisonment  
13 of the prisoner is 90 days or less. In no event, however, shall a prisoner whose term of  
14 imprisonment is less than 30 days be assigned or ordered transferred to any such camp or  
15 facility."

16 Section 18. G.S. 153A-301(a)(10)c. reads as rewritten:

17 "c. The county will pay to the city the following percentages of the  
18 city-county police department budget if there are no significant  
19 changes to the city's statutory annexation authority:

- 20 1. 9.60% for fiscal years 1995-96 and 1996-97.
- 21 2. 7.60% for fiscal years 1997-98 and 1998-99.
- 22 3. 5.60% for fiscal years 1999-2000 and 2000-2001.
- 23 4. 3.60% for fiscal years 2001-02 and 2002-03.
- 24 5. 1.60% for fiscal years 2003-04 and 2004-05.

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

31 Section 19. Chapter 261 of the 1995 Session Laws is repealed.

32 Section 20. Section 2 of Chapter 627 of the 1995 Session Laws reads as  
33 rewritten:

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

36 Section 21. Unless otherwise provided, this act is effective upon becoming  
37 law.