

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 875

State Government, Local Government, and Personnel Committee Substitute Adopted 4/24/97

Finance Committee Substitute #2 Adopted 5/22/97

Short Title: Revise Records Laws-2.

(Public)

Sponsors:

Referred to:

April 15, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 39-32.3 reads as rewritten:

"§ 39-32.3. Recordation of plat showing control corners.

Upon designating a control corner and affixing a permanent marker, said person, firm or corporation shall cause to be filed in the office of the register of deeds of the county in which the real estate development is located a map or plat showing the location of the control corner or corners and permanent marker or markers with adequate and sufficient description to enable a surveyor to locate such control corner or marker. ~~The register of deeds shall not accept for registration or record any map or plat of a real estate subdivision or development made after July 1, 1947, unless the location of such control corner or corners is shown thereon.~~ No map or plat of a real estate subdivision or development made after July

1, 1947, shall be certified for recording pursuant to G.S. 47-30.2 unless the location of control corners is shown thereon."

Section 2. G.S. 47-30 reads as rewritten:

"§ 47-30. Plats and subdivisions; mapping requirements.

(a) Size Requirements. – All land plats presented to the register of deeds for recording in the registry of a county in North Carolina after September 30, 1991, having an outside marginal size of either 18 inches by 24 inches, 21 inches by 30 inches, or 24 inches by 36 inches, and having a minimum one and one-half inch border on the left side and a minimum one-half inch border on the other sides shall be deemed to meet the size requirements for recording under this section. Where size of land areas, or suitable scale to assure legibility require, plats may be placed on two or more sheets with appropriate match lines. Counties may specify either:

- (1) Only 18 inches by 24 inches;
- (2) A combination of 18 inches by 24 inches and 21 inches by 30 inches;
- (3) A combination of 18 inches by 24 inches and 24 inches by 36 inches; or
- (4) A combination of all three sizes.

Provided, that all registers of deeds where specific sizes other than the combination of all three sizes have been specified, shall be required to submit said size specifications to the North Carolina Association of Registers of Deeds for inclusion on a master list of all such counties. The list shall be available in each register of deeds office by October 1, 1991. For purposes of this section, the terms 'plat' and 'map' are synonymous.

(b) Plats to Be Reproducible. – Each plat presented for recording shall be a reproducible plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), and submitted in this form. The recorded plat must be such that the public may obtain legible copies. A direct or photographic copy of each recorded plat shall be placed in the plat book or plat file maintained for that purpose and properly indexed for use. In those counties in which the register has made a security copy of the plat from which legible copies can be made, the original may be returned to the person indicated on the plat.

(c) Information Contained in Title of Plat. – The title of each plat shall contain the following information: property designation, name of owner (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification), location to include township, county and state, the date or dates the survey was made; scale or scale ratio in words or figures and bar graph; name and address of surveyor or firm preparing the plat.

(d) Certificate; Form. – There shall appear on each plat a certificate by the person under whose supervision ~~such~~ the survey or ~~such~~ plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. ~~The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of~~

1 deeds.—Where a plat consists of more than one sheet, only one sheet must contain the
2 certification and all other sheets must be signed and sealed.

3 The certificate required above shall include the source of information for the survey
4 and data indicating the ratio of precision of the survey before adjustments and shall be in
5 substantially the following form:

6 'I,, certify that this plat was drawn under my supervision from an actual
7 survey made under my supervision (deed description recorded in Book, page,
8 etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from
9 information found in Book, page; that the ratio of precision as calculated is
10 1:.....; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my
11 original signature, registration number and seal this day of, A.D., 19.....

12
13 Seal or Stamp

14
15
16 Surveyor

17
18 Registration Number'

19 ~~The certificate of the Notary shall read as follows:~~

20 ~~"North Carolina,County.~~

21 ~~I, a Notary Public of the County and State aforesaid, certify that....., a registered~~
22 ~~land surveyor, personally appeared before me this day and acknowledged the execution~~
23 ~~of the foregoing instrument. Witness my hand and official stamp or seal, this..... day of~~
24 ~~....., 19.....~~

25
26 ~~Seal or Stamp~~

27 ~~Notary Public.....~~

28 ~~My Commission expires~~

29
30 Nothing in this requirement shall prevent the recording of a map that was prepared in
31 accordance with a previous version of G.S. 47-30 as amended, properly signed, and
32 notarized under the statutes applicable at the time of the signing of the map. However, it
33 shall be the responsibility of the person presenting the map to prove that the map was so
34 prepared.

35 (e) Method of Computation. – An accurate method of computation shall be used to
36 determine the acreage and ratio of precision shown on the plat. Area by estimation is not
37 acceptable nor is area by planimeter, area by scale, or area copied from another source,
38 except in the case of tracts containing inaccessible sections or areas. In such case the
39 surveyor may make use of aerial photographs or other appropriate aids to determine the
40 acreage of ~~such~~any inaccessible areas when ~~such~~the areas are bounded by natural and
41 visible monuments. In such case the methods used must be stated on the plat and all
42 accessible areas of the tract shall remain subject to all applicable standards of this section.

1 (f) Plat to Contain Specific Information. – Every plat shall contain the following
2 specific information:

- 3 (1) An accurately positioned north arrow coordinated with any bearings
4 shown on the plat. Indication shall be made as to whether the north
5 index is true, magnetic, North Carolina grid ('NAD 83' or 'NAD 27'), or
6 is referenced to old deed or plat bearings. If the north index is magnetic
7 or referenced to old deed or plat bearings, the date and the source (if
8 known) ~~such~~the index was originally determined shall be clearly
9 indicated.
- 10 (2) The azimuth or course and distance of every property line surveyed
11 shall be shown. Distances shall be in feet or meters and decimals
12 thereof. The number of decimal places shall be appropriate to the class
13 of survey required.
- 14 (3) All plat distances shall be by horizontal or grid measurements. All lines
15 shown on the plat shall be correctly plotted to the scale shown.
16 Enlargement of portions of a plat are acceptable in the interest of clarity,
17 where shown as inserts. Where the North Carolina grid system is used
18 the grid factor shall be shown on the face of the plat. If grid distances
19 are used, it must be shown on the plat.
- 20 (4) Where a boundary is formed by a curved line, the following data must
21 be given: actual survey data from the point of curvature to the point of
22 tangency shall be shown as standard curve data, or as a traverse of
23 bearings and distances around the curve. If standard curve data is used
24 the bearing and distance of the long chord (from point of curvature to
25 point of tangency) must be shown on the plat.
- 26 (5) Where a subdivision of land is set out on the plat, all streets and lots
27 shall be accurately plotted with dimension lines indicating widths and
28 all other information pertinent to reestablishing all lines in the field.
29 This shall include bearings and distances sufficient to form a continuous
30 closure of the entire perimeter.
- 31 (6) Where control corners have been established in compliance with G.S.
32 39-32.1, 39-32.2, 39-32.3, and 39-32.4, as amended, the location and
33 pertinent information as required in the reference statute shall be plotted
34 on the plat. All other corners which are marked by monument or natural
35 object shall be so identified on all plats, and where practical all corners
36 of adjacent owners along the boundary lines of the subject tract which
37 are marked by monument or natural object shall be shown.
- 38 (7) The names of adjacent landowners, or lot, block, parcel, subdivision
39 designations or other legal reference where applicable, shall be shown
40 where they could be determined by the surveyor.
- 41 (8) All visible and apparent rights-of-way, watercourses, utilities, roadways,
42 and other such improvements shall be accurately located where crossing
43 or forming any boundary line of the property shown.

1 (9) Where the plat is the result of a survey, one or more corners shall, by a
2 system of azimuths or courses and distances, be accurately tied to and
3 coordinated with a horizontal control monument of some United States
4 or State Agency survey system, such as the North Carolina Geodetic
5 Survey where ~~such~~the monument is within 2,000 feet of the subject
6 property. Where the North Carolina Grid System coordinates of ~~said~~the
7 monument are on file in the North Carolina ~~Department of Environment,~~
8 ~~Health, and Natural Resources,~~ Office of State Planning, the coordinates
9 of both the referenced corner and the monuments used shall be shown in
10 X (easting) and Y (northing) coordinates on the plat. The coordinates
11 shall be identified as based on 'NAD 83,' indicating North American
12 Datum of 1983, or as 'NAD 27,' indicating North American Datum of
13 1927. The tie lines to the monuments shall also be sufficient to
14 establish true north or grid north bearings for the plat if the monuments
15 exist in pairs. Within a previously recorded subdivision that has been
16 tied to grid control, control monuments within the subdivision may be
17 used in lieu of additional ties to grid control. Within a previously
18 recorded subdivision that has not been tied to grid control, if horizontal
19 control monuments are available within 2,000 feet, the above
20 requirements shall be met; but in the interest of bearing consistency with
21 previously recorded plats, existing bearing control should be used where
22 practical. In the absence of Grid Control, other appropriate natural
23 monuments or landmarks shall be used. In all cases, the tie lines shall
24 be sufficient to accurately reproduce the subject lands from the control
25 or reference points used.

26 (10) A vicinity map (location map) shall appear on the plat.

27 (11) Notwithstanding any other provision contained in this section, it is the
28 duty of the surveyor, by a certificate on the face of the plat, to certify to
29 one of the following:

- 30 a. That the survey creates a subdivision of land within the area of a
31 county or municipality that has an ordinance that regulates
32 parcels of land;
- 33 b. That the survey is located in ~~such~~a portion of a county or
34 municipality that is unregulated as to an ordinance that regulates
35 parcels of land;
- 36 c. That the survey is of an existing parcel or parcels of land;
- 37 d. That the survey is of another category, such as the recombination
38 of existing parcels, a court-ordered survey, or other exception to
39 the definition of subdivision;
- 40 e. That the information available to the surveyor is such that the
41 surveyor is unable to make a determination to the best of ~~his~~his
42 ~~or~~her ~~the~~ surveyor's professional ability as to provisions contained
43 in (a) through (d) above.

1 However, if the plat contains the certificate of a surveyor as stated in a.,
2 d., or e. above, then the plat shall have, in addition to said surveyor's
3 certificate, a certification of approval, or no approval required, as may
4 be required by local ordinance from the appropriate government
5 authority before the plat is presented for recordation. If the plat contains
6 the certificate of a surveyor as stated in b. or c. above, nothing shall
7 prevent the recordation of the plat if all other provisions have been met.

8 (g) ~~Recording of Plat. —For purposes of recording, the register of deeds shall not be~~
9 ~~responsible for.~~ In certifying a plat for recording pursuant to G.S. 47-30.2, the Review
10 Officer shall not be responsible for reviewing or certifying as to any of the following
11 requirements of this section:

12 (1) ~~The provisions of subsection (b);~~ Subsection (b) of this section
13 as to ~~archival;~~ archival.

14 (2) ~~The provisions of subsection (d), except for the notary certificate;~~

15 (3) ~~The provisions of subsection (e); or~~ Subsection (e) of this section.

16 (4) ~~The provisions of subdivisions (2) through (9) of subsection (f).~~
17 Subdivisions (1) through (10) of subsection (f) of this section.

18 A plat, when certified pursuant to G.S. 47-30.2 ~~proven and probated as provided herein for~~
19 ~~deeds and other conveyances, when and~~ presented for recording, shall be recorded in the
20 plat book or plat file and when so recorded shall be duly indexed. Reference in any
21 instrument hereafter executed to the record of any plat herein authorized shall have the
22 same effect as if the description of the lands as indicated on the record of the plat were set
23 out in the instrument.

24 (h) Nothing in this section shall be deemed to prevent the filing of any plat
25 prepared by a registered land surveyor but not recorded prior to the death of the
26 registered land surveyor. However, it is the responsibility of the person presenting the
27 map to the Review Officer pursuant to G.S. 47-30.2 to prove that the plat was so
28 prepared. For preservation these plats may be filed without signature, notary
29 acknowledgement or probate, in a special plat file.

30 (i) Nothing in this section shall be deemed to invalidate any instrument or the title
31 thereby conveyed making reference to any recorded plat.

32 (j) The provisions of this section shall not apply to boundary plats of areas
33 annexed by municipalities nor to plats of municipal boundaries, whether or not required
34 by law to be recorded.

35 (k) The provisions of this section shall apply to all counties in North Carolina.
36 ~~Where local law is in conflict with this section, the provisions in this section shall apply.~~
37 ~~Failure of a plat to conform in all requirements of this statute shall be sufficient grounds~~
38 ~~for the register of deeds to refuse to accept the plat for recordation.~~

39 (l) The provisions of this section shall not apply to the registration of highway
40 right-of-way plans provided for in G.S. 136-19.4 nor to registration of roadway corridor
41 official maps provided in Article 2E of Chapter 136.

42 (m) Except as provided in subsection (n), any map submitted for inclusion on the
43 public record, whether submitted alone or attached to a deed or other instrument, shall be

1 prepared by a registered land surveyor. Such a map shall either (i) have an original
 2 personal signature and original seal as approved by the North Carolina State Board of
 3 Registration for Professional Engineers and Land Surveyors or (ii) be a copy of a map,
 4 already on file in the public record, that is certified by the custodian of the public record
 5 to be a true and accurate copy of a map bearing an original personal signature and
 6 original seal. The presence of the original personal signature and seal shall constitute a
 7 certification that the map conforms to the standards of practice for land surveying in
 8 North Carolina, as defined in the rules of the North Carolina State Board of Registration
 9 for Professional Engineers and Land Surveyors.

10 (n) A map that does not meet the requirements of subsection (m) of this section
 11 may be attached to a deed or other instrument submitted for inclusion in the public record
 12 only for illustrative purposes and only if the map is conspicuously labelled, "THIS MAP
 13 IS NOT A CERTIFIED SURVEY AND NO RELIANCE MAY BE PLACED IN ITS
 14 ACCURACY."

15 Section 3. Article 2 of Chapter 47 of the General Statutes is amended by
 16 adding a new section to read:

17 "**§ 47-30.2. Review Officer.**

18 (a) The board of commissioners of each county shall, by resolution, designate by
 19 name one or more persons experienced in mapping or land records management as a
 20 Review Officer to review each map and plat required to be submitted for review before
 21 the map or plat is presented to the register of deeds for recording. Each person
 22 designated a Review Officer shall, if reasonably feasible, be certified as a property
 23 mapper pursuant to G.S. 147-54.4. A resolution designating a Review Officer shall be
 24 recorded in the county registry and indexed on the grantor index in the name of the
 25 Review Officer.

26 (b) The Review Officer shall review expeditiously each map or plat required to be
 27 submitted to the Officer before the map or plat is presented to the register of deeds for
 28 recording. The Review Officer shall certify the map or plat if it complies with all
 29 statutory requirements for recording.

30 The register of deeds shall not accept for recording any map or plat required to be
 31 submitted to the Review Officer unless the map or plat has the certification of the Review
 32 Officer affixed to it. A certification shall be in substantially the following form:

33
 34 State of North Carolina
 35 County of

36
 37 I,, Review Officer of County, certify that the map or plat to
 38 which this certification is affixed meets all statutory requirements for recording.

39
 40
Review Officer

41 Date

1 (c) A map or plat must be presented to the Review Officer unless it is any of the
2 following:

3 (1) A survey of one or more existing parcels, as certified under G.S. 47-
4 30(f)(11)c., and does not include a new street or a change to an existing
5 street.

6 (2) A survey of an existing man-made or natural feature of a parcel, such as
7 a building or a creek.

8 (3) A control survey."

9 Section 4. G.S. 136-102.6(d) reads as rewritten:

10 "(d) The right-of-way and construction plans for such public streets in residential
11 subdivisions, including plans for street drainage, shall be submitted to the Division of
12 Highways for review and approval, prior to the recording of the subdivision plat in the
13 office of the register of deeds. The plat or map required by this section shall not be
14 recorded by the register of deeds without a certification pursuant to G.S. 47-30.2 and, if
15 determined to be necessary by the Review Officer, a certificate of approval by the
16 Division of Highways of the plans for the public street as being in accordance with the
17 minimum standards of the Board of Transportation for acceptance of the subdivision
18 street on the State highway system for maintenance. The Review Officer shall not certify
19 a map or plat subject to this section unless the new streets or changes in existing streets
20 are designated either public or private. The certificate of approval shall not be deemed an
21 acceptance of the dedication of ~~such~~the streets on the subdivision plat or map. Final
22 acceptance by the Division of Highways of ~~such~~the public streets and placing them on
23 the State highway system for maintenance shall be conclusive proof that the streets have
24 been constructed according to the minimum standards of the Board of Transportation."

25 Section 5. G.S. 153A-321 reads as rewritten:

26 "**§ 153A-321. Planning agency.**

27 A county may by ordinance create or designate one or more agencies to perform the
28 following duties:

29 (1) Make studies of the county and surrounding areas;

30 (2) Determine objectives to be sought in the development of the study area;

31 (3) Prepare and adopt plans for achieving these objectives;

32 (4) Develop and recommend policies, ordinances, administrative
33 procedures, and other means for carrying out plans in a coordinated and
34 efficient manner;

35 (5) Advise the board of commissioners concerning the use and amendment
36 of means for carrying out plans;

37 (6) Exercise any functions in the administration and enforcement of
38 various means for carrying out plans that the board of commissioners
39 may direct;

40 (7) Perform any other related duties that the board of commissioners may
41 direct.

1 An agency created or designated pursuant to this section may include but shall not be
2 limited to one or more of the following, ~~with any staff that the board of commissioners~~
3 ~~considers appropriate:~~ following:

- 4 (1) A planning board or commission of any size (with not less-fewer than
5 three members) or composition considered appropriate, organized in any
6 manner considered appropriate;
- 7 (2) A joint planning board created by two or more local governments
8 according to the procedures and provisions of Chapter 160A, Article 20,
9 Part 1."

10 Section 6. G.S. 153A-332 reads as rewritten:

11 **"§ 153A-332. Ordinance to contain procedure for plat approval; approval**
12 **prerequisite to plat recordation; statement by owner.**

13 A subdivision ordinance adopted pursuant to this Part shall contain provisions setting
14 forth the procedures to be followed in granting or denying approval of a subdivision plat
15 before its registration.

16 The ordinance shall provide that the following agencies be given an opportunity to
17 make recommendations concerning an individual subdivision plat before the plat is
18 approved:

- 19 (1) The district highway engineer as to proposed State streets, State
20 highways, and related drainage systems;
- 21 (2) The county health director or local public utility, as appropriate, as to
22 proposed water or sewerage systems;
- 23 (3) Any other agency or official designated by the board of commissioners.

24 The ordinance may provide that final approval of each individual subdivision plat is
25 to be given by:

- 26 (1) The board of commissioners,
- 27 (2) The board of commissioners on recommendation of a planning agency,
28 or
- 29 (3) A designated planning agency.

30 From the effective date of time that a subdivision ordinance that is adopted by the
31 county, filed with the register of deeds of the county, ~~no subdivision plat of land within the~~
32 ~~county's jurisdiction may be filed or recorded until it has been submitted to and approved~~
33 ~~by the appropriate board or agency, as specified in the subdivision ordinance, and until~~
34 ~~this approval is entered in writing on the face of the plat by an authorized representative~~
35 ~~of the county, the chairman or head of the board or agency.~~ The Review Officer, pursuant to
36 G.S. 47-30.2, shall not certify register of deeds may not file or record a plat of a subdivision
37 of land located within the territorial jurisdiction of the county that has not been approved
38 in accordance with these provisions, and the clerk of superior court may not order or
39 direct the recording of a plat if the recording would be in conflict with this section. The
40 owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall
41 sign a statement on the plat stating whether any land shown thereon is within the subdivision-
42 regulation jurisdiction of the county."

43 Section 7. G.S. 160A-361 reads as rewritten:

1 **"§ 160A-361. Planning agency.**

2 Any city may by ordinance create or designate one or more agencies to perform the
3 following duties:

- 4 (1) Make studies of the area within its jurisdiction and surrounding areas;
- 5 (2) Determine objectives to be sought in the development of the study area;
- 6 (3) Prepare and adopt plans for achieving these objectives;
- 7 (4) Develop and recommend policies, ordinances, administrative
8 procedures, and other means for carrying out plans in a coordinated and
9 efficient manner;
- 10 (5) Advise the council concerning the use and amendment of means for
11 carrying out plans;
- 12 (6) Exercise any functions in the administration and enforcement of
13 various means for carrying out plans that the council may direct;
- 14 (7) Perform any other related duties that the council may direct.

15 An agency created or designated pursuant to this section may include, but shall not be
16 limited to, one or more of the following; ~~with such staff as the council may deem appropriate:~~
17 following:

- 18 (1) A planning board or commission of any size (with not less-fewer than
19 three members) or composition deemed appropriate, organized in any
20 manner deemed appropriate;
- 21 (2) A joint planning board created by two or more local governments
22 pursuant to Article 20, Part 1, of this Chapter."

23 Section 8. G.S. 160A-373 reads as rewritten:

24 **"§ 160A-373. Ordinance to contain procedure for plat approval; approval
25 prerequisite to plat recordation; statement by owner.**

26 Any subdivision ordinance adopted pursuant to this Part shall contain provisions
27 setting forth the procedures to be followed in granting or denying approval of a
28 subdivision plat prior to its registration.

29 The ordinance may provide that final approval of each individual subdivision plat is
30 to be given by

- 31 (1) The city council,
- 32 (2) The city council on recommendation of a planning agency, or
- 33 (3) A designated planning agency.

34 From and after the effective date of time that a subdivision ordinance that is adopted
35 by the city, filed with the register of deeds of the county, no subdivision plat of land within
36 the city's jurisdiction shall be filed or recorded until it shall have been submitted to and
37 approved by the council or appropriate agency, as specified in the subdivision ordinance,
38 and until this approval shall have been entered on the face of the plat in writing by ~~the~~
39 ~~chairman or head of the agency.~~ an authorized representative of the city. The Review
40 Officer, pursuant to G.S. 47-30.2, shall not certify ~~register of deeds shall not file or record~~ a
41 plat of a subdivision of land located within the territorial jurisdiction of a city that has not
42 been approved in accordance with these provisions, nor shall the clerk of superior court
43 order or direct the recording of a plat if the recording would be in conflict with this

1 section. The owner of land shown on a subdivision plat submitted for recording, or his
2 authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon
3 is within the subdivision regulation jurisdiction of any city."

4 Section 9. G.S. 161-10(a)(3) reads as rewritten:

5 "(3) Plats. – For each original or revised plat recorded ~~nineteen dollars~~
6 ~~(\$19.00)~~ twenty-one dollars (\$21.00) per sheet or page; for furnishing a
7 certified copy of a plat three dollars (\$3.00)."

8 Section 10. G.S. 89C-26 is repealed.

9 Section 11. G.S. 130A-99 reads as rewritten:

10 **"§ 130A-99. Register of deeds to preserve copies of birth and death records.**

11 (a) The register of deeds of each county shall file and preserve the copies of birth
12 and death certificates furnished by the local registrar under the provisions of G.S. 130A-
13 97, and shall make and keep a proper index of the certificates. These certificates shall be
14 open to inspection and examination. Copies or abstracts of these certificates shall be
15 provided to any person upon request. Certified copies of these certificates shall be
16 provided only to those persons described in G.S. 130A-93(c).

17 (b) The register of deeds may remove from the records and destroy copies of birth
18 or death certificates for persons born or dying in counties other than the county in which
19 the office of the register of deeds is located."

20 Section 12. G.S. 132-3(a) reads as rewritten:

21 (a) Prohibition. – No public official may destroy, sell, loan, or otherwise dispose
22 of any public record, except in accordance with ~~G.S. 121-5~~, G.S. 121-5 and G.S. 130A-99,
23 without the consent of the Department of Cultural Resources. Whoever unlawfully
24 removes a public record from the office where it is usually kept, or alters, defaces,
25 mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction
26 only fined not less than ten dollars (\$10.00) nor more than five hundred dollars
27 (\$500.00)."

28 Section 13. G.S. 121-5(b) reads as rewritten:

29 (b) Destruction of Records Regulated. – No person may destroy, sell, loan, or
30 otherwise dispose of any public record without the consent of the Department of Cultural
31 ~~Resources~~ Resources, except as provided in G.S. 130A-99. Whoever unlawfully removes
32 a public record from the office where it is usually kept, or alters, mutilates, or destroys it
33 shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion
34 of the court.

35 When the custodian of any official State records certifies to the Department of
36 Cultural Resources that such records have no further use or value for official and
37 administrative purposes and when the Department certifies that such records appear to
38 have no further use or value for research or reference, then such records may be
39 destroyed or otherwise disposed of by the agency having custody of them.

40 When the custodian of any official records of any county, city, municipality, or other
41 subdivision of government certifies to the Department that such records have no further
42 use or value for official business and when the Department certifies that such records
43 appear to have no further use or value for research or reference, then such records may be

1 authorized by the governing body of said county, city, municipality, or other subdivision
2 of government to be destroyed or otherwise disposed of by the agency having custody of
3 them. A record of such certification and authorization shall be entered in the minutes of
4 the governing body granting the authority.

5 The North Carolina Historical Commission is hereby authorized and empowered to
6 make such orders, rules, and regulations as may be necessary and proper to carry into
7 effect the provisions of this section. When any State, county, municipal, or other
8 governmental records shall have been destroyed or otherwise disposed of in accordance
9 with the procedure authorized in this subsection, any liability that the custodian of such
10 records might incur for such destruction or other disposal shall cease and determine."

11 Section 14. The Legislative Research Commission may study the procedures
12 for land title registration pursuant to Chapter 43 of the General Statutes and make
13 recommendations regarding revisions to the procedures to improve them. The
14 Commission shall report its findings and recommendations to the 1998 Regular Session
15 of the 1997 General Assembly.

16 Section 15. Sections 1 through 10 of this act become effective October 1,
17 1997. The remainder of this act is effective when it becomes law. The removal and
18 destruction by a register of deeds of any out-of-county birth certificates prior to the
19 effective date of this act is valid, and the register of deeds is not in violation of G.S. 121-
20 5 or G.S. 132-3.