

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2043*
Committee Substitute Favorable 7/6/06

Short Title: 2006 Technical Corrections Act.

(Public)

Sponsors:

Referred to:

May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING
2 CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE
3 GENERAL STATUTES COMMISSION.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 9-10(b) reads as rewritten:

7 "(b) All summons served personally or by mail under this section or under G.S. 9-
8 11 shall inform the prospective juror that persons ~~65~~72 years of age or older are entitled
9 to establish in writing exemption from jury service for good cause, shall contain a
10 statement for claiming such exemption and stating the cause and a place for the
11 prospective juror's signature, and shall state the mailing address of the clerk of superior
12 court and the date by which such request for exemption must be received."

13 **SECTION 2.(a)** G.S. 10B-20(1) reads as rewritten:

14 "(1) A notary public required to comply with the provisions of ~~subsection~~
15 ~~(g)~~subsection (i) of this section shall prominently post at the notary
16 public's place of business a schedule of fees established by law, which
17 a notary public may charge. The fee schedule shall be written in
18 English and in the non-English language in which the notary services
19 were solicited and shall contain the notice required in subsection (i) of
20 this section, unless the notice is otherwise prominently posted at the
21 notary public's place of business."

22 **SECTION 2.(b)** G.S. 10B-106(d) reads as rewritten:

23 "(d) An electronic form shall be used by an electronic notary in registering with
24 the Secretary and it shall include, at least all of the following:

- 25 (1) The applicant's full legal name and the name to be used for
26 commissioning, excluding nicknames.
27 (2) The state and county of commissioning of the registrant.
28 (3) The expiration date of the registrant's notary commission.

- 1 (4) Proof of successful completion of the course of instruction on
2 electronic notarization as required by this Article.
3 (5) A description of the technology the registrant will use to create an
4 electronic signature in performing official acts.
5 (6) If the device used to create the registrant's electronic signature was
6 issued or registered through a licensed certification authority, the name
7 of that authority, the source of the license, the starting and expiration
8 dates of the device's term of registration, and any revocations,
9 annulments, or other premature terminations of any registered device
10 of the registrant that was due to misuse or compromise of the device,
11 with the date, cause, and nature of each termination explained in detail.
12 (7) The e-mail address of the registrant.

13 The information contained in a registration under this section is a public record as
14 defined in G.S. 132-1, except for information contained in ~~subsection (7)~~, subdivision
15 (7) of this subsection, which shall be considered confidential information and shall not
16 be subject to disclosure except as provided in Chapter 132 of the General Statutes or as
17 provided by rule."

18 **SECTION 3.** G.S. 15A-615(a) reads as rewritten:

19 "(a) After a finding of probable cause pursuant to the provisions of Article 30 of
20 Chapter 15A of the General Statutes or indictment for an offense that involves
21 nonconsensual vaginal, anal, or oral ~~intercourse~~, intercourse; an offense that involves
22 vaginal, anal, or oral intercourse with a child 12 years old or ~~less~~, less; or an offense
23 under G.S. 14-202.1 that involves vaginal, anal, or oral intercourse with a child less than
24 16 years ~~old~~, old; the victim or the parent, guardian, or guardian ad litem of a minor
25 victim may request that a defendant be tested for the following sexually transmitted
26 infections:

- 27 (1) Chlamydia;
28 (2) Gonorrhea;
29 (3) Hepatitis B;
30 (3a) Herpes;
31 (4) HIV; and
32 (5) Syphilis.

33 In the case of herpes, the defendant, pursuant to the provisions of this section, shall be
34 examined for oral and genital herpetic lesions and, if a suggestive but nondiagnostic
35 lesion is present, a culture for herpes shall be performed."

36 **SECTION 4.** G.S. 41-47(c) reads as rewritten:

37 "(c) A registering entity is discharged from all claims to a security by the estate,
38 creditors, heirs, or devisees of a deceased owner if it registers a transfer of a security in
39 accordance with G.S. 41-46 and does so in good faith reliance (i) on the registration, (ii)
40 on this Article, and (iii) on information provided to it by affidavit of the personal
41 representative of the deceased owner, or by the surviving beneficiary or by the surviving
42 beneficiary's representatives, or other information available to the registering entity. The
43 protections of this Article do not extend to a reregistration or payment made after a
44 registering entity has received written ~~notice~~ notice, addressed to the registering entity,

1 from any claimant to any interest in the security objecting to implementation of a
2 registration in beneficiary form. No other notice or other information available to the
3 registering entity affects its right to protection under this Article."

4 **SECTION 5.** G.S. 45-37(a) reads as rewritten:

5 "(a) Subject to the provisions of G.S. 45-36.9(a) and G.S. 45-73 relating to
6 security instruments which secure future advances, any security instrument intended to
7 secure the payment of money or the performance of any other obligation registered as
8 required by law may be satisfied of record and thereby discharged and released of
9 record in the following manner:

10 (1) Security instruments satisfied of record prior to October 1, 2005,
11 pursuant to this subdivision as it was in effect prior to October 1, 2005,
12 shall be deemed satisfied of record, discharged, and released.

13 ...

14 (5) Security instruments satisfied of record prior to October 1, 2005,
15 pursuant to this subdivision as it was in effect prior to October 1, 2005,
16 shall be deemed satisfied of record, discharged, and released.

17 (6) Security instruments satisfied of record prior to October 1, 2005,
18 pursuant to this subdivision as it was in effect prior to October 1, 2005,
19 shall be deemed satisfied of record, discharged, and released.

20"

21 **SECTION 6.** G.S. 45-38 reads as rewritten:

22 **"§ 45-38. Recording of foreclosure.**

23 In case of foreclosure of any deed of trust, or mortgage, the trustee, mortgagee, or
24 the trustee's or mortgagee's attorney shall record a notice of foreclosure that includes the
25 date when, and the person to whom, a conveyance was made by reason of the
26 foreclosure. In the event the entire obligation secured by a mortgage or deed of trust is
27 satisfied by a sale of only a part of the property embraced within the terms of the
28 mortgage or deed of trust, the trustee, mortgagee, or the trustee's or mortgagee's attorney
29 shall indicate in the notice of foreclosure which property was sold.

30 A notice of foreclosure shall consist of a separate instrument, or that part of the
31 original deed of trust or mortgage rerecorded, reciting the information required
32 hereinabove, the names of the original parties to the original instrument foreclosed, and
33 the recording data for the instrument foreclosed. A notice of ~~forfeiture~~ foreclosure shall
34 be indexed by the register of deeds in accordance with ~~G.S. 161-14.1.~~ G.S. 161-14.1."

35 **SECTION 7.(a)** G.S. 47C-3-116(e) reads as rewritten:

36 "(e) A judgment, decree, or order in any action brought under this section shall
37 include costs and reasonable attorneys' fees for the prevailing party. If the unit owner
38 does not contest the collection of debt and enforcement of a lien after the expiration of
39 the 15-day period following notice as required in subsection (e1) of this section, then
40 reasonable attorneys' fees shall not exceed one thousand two hundred dollars (\$1,200),
41 not including costs or expenses incurred. The collection of debt and enforcement of a
42 lien remain uncontested as long as the unit owner does not dispute, contest, or raise any
43 objection, defense, offset, or counterclaim as to the amount or validity of the debt and
44 lien asserted or the association's right to collect the debt and enforce the lien as provided

1 in this section. The attorneys' fee limitation in this subsection shall not apply to judicial
2 foreclosures or proceedings authorized under subsection (d) of this section or
3 ~~G.S. 47F-4-117~~. G.S. 47C-4-117."

4 **SECTION 7.(b)** G.S. 47C-3-121(2)b. reads as rewritten:

5 "b. For restrictions registered on or after October 1, 2005, the
6 restriction shall be written on the first page of the instrument or
7 conveyance in print that is in boldface type, capital letters, and
8 no smaller than the largest print used elsewhere in the
9 instrument or conveyance. The restriction shall be construed to
10 regulate or prohibit the display of political signs only if the
11 restriction specifically states: "THIS DOCUMENT
12 REGULATES OR PROHIBITS THE DISPLAY OF THE
13 POLITICAL SIGNS"."

14 **SECTION 8.(a)** G.S. 47F-1-102(c) reads as rewritten:

15 "(c) Notwithstanding the provisions of subsection (a) of this section,
16 G.S. 47F-3-102(1) through (6) and (11) through (17) (Powers of owners' association),
17 G.S. 47F-3-103(f) (Executive board members and officers), G.S. 47F-3-107(a), (b), and
18 (c) (Upkeep of planned community; responsibility and assessments for damages),
19 G.S. 47F-3-107.1 (Procedures for fines and suspension of planned community
20 privileges or services), G.S. 47F-3-108 (Meetings), G.S. 47F-3-115 (Assessments for
21 common expenses), G.S. 47F-3-116 (Lien for assessments), G.S. 47F-3-118
22 (Association records), and ~~G.S. 47C-3-121~~ G.S. 47F-3-121 (American and State flags
23 and political sign displays) apply to all planned communities created in this State before
24 January 1, 1999, unless the articles of incorporation or the declaration expressly
25 provides to the contrary, and G.S. 47F-3-120 (Declaration limits on attorneys' fees)
26 applies to all planned communities created in this State before January 1, 1999. These
27 sections apply only with respect to events and circumstances occurring on or after
28 January 1, 1999, and do not invalidate existing provisions of the declaration, bylaws, or
29 plats and plans of those planned communities. G.S. 47F-1-103 (Definitions) also applies
30 to all planned communities created in this State before January 1, 1999, to the extent
31 necessary in construing any of the preceding sections."

32 **SECTION 8.(b)** G.S. 47F-3-121(2)b. reads as rewritten:

33 "b. For restrictions registered on or after October 1, 2005, the
34 restriction shall be written on the first page of the instrument or
35 conveyance in print that is in boldface type, capital letters, and
36 no smaller than the largest print used elsewhere in the
37 instrument or conveyance. The restriction shall be construed to
38 regulate or prohibit the display of political signs only if the
39 restriction specifically states: "**THIS DOCUMENT**
40 **REGULATES OR PROHIBITS THE DISPLAY OF THE**
41 **POLITICAL SIGNS**"."

42 **SECTION 9.(a)** G.S. 55-11-04(b) reads as rewritten:

43 "(b) If a merger is consummated without approval of the subsidiary corporation's
44 shareholders, the ~~parent~~-surviving corporation shall, within 10 days after the effective

1 date of the merger, notify each shareholder of the subsidiary corporation as of the
2 effective date of the merger, that the merger has become effective."

3 **SECTION 9.(b)** G.S. 55-11-05(d) reads as rewritten:

4 "(d) In the case of a merger ~~or share exchange~~ pursuant to G.S. 55-11-07 or
5 ~~G.S. 55-11-09~~, a share exchange pursuant to G.S. 55-11-07, references in subsections (a)
6 and ~~(b)~~(a1) of this section to "corporation" shall include a domestic corporation, a
7 domestic nonprofit corporation, a foreign corporation, and a foreign nonprofit
8 corporation as applicable.

9 **SECTION 9.(c)** G.S. 55A-11-06(c) reads as rewritten:

10 "(c) This section does not limit the power of a foreign corporation to acquire all or
11 part of the ~~shares~~memberships of one or more classes ~~or series~~ of a domestic nonprofit
12 corporation through a voluntary exchange or otherwise."

13 **SECTION 9.(d)** G.S. 57C-9A-02(a2) reads as rewritten:

14 "(a2) The provisions of the plan of conversion, other than the provisions required
15 by subdivisions (1) and ~~(2)~~(1a) of subsection (a) of this section, may be made dependent
16 on facts objectively ascertainable outside the plan of conversion if the plan of
17 conversion sets forth the manner in which the facts will operate upon the affected
18 provisions. The facts may include any of the following:

- 19 (1) Statistical or market indices, market prices of any security or group of
20 securities, interest rates, currency exchange rates, or similar economic
21 or financial data.
- 22 (2) A determination or action by the converting business entity or by any
23 other person, group, or body.
- 24 (3) The terms of, or actions taken under, an agreement to which the
25 converting business entity is a party, or any other agreement or
26 document."

27 **SECTION 10.** G.S. 58-47-140 reads as rewritten:

28 "**§ 58-47-140. Other provisions of this Chapter.**

29 The following provisions of this Chapter apply to workers' compensation
30 self-insurance groups that are subject to this Article:

31 G.S. 58-1-10, 58-2-45, 58-2-50, 58-2-70, 58-2-100, 58-2-105, 58-2-155, 58-2-161,
32 58-2-180, 58-2-185, 58-2-190, 58-2-200, 58-3-71, 58-3-81, 58-3-100, 58-3-120,
33 58-6-25, 58-7-21, 58-7-26, 58-7-30, 58-7-33, 58-7-73, and Articles 13, 19, 30, 33, 34,
34 and 63 of this ~~Chapter apply to groups.~~ Chapter."

35 **SECTION 11.** G.S. 90-270.67 reads as rewritten:

36 "**§ 90-270.67. Definitions.**

37 As used in this Article, unless the context clearly requires a different meaning:

- 38 (1) Accrediting body. – The Accrediting Council for Occupational
39 Therapy Education.
- 40 (1a) Board. – The North Carolina Board of Occupational Therapy.
- 41 (1b) Examining body. – The National Board for Certification in
42 Occupational Therapy.
- 43 (2) Occupational therapist. – An individual licensed in good standing to
44 practice occupational therapy as defined in this Article.

- 1 (3) Occupational therapy assistant. – An individual licensed in good
2 standing to assist in the practice of occupational therapy under this
3 Article, who performs activities commensurate with his or her
4 education and training under the supervision of a licensed occupational
5 therapist.
- 6 (4) "~~Occupational therapy~~" means a Occupational therapy. – A health care
7 profession providing evaluation, treatment and consultation to help
8 individuals achieve a maximum level of independence by developing
9 skills and abilities interfered with by disease, emotional disorder,
10 physical injury, the aging process, or impaired development.
11 Occupational therapists use purposeful activities and specially
12 designed orthotic and prosthetic devices to reduce specific
13 impairments and to help individuals achieve independence at home
14 and in the work place.
- 15 (5) Person. – Any individual, partnership, unincorporated organization, or
16 corporate body, except that only an individual may be licensed under
17 this Article."

18 **SECTION 12.** G.S. 90B-9 reads as rewritten:

19 **"§ 90B-9. Renewal of certificates and licenses.**

20 (a) All certificates and licenses shall be effective upon date of issuance by the
21 Board, and shall be renewed on or before the second June 30 thereafter.

22 (b) All certificates and licenses issued hereunder shall be renewed at the times
23 and in the manner provided by this section. At least 45 days prior to expiration of each
24 certificate or license, the Board shall mail a notice and application for renewal to the
25 certificate holder or licensee. Prior to the expiration date, the application shall be
26 returned properly completed, together with a renewal fee established by the Board
27 pursuant to ~~G.S. 90B-6.2(a)(5)~~ G.S. 90B-6.2(a)(4) and evidence of completion of the
28 continuing education requirements established by the Board pursuant to G.S. 90B-6(g),
29 upon receipt of which the Board shall renew the certificate or license. If a certificate or
30 license is not renewed on or before the expiration date, an additional fee shall be
31 charged for late renewal as provided in ~~G.S. 90B-6.2(a)(6)~~ G.S. 90B-6.2(a)(5).

32 (c) A certificate or license issued under this Chapter shall be automatically
33 suspended for failure to renew for a period of more than 60 days after the renewal date.
34 The Board may reinstate a certificate or license suspended under this subsection upon
35 payment of a reinstatement fee as provided in ~~G.S. 90B-6.2(a)(7)~~ G.S. 90B-6.2(a)(6)
36 and may require that the applicant file a new application, furnish new supervisory
37 reports or references or otherwise update his or her credentials, or submit to
38 examination for reinstatement. The Board shall have exclusive jurisdiction to
39 investigate alleged violations of this Chapter by any person whose certificate or license
40 has been suspended under this subsection and, upon proof of any violation of this
41 Chapter, the Board may take disciplinary action as provided in G.S. 90B-11.

42 (d) Any person certified or licensed and desiring to retire temporarily from the
43 practice of social work shall send written notice thereof to the Board. Upon receipt of
44 such notice, his or her name shall be placed upon the nonpracticing list and he or she

1 shall not be subject to payment of renewal fees while temporarily retired. In order to
2 reinstate certification or licensure, the person shall apply to the Board by making a
3 request for reinstatement and paying the appropriate fee as provided in G.S. 90B-6.2."

4 **SECTION 13.** G.S. 113-133.1(e) reads as rewritten:

5 "(e) Because of strong community interest expressed in their retention, the local
6 acts or portions of local acts listed in this section are not repealed. The following local
7 acts are retained to the extent they apply to the county for which listed:

8 Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526;
9 Session Laws 1979, Chapter 556.

10 Anson: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 286.

11 Ashe: Former G.S. 113-111; Session Laws 1951, Chapter 665.

12 Avery: Former G.S. 113-122.

13 Beaufort: Session Laws 1947, Chapter 466, as amended by Session Laws 1979,
14 Chapter 219; Session Laws 1957, Chapter 1364; Session Laws 1971, Chapter 173.

15 Bertie: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 287.

16 Bladen: Public-Local Laws 1933, Chapter 550, Section 2 (as it pertains to fox
17 season); Session Laws 1961, Chapter 348 (as it applies to Bladen residents fishing in
18 Robeson County); Session Laws 1961, Chapter 1023; Session Laws 1971, Chapter 384.

19 Brunswick: Session Laws 1975, Chapter 218.

20 Buncombe: Public-Local Laws 1933, Chapter 308.

21 Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra
22 Session), Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933,
23 Chapter 422, Section 3; Session Laws 1965, Chapter 608, as amended by Session Laws
24 1977, Chapter 68; Session Laws 1977, Chapter 636.

25 Caldwell: Former G.S. 113-122; Session Laws 1965, Chapter 608, as amended by
26 Session Laws 1977, Chapter 68; Session Laws 1977, Chapter 636; Session Laws 1979,
27 Chapter 507.

28 Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing
29 waters); Session Laws 1967, Chapter 441.

30 Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, Chapter 695.

31 Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter
32 411.

33 Catawba: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.

34 Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.

35 Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.

36 Cleveland: Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101;
37 Session Laws 1979, Chapter 587.

38 Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955,
39 Chapter 506.

40 Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971,
41 Chapter 629.

42 Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 471.

43 Dare: Session Laws 1973, Chapter 259.

44 Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.

- 1 Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session
2 1974), Chapter 1266; Session Laws 1979, Chapter 466.
- 3 Edgecombe: Session Laws 1961, Chapter 408.
- 4 Gates: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session
5 Laws 1975, Chapter 748.
- 6 Granville: Session Laws 1963, Chapter 670.
- 7 Greene: Session Laws 1975, Chapter 219; Session Laws 1979, Chapter 360.
- 8 Halifax: Public-Local Laws 1925, Chapter 571, Section 3 (with respect to
9 fox-hunting seasons); Session Laws 1947, Chapter 954; Session Laws 1955, Chapter
10 1376.
- 11 ~~Harnett: Former G.S. 113-111, as modified by Session Laws 1977, Chapter 636.~~
- 12 Haywood: Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.
- 13 Henderson: Former G.S. 113-111.
- 14 Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269;
15 Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 67.
- 16 Hoke: Session Laws 1963, Chapter 267.
- 17 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes);
18 Session Laws 1951, Chapter 932.
- 19 Iredell: Session Laws 1979, Chapter 577.
- 20 Jackson: Session Laws 1965, Chapter 765; Session Laws 1971, Chapter 424.
- 21 Johnston: Session Laws 1975, Chapter 342.
- 22 Jones: Session Laws 1979, Chapter 441.
- 23 Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.
- 24 Lenoir: Session Laws 1979, Chapter 441.
- 25 Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws
26 1955, Chapter 878.
- 27 Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951,
28 Chapter 1040.
- 29 Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.
- 30 Mitchell: Session Laws 1965, Chapter 608, as amended by Session Laws 1977,
31 Chapter 68.
- 32 Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.
- 33 Nash: Session Laws 1961, Chapter 408.
- 34 New Hanover: Session Laws 1971, Chapter 559; Session Laws 1975, Chapter 95.
- 35 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269;
36 Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979,
37 Chapter 548.
- 38 Orange: Public-Local Laws 1913, Chapter 547.
- 39 Pamlico: Session Laws 1977, Chapter 636.
- 40 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session
41 Laws 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session
42 Laws 1977, Chapter 585, as amended by Session Laws 1985, Chapter 421; Session
43 Laws 1977, Chapter 805; Session Laws 1979, Chapter 546.

1 Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws
2 1973, Chapter 264; Session Laws 1979, Chapter 582.

3 Polk: Session Laws 1975, Chapter 397; Session Laws 1975, Chapter 269, as
4 amended by Session Laws 1977, Chapter 167.

5 Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.

6 Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961,
7 Chapter 348.

8 Rockingham: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310.

9 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977,
10 Chapter 106, and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.

11 Rutherford: Session Laws 1973, Chapter 114; Session Laws 1975, Chapter 397.

12 Sampson: Session Laws 1979, Chapter 373.

13 Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.

14 Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws
15 1979, Chapter 556.

16 Surry: Public-Local Laws 1925, Chapter 474, Section 6 (as it pertains to fox
17 seasons); Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter
18 167.

19 Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270;
20 Session Laws 1965, Chapter 765.

21 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public
22 Laws 1935, Chapter 238.

23 Tyrrell: Former G.S. 113-111; Session Laws 1953, Chapter 685.

24 Wake: Session Laws 1973 (Second Session 1974), Chapter 1382.

25 Washington: Session Laws 1947, Chapter 620.

26 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as
27 amended by Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as
28 amended by Session Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.

29 Wilkes: Former G.S. 113-111, as amended by Session Laws 1971, Chapter 385;
30 Session Laws 1951, Chapter 665; Session Laws 1973, Chapter 106; Session Laws 1979,
31 Chapter 507.

32 Yadkin: Former G.S. 113-111, as amended by Session Laws 1953, Chapter 199;
33 Session Laws 1979, Chapter 507.

34 Yancey: Session Laws 1965, Chapter 522."

35 **SECTION 14.** G.S. 113-270.3(d) reads as rewritten:

36 "(d) Any individual who possesses any of the lifetime sportsman licenses
37 established by G.S. 113-270.1D(b) may engage in specially regulated activities without
38 the licenses required by subdivisions (1), (2), (3), and (5) of subsection (b) of this
39 section. Any individual possessing an annual sportsman license established by
40 G.S. 113-270.1D(a) or a lifetime or annual comprehensive hunting license established
41 by G.S. 113-270.2(c)(2) or (5) may engage in specially regulated activities without the
42 licenses required by subdivisions ~~(1) and (3)~~(1), (3), and (5) of subsection (b) of this
43 section."

44 **SECTION 15.** G.S. 115C-499.3(a) reads as rewritten:

1 "(a) Subject to the amount of net income available under G.S. 18C-164(b)(2), a
2 scholarship awarded under this Article to a student at an eligible postsecondary
3 institution shall be based upon the enrollment status and expected family contribution of
4 the student and shall not exceed four thousand dollars (\$4,000) per academic year,
5 including any federal Pell Grant, to be used for the costs of attendance as defined for
6 federal Title IV programs."

7 **SECTION 16.(a)** G.S. 120-4.21(c), as it applies to members retiring before
8 September 1, 2005, reads as rewritten:

9 "~~(c) Limitations.~~ Limitations applicable to members retiring before September 1,
10 2005. – In no event shall any member receive a service retirement allowance greater
11 than seventy-five percent (75%) of his "highest annual salary"."

12 **SECTION 16.(b)** G.S. 120-4.21(c), as it applies to members retiring on or
13 after September 1, 2005, is recodified as G.S. 120-4.21(d) and reads as rewritten:

14 "~~(d) Limitations.~~ Limitations applicable to members retiring on or after September
15 1, 2005. – In no event shall any member receive a service retirement allowance greater
16 than seventy-five percent (75%) of the member's "highest annual salary" nor shall a
17 member receive any service retirement allowance whatsoever while employed in a
18 position that makes the member a contributing member of either the Teachers' and State
19 Employees' Retirement System or the Consolidated Judicial Retirement System. If the
20 member should become a member of either of these systems, payment of the member's
21 service retirement allowance shall be suspended until the member withdraws from
22 membership in that system."

23 **SECTION 17.(a)** G.S. 130A-309.10 (f)(7) reads as rewritten:

24 "(7) Whole scrap tires, as provided in G.S. 130A-309.58(b). The
25 prohibition ~~of the disposal of~~ on disposal of whole scrap tires in
26 landfills applies to all whole pneumatic rubber coverings, but does not
27 apply to whole solid rubber coverings."

28 **SECTION 17.(b)** This section is effective October 1, 2009.

29 **SECTION 18.(a)** G.S. 135-3(8)c. reads as rewritten:

30 "c. Should a beneficiary who retired on an early or service
31 retirement allowance under this Chapter be reemployed, or
32 otherwise engaged to perform services, by an employer
33 participating in the Retirement System on a part time,
34 temporary, interim, or on a fee for service basis, whether
35 contractual or otherwise, and if such beneficiary earns an
36 amount during the 12-month period immediately following the
37 effective date of retirement or in any calendar year which
38 exceeds fifty percent (50%) of the reported compensation,
39 excluding terminal payments, during the 12 months of service
40 preceding the effective date of retirement, or twenty thousand
41 dollars (\$20,000), whichever is greater, as hereinafter indexed,
42 then the retirement allowance shall be suspended as of the first
43 day of the month following the month in which the
44 reemployment earnings exceed the amount above, for the

1 balance of the calendar year. The retirement allowance of the
2 beneficiary shall be reinstated as of January 1 of each year
3 following suspension. The amount that may be earned before
4 suspension shall be increased on January 1 of each year by the
5 ratio of the Consumer Price Index to the Index one year earlier,
6 calculated to the nearest tenth of a percent (1/10 of 1%).

7 ~~in full time capacity that exceeds fifty percent (50%) of the applicable~~
8 ~~workweek."~~

9 **SECTION 18.(b)** This section is effective June 30, 2007.

10 **SECTION 19.** The catch line of G.S. 158-33 reads as rewritten:

11 **"§ 158-33. Creation of ~~Global TransPark Development Zone~~North Carolina's**
12 **Eastern Region."**

13 **SECTION 20.(a)** The introductory language of Section 5 of S.L. 2005-123
14 reads as rewritten:

15 **"SECTION 5.** G.S. 47-46.1 ~~and G.S. 47-46.2 read~~ reads as rewritten:"

16 **SECTION 20.(b)** This section is effective October 1, 2005.

17 **SECTION 21.** S.L. 2005-123 is amended by adding a new section to read:

18 **"SECTION 9.1.** The Revisor of Statutes shall cause to be printed at the appropriate
19 locations in the General Statutes all relevant portions of the official comments to the
20 Uniform Residential Mortgage Satisfaction Act and all explanatory comments of the
21 drafters of this act as the Revisor deems appropriate."

22 **SECTION 22.** Section 3 of S.L. 2005-127 reads as rewritten:

23 **"SECTION 3.** This act is effective when it becomes law. For each water and sewer
24 authority organized under Article 1 of Chapter ~~462~~ 162A of the General Statutes,
25 Section 2 of this act applies on the first day of the fiscal year of the authority that begins
26 on or after the date this act becomes effective."

27 **SECTION 23.** Section 1 of S.L. 2005-133 reads as rewritten:

28 **"SECTION 1.** Under the Occupational Safety and Health Act of North Carolina,
29 the name of the Safety and Health Review Board is changed to the North Carolina
30 Occupational Safety and Health Review Commission. The Revisor of Statutes is
31 authorized to substitute the term "Commission" for the term "Board" wherever that term
32 appears in the General Statutes in relation to the Act. The Revisor of Statutes is also
33 authorized to insert the words "North Carolina Occupational" in front of the phrase
34 "Safety and Health Review Commission" wherever that phrase appears in the General
35 Statutes in relation to the Act."

36 **SECTION 24(a).** Section 7(a) of S.L. 2005-192 is codified as
37 G.S. 36C-11-1106, and reads as rewritten:

38 **"§ 36C-11-1106. Application to existing relationships.**

39 **(a)** ~~Section 2 of this act becomes effective January 1, 2006, and except~~Except as
40 otherwise provided in Chapter ~~36C~~ of the General Statutes, ~~as enacted by Section 2 of~~
41 ~~this act,~~this Chapter, this Chapter applies to (i) all trusts created before, on, or after ~~that~~
42 ~~date;~~January 1, 2006; (ii) all judicial proceedings concerning trusts commenced on or
43 after ~~that date;~~January 1, 2006; and (iii) judicial proceedings concerning trusts
44 commenced before ~~that date~~January 1, 2006, unless the court finds that application of a

1 particular provision of ~~Chapter 36C of the General Statutes~~this Chapter would
2 substantially interfere with the effective conduct of the judicial proceedings or prejudice
3 the rights of the parties, in which case the particular provision of ~~Chapter 36C of the~~
4 ~~General Statutes~~this Chapter does not apply and the superseded law applies.

5 (b) Except as otherwise provided in ~~Chapter 36C of the General Statutes, as~~
6 ~~enacted by Section 2 of this act,~~this Chapter, any rule of construction or presumption
7 provided in ~~Chapter 36C of the General Statutes~~ this Chapter applies to trust
8 instruments executed before ~~the effective date of Section 2 of this act~~ January 1, 2006,
9 unless there is a clear indication of a contrary intent in the terms of the trust or unless
10 application of that rule of construction or presumption would impair substantial rights of
11 a beneficiary. Except as otherwise provided in ~~Chapter 36C of the General Statutes, as~~
12 ~~enacted by Section 2 of this act,~~ this Chapter, an act done before ~~the effective date of~~
13 ~~Section 2 of this act~~ January 1, 2006, is not affected by ~~Chapter 36C of the General~~
14 ~~Statutes~~ this Chapter. If a right is acquired, extinguished, or barred upon the expiration
15 of a prescribed period that has commenced to run under any other statute before ~~the~~
16 ~~effective date of Section 2 of this act,~~ January 1, 2006, that statute continues to apply to
17 the right even if it has been repealed or superseded."

18 **SECTION 24.(b)** Section 7(b) of S.L. 2005-192 reads as rewritten:

19 "**SECTION 7.(b)** ~~Section 1 and Sections 3 through 5~~ Sections 1 through 5 of this act
20 become effective January 1, 2006. The remainder of this act is effective when it
21 becomes law."

22 **SECTION 24.(c)** The Revisor of Statutes is authorized to cause to be printed
23 along with G.S. 36C-11-1106, as enacted by this section, all relevant portions of the
24 Official Commentary to this section of the Uniform Trust Code and all explanatory
25 comments of the drafters as the Revisor deems appropriate.

26 **SECTION 25.** Section 7 of S.L. 2005-351 reads as rewritten:

27 "**SECTION 7.** This act becomes effective October 1, 2005, and applies to powers
28 of attorney created ~~before and~~ on, before, or after that date."

29 **SECTION 26.** S.L. 2006-11 is amended by adding a new section to read:

30 "**SECTION 2.1.** The Revisor of Statutes shall cause to be printed along with
31 G.S. 25-9-705, as amended by this act, all explanatory comments of the drafters of this
32 act as the Revisor deems appropriate."

33 **SECTION 27.** This act is effective when it becomes law.