

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 783
HOUSE BILL 609

AN ACT TO MAKE VARIOUS AMENDMENTS TO THE GENERAL STATUTES
AND TO CLARIFY CHAPTER 105 OF THE 1987 SESSION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-21-1 is amended after the first sentence by inserting a new sentence to read as follows: "The clerk of superior court in his discretion may allow the personal representative or collector to adopt a substitute date for the filing of the first and subsequent annual accounts; provided that the first account using the substitute date must be filed within one year of the opening of the estate or filing of a previous annual account."

Sec. 2. G.S. 35-1.7(4) is amended in the fourth sentence thereof by inserting between the words "guardian" and "unless" the words "without further proceedings".

Sec. 3. G.S. 136-17.2 is rewritten to read as follows:

"§ 136-17.2. Members of the Board of Transportation represent entire State.—The chairman and members of the Board of Transportation shall represent the entire State in highway matters and not represent any particular person, persons, or area. The Board shall, from time to time, provide that one or more of its members or representatives shall publicly hear any person or persons concerning highway matters in each of said geographic areas of the State."

Sec. 4. Section 5 of Chapter 105 of the 1987 Session Laws is rewritten to read as follows:

"Sec. 5. G.S. 90-95(h)(3) is amended to read as follows:

'(3) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or any coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, and any salt, isomer, salts of isomers, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances (except decocanized coca leaves or any extraction of coca leaves which does not contain cocaine) or any mixture containing such substances, shall be guilty of a felony, which felony shall be known as "trafficking in cocaine" and if the quantity of such substance or mixture involved:

- a. Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class G felon and shall be sentenced to a term of at least seven years in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

- b. Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class F felon and shall be sentenced to a term of at least 14 years in the State's prison and shall be fined not less than one hundred thousand dollars (\$100,000);
- c. Is 400 grams or more, such person shall be punished as a Class D felon and shall be sentenced to a term of at least 35 years in the State's prison and shall be fined at least two hundred fifty thousand dollars (\$250,000)."

Sec. 5. G.S. 113-28.1 is amended by deleting the last sentence of that section which reads as follows: "Such employees shall receive no additional compensation for performing the duties of special peace officers under this Article."

Sec. 6. G.S. 40A-3(b)(4) is amended by inserting immediately before the period the following phrase: ", or sewer and septic tank lines and systems".

Sec. 7. G.S. 15A-1371(h) and G.S. 15A-1380.2(h), as amended by Chapter 47 of the 1987 Session Laws, are amended in sub-subdivision a. of those sections by inserting between the word "transactions" and the comma the following phrase: "or his probationary sentence was revoked in the same such session of court".

Sec. 8. G.S. 17E-7(c) is amended in its second paragraph by deleting the word "deputy" and substituting the words "justice officer".

Sec. 9. Section 3 of Chapter 490, Session Laws of 1987, is rewritten to read:

"Sec. 3. This act applies to all applications for franchises filed on or after October 1, 1987."

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of August, 1987.