

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 638

Short Title: Transfer Museum of Nat. Sciences.

(Public)

Sponsors: Representatives Colton, H. Hunter; and Bowman.

Referred to: Appropriations.

March 29, 1993

A BILL TO BE ENTITLED

1 AN ACT TO TRANSFER THE NORTH CAROLINA STATE MUSEUM OF
2 NATURAL SCIENCES AND ITS ADVISORY COMMISSION FROM THE
3 DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF CULTURAL
4 RESOURCES AND TO CONFORM VARIOUS STATUTORY REFERENCES TO
5 THAT MUSEUM.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. The statutory authority, powers, duties, and functions, records,
9 personnel, property, and unexpended balances of appropriations, allocations, or other
10 funds of (i) the North Carolina State Museum of Natural Sciences, and of (ii) the
11 Advisory Commission established in Article 40 of Chapter 143 of the General Statutes
12 for the North Carolina State Museum of Natural Sciences, are transferred from the
13 Department of Agriculture to the Department of Cultural Resources. This transfer has
14 all of the elements of a Type I transfer as defined by G.S. 143-6.

15 Sec. 2. Article 40 of Chapter 143 of the General Statutes, G.S. 143-370
16 through G.S. 143-373 is recodified as Article 5 of Chapter 121 of the General Statutes,
17 G.S. 121-45 through G.S. 121-48.

18 Sec. 3. G.S. 143A-66 is repealed.

19 Sec. 4. G.S. 106-22(15) is repealed.

20 Sec. 5. G.S. 121-4 is amended by adding a new subdivision to read:

21 "(17) To keep a museum or collection of the cultural and other resources and
22 the natural history of the State."

23 Sec. 6. Article 5 of Chapter 121 of the General Statutes as recodified in
24 Section 2 of this act reads as rewritten:

1 "ARTICLE 5.

2 "ADVISORY COMMISSION FOR STATE MUSEUM OF NATURAL
3 HISTORY.

4 NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES.

5 "§ 121-45. Commission created; membership.

6 There is hereby created an Advisory Commission for the ~~Museum of Natural History~~
7 North Carolina State Museum of Natural Sciences which shall determine its own
8 organization. It shall consist of at least nine members, which shall include the Director
9 of the ~~Museum of Natural History, North Carolina State Museum of Natural Sciences, the~~
10 ~~Commissioner of Agriculture, the Secretary of Cultural Resources,~~ the State Geologist and
11 Secretary of Environment, Health, and Natural Resources, the Director of the Institute
12 of Fisheries Research of the University of North Carolina, the Director of the Wildlife
13 Resources Commission, the Superintendent of Public Instruction, or qualified
14 representative of any or all of the above-named members, and at least three persons
15 representing the East, the Piedmont, ~~and~~ and the Western areas of the State. Members
16 appointed by the Governor shall serve for terms of two years with the first appointments
17 to be made effective September 1, 1961. Any member may be removed by the
18 Governor for cause.

19 "§ 121-46. Duties of Commission; meetings, formulation of policies and
20 recommendations to Governor and General Assembly.

21 It shall be the duty of the Advisory Commission for the ~~Museum of Natural History~~
22 North Carolina State Museum of Natural Sciences to meet at least twice each year, to
23 formulate policies for the advancement of the ~~said~~ Museum, to make recommendations
24 to the Governor and to the General Assembly concerning the Museum, and to assist in
25 promoting and developing wider and more effective use of the ~~Museum of Natural History~~
26 North Carolina State Museum of Natural Sciences as an educational, scientific and
27 historical exhibit.

28 "§ 121-47. No compensation of members; reimbursement for expenses.

29 Members of the Advisory Commission shall serve without compensation and shall
30 be reimbursed for actual expenses incurred while in attendance at meetings of the
31 Commission at the same rate as that established for reimbursement of State employees.
32 Payment for such reimbursement for actual expense shall be made from the
33 Contingency and Emergency Fund.

34 "§ 121-48. Reports to General Assembly.

35 The Commission shall prepare and submit to the ~~1963-1995~~ General Assembly, and
36 to each succeeding General Assembly, a report outlining the needs of the ~~State Museum~~
37 ~~of Natural History, North Carolina State Museum of Natural Sciences~~ and their
38 recommendation for improvement of the effectiveness of the ~~said State Museum of~~
39 ~~Natural History North Carolina State Museum of Natural Sciences~~ for the purpose
40 hereinabove set forth."

41 Sec. 7. G.S. 14-419 reads as rewritten:

42 "§ 14-419. Investigation of suspected violations; seizure and examination of
43 reptiles; disposition of reptiles.

1 In any case in which any law-enforcement officer or animal control officer has
2 reasonable grounds to believe that any of the provisions of this Article have been or are
3 about to be violated, it shall be the duty of such officer and he is hereby authorized,
4 empowered, and directed to immediately investigate such violation or impending
5 violation and to forthwith seize the reptile or reptiles involved, and all such officers are
6 hereby authorized and directed to deliver such reptiles to the ~~Museum of Natural History~~
7 North Carolina State Museum of Natural Sciences or to its designated representative for
8 examination and test for the purpose of ascertaining whether said reptiles contain venom
9 and are poisonous. If the ~~Museum of Natural History~~ North Carolina State Museum of
10 Natural Sciences or its designated representative finds that said reptiles are dangerously
11 poisonous, the ~~Museum of Natural History~~ North Carolina State Museum of Natural
12 Sciences or its designated representative shall be empowered to dispose of said reptiles
13 in a manner consistent with the safety of the public; but if ~~said the~~ Museum or its
14 designated representative find that the reptiles are not dangerously poisonous, and are
15 not and cannot be harmful to human life, safety, health or welfare, then it shall be the
16 duty of such officers to return the said reptiles to the person from whom they were
17 seized within five days."

18 Sec. 8. G.S. 14-420 reads as rewritten:

19 **"§ 14-420. Arrest of persons violating provisions of Article.**

20 If the examination and tests made by the ~~Museum of Natural History~~ North Carolina
21 State Museum of Natural Sciences or its designated representative as provided herein
22 show that such reptiles are dangerously poisonous, it shall be the duty of the officers
23 making the seizure, in addition to destroying such reptiles, also to arrest all persons
24 violating any of the provisions of this Article."

25 Sec. 9. G.S. 106-202.17(b) reads as rewritten:

26 "(b) The Scientific Committee shall consist of the Directors of The University of
27 North Carolina at Chapel Hill Herbarium, the North Carolina State University
28 Herbarium, the North Carolina Botanical Garden of The University of North Carolina at
29 Chapel Hill, the ~~North Carolina Museum of Natural History~~ North Carolina State Museum
30 of Natural Sciences and the North Carolina Natural Heritage Program of the Department
31 of Environment, Health, and Natural Resources or their designees, a representative of
32 the North Carolina Association of Nurserymen, Inc., appointed by the Commissioner,
33 and a representative of the Garden Club of North Carolina, Incorporated, the North
34 Carolina Chapter of the Nature Conservancy or the North Carolina Wild Flower
35 Preservation Society, Inc., appointed by the Commissioner. Members shall serve for
36 three-year terms and may succeed themselves."

37 Sec. 10. G.S. 147-50 reads as rewritten:

38 **"§ 147-50. Publications of State officials and department heads furnished to certain**
39 **institutions, agencies, etc.**

40 Every State official and every head of a State department, institution or agency
41 issuing any printed report, bulletin, map, or other publication shall, on request, furnish
42 copies of such reports, bulletins, maps or other publications to the following institutions
43 in the number set out below:

44 University of North Carolina at Chapel Hill

25 copies;

1	University of North Carolina at Charlotte	2 copies;
2	University of North Carolina at Greensboro	2 copies;
3	North Carolina State University at Raleigh	2 copies;
4	East Carolina University at Greenville	2 copies;
5	Duke University	25 copies;
6	Wake Forest College	2 copies;
7	Davidson College	2 copies;
8	North Carolina Supreme Court Library	2 copies;
9	North Carolina Central University	5 copies;
10	Western Carolina University	2 copies;
11	Appalachian State University	2 copies;
12	University of North Carolina at Wilmington	2 copies;
13	North Carolina Agricultural and Technical	
14	State University	2 copies;
15	Legislative Library	2 copies;
16	and to governmental officials, agencies and departments and to other educational	
17	institutions, in the discretion of the issuing official and subject to the supply available,	
18	such number as may be requested: Provided that five sets of all such reports, bulletins	
19	and publications heretofore issued, insofar as the same are available and without	
20	necessitating reprinting, shall be furnished to the North Carolina Central University.	
21	The provisions in this section shall not be interpreted to include any of the appellate	
22	division reports or advance sheets distributed by the Administrative Office of the	
23	Courts. Except for reports, bulletins, and other publications issued for free distribution,	
24	this section shall not apply to the Museum of Natural History . <u>North Carolina State</u>	
25	<u>Museum of Natural Sciences.</u> "	
26	Sec. 11. This act becomes effective July 1, 1993.	