

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1301

Short Title: General Statutes Technical Bill.

(Public)

Sponsors: Senators Hartsell; Plexico and Martin of Pitt.

Referred to: Judiciary II/Election Laws.

May 23, 1996

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL
STATUTES AS RECOMMENDED BY THE GENERAL STATUTES
COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. (a) G.S. 1-50(a)(7) is recodified as G.S. 1-47(6). G.S. 1-47(6), as
recodified by this section, reads as rewritten:

"(6) a. ~~No action against~~ Against any registered land surveyor as defined in
G.S. 89C-3(9) or any person acting under his supervision and control
for physical damage or for economic or monetary loss due to negligence
or a deficiency in the performance of surveying or ~~plating shall be~~
~~brought more than 10~~ plating, within 10 years from after the last act or
omission giving rise to the cause of action.

b. For purposes of this subdivision, 'surveying and plating' means
boundary surveys, topographical surveys, surveys of property
lines, and any other measurement or surveying of real property
and the consequent graphic representation thereof.

c. The limitation prescribed by this subdivision shall apply to the
exclusion of G.S. 1-15(c) and G.S. 1-52(16)."

(b) G.S. 1-52(18) reads as rewritten:

1 "(18) Against any registered land surveyor as defined in G.S. 89C-3(9) or
2 any person acting under his supervision and control for physical
3 damage or economic or monetary loss due to negligence or a
4 deficiency in the performance of surveying or platting as defined in
5 G.S. ~~1-50(7)~~-1-47(6)."

6 Sec. 2. G.S. 1-538.2(a) reads as rewritten:

7 "(a) Any person, other than an unemancipated minor, who commits an act that is
8 punishable under G.S. 14-72, 14-72.1, 14-74, 14-90, or 14-100 is liable for civil damages
9 to the owner of the property. In any action brought by the owner of the ~~property~~
10 property, the owner is entitled to recover the value of the goods or merchandise, if the
11 goods or merchandise have been destroyed, or any loss of value to the goods or
12 merchandise, if the goods or merchandise were recovered, or the amount of any money
13 lost by reason of the theft or embezzlement or fraud of an employee. In addition to the
14 above, the owner of the property is entitled to recover any consequential damages, and
15 punitive damages, together with reasonable ~~attorneys~~-attorneys' fees. The total
16 compensatory and consequential damages awarded to a plaintiff against a defendant
17 under this section shall not be less than one hundred fifty dollars (\$150.00) and shall not
18 exceed one thousand dollars (\$1,000), except an act punishable under G.S. 14-74 or G.S.
19 14-90 shall have no maximum limit under this section."

20 Sec. 3. G.S. 1A-1-30(b)(4) reads as rewritten:

21 "(4) Unless the court orders otherwise, testimony at a deposition may be
22 recorded by sound recording, sound-and-visual, or stenographic
23 ~~means/methods~~-means. If the testimony is to be taken by other means in
24 addition to or in lieu of stenographic means, the notice shall state the
25 methods by which it shall be taken and shall state whether a
26 stenographer will be present at the deposition. In the case of a
27 deposition taken by stenographic means, the party that provides for the
28 stenographer shall provide for the transcribing of the testimony taken. If
29 the deposition is by sound recording only, the party noticing the
30 deposition shall provide for the transcribing of the testimony taken. If
31 the deposition is by sound-and-visual means, the appearance or
32 demeanor of deponents or attorneys shall not be distorted through
33 camera techniques. Regardless of the method stated in the notice, any
34 party or the deponent may have the testimony recorded by stenographic
35 means."

36 Sec. 4. G.S. 14-3(c) reads as rewritten:

37 "(c) If any Class 2 or Class 3 misdemeanor is committed because of the victim's
38 race, color, religion, nationality, or country of origin, the offender shall be guilty of a
39 Class 1 misdemeanor. If any Class A1 or Class 1 misdemeanor offense is committed
40 because of the victim's race, color, religion, nationality, or country of origin, the offender
41 shall be guilty of a Class I felony."

42 Sec. 5. G.S. 14-32.2(b) reads as rewritten:

1 "(b) Unless the conduct is prohibited by some other provision of law providing for
2 greater ~~punishment~~ punishment.

3 (1) Any person who violates subsection (a) above is guilty of a Class C
4 felony where intentional conduct proximately causes the death of the
5 patient or resident;

6 (2) Any person who violates subsection (a) above is guilty of a Class E
7 felony where culpably negligent conduct proximately causes the death
8 of the patient or resident;

9 (3) Any person who violates subsection (a) above is guilty of a Class F
10 felony where such conduct proximately causes serious bodily injury to
11 the patient or resident."

12 Sec. 6. G.S. 14-32.2(e) reads as rewritten:

13 "(e) 'Culpably negligent' shall mean conduct of a ~~willful~~ willful, gross and flagrant
14 character, evincing reckless disregard of human life."

15 Sec. 7. G.S. 14-32.3(c) reads as rewritten:

16 "(c) Exploitation. – A person is guilty of exploitation if that person is a caretaker of
17 a disabled or elder adult who is residing in a domestic setting, and knowingly, willfully
18 and with the intent to permanently deprive the owner of property or money: (i) makes a
19 false representation, (ii) abuses a position of trust or fiduciary duty, or (iii) coerces,
20 commands, or threatens, and, as a result of the act, the disabled or elder adult gives or
21 loses possession and control of property or money.

22 If the loss of property or money is of a value of more than one thousand dollars
23 (\$1,000) the caretaker is guilty of a Class H felony. If the loss of property or money is of
24 a value of ~~less than~~ one thousand dollars (\$1,000) or less, the caretaker is guilty of a Class
25 1 misdemeanor."

26 Sec. 8. G.S. 14-34.5 reads as rewritten:

27 **"§ 14-34.5. Assault with a firearm on a law enforcement officer.**

28 Any person who commits an assault with a firearm upon a law enforcement officer
29 while the law enforcement officer is in the performance of his or her duties is guilty of a
30 Class E felony."

31 Sec. 9. G.S. 14-202.2(b) reads as rewritten:

32 "(b) ~~Indecent liberties between minors~~ A violation of this section is punishable as a
33 Class 1 misdemeanor."

34 Sec. 10. G.S. 15A-1002(b) reads as rewritten:

35 "(b) When the capacity of the defendant to proceed is questioned, the court shall
36 hold a hearing to determine the defendant's capacity to proceed. If an examination is
37 ordered pursuant to ~~subdivisions~~ subdivision (1) or (2) ~~below~~, of this subsection, the
38 hearing shall be held after the examination. Reasonable notice shall be given to the
39 defendant and prosecutor, and the State and the defendant may introduce evidence. The
40 court:

41 (1) May appoint one or more impartial medical experts, including forensic
42 evaluators approved under rules of the Commission for Mental Health,
43 Developmental Disabilities, and Substance Abuse Services, to examine

1 the defendant and return a written report describing the present state of
2 the defendant's mental health; reports so prepared are admissible at the
3 hearing and the court may call any expert so appointed to testify at the
4 hearing; any expert so appointed may be called to testify at the hearing
5 by the court at the request of either party; or

6 (2) In the case of a defendant charged with a misdemeanor only after the
7 examination pursuant to subsection (b)(1) of this section or at any time
8 in the case of a defendant charged with a felony, may order the
9 defendant to a State facility for the mentally ill for observation and
10 treatment for the period, not to exceed 60 days, necessary to determine
11 the defendant's capacity to proceed; in the case of a defendant charged
12 with a felony, if a defendant is ordered to a State facility without first
13 having an examination pursuant to subsection (b)(1) of this section, the
14 judge shall make a finding that an examination pursuant to this
15 subsection would be more appropriate to determine the defendant's
16 capacity; the sheriff shall return the defendant to the county when
17 notified that the evaluation has been completed; the director of the
18 facility shall direct his report on defendant's condition to the defense
19 attorney and to the clerk of superior court, who shall bring it to the
20 attention of the court; the report is admissible at the hearing.

21 (3) Repealed by Session Laws 1989, c. 486, s. 1."

22 Sec. 11. G.S. 15A-1002(b1) reads as rewritten:

23 "(b1) If the report pursuant to ~~subdivisions~~ subdivision (1) or (2) of subsection (b) of
24 this section indicates that the defendant lacks capacity to proceed, proceedings for
25 involuntary civil commitment under Chapter 122C of the General Statutes may be
26 instituted on the basis of the report in either the county where the criminal proceedings
27 are pending or, if the defendant is hospitalized, in the county in which the defendant is
28 hospitalized."

29 Sec. 12. G.S. 15A-1340.14(e) reads as rewritten:

30 "(e) Classification of Prior Convictions From Other Jurisdictions. – Except as
31 otherwise provided in this subsection, a conviction occurring in a jurisdiction other than
32 North Carolina is classified as a Class I felony if the jurisdiction in which the offense
33 occurred classifies the offense as a felony, or is classified as a Class 3 misdemeanor if the
34 jurisdiction in which the offense occurred classifies the offense as a misdemeanor. If the
35 offender proves by the preponderance of the evidence that an offense classified as a
36 felony in the other jurisdiction is substantially similar to an offense that is a misdemeanor
37 in North Carolina, the conviction is treated as that class of misdemeanor for assigning
38 prior record level points. If the State proves by the preponderance of the evidence that an
39 offense classified as either a misdemeanor or a felony in the other jurisdiction is
40 substantially similar to an offense in North Carolina that is classified as a Class I felony
41 or higher, the conviction is treated as that class of felony for assigning prior record level
42 points. If the State proves by the preponderance of the evidence that an offense classified
43 as a misdemeanor in the other jurisdiction is substantially similar to an offense classified

1 as a Class A1 or Class 1 misdemeanor in North Carolina, the conviction is treated as a
2 Class A1 or Class 1 misdemeanor for assigning prior record level points."

3 Sec. 13. G.S. 15A-1340.22(a) reads as rewritten:

4 "(a) Limits on Consecutive Sentences. – If the court elects to impose consecutive
5 sentences for two or more misdemeanors and the most serious misdemeanor is classified
6 in Class ~~A1~~, Class 1, or Class 2, the cumulative length of the sentences of imprisonment
7 shall not exceed twice the maximum sentence authorized for the class and prior
8 conviction level of the most serious offense. Consecutive sentences shall not be imposed
9 if all convictions are for Class 3 misdemeanors."

10 Sec. 14. G.S. 30-26 reads as rewritten:

11 "**§ 30-26. When above allowance is in full.**

12 If the estate of a deceased be insolvent, or if his personal estate does not exceed ten
13 thousand dollars (\$10,000), the allowances for the year's support of the surviving spouse
14 and the children shall not, in any case, exceed the value prescribed in G.S. 30-15 and G.S.
15 30-17; and the allowances made to them as above prescribed shall preclude them from
16 any further allowances."

17 Sec. 15. G.S. 47-46.3 reads as rewritten:

18 "**§ 47-46.3. Affidavit of lost note.**

19 The form of an affidavit of lost note, if required pursuant to G.S. 45-37(a)(6), shall be
20 substantially as follows:

21 **AFFIDAVIT OF LOST NOTE**

22 [Name of affiant] personally appeared before me in _____ County, State
23 of _____, and having been duly sworn (or affirmed) made the following
24 affidavit:

- 25 1. The affiant is the owner of the note or other indebtedness secured by the
26 deed of trust, mortgage, or other instrument executed by
27 _____ (grantor, mortgagor), _____
28 (trustee), and _____ (beneficiary, mortgagee), and
29 recorded in _____ County at _____
30 (book and page); and
- 31 2. The note or other indebtedness has been lost and after the exercise of
32 due diligence cannot be located.
- 33 3. The affiant certifies that all indebtedness secured by the deed of trust,
34 mortgage, or other instrument ~~has been~~ was satisfied on
35 _____ (date of satisfaction), and the affiant is responsible
36 for cancellation of the same.

37
38 (Signature of affiant)

39 Sworn to (or affirmed) and subscribed before me this _____ day of
40 _____, 19 ____.

41 [Signature and seal of notary public or other official authorized to administer oaths]."

42 Sec. 16. G.S. 53-141 reads as rewritten:

43 "**§ 53-141. Powers.**

1 Industrial banks shall have perpetual duration and succession in their corporate name
2 unless a limited period of duration is stated in their certificate of incorporation. They
3 shall have the powers conferred by paragraphs 1, 2, 3, 5 and 7 of G.S. 55-17, subdivisions
4 (1), (2), and (3) of subsection (a) of G.S. 55-3-02, and subdivision (3) of G.S. 53-43, such
5 additional powers as may be necessary or incidental for the carrying out of their corporate
6 purposes, and in addition thereto the following powers:

- 7 (1) To discount and negotiate promissory notes, drafts, bills of exchange
8 and other evidences of indebtedness, and to loan money on real or
9 personal security, and to purchase notes, bills of exchange, acceptances
10 or other choses in action, and to take and receive interest or discounts
11 subject to G.S. 53-43(1).
- 12 (2) To make loans and charge and receive interest at rates not exceeding the
13 rates of interest provided in G.S. 24-1.1 and G.S. 24-1.2.
- 14 (3) To establish branch offices or places of business within the county in
15 which its principal office is located, and elsewhere in the State, after
16 having first obtained the written approval of the Commissioner of
17 Banks, which approval may be given or withheld by the Commissioner
18 of Banks in his discretion. The Commissioner of Banks, in exercising
19 such discretion, shall take into account, but not by way of limitation,
20 such factors as the financial history and condition of the applicant bank,
21 the adequacy of its capital structure, its future earnings prospects, and
22 the general character of its management. Such approval shall not be
23 given until he shall find
 - 24 a. That the establishment of such branch or limited service facility
25 will meet the needs and promote the convenience of the
26 community to be served by the bank, and
 - 27 b. That the probable volume of business and reasonable public
28 demand in such community are sufficient to assure and maintain
29 the solvency of said branch or limited service facility and of the
30 existing bank or banks in said community.

31 Provided, that the Commissioner of Banks shall not authorize the
32 establishment of any branch the paid-in capital of whose parent bank is
33 not sufficient in amount to provide for capital in an amount equal to that
34 required with respect to the establishment of branches of commercial
35 banks under the provisions of G.S. 53-62. For the purposes of this
36 paragraph, the provisions of G.S. 53-62 as to the meaning of the word
37 'capital' shall be applicable.

38 A bank may discontinue a branch office upon resolution of its board
39 of directors. Upon the adoption of such a resolution, the bank shall
40 follow the procedures for closing a branch as set forth at G.S. 53-62(e).
41 No branch shall be closed until approved by the Commissioner of
42 Banks.

- 1 (4) Subject to the approval of the Commissioner of Banks and on the
2 authority of its board of directors, or a majority thereof, to enter into
3 such contract, incur such obligations and generally to do and perform
4 any and all such acts and things whatsoever as may be necessary or
5 appropriate in order to take advantage of any and all memberships,
6 loans, subscriptions, contracts, grants, rights or privileges, which may at
7 any time be available or inure to banking institutions, or to their
8 depositors, creditors, stockholders, conservators, receivers or
9 liquidators, by virtue of those provisions of section eight of the Federal
10 Banking Act of 1933 (section twelve B of the Federal Reserve Act as
11 amended) which establish the Federal Deposit Insurance Corporation
12 and provide for the insurance of deposits, or of any other provisions of
13 that or any other act or resolution of Congress to aid, regulate or
14 safeguard banking institutions and their depositors, including any
15 amendments of the same or any substitutions therefor; also, to subscribe
16 for and acquire any stock, debentures, bonds or other types of securities
17 of the Federal Deposit Insurance Corporation and to comply with the
18 lawful regulations and requirements from time to time issued or made
19 by such corporations.
- 20 (5) To solicit, receive and accept money or its equivalent on deposit both in
21 savings accounts and upon certificates of deposit.
- 22 (6) Subject to the approval of the State Banking Commission, to solicit,
23 receive and accept money or its equivalent on deposit subject to check;
24 provided, however, no such approval shall be given unless and until
25 such industrial bank meets the capital requirements of a commercial
26 bank as set forth in G.S. 53-2.
- 27 (7) To transact any lawful business in aid of the United States in time of
28 war or engagement of the nation's armed forces in hostile military
29 operations."

30 Sec. 17. G.S. 53-224.21 reads as rewritten:

31 **"§ 53-224.21. Conditions for interstate merger prior to June 1, 1997.**

32 An interstate merger transaction prior to June 1, 1997, involving a North Carolina
33 bank shall not be consummated, and any out-of-state bank resulting from such a merger
34 shall not operate any branch in North Carolina, unless the laws of the home state of each
35 out-of-state bank involved in the interstate merger transaction ~~permits~~permit North
36 Carolina banks under substantially the same terms and conditions as are set forth in Part 3
37 to acquire banks and establish and maintain branches in that state by means of interstate
38 merger transactions."

39 Sec. 18. G.S. 58-14-15 reads as rewritten:

40 **"§ 58-14-15. Penalties provided for unauthorized acts.**

41 When any domestic insurer knowingly engages in the practice of soliciting,
42 advertising or making contracts for insurance in states or jurisdictions in which it is not
43 licensed, the Commissioner may issue an order requiring the company to cease and desist

1 from engaging in such activities and, for the purposes of this section, the acts prohibited
2 by G.S. 58-14-10 and the foregoing sections, are declared to be an unfair trade practice
3 within the meaning of G.S. 58-63-15 and G.S. 58-63-40. When the Commissioner has
4 reason to believe that any domestic company has been engaged or is engaging in the
5 practice of knowingly soliciting, advertising or writing contracts of insurance on risks
6 within a state or jurisdiction in which it is not licensed, the Commissioner shall serve the
7 company with notice of hearing and the hearing shall conform with the hearing procedure
8 set forth in G.S. 58-63-25. Any action taken by the Commissioner after the hearing shall
9 comply with G.S. 58-63-32, and any company aggrieved by an order of the
10 Commissioner is entitled to the judicial review provided in G.S. 58-63-35."

11 Sec. 19. G.S. 58-30-10(7) reads as rewritten:

12 "(7) 'Domestic guaranty association' means the Postassessment Insurance
13 Guaranty Association in Article 48 of this Chapter, as amended; ~~the~~ the
14 North Carolina Self-Insurance Guaranty Association in Article 4 of
15 Chapter 97 of the General Statutes; the Life and Accident and Health
16 Insurance Guaranty Association in Article 62 of this Chapter, as
17 amended; or any other similar entity hereafter created by the General
18 Assembly for the payment of claims of insolvent insurers."

19 Sec. 20. G.S. 58-35-10(b) reads as rewritten:

20 "(b) An insurance company duly licensed in this State may make an installment
21 payment charge as set forth in the rate filings and approved by the Commissioner and ~~are~~
22 is thereby exempt from the provisions of this Article."

23 Sec. 21. G.S. 58-40-90 reads as rewritten:

24 "**§ 58-40-90. Examination of rating, joint underwriting, and joint reinsurance**
25 **organizations.**

26 The Commissioner shall, at least once every three years, make or cause to be made an
27 examination of each rating organization licensed pursuant to G.S. 58-40-50 and each
28 advisory organization licensed pursuant to G.S. 58-40-55. The Commissioner may, as
29 often as deemed expedient, make or cause to be made, an examination of each group,
30 association, or other organization referred to in G.S. 58-40-60. This examination shall
31 relate only to the activities conducted pursuant to this Article and to the organizations
32 licensed under this Article. The officers, manager, agents and employees of any such
33 organization may be examined at any time under oath and shall exhibit all books, records,
34 ~~account,~~ accounts, documents or agreements governing its method of operation. In lieu of
35 any such examination, the Commissioner may accept the report of an examination made
36 by the insurance advisory official of another state, pursuant to the laws of that state."

37 Sec. 22. The catch line of G.S. 58-66-35 reads as rewritten:

38 "**§ 58-66-35. Application to policies; ~~dates;~~ duties of the Commissioner. dates.**"

39 Sec. 23. G.S. 62-2(3a) reads as rewritten:

40 "(3a) To assure that resources necessary to meet future growth through the
41 provision of adequate, reliable utility service include use of the
42 entire spectrum of demand-side options, including but not limited to
43 conservation, load management and efficiency programs, as

1 additional sources of energy supply and/or energy demand
2 reductions. To that end, to require energy planning and fixing of
3 rates in a manner to result in the least cost mix of generation and
4 demand-reduction measures which is achievable, including
5 consideration of appropriate rewards to utilities for efficiency and
6 conservation which decrease utility ~~bills-~~bills;"

7 Sec. 24. G.S. 62-2(4a) reads as rewritten:

8 "(4a) To assure that facilities necessary to meet future growth can be
9 financed by the utilities operating in this State on terms which are
10 reasonable and fair to both the customers and existing investors of
11 such utilities; and to that end to authorize fixing of rates in such a
12 manner as to result in lower costs of new facilities and lower rates
13 over the operating lives of such new facilities by making provisions
14 in the rate-making process for the investment of public utilities in
15 ~~plant-plants~~ plants under construction;"

16 Sec. 25. G.S. 62-2(7) reads as rewritten:

17 "(7) To seek to adjust the rate of growth of regulated energy supply facilities
18 serving the State to the policy requirements of statewide development;
19 ~~and~~"

20 Sec. 26. G.S. 62-2(8) reads as rewritten:

21 "(8) To cooperate with other states and with the federal government in
22 promoting and coordinating interstate and intrastate public utility
23 service and reliability of public utility energy ~~supply-~~supply; and "

24 Sec. 27. G.S. 62-200(c) reads as rewritten:

25 "(c) In reckoning what is a reasonable time for such transportation, it shall be
26 considered that such common carrier has transported household goods within a
27 reasonable time if it has done so in the ordinary time required for transporting such
28 articles by similar carriers between the receiving and shipping stations. The Commission
29 is authorized to establish reasonable times for transportation by the various modes of
30 carriage which shall be held to be prima facie reasonable, and a failure to transport within
31 such times shall be held prima facie unreasonable. This section shall be construed to refer
32 not only to delay in starting the household goods from the station where ~~it is-~~they are
33 received, but to require the delivery at ~~its-~~their destination within the time specified:
34 Provided, that if such delay shall be due to causes which could not in the exercise of
35 ordinary care have been foreseen or which were unavoidable, then upon the
36 establishment of these facts to the satisfaction of the court trying the cause, the defendant
37 common carrier shall be relieved from any penalty for delay in the transportation of
38 household goods, but it shall not be relieved from the costs of such action. In all actions
39 to recover penalties against a common carrier under this section, the burden of proof shall
40 be upon such carrier to show where the delay, if any, occurred. The penalties provided in
41 this section shall be in addition to the damages recoverable for failure to transport within
42 a reasonable time."

43 Sec. 28. G.S. 89C-25(7) reads as rewritten:

1 "(7) The internal engineering or surveying activities of a person, firm or
2 corporation engaged in manufacturing, processing, or producing a
3 product, including the activities of public service corporations, public
4 utility companies, authorities, State agencies, ~~railroad~~, railroads, or
5 membership cooperatives, or the installation and servicing of their
6 product in the field; or research and development in connection with the
7 manufacture of that product or their service; or of their research
8 affiliates; or their employees in the course of their employment in
9 connection with the manufacture, installation, or servicing of their
10 product or service in the field, or on-the-premises maintenance of
11 machinery, equipment, or apparatus incidental to the manufacture or
12 installation of the product or service of a firm by the employees of the
13 firm upon property owned, leased or used by the firm; inspection,
14 maintenance and service work done by employees of the State of North
15 Carolina, any political subdivision thereof, or any municipality therein
16 including construction, installation, servicing, maintenance by regular
17 full-time employees of streets, street lighting, traffic-control signals,
18 police and fire alarm systems, waterworks, steam, electric and sewage
19 treatment and disposal plants; the services of superintendents, inspectors
20 or foremen regularly employed by the State of North Carolina or any
21 political subdivision thereof, or municipal corporation therein; provided,
22 however, that the internal engineering or surveying activity is not a
23 holding out to or an offer to the public of engineering or any service
24 thereof as prohibited by this Chapter. Engineering work, not related to
25 the foregoing exemptions, where the safety of the public is directly
26 involved shall be under the responsible charge of a registered
27 professional engineer, or in accordance with standards prepared or
28 approved by a registered professional engineer."

29 Sec. 29. G.S. 90-411 reads as rewritten:

30 "**§ 90-411. Record copy fee.**

31 A health care provider may charge a reasonable fee to cover the costs incurred in
32 searching, handling, copying, and mailing medical records to the patient or the patient's
33 designated representative. The maximum fee shall be fifty cents (50¢) per page, provided
34 that the health care provider may impose a minimum fee of up to ten dollars (\$10.00),
35 inclusive of copying costs. If requested by the patient or the patient's designated
36 representative, nothing herein shall limit a reasonable professional fee charged by a
37 physician for the review and preparation of a narrative summary of the patient's medical
38 record. This section shall only apply with respect to liability claims for personal injury,
39 except that charges for medical records and reports related to claims under Article 1 of
40 Chapter 97 of the General Statutes shall be governed by the fees established by the North
41 Carolina Industrial Commission pursuant to G.S. ~~97-26.4~~.97-26.1."

42 Sec. 30. G.S. 153A-405(b) reads as rewritten:

1 (b) The proposition submitted to the voters shall be substantially in one or more of
 2 the following forms and may include part or all of the bracketed language as appropriate
 3 and other such modifications as may be needed to reflect the issued debt secured by a
 4 pledge of faith and credit of any of the consolidating units or the portion of the authorized
 5 but unissued debt secured by a pledge of faith and credit of any of the consolidating units
 6 the right to issue which is proposed to be assumed by the consolidated city-county:

7 (1) 'Shall the County ofand the County ofbe
 8 consolidated [and the consolidated unit assume the debt of each secured
 9 by a pledge of faith and credit, [the right to issue authorized but
 10 unissued debt to be secured by a pledge of faith and credit [(including
 11 any such debt as may be authorized for said counties on the date of this
 12 referendum)] and any of said authorized but unissued debt as may be
 13 hereafter issued,] and be authorized to levy taxes in an amount sufficient
 14 to pay the principal of and the interest on said debt secured by a pledge
 15 of faith and ~~credit?~~credit]?
 16 [] YES [] NO'

17 (2) 'Shall the City of and the City ofbe consolidated
 18 [and the consolidated unit assume the debt of each secured by a pledge
 19 of faith and credit, [the right to issue authorized but unissued debt to be
 20 secured by a pledge of faith and credit [(including any such debt as may
 21 be authorized for said cities on the date of this referendum)] and any of
 22 said authorized but unissued debt as may be hereafter issued,] and be
 23 authorized to levy taxes in an amount sufficient to pay the principal of
 24 and the interest on said debt secured by a pledge of faith and ~~credit?~~
 25 credit]?
 26 [] YES [] NO'

27 (3) 'Shall the City of and the County ofbe
 28 consolidated [and the consolidated unit assume the debt of each secured
 29 by a pledge of faith and credit, [the right to issue authorized but
 30 unissued debt to be secured by a pledge of faith and credit [(including
 31 any such debt as may be authorized for said city or county on the date of
 32 this referendum)] and any of said authorized but unissued debt as may
 33 be hereafter issued,] and be authorized to levy taxes in an amount
 34 sufficient to pay the principal of and the interest on said debt secured by
 35 a pledge of faith and ~~credit?~~credit]?
 36 [] YES [] NO''.

37 Sec. 31. G.S. 160B-20(b) reads as rewritten:

38 (b) Assumption of Debt Secured by a Pledge of Faith and Credit by Consolidated
 39 City-County. – Subject to the requirement of referendum approval of certain debt
 40 assumption for consolidation ~~by the General Assembly and effective upon the effective date of~~
 41 ~~the consolidation~~ provided in G.S. 160B-18(a), upon enactment of the consolidation by the
 42 General Assembly and effective upon the effective date of the consolidation provided in
 43 G.S. 160B-18(b), the debt secured by a pledge of faith and credit of the consolidating city

1 at the effective date of the consolidation (including formerly authorized but unissued debt
2 secured by a pledge of faith and credit as may have been issued at the time) is assumed
3 by, and becomes a binding obligation of the consolidated city-county, and the faith and
4 credit of the consolidated city-county is pledged to secure any such assumed debt secured
5 by a pledge of faith and credit. In addition, any debt secured by a pledge of faith and
6 credit of the county at the effective date of the consolidation shall become a binding
7 obligation of the consolidated city-county and the faith and credit of the consolidated
8 city-county is pledged to secure any such debt."

9 Sec. 32. G.S. 160B-21(a) reads as rewritten:

10 "(a) Publication of Notice of Enactment. – Following ratification of an act of the
11 General Assembly authorizing consolidation, there shall be published once in a
12 newspaper of general circulation in the county a notice of said enactment and, if
13 applicable, the fact that in connection with said enactment there is an assumption by the
14 consolidated city-county of the debt secured by a pledge of faith and credit of the
15 consolidating city and, if applicable, assumption of the right to issue authorized but
16 unissued debt secured by a pledge of faith and credit of the consolidating city and that
17 there is also binding on the consolidated city-county the debt secured by a pledge of faith
18 and credit of the county and, if applicable, there is vested in the consolidated city-county
19 the right to issue authorized but unissued debt secured by a pledge of faith and credit of
20 the county with the following statement appended:

21 'Any action or proceeding challenging the regularity or validity of this
22 ~~referendum-enactment~~ must be begun within 30 days after the date of
23 publication of this ~~statement of result-notice~~.'

24 The notice shall be published by the governing bodies of the units proposed to be
25 consolidated or, if applicable, the interim governing board of the consolidated city-county
26 by their respective clerks or by such other persons as shall be designated by each
27 applicable governing body or board."

28 Sec. 33. This act is effective upon ratification.