

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

**S**

**3**

**SENATE BILL 829\***

Agriculture, Marine Resources, and Wildlife Committee Substitute Adopted 5/19/93

House Committee Substitute Favorable 7/16/93

Short Title: Transfer Museum of Nat. Sciences.

(Public)

---

Sponsors:

---

Referred to:

---

April 13, 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  
4 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND TO  
5 CONFORM VARIOUS STATUTORY REFERENCES TO 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 Environment, Health, and Natural  
14 Resources. This transfer has all of the elements of a Type I transfer as defined by G.S.  
15 143A-6.

16 Sec. 2. Article 40 of Chapter 143 of the General Statutes, G.S. 143-370  
17 through G.S. 143-373, is recodified as Part 29 of Article 7 of Chapter 143B of the  
18 General Statutes, G.S. 143B-344.18 through G.S. 143B-344.21.

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 G.S. 143A-66 is repealed.

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 G.S. 106-22(15) is repealed.

21 Sec. 5. G.S. 143B-279.2, as amended by Chapter 321 of the 1993 Session  
22 Laws, reads as rewritten:

1 **"§ 143B-279.2. Department of Environment, Health, and Natural Resources –**  
2 **duties.**

3 It shall be the duty of the Department:

4 (1) To provide for the protection of the environment;

5 (1a) To administer the State Outer Continental Shelf (OCS) Task Force and  
6 coordinate State participation activities in the federal outer continental  
7 shelf resource recovery programs as provided under the OCS Lands  
8 Act Amendments of 1978 (43 USC §§ 1801 **et seq.**) and the OCS  
9 Lands Act Amendments of 1986 (43 USC §§ 1331 **et seq.**).

10 (2) To provide for the protection and enhancement of the public health;  
11 ~~and~~

12 (2a) To provide and keep a museum or collection of the natural history of  
13 the State and to maintain the North Carolina Biological Survey; and

14 (3) To provide for the management of the State's natural resources."

15 Sec. 6. Part 29 of Article 7 of Chapter 143B of the General Statutes, as  
16 recodified in Section 2 of this act, reads as rewritten:

17 **"PART 29. ADVISORY COMMISSION FOR**  
18 **~~STATE MUSEUM OF NATURAL HISTORY.~~**

19 **NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES.**

20 **"§ 143B-344.18. Commission created; membership.**

21 There is hereby created an Advisory Commission for the ~~Museum of Natural History~~  
22 North Carolina State Museum of Natural Sciences which shall determine its own  
23 organization. It shall consist of at least nine members, which shall include the Director  
24 of the ~~Museum of Natural History, North Carolina State Museum of Natural Sciences,~~ the  
25 Commissioner of Agriculture, the State Geologist and Secretary of Environment,  
26 Health, and Natural Resources, the Director of the Institute of Fisheries Research of the  
27 University of North Carolina, the Director of the Wildlife Resources Commission, the  
28 Superintendent of Public Instruction, or qualified representative of any or all of the  
29 above-named members, and at least three persons representing the East, the Piedmont,  
30 ~~and~~ and the Western areas of the State. Members appointed by the Governor shall  
31 serve for terms of two years with the first appointments to be made effective September  
32 1, 1961. Any member may be removed by the Governor for cause.

33 **"§ 143B-344.19. Duties of Commission; meetings, formulation of policies and**  
34 **recommendations to Governor and General Assembly.**

35 It shall be the duty of the Advisory Commission for the ~~Museum of Natural History~~  
36 North Carolina State Museum of Natural Sciences to meet at least twice each year, to  
37 formulate policies for the advancement of the ~~said~~ Museum, to make recommendations  
38 to the Governor and to the General Assembly concerning the Museum, and to assist in  
39 promoting and developing wider and more effective use of the ~~Museum of Natural History~~  
40 North Carolina State Museum of Natural Sciences as an educational, scientific and  
41 historical exhibit.

42 **"§ 143B-344.20. No compensation of members; reimbursement for expenses.**

43 Members of the Advisory Commission shall serve without compensation and shall  
44 be reimbursed for actual expenses incurred while in attendance at meetings of the

1 Commission at the same rate as that established for reimbursement of State employees.  
2 Payment for such reimbursement for actual expense shall be made from the  
3 Contingency and Emergency Fund.

4 **"§ 143B-344.21. Reports to General Assembly.**

5 The Commission shall prepare and submit to the ~~1963-1995~~ General Assembly, and  
6 to each succeeding General Assembly, a report outlining the needs of the ~~State Museum~~  
7 ~~of Natural History,~~ North Carolina State Museum of Natural Sciences and their  
8 recommendation for improvement of the effectiveness of the ~~said State Museum of~~  
9 ~~Natural History~~ North Carolina State Museum of Natural Sciences for the purpose  
10 hereinabove set forth."

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

12 **"§ 14-419. Investigation of suspected violations; seizure and examination of**  
13 **reptiles; disposition of reptiles.**

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

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

32 **"§ 14-420. Arrest of persons violating provisions of Article.**

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

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

39 "(b) The Scientific Committee shall consist of the Directors of The University of  
40 North Carolina at Chapel Hill Herbarium, the North Carolina State University  
41 Herbarium, the North Carolina Botanical Garden of The University of North Carolina at  
42 Chapel Hill, the ~~North Carolina Museum of Natural History~~ North Carolina State Museum  
43 of Natural Sciences and the North Carolina Natural Heritage Program of the Department  
44 of Environment, Health, and Natural Resources or their designees, a representative of

1 the North Carolina Association of Nurserymen, Inc., appointed by the Commissioner,  
 2 and a representative of the Garden Club of North Carolina, Incorporated, the North  
 3 Carolina Chapter of the Nature Conservancy or the North Carolina Wild Flower  
 4 Preservation Society, Inc., appointed by the Commissioner. Members shall serve for  
 5 three-year terms and may succeed themselves."

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

7 **"§ 147-50. Publications of State officials and department heads furnished to**  
 8 **certain institutions, agencies, etc.**

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

13 University of North Carolina at Chapel Hill	25 copies;
14 University of North Carolina at Charlotte	2 copies;
15 University of North Carolina at Greensboro	2 copies;
16 North Carolina State University at Raleigh	2 copies;
17 East Carolina University at Greenville	2 copies;
18 Duke University	25 copies;
19 Wake Forest College	2 copies;
20 Davidson College	2 copies;
21 North Carolina Supreme Court Library	2 copies;
22 North Carolina Central University	5 copies;
23 Western Carolina University	2 copies;
24 Appalachian State University	2 copies;
25 University of North Carolina at Wilmington	2 copies;
26 North Carolina Agricultural and Technical	
27 State University	2 copies;
28 Legislative Library	2 copies;

29 and to governmental officials, agencies and departments and to other educational  
 30 institutions, in the discretion of the issuing official and subject to the supply available,  
 31 such number as may be requested: Provided that five sets of all such reports, bulletins  
 32 and publications heretofore issued, insofar as the same are available and without  
 33 necessitating reprinting, shall be furnished to the North Carolina Central University.  
 34 The provisions in this section shall not be interpreted to include any of the appellate  
 35 division reports or advance sheets distributed by the Administrative Office of the  
 36 Courts. Except for reports, bulletins, and other publications issued for free distribution,  
 37 this section shall not apply to the ~~Museum of Natural History~~ North Carolina State  
 38 Museum of Natural Sciences."

39 Sec. 11. This act becomes effective July 1, 1993.