

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 590

Short Title: 1995 Technical Corrections.

(Public)

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Sponsors: Senator Hartsell.

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Referred to: Judiciary II/Election Laws

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April 5, 1995

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES  
TO THE GENERAL STATUTES AND SESSION LAWS AS RECOMMENDED  
BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1C-1807 reads as rewritten:

**"§ 1C-1807. Situations not covered by Article.**

This Article does not prevent the recognition of foreign ~~judgment~~judgments in situations not covered by this Article."

Sec. 2. Effective October 1, 1995, G.S. 7A-29(a) reads as rewritten:

"(a) From any final order or decision of the North Carolina Utilities Commission not governed by subsection (b) of this section, the Department of Human Resources pursuant to G.S. 131E-188(b), the Commissioner of Banks pursuant to Articles ~~17 and 18, 18A, 17, 18, and 18A~~ of Chapter 53 of the General Statutes, the Administrator of Savings and Loans pursuant to Article 3A of Chapter 54B of the General Statutes, the North Carolina Industrial Commission, the North Carolina State Bar pursuant to G.S. 84-28, the Property Tax Commission pursuant to G.S. 105-290 and G.S. 105-342, the Board of State Contract Appeals pursuant to G.S. 143-135.9, the Commissioner of Insurance pursuant to G.S. 58-2-80, or the Secretary of Environment, Health, and Natural Resources under G.S. 104E-6.2, appeal as of right lies directly to the Court of Appeals."

1           Sec. 3. G.S. 7A-41(c)(3) reads as rewritten:

2           "(3) The change is approved by ~~the~~the county board of elections where the  
3           precinct is located, State Board of Elections and by the Secretary of  
4           State upon finding that the change:

5           a. Will improve election administration; and

6           b. Complies with subdivisions (1) and (2) of this subsection."

7           Sec. 4. G.S. 7A-343.1 reads as rewritten:

8           **"§ 7A-343.1. Distribution of copies of the appellate division reports.**

9           The Administrative Officer of the Courts shall, at the State's expense distribute such  
10          number of copies of the appellate division reports to federal, State departments and  
11          agencies, and to educational institutions of instruction, as follows:

12	Governor, Office of the	1
13	Lieutenant Governor, Office of the	1
14	Secretary of State, Department of the	2
15	State Auditor, Department of the	1
16	Treasurer, Department of the State	1
17	Superintendent of Public Instruction	1
18	Office of the Attorney General	11
19	State Bureau of Investigation	1
20	Agriculture, Department of	1
21	Labor, Department of	1
22	Insurance, Department of	1
23	Budget Bureau, Department of Administration	1
24	Property Control, Department of Administration	1
25	State Planning, Department of Administration	1
26	Board of Environment, Health, and Natural Resources	1
27	Revenue, Department of	1
28	Board of Human Resources	1
29	Commission for the Blind	1
30	Board of Transportation	1
31	Motor Vehicles, Division of	1
32	Utilities Commission	8
33	Industrial Commission	11
34	Office of Administrative Hearings	2
35	Community Colleges, Department of	38
36	Employment Security Commission	1
37	Commission of Correction	1
38	Parole Commission	1
39	Archives and History, Division of	1
40	Crime Control and Public Safety, Department of	2
41	Department of Cultural Resources	3
42	Legislative Building Library	2
43	Justices of the Supreme Court	1 ea.

1	Judges of the Court of Appeals	1 ea.
2	Judges of the Superior Court	1 ea.
3	Clerks of the Superior Court	1 ea.
4	District Attorneys	1 ea.
5	Emergency and Special Judges of the Superior Court	1 ea.
6	Supreme Court Library	AS MANY AS REQUESTED
7	Appellate Division Reporter	1
8	University of North Carolina, Chapel Hill	71
9	University of North Carolina, Charlotte	1
10	University of North Carolina, Greensboro	1
11	University of North Carolina, Asheville	1
12	North Carolina State University, Raleigh	1
13	Appalachian State University	1
14	East Carolina University	1
15	Fayetteville State University	1
16	North Carolina Central University	17
17	Western Carolina University	1
18	Duke University	17
19	Davidson College	2
20	Wake Forest University	25
21	Lenoir Rhyne College	1
22	Elon College	1
23	Campbell College <del>College</del> <u>University</u>	25
24	Federal, Out-of-State and Foreign Secretary of State	1
25	Secretary of Defense	1
26	Secretary of Health, Education and Welfare	1
27	Secretary of Housing and Urban Development	1
28	Secretary of Transportation	1
29	Attorney General	1
30	Department of Justice	1
31	Internal Revenue Service	1
32	Veterans' Administration	1
33	Library of Congress	5
34	Federal Judges resident in North Carolina	1 ea.
35	Marshal of the United States Supreme Court	1
36	Federal District Attorneys resident in North Carolina	1 ea.
37	Federal Clerks of Court resident in North Carolina	1 ea.
38	Supreme Court Library exchange list	1

39 Each justice of the Supreme Court and judge of the Court of Appeals shall receive for  
 40 his private use, one complete and up-to-date set of the appellate division reports. The  
 41 copies of reports furnished each justice or judge as set out in the table above may be  
 42 retained by him personally to enable him to keep up-to-date his personal set of reports."

43 Sec. 5. G.S. 7A-675(a) reads as rewritten:

1       "(a) The clerk of superior court shall maintain a complete record of all juvenile  
2 cases filed in the clerk's office to be known as the juvenile record, which shall be  
3 withheld from public inspection and, except as provided in this subsection, may be  
4 examined only by order of the judge. The record shall include the summons, petition,  
5 custody order, court order, written motions, the electronic or mechanical recording of the  
6 hearing, and other papers filed in the proceeding. The recording of the hearing shall be  
7 reduced to a written transcript only when notice of appeal has been timely given. After  
8 the time for appeal has expired with no appeal having been filed, the recording of the  
9 hearing may be erased or destroyed upon the written order of the judge.

10       The following persons may examine the juvenile's record without an order of the  
11 judge:

12           (1) The juvenile, the juvenile's parent, guardian, or custodian, or another  
13 authorized representative of the juvenile.

14           (2) The prosecutor in a subsequent criminal proceeding against the juvenile.

15       The juvenile's record of an adjudication of delinquency for an offense that would be a  
16 Class A, ~~B~~, B1, B2, C, D, or E felony if committed by an adult may be used in a  
17 subsequent criminal proceeding against the juvenile either under G.S. 8C-1, Rule 404(b),  
18 or to prove an aggravating factor at sentencing under G.S. 15A-1340.4(a), G.S. 15A-  
19 1340.16(d), or G.S. 15A-2000(e). The record may be so used only by order of the judge  
20 in the subsequent criminal proceeding, upon motion of the prosecutor, after an in camera  
21 hearing to determine whether the record in question is admissible."

22       Sec. 6. G.S. 7A-676(b) reads as rewritten:

23       "(b) Any person who has attained the age of 16 years may file a petition in the court  
24 where the person was adjudicated delinquent for expunction of all records of that  
25 adjudication provided:

26           (1) The offense for which the person was adjudicated would have been a  
27 crime other than a Class A, ~~B~~, B1, B2, C, D, or E felony if committed  
28 by an adult.

29           (2) The person has not subsequently been adjudicated delinquent or  
30 convicted as an adult of any felony or misdemeanor other than a traffic  
31 violation under the laws of the United States or the laws of this State or  
32 any other state.

33       Records relating to an adjudication for an offense that would be a Class A, ~~B~~, B1, B2,  
34 C, D, or E felony if committed by an adult shall not be expunged."

35       Sec. 7. G.S. 8C-1, Rule 404(b) reads as rewritten:

36       "(b) Other crimes, wrongs, or acts. – Evidence of other crimes, wrongs, or acts is  
37 not admissible to prove the character of a person in order to show that he acted in  
38 conformity therewith. It may, however, be admissible for other purposes, such as proof of  
39 motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake,  
40 entrapment or accident. Admissible evidence may include evidence of an offense  
41 committed by a juvenile if it would have been a Class A, ~~B~~, B1, B2, C, D, or E felony if  
42 committed by an adult."

43       Sec. 8. G.S. 14-39(a) reads as rewritten:

1       "(a) Any person who shall unlawfully confine, restrain, or remove from one place  
2 to another, any other person 16 years of age or over without the consent of such person,  
3 or any other person under the age of 16 years without the consent of a parent or legal  
4 custodian of such person, shall be guilty of kidnapping if such confinement, restraint or  
5 removal is for the purpose of:

- 6           (1) Holding such other person for ransom or as a hostage or using such  
7           other person as a shield; or
- 8           (2) Facilitating the commission of any felony or facilitating flight of any  
9           person following the commission of a felony; or
- 10          (3) Doing serious bodily harm to or terrorizing the person so confined,  
11          restrained or removed or any other ~~person; person; or~~
- 12          (4) Holding such other person in involuntary servitude in violation of G.S.  
13          14-43.2."

14       Sec. 9. G.S. 14-72.1(e) reads as rewritten:

15       "(e) Punishment. – For a first conviction under ~~subsections~~ subsection (a) or (d), or  
16 for a subsequent conviction for which the punishment is not specified by this subsection,  
17 the defendant may be guilty of a Class 3 misdemeanor. The term of imprisonment may  
18 be suspended only on condition that the defendant perform community service for a term  
19 of at least 24 hours. For a second offense committed within three years after the date the  
20 defendant was convicted of an offense under this section, the defendant may be guilty of  
21 a Class 2 misdemeanor. The term of imprisonment may be suspended only on condition  
22 that the defendant be imprisoned for a term of at least 72 hours as a condition of special  
23 probation, perform community service for a term of at least 72 hours, or both. For a third  
24 or subsequent offense committed within five years after the date the defendant was  
25 convicted of two other offenses under this section, the defendant may be guilty of a Class  
26 1 misdemeanor. The term of imprisonment may be suspended only if a condition of  
27 special probation is imposed to require the defendant to serve a term of imprisonment of  
28 at least 14 days. However, if the sentencing judge finds that the defendant is unable, by  
29 reason of mental or physical infirmity, to perform the service required under this section,  
30 and the reasons for such findings are set forth in the judgment, he may pronounce such  
31 other sentence as he finds appropriate."

32       Sec. 10. G.S. 14-401.14(a) reads as rewritten:

33       "(a) If a person shall, because of race, color, religion, nationality, or country of  
34 origin, assault another person, or damage or deface the property of another person, or  
35 threaten to do any such act, he shall be guilty of a ~~misdemeanor punishable by imprisonment~~  
36 ~~up to two years, or a fine, or both.~~ Class 1 misdemeanor."

37       Sec. 11. G.S. 14-413 reads as rewritten:

38       "**§ 14-413. Permits for use at public exhibitions.**

39       For the purpose of enforcing the provisions of this ~~article~~, Article, the board of county  
40 commissioners of any county ~~are~~ is hereby empowered and authorized to issue permits  
41 for use in connection with the conduct of public exhibitions, such as fairs, carnivals,  
42 shows of all descriptions and public exhibitions, but only after satisfactory evidence is  
43 produced to the effect that said pyrotechnics will be used for the aforementioned

1 purposes and none other. Provided that no such permit shall be required for a public  
2 exhibition authorized by ~~the~~The University of North Carolina or the University of North  
3 Carolina at Chapel Hill and conducted on lands or buildings in Orange County owned by  
4 The University of North Carolina or the University of North Carolina at Chapel Hill."

5 Sec. 12. G.S. 14-455(a) reads as rewritten:

6 "(a) It is unlawful to willfully and without authorization alter, damage, or destroy a  
7 computer, computer system, computer network, or any part thereof. A violation of this  
8 subsection is a Class G felony if the damage caused by the alteration, damage, or  
9 destruction is more than one thousand dollars (\$1,000). Any other violation of this  
10 subsection is a Class 1 misdemeanor.

11 ~~Class 1~~".

12 Sec. 13. G.S. 15A-1340.16(d)(18a) reads as rewritten:

13 "(18a) The defendant has previously been adjudicated delinquent for an  
14 offense that would be a Class A, ~~B~~, B1, B2, C, D, or E felony if  
15 committed by an adult."

16 Sec. 14. G.S. 15A-2000(e)(2) and (3) read as rewritten:

17 "(2) The defendant had been previously convicted of another capital felony  
18 or had been previously adjudicated delinquent in a juvenile proceeding  
19 for committing an offense that would be a capital felony if committed  
20 by an adult.

21 (3) The defendant had been previously convicted of a felony involving the  
22 use or threat of violence to the person or had been previously  
23 adjudicated delinquent in a juvenile proceeding for committing an  
24 offense that would be a Class A, ~~B~~, B1, B2, C, D, or E felony involving  
25 the use or threat of violence to the person if the offense had been  
26 committed by an adult."

27 Sec. 15. G.S. 18B-1000(1) reads as rewritten:

28 "(1) Community theatre. – An establishment owned and operated by a bona  
29 fide nonprofit organization that is engaged solely in the business of  
30 sponsoring or presenting ~~an~~ amateur or professional theatrical events to  
31 the public. A permit issued for a community theatre is valid only during  
32 regularly scheduled theatrical events sponsored by such nonprofit  
33 organization."

34 Sec. 16. G.S. 18B-1001(3) reads as rewritten:

35 "(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified  
36 wine permit authorizes the retail sale of unfortified wine for  
37 consumption on the premises, either alone or mixed with other  
38 beverages, and the retail sale of unfortified wine in the manufacturer's  
39 original container for consumption off the premises. The permit may be  
40 issued for any of the following:

- 41 a. Restaurants;
- 42 b. Hotels;
- 43 c. Eating establishments;

- d. Private clubs;
- e. Convention centers;
- f. Cooking schools;
- g. Community ~~theatres~~-theatres;
- h. ~~Winery~~-Wineries."

Sec. 17. G.S. 18B-1001(5) reads as rewritten:

"(5) On-Premises Fortified Wine Permit. – An on-premises fortified wine permit authorizes the retail sale of fortified wine for consumption on the premises, either alone or mixed with other beverages, and the retail sale of fortified wine in the manufacturer's original container for consumption off the premises. The permit may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Private clubs;
- d. Community ~~theatres~~-theatres;
- e. Wineries;
- f. Convention centers."

Sec. 18. G.S. 18B-1001(7) reads as rewritten:

"(7) Brown-Bagging Permit. – A brown-bagging permit authorizes each individual patron of an establishment, with the permission of the permittee, to bring up to eight liters of fortified wine or spirituous liquor, or eight liters of the two combined, onto the premises and to consume those alcoholic beverages on the premises. The permit may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Private clubs;
- d. Community ~~theaters~~-theatres;
- e. ~~Congressionally chartered~~-Congressionally chartered veterans organizations."

Sec. 19. G.S. 19A-1 reads as rewritten:

**"§ 19A-1. Definitions.**

~~For the purposes of this Chapter the following definition of terms shall be applicable:~~  
The following definitions apply in this Article:

- (1) The terms 'animals' and 'dumb animals' ~~shall be held to include every useful living creature.~~
- (2) The terms 'cruelty' and 'cruel treatment' ~~shall be held to include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted; but such term~~ these terms shall not be construed to include lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities sponsored by agencies conducting biomedical research or training,

1 lawful activities for sport, the production of livestock or poultry, or the  
2 lawful destruction of any animal for the purpose of protecting such  
3 livestock or poultry.

- 4 (3) The term 'person' ~~as used herein shall be held to include~~ includes any  
5 persons, firm or corporation, including any nonprofit corporation, such  
6 as a society for the prevention of cruelty to animals."

7 Sec. 20. G.S. 19A-2 reads as rewritten:

8 **"§ 19A-2. Purpose.**

9 It shall be the purpose of this ~~Chapter~~ Article to provide a civil remedy for the  
10 protection and humane treatment of animals in addition to any criminal remedies that are  
11 available and it shall be proper in any action to combine causes of action against one or  
12 more defendants for the protection of one or more animals. A real party in interest as  
13 plaintiff shall be held to include any 'person' as hereinbefore defined even though such  
14 person does not have a possessory or ownership right in an animal; a real party in interest  
15 as defendant shall include any person who owns or has possession of an animal."

16 Sec. 21. G.S. 25-2A-103(1)(g) reads as rewritten:

17 "(g) 'Finance lease' means a lease with respect to which: (i) the lessor does  
18 not select, ~~manufacturer,~~ manufacture, or supply the goods; (ii) the  
19 lessor acquires the goods or the right to possession and use of the goods  
20 in connection with the lease; and (iii) one of the following occurs:

21 (A) the lessee receives a copy of the contract by which the lessor  
22 acquired the goods or the right to possession and use of the goods  
23 before signing the lease contract;

24 (B) the lessee's approval of the contract by which the lessor acquired  
25 the goods or the right to possession and use of the goods is a  
26 condition to effectiveness of the lease contract;

27 (C) the lessee, before signing the lease contract, receives an accurate  
28 and complete statement designating the promises and warranties,  
29 and any disclaimers of warranties, limitations or modifications of  
30 remedies, or liquidated damages, including those of a third party,  
31 such as the manufacturer of the goods, provided to the lessor by  
32 the person supplying the goods in connection with or as part of  
33 the contract by which the lessor acquired the goods or the right to  
34 possession and use of the goods; or

35 (D) if the lease is not a consumer lease, the lessor, before the lessee  
36 signs the lease contract, informs the lessee in writing (a) of the  
37 identity of the person supplying the goods to the lessor, unless  
38 the lessee has selected that person and directed the lessor to  
39 acquire the goods or the right to possession and use of the goods  
40 from that person, (b) that the lessee is entitled under this Article  
41 to the promises and warranties, including those of any third  
42 party, provided to the lessor by the person supplying the goods in  
43 connection with or as part of the contract by which the lessor



1                   acquired the goods or the right to possession and use of the  
2                   goods, and (c) that the lessee may communicate with the person  
3                   supplying the goods to the lessor and receive an accurate and  
4                   complete statement of those promises and warranties, including  
5                   any disclaimers and limitations of them or of remedies."

6                   Sec. 22. The catch line of G.S. 25-2A-305 reads as rewritten:

7                   "**§ 25-2A-305. Sale or sublease of goods by ~~lease~~-lessee."**

8                   Sec. 23. G.S. 25-2A-526(3) reads as rewritten:

9                   "(3)(a) To stop ~~deliver~~, delivery, a lessor shall so notify as to enable the bailee  
10                   by reasonable diligence to prevent delivery of the goods."

11                   (b) ~~after~~-After notification, the bailee shall hold and deliver the goods  
12                   according to the directions of the lessor, but the lessor is liable to the  
13                   bailee for any ensuing charges or damages.

14                   (c) ~~a~~-A carrier who has issued a nonnegotiable bill of lading is not obliged  
15                   to obey a notification to stop received from a person other than the  
16                   consignor."

17                   Sec. 24. G.S. 36A-136(20) reads as rewritten:

18                   "(20) To borrow money for such periods of time and upon such terms and  
19                   conditions as to rates, maturities, renewals, and security as the  
20                   trustee deems advisable, including the power of a corporate trustee  
21                   to borrow from the trustee's own banking department, for the sole  
22                   purpose of paying debts, taxes, and other claims against the trust  
23                   property as may be required to secure such loan or loans, and to  
24                   renew existing loans either as to ~~make~~-maker or endorser."

25                   Sec. 25. G.S. 45-21.21(d) reads as rewritten:

26                   "(d) If a sale is not held at the time fixed therefor and is not postponed as provided  
27                   by this section, or if a postponed sale is not held at the time fixed therefor or within 90  
28                   days of the date originally fixed for the sale, then prior to such sale taking place the  
29                   provisions of G.S. 45-21.16 need not be complied with but the provisions of G.S. 45-  
30                   21.16A, 45-21.17, and 45-21.17A shall be again complied with, or if on appeal, the  
31                   appellate court orders the sale to be held, as to such sale so authorized the provisions of  
32                   G.S. 45-21.16 need not be complied with again but those of G.S. 45-21.16A, 45-21.17,  
33                   and 45-21.17A shall be."

34                   Sec. 26. G.S. 45-21.33(c)(3) reads as rewritten:

35                   "(3) Proof as required by the clerk, which may be by affidavit, that notices of  
36                   hearing, sale and resale were served upon all parties entitled thereto  
37                   under G.S. 45-21.16, ~~G.S.~~-45-21.17, 45-21.17A, and 45-21.30. In the  
38                   absence of an affidavit to the contrary filed with the clerk, an affidavit  
39                   by the person holding the sale that the notice of sale was posted in the  
40                   area designated by the clerk of superior court for posting public notices  
41                   in the county or counties in which the property is situated 20 days prior  
42                   to the sale shall be proof of compliance with the requirements of G.S.  
43                   45-21.17(1)a."

1           Sec. 27. G.S. 53-141 reads as rewritten:

2 **"§ 53-141. Powers.**

3           Industrial banks shall have the powers conferred by ~~paragraphs 1, 2, 3, 5 and 7~~ G.S. 55-  
4 17(a)(1), (2), (3), (5), and (7) ~~of G.S. 55-17, and subdivision (3) of G.S. 53-43, G.S. 53-~~  
5 43(3), such additional powers as may be necessary or incidental for the carrying out of  
6 their corporate 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 teller's window will  
25 meet the needs and promote the convenience of the community  
26 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 teller's window and of the existing  
30 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 or board of managers. Upon the adoption of such a  
40 resolution, the bank shall file a certification with the Commissioner of  
41 Banks specifying the location of the branch office to be discontinued  
42 and the date upon which it is proposed that the discontinuance shall be  
43 effective. This certificate must state the reasons for the closing of such

1 branch and indicate that the needs and convenience of the community  
2 would still be adequately met. Notice stating the intention to discontinue  
3 the said branch shall be published in a newspaper serving said  
4 community once a week for four consecutive weeks before a certificate  
5 requesting a discontinuance is filed with the Commissioner of Banks.  
6 No such branch may be discontinued until approved by the  
7 Commissioner of Banks, who shall first hold a public hearing thereon, if  
8 so requested by any interested party.

9 (4) Subject to the approval of the Commissioner of Banks and on the  
10 authority of its board of directors, or a majority thereof, to enter into  
11 such contract, incur such obligations and generally to do and perform  
12 any and all such acts and things whatsoever as may be necessary or  
13 appropriate in order to take advantage of any and all memberships,  
14 loans, subscriptions, contracts, grants, rights or privileges, which may at  
15 any time be available or inure to banking institutions, or to their  
16 depositors, creditors, stockholders, conservators, receivers or  
17 liquidators, by virtue of those provisions of section eight of the Federal  
18 Banking Act of 1933 (section twelve B of the Federal Reserve Act as  
19 amended) which establish the Federal Deposit Insurance Corporation  
20 and provide for the insurance of deposits, or of any other provisions of  
21 that or any other act or resolution of Congress to aid, regulate or  
22 safeguard banking institutions and their depositors, including any  
23 amendments of the same or any substitutions therefor; also, to subscribe  
24 for and acquire any stock, debentures, bonds or other types of securities  
25 of the Federal Deposit Insurance Corporation and to comply with the  
26 lawful regulations and requirements from time to time issued or made  
27 by such corporations.

28 (5) To solicit, receive and accept money or its equivalent on deposit both in  
29 savings accounts and upon certificates of deposit.

30 (6) Subject to the approval of the State Banking Commission, to solicit,  
31 receive and accept money or its equivalent on deposit subject to check;  
32 provided, however, no such approval shall be given unless and until  
33 such industrial bank meets the capital requirements of a commercial  
34 bank as set forth in G.S. 53-2."

35 Sec. 27.1. G.S. 55A-7-27(b)(3) reads as rewritten:

36 "(3) Two or more persons hold the membership as cotenants or fiduciaries  
37 and the name signed purports to be the name of at least one of the  
38 coholders and the person signing appears to be acting on behalf of all  
39 the coholders; ~~and-or~~ "

40 Sec. 28. Effective July 1, 1994, G.S. 55A-8-05(a) reads as rewritten:

41 "(a) The articles of incorporation or bylaws may specify the terms of directors. In  
42 the absence of a contrary provision in the articles ~~or~~ of incorporation or bylaws, the term  
43 of each director shall be one year, and directors may serve successive terms."

1           Sec. 29. Effective July 1, 1994, G.S. 55A-8-23(a) reads as rewritten:

2           "(a) A director may waive any notice required by this Chapter, the articles of  
3 ~~corporation~~, incorporation, or bylaws before or after the date and time stated in the notice.  
4 Except as provided by subsection (b) of this section, the waiver shall be in writing, signed  
5 by the director entitled to the notice, and filed with the minutes or corporate records."

6           Sec. 30. Effective July 1, 1994, G.S. 55A-10-30 reads as rewritten:

7           "**§ 55A-10-30. Approval by third persons.**

8           The articles of incorporation or bylaws may require an amendment to the articles ~~or of~~  
9 incorporation or bylaws to be approved in writing by a specified person or persons other  
10 than the board of directors. Such a provision in the articles of incorporation or bylaws  
11 may only be amended with the approval in writing of such person or persons."

12          Sec. 31. G.S. 55A-11-06(a)(1) reads as rewritten:

13          "(1) The merger is permitted by the law of the state or ~~county~~ country under  
14 whose law each foreign corporation is incorporated and each foreign  
15 corporation complies with that law in effecting the merger;"

16          Sec. 32. Effective July 1, 1994, G.S. 55A-15-30(a)(6) reads as rewritten:

17          "(6) The Secretary of State receives a duly authenticated certificate from the  
18 secretary of state or other official having custody of corporate records in  
19 the state or country under whose law the foreign corporation is  
20 incorporated stating that ~~is-it~~ has been dissolved or disappeared as the  
21 result of a merger;"

22          Sec. 33. Effective July 1, 1994, G.S. 55A-16-05(1) reads as rewritten:

23          "(1) Used to solicit money or property unless such money or property will be  
24 used solely to solicit the votes of the members in an election to be held  
25 by the ~~corporation~~: corporation;"

26          Sec. 34. G.S. 62-3(23)a.1. reads as rewritten:

27                 "1. Producing, generating, transmitting, delivering or  
28 furnishing electricity, piped gas, steam or any other like  
29 agency for the production of light, heat or power to or for  
30 the public for compensation; provided, however, that the  
31 term 'public utility' shall not include persons who  
32 construct or operate an electric generating facility, the  
33 primary purpose of which facility is for such person's own  
34 use and not for the primary purpose of producing  
35 electricity, heat, or steam for sale to or for the public for  
36 ~~compensation~~: compensation;"

37          Sec. 35. G.S. 78A-2(2)d.1. reads as rewritten:

38                 "1. The security is exempted under subdivisions (1), (2), (3),  
39 (4), ~~(5)~~ (5), (7), (9), (10), (11), (13), or (14) of G.S. 78A-  
40 16, or the transaction is exempted under G.S. 78A-17, and  
41 such exemption has not been denied or revoked under  
42 G.S. 78A-18, or"

43          Sec. 36. G.S. 88A-23 reads as rewritten:

1 **"§ 88A-23. Reports and immunity from suit.**

2 Any person who has reasonable cause to suspect misconduct or incapacity of a  
3 licensee, or who has reasonable cause to suspect that any person is in violation of this  
4 Chapter, shall report the relevant facts to the Board. Upon the receipt of such charge, or  
5 upon its ~~on~~ own initiative, the Board may give notice of an administrative hearing or may,  
6 after diligent investigation, dismiss unfounded charges. Any person making a report  
7 pursuant to this section shall be immune from any criminal prosecution or civil liability  
8 resulting therefrom unless such person knew the report was false or acted in reckless  
9 disregard of whether the report was false."

10 Sec. 37. G.S. 90-15 reads as rewritten:

11 **"§ 90-15. License fee; salaries, fees, and expenses of Board.**

12 Each applicant for a license by examination shall pay to the Board of Medical  
13 Examiners of the State of North Carolina a fee which shall be prescribed by the Board in  
14 an amount not exceeding the sum of four hundred dollars (\$400.00) plus the cost of test  
15 materials before being admitted to the examination. Whenever a license is granted  
16 without examination, as authorized in G.S. 90-13, the applicant shall pay to the Board a  
17 fee in an amount to be prescribed by the Board not in excess of two hundred fifty dollars  
18 (\$250.00). Whenever a limited license is granted as provided in G.S. 90-12, the applicant  
19 shall pay to the Board a fee not to exceed one hundred fifty dollars (\$150.00), except  
20 where a limited license to practice in a medical education and training program approved  
21 by the Board for the purpose of education or training is granted, the applicant shall pay a  
22 fee of twenty-five dollars (\$25.00). A fee of twenty-five dollars (\$25.00) shall be paid for  
23 the issuance of a duplicate license. All fees shall be paid in advance to the Board of  
24 Medical Examiners of the State of North Carolina, to be held in a fund for the use of the  
25 Board. The compensation and expenses of the members and officers of ~~the~~ the Board and  
26 all expenses proper and necessary in the opinion of the Board to the discharge of its  
27 duties under and to enforce the laws regulating the practice of medicine or surgery shall  
28 be paid out of the fund, upon the warrant of the Board. The per diem compensation of  
29 Board members shall not exceed two hundred dollars (\$200.00) per day per member for  
30 time spent in the performance and discharge of duties as a member. Any unexpended sum  
31 or sums of money remaining in the treasury of the Board at the expiration of the terms of  
32 office of the members of the Board shall be paid over to their successors in office.

33 For the initial and annual registration of an assistant to a physician, the Board may  
34 require the payment of a fee not to exceed a reasonable amount."

35 Sec. 38. G.S. 90-92(e) reads as rewritten:

36 "(e) Other Substances. – Unless specifically excepted or unless listed in another  
37 schedule, any material, compound, mixture or preparation which contains any quantity of  
38 the following substances, including its salts:

- 39 1. Dextropropoxyphene (~~Alpha-(plus)-4-dimethylamino-1,~~ (Alpha-(plus)- 4-  
40 dimethylamino-1, 2-diphenyl- 3-methyl-2-propionoxybutane).
- 41 2. Pipradrol.
- 42 3. SPA ((-)-1-dimethylamino-1, 2-diphenylethane)."

43 Sec. 39. G.S. 90-109 reads as rewritten:

1 **"§ 90-109. Licensing required.**

2 A facility for drug treatment as defined in G.S. 122C-3(14)b. shall obtain the license  
3 required by Article 2 of Chapter 122C of the General Statutes permitting operation.  
4 Subject to rules governing the operation and licensing of these facilities set by the  
5 Commission for Mental Health, ~~Mental Retardation, Developmental Disabilities,~~ and  
6 Substance Abuse Services, the Department of Human Resources shall be responsible for  
7 issuing licenses. These licensing rules shall be consistent with the licensing rules adopted  
8 under Article 2 of Chapter 122C of the General Statutes."

9 Sec. 40. G.S. 90-113.9(2) reads as rewritten:

10 "(2) 'Commission' means the Commission for Mental Health, ~~Mental~~  
11 ~~Retardation-Developmental Disabilities,~~ and Substance Abuse Services,  
12 established under Part 4 of Article 3 of Chapter 143B of the General  
13 Statutes."

14 Sec. 41. G.S. 90-171.25 reads as rewritten:

15 **"§ 90-171.25. Custody and use of funds.**

16 The executive director shall deposit in financial institutions designated by the Board  
17 as official depositories all fees payable to the Board. The funds shall be deposited in the  
18 name of the Board and shall be used to pay all expenses incurred by the Board in carrying  
19 out the purposes of this Article. ~~in accordance with State law."~~

20 Sec. 42. G.S. 90-187.6(a) reads as rewritten:

21 "(a) 'Veterinary technicians,' 'veterinary student interns,' and 'veterinary student  
22 preceptees,' before performing any services otherwise prohibited to persons not licensed  
23 or registered under this Article, shall be approved by and registered with the Board. The  
24 Board shall be responsible for all matters pertaining to the qualifications, registration,  
25 discipline, and revocation of registration of these persons, ~~under~~ under this Article and  
26 rules issued by the Board."

27 Sec. 43. G.S. 90-187.10(8) reads as rewritten:

28 "(8) Any certified rabies vaccinator appointed, certified and acting ~~with~~  
29 within the provisions of G.S. 130A-186;"

30 Sec. 44. G.S. 90-270.4(d) reads as rewritten:

31 "(d) Nothing in this Article shall be construed as limiting the activities, services,  
32 and use of title designating training status of a student, intern, fellow, or other trainee  
33 preparing for the practice of psychology under the supervision and responsibility of a  
34 qualified psychologist in an institution of higher education or service facility, provided  
35 that such activities and services constitute a part of his ~~course of~~ or her course of study as  
36 a matriculated graduate student in psychology. For individuals pursuing postdoctoral  
37 training or experience in psychology, nothing shall limit the use of a title designating  
38 training status, but the Board may develop rules defining qualified supervision, disclosure  
39 of supervisory relationships, frequency of supervision, settings to which trainees may be  
40 assigned, activities in which trainees may engage, qualifications for trainee status, nature  
41 of responsibility assumed by the supervisor, and the structure, content, and organization  
42 of postdoctoral experience."

43 Sec. 45. G.S. 90-270.11(a) reads as rewritten:

1       "(a) Licensed Psychologist. – The Board shall issue a permanent license to practice  
2 psychology to any applicant who pays an application fee and any applicable examination  
3 fee as specified in G.S. 90-270.18(b), ~~who~~ who passes an examination in psychology as  
4 prescribed by the Board, and who submits evidence verified by oath and satisfactory to  
5 the Board that he or she:

6           (1) Is at least 18 years of age;

7           (2) Is of good moral character;

8           (3) Has received a doctoral degree based on a planned and directed program  
9 of studies in psychology from an institution of higher education. The  
10 degree program, wherever administratively housed, must be publicly  
11 identified and clearly labeled as a psychology program. The Board shall  
12 adopt rules implementing and defining these provisions, including, but  
13 not limited to, such factors as residence in the educational program,  
14 internship and related field experiences, number of course credits,  
15 course content, numbers and qualifications of faculty, and program  
16 identification and identity.

17           (4) Has had at least two years of acceptable and appropriate supervised  
18 experience germane to his or her training and intended area of practice  
19 as a psychologist as specified in G.S. 90-270.5(d)."

20       Sec. 46. The catch line of G.S. 90-405 reads as rewritten:

21 **"§ 90-405. ~~Definition.~~ Definitions."**

22       Sec. 47. G.S. 95-25.14(a)(1)a. reads as rewritten:

23           "a. Except as otherwise specifically provided in G.S. ~~95-25.5.~~ 95-  
24 25.5."

25       Sec. 48. G.S. 97-80(e) reads as rewritten:

26       "(e) A subpoena may be issued by the Commission and served in accordance with  
27 G.S. 1A-1, Rule 45. Upon a motion, the Commission may quash a subpoena if it finds  
28 that the evidence the production of which is required does not relate to a matter in issue,  
29 the subpoena does not describe with sufficient particularity the evidence the production  
30 of which is required, ~~or~~ or for any other reason sufficient in law the subpoena may be  
31 quashed. Each witness who appears in obedience to such subpoena of the Commission  
32 shall receive for attendance the fees and mileage for witnesses in civil cases in courts of  
33 the county where the hearing is held."

34       Sec. 49. G.S. 104E-9(a) reads as rewritten:

35       "(a) The Department of Environment, Health, and Natural Resources is authorized:

36           (1) To advise, consult and cooperate with other public agencies and with  
37 affected groups and ~~industries;~~ industries.

38           (2) To encourage, participate in, or conduct studies, investigations, public  
39 hearings, training, research, and demonstrations relating to the control  
40 of sources of radiation, the measurement of radiation, the effect upon  
41 public health and safety of exposure to radiation and related ~~problems;~~  
42 problems.

- 1           (3) To require the submission of plans, specifications, and reports for new  
2 construction and material alterations on (i) the design and protective  
3 shielding of installations for radioactive material and radiation machines  
4 and (ii) systems for the disposal of radioactive waste materials, for the  
5 determination of any radiation hazard and may render opinions, approve  
6 or disapprove such plans and ~~specifications;~~ specifications.
- 7           (4) To collect and disseminate information relating to the sources of  
8 radiation, including but not limited to: (i) maintenance of a record of all  
9 license applications, issuances, denials, amendments, transfers,  
10 renewals, modifications, suspensions, and revocations; and (ii)  
11 maintenance of a record of registrants and licensees possessing sources  
12 of radiation requiring registration or licensure under the provisions of  
13 this Chapter, and regulations hereunder, and any administrative or  
14 judicial action pertaining thereto; and to develop and implement a  
15 responsible data management program for the purpose of collecting and  
16 analyzing statistical information necessary to protect the public health  
17 and safety. The Department may refuse to make public dissemination  
18 of information relating to the source of radiation within this State after  
19 the Department first determines that the disclosure of such information  
20 will contravene the stated policy and purposes of this Chapter and such  
21 disclosure would be against the health, welfare and safety of the public.
- 22           (5) To respond to any emergency which involves possible or actual release  
23 of radioactive material; and to perform or supervise decontamination  
24 and otherwise protect the public health and safety in any manner  
25 deemed necessary. This section does not in any way alter or change the  
26 provisions of Chapter 166 of the North Carolina General Statutes  
27 concerning response during an emergency by the Department of  
28 Military and Veterans Affairs or its successor.
- 29           (6) To develop and maintain a statewide environmental radiation program  
30 for monitoring the radioactivity levels in air, water, soil, vegetation,  
31 animal life, milk, and food as necessary to ensure protection of the  
32 public and the environment from radiation hazards.
- 33           (7) To implement the provisions of this Chapter and the regulations duly  
34 promulgated under the Chapter.
- 35           (8) To establish annual fees for activities under this Chapter based on actual  
36 administrative costs to be applied to training, enforcement, and  
37 inspection pursuant to the provisions of this Chapter and to charge and  
38 collect fees from operators and users of low-level radioactive waste  
39 facilities pursuant to the provisions of this Chapter.
- 40           (9) To enter upon any lands and structures upon lands to make surveys,  
41 borings, soundings, and examinations as may be necessary to determine  
42 the suitability of a site for a low-level radioactive waste facility or low-  
43 level radioactive disposal facility. The Department shall give 30 days'



1 notice of the intended entry authorized by this section in the manner  
2 prescribed for service of process by G.S. 1A-1, Rule 4. Entry under this  
3 section shall not be deemed a trespass or taking; provided, however, that  
4 the Department shall make reimbursement for any damage to such land  
5 or structures caused by such activities. This authority shall also apply to  
6 the North Carolina Low-Level Radioactive Waste Management  
7 Authority.

8 (10) To encourage research and development and disseminate information on  
9 state-of-the-art means of handling and disposing of low-level  
10 radioactive waste.

11 (11) ~~The Department shall~~ To promote public education and public  
12 involvement in the decision-making process for the siting and  
13 permitting of proposed low-level radioactive waste facilities. The  
14 Department shall assist localities in which facilities are proposed in  
15 collecting and receiving information relating to the suitability of the  
16 proposed site. At the request of a local government in which facilities  
17 are proposed, the Department shall direct the appropriate agencies of  
18 State government to develop such relevant data as that locality shall  
19 reasonably request."

20 Sec. 50. G.S. 105-130.5(b) reads as rewritten:

21 "(b) The following deductions from federal taxable income shall be made in  
22 determining State net income:

23 (1) Interest upon the obligations of the United States or its possessions, to  
24 the extent included in federal taxable income: Provided, interest upon  
25 the obligations of the United States shall not be an allowable deduction  
26 unless interest upon obligations of the State of North Carolina or any of  
27 its political subdivisions is exempt from income taxes imposed by the  
28 ~~United States;~~ States.

29 (2) Payments received from a parent, subsidiary or affiliated corporation in  
30 excess of fair compensation in intercompany transactions which in the  
31 determination of the net income or net loss of such corporation were not  
32 allowed as a deduction under the Revenue Laws of this ~~State;~~ State.

33 (3) The deductible portion of dividends from stock issued by any  
34 corporation as provided under G.S. ~~105-130.7;~~ 105-130.7.

35 (4) Losses in the nature of net economic losses sustained by the corporation  
36 in any or all of the five preceding years pursuant to the provisions of  
37 G.S. 105-130.8. Provided, a corporation required to allocate and  
38 apportion its net income under the provisions of G.S. 105-130.4 shall  
39 deduct its allocable net economic loss only from total income allocable  
40 to this State pursuant to the provisions of G.S. ~~105-130.8;~~ 105-130.8.

41 (5) Contributions or gifts made by any corporation within the income year  
42 to the extent provided under G.S. ~~105-130.9;~~ 105-130.9.

- 1 (6) Amortization in excess of depreciation allowed under the Code on the  
2 cost of any sewage or waste treatment plant, and facilities or equipment  
3 used for purposes of recycling or resource recovery of or from solid  
4 waste, or for purposes of reducing the volume of hazardous waste  
5 generated as provided in G.S. 105-130.10.
- 6 (7) Depreciation of emergency facilities acquired prior to January 1, 1955.  
7 Any corporation shall be permitted to depreciate any emergency facility,  
8 as such is defined in section 168 of the Code, over its useful life,  
9 provided such facility was acquired prior to January 1, 1955, and no  
10 amortization has been claimed on such facility for State income tax  
11 ~~purposes; and purposes.~~
- 12 (8) The amount of losses realized on the sale or other disposition of assets  
13 not allowed under section 1211(a) of the Code. All losses recognized on  
14 the sale or other disposition of assets must be included in determining  
15 State net income or loss in the year of disposition.
- 16 (9) With respect to a shareholder of a regulated investment company, the  
17 portion of undistributed capital gains of such regulated investment  
18 company included in such shareholder's federal taxable income and on  
19 which the federal tax paid by the regulated investment company is  
20 allowed as a credit or refund to the shareholder under section 852 of the  
21 Code.
- 22 (10) Repealed by Session Laws 1987, c. 778, s. 2.
- 23 (11) If a deduction for an ordinary and necessary business expense was  
24 required to be reduced or was not allowed under the Code because the  
25 corporation claimed a federal tax credit against its federal income tax  
26 liability for the income year in lieu of a deduction, the amount by which  
27 the deduction was reduced and the amount of the deduction that was  
28 disallowed.
- 29 (12) Reasonable expenses, in excess of deductions allowed under the Code,  
30 paid for reforestation and cultivation of commercially grown trees;  
31 provided, that this deduction shall be allowed only to those corporations  
32 in which the real owners of all the shares of such corporation are natural  
33 persons actively engaged in the commercial growing of trees, or the  
34 spouse, siblings, or parents of such persons. Provided, further, that in no  
35 case shall a corporation be allowed a deduction for the same  
36 reforestation or cultivation expenditure more than once.
- 37 (13) The eligible income of an international banking facility to the extent  
38 included in determining federal taxable income, determined as follows:
- 39 a. 'International banking facility' shall have the same meaning as is  
40 set forth in the laws of the United States or regulations of the  
41 board of governors of the federal reserve system.
- 42 b. The eligible income of an international banking facility for the  
43 taxable year shall be an amount obtained by multiplying State

1 taxable income as determined under G.S. 105-130.3 (determined  
2 without regard to eligible income of an international banking  
3 facility and allocation and apportionment, if applicable) for such  
4 year by a fraction, the denominator of which shall be the gross  
5 receipts for such year derived by the bank from all sources, and  
6 the numerator of which shall be the adjusted gross receipts for  
7 such year derived by the international banking facility from:

- 8 1. Making, arranging for, placing or servicing loans to  
9 foreign persons substantially all the proceeds of which are  
10 for use outside the United States;
- 11 2. Making or placing deposits with foreign persons which  
12 are banks or foreign branches of banks (including foreign  
13 subsidiaries or foreign branches of the taxpayer) or with  
14 other international banking facilities; or
- 15 3. Entering into foreign exchange trading or hedging  
16 transactions related to any of the transactions described in  
17 this paragraph.

18 c. The adjusted gross receipts shall be determined by multiplying  
19 the gross receipts of the international banking facility by a  
20 fraction the numerator of which is the average amount for the  
21 taxable year of all assets of the international banking facility  
22 which are employed outside the United States and the  
23 denominator of which is the average amount for the taxable year  
24 of all assets of the international banking facility.

25 d. For the purposes of this subsection the term 'foreign person'  
26 means:

- 27 1. An individual who is not a resident of the United States;
- 28 2. A foreign corporation, a foreign partnership or a foreign  
29 trust, as defined in section 7701 of the Code, other than a  
30 domestic branch thereof;
- 31 3. A foreign branch of a domestic corporation (including the  
32 taxpayer);
- 33 4. A foreign government or an international organization or  
34 an agency of either, or
- 35 5. An international banking facility.

36 For purposes of this paragraph, the terms 'foreign' and  
37 'domestic' shall have the same meaning as set forth in section  
38 7701 of the Code.

- 39 (14) The amount by which the basis of a depreciable asset is required to be  
40 reduced under the Code for federal tax purposes because of a tax credit  
41 allowed against the corporation's federal income tax liability. This  
42 deduction may be claimed only in the year in which the Code requires

1 that the asset's basis be reduced. In computing gain or loss on the asset's  
2 disposition, this deduction shall be considered as depreciation.

3 (15) The amount paid during the income year, pursuant to 7 U.S.C. § 1445-2,  
4 as marketing assessments on tobacco grown by the corporation in North  
5 Carolina.

6 (16) The amount of natural gas expansion surcharges collected by a natural  
7 gas local distribution company under G.S. 62-158."

8 Sec. 51. G.S. 105-275(5) reads as rewritten:

9 "(5) Vehicles that the United States government gives to veterans on account  
10 of disabilities they suffered in World War II, the Korean Conflict, or the  
11 ~~Viet Nam~~-Vietnam Era so long as they are owned by:

12 a. A person to whom a vehicle has been given by the United States  
13 government or

14 b. Another person who is entitled to receive such a gift under Title  
15 38, section 252, United States Code Annotated."

16 Sec. 52. G.S. 106-1 is repealed.

17 Sec. 53. G.S. 106-2 reads as rewritten:

18 "**§ 106-2. Department of Agriculture, Immigration, and Statistics established;**  
19 **Agriculture established; Board of Agriculture, membership, terms of**  
20 **office, etc.**

21 The Department of ~~Agriculture, Immigration, and Statistics~~ Agriculture is created and  
22 established and shall be under the control of the Commissioner of Agriculture, with the  
23 consent and advice of a board to be styled 'The Board of Agriculture.' The Board of  
24 Agriculture shall consist of the Commissioner of Agriculture, who shall be ex officio a  
25 member and chairman thereof and shall preside at all meetings, and of 10 other members  
26 from the State at large, so distributed as to reasonably represent the different sections and  
27 agriculture of the State. In the appointment of the members of the Board the Governor  
28 shall also take into consideration the different agricultural interests of the State, and shall  
29 appoint one member who shall be a practical tobacco farmer to represent the tobacco  
30 farming interest, one who shall be a practical cotton grower to represent the cotton  
31 interest, one who shall be a practical truck farmer or general farmer to represent the truck  
32 and general farming interest, one who shall be a practical dairy farmer to represent the  
33 dairy and livestock interest of the State, one who shall be a practical poultryman to  
34 represent the poultry interest of the State, one who shall be a practical peanut grower to  
35 represent the peanut interests, one who shall be a ~~man~~-experienced in marketing to  
36 represent the marketing of products of the State. The members of such Board shall be  
37 appointed by the Governor by and with the consent of the Senate, when the terms of the  
38 incumbents respectively expire. The term of office of such members shall be six years  
39 and until their successors are duly appointed and qualified. The terms of office of the five  
40 members constituting the present Board of Agriculture shall continue for the time for  
41 which they were appointed. In making appointments for the enlarged Board of  
42 Agriculture, the Governor shall make the appointments so that the term of three members  
43 will be for two years, three for four and four for six years. Thereafter the appointments

1 shall be made for six years. Vacancies in such Board shall be filled by the Governor for  
2 the unexpired term. The Commissioner of Agriculture and the members of the Board of  
3 Agriculture shall be practical farmers engaged in their profession."

4 Sec. 54. G.S. 106-3, 106-6, 106-7, 106-8, and 106-9.1 are repealed.

5 Sec. 55. G.S. 113-133.1(e) reads as rewritten:

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

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

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

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

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

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

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

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

20 Brunswick: Session Laws 1975, Chapter 218.

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

22 Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra  
23 Session), Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933,  
24 Chapter 422, Section 3; Session Laws 1965, Chapter 608, as amended by Session Laws  
25 1977, Chapter 68; Session Laws 1977, Chapter 636.

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

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

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

32 Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter  
33 411.

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

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

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

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

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

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

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

- 1 Currituck: Session Laws 1959, Chapter 545.  
2 Dare: Session Laws 1973, Chapter 259.  
3 Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.  
4 Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session 1974),  
5 Chapter 1266; Session Laws 1979, Chapter 466.  
6 Edgecombe: Session Laws 1961, Chapter 408.  
7 Gates: Session Laws 1959, Chapter 298; ~~Session Laws 1973, Chapter 124, amending~~  
8 ~~Session Laws 1969, Chapter 121 (as it pertains to wild turkeys);~~ Session Laws 1975,  
9 Chapter 269; Session Laws 1975, Chapter 748.  
10 Granville: Session Laws 1963, Chapter 670.  
11 Greene: Session Laws 1975, Chapter 219; Session Laws 1979, Chapter 360.  
12 Halifax: Public-Local Laws 1925, Chapter 571, Section 3 (with respect to fox-hunting  
13 seasons); Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.  
14 Harnett: Former G.S. 113-111, as modified by Session Laws 1977, Chapter 636.  
15 Haywood: Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.  
16 Henderson: Former G.S. 113-111.  
17 Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session  
18 Laws 1975, Chapter 748; Session Laws 1977, Chapter 67.  
19 Hoke: Session Laws 1963, Chapter 267.  
20 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes);  
21 Session Laws 1951, Chapter 932.  
22 Iredell: Session Laws 1979, Chapter 577.  
23 Jackson: Session Laws 1965, Chapter 765; Session Laws 1971, Chapter 424.  
24 Johnston: Session Laws 1975, Chapter 342.  
25 Jones: Session Laws 1979, Chapter 441.  
26 Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.  
27 Lenoir: Session Laws 1979, Chapter 441.  
28 Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955,  
29 Chapter 878.  
30 Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951,  
31 Chapter 1040.  
32 Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.  
33 Mitchell: Session Laws 1965, Chapter 608, as amended by Session Laws 1977,  
34 Chapter 68.  
35 Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.  
36 Nash: Session Laws 1961, Chapter 408.  
37 New Hanover: Session Laws 1971, Chapter 559; Session Laws 1975, Chapter 95.  
38 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269;  
39 Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979,  
40 Chapter 548.  
41 Orange: Public-Local Laws 1913, Chapter 547.  
42 Pamlico: Session Laws 1977, Chapter 636.

1 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session  
2 Laws 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws  
3 1977, Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977,  
4 Chapter 805; Session Laws 1979, Chapter 546.

5 Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws  
6 1973, Chapter 264; Session Laws 1979, Chapter 582.

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

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

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

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

13 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter  
14 106, and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.

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

16 Sampson: Session Laws 1979, Chapter 373.

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

18 Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws  
19 1979, Chapter 556.

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

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

24 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws  
25 1935, Chapter 238.

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

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

28 Washington: Session Laws 1947, Chapter 620.

29 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as  
30 amended by Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as  
31 amended by Session Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.

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

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

37 Yancey: Session Laws 1965, Chapter 522."

38 Sec. 56. G.S. 113-291.9(g) reads as rewritten:

39 "(g) This section shall not apply to Buncombe, Madison, McDowell, or Yancey  
40 Counties. ~~County.~~"

41 Sec. 57. G.S. 113-315.5 reads as rewritten:

42 "**§ 113-315.5. Alternative method for collection of assessment.**

1 As an alternate method for the collection of assessments provided for in ~~G.S. 113-310,~~  
2 G.S. 113-315.4, upon the request or petition of the agency and action by the Marine  
3 Fisheries Commission as prescribed in G.S. 113-313, the Secretary shall notify, by letter,  
4 all persons or firms licensed by the Marine Fisheries Commission to engage in business  
5 and commerce as may be directly affected by the paying of the assessment, that on and  
6 after the date specified in the letter the assessment shall become due and payable, and  
7 shall be remitted by said persons or firms to the Secretary who shall thereupon pay the  
8 amount of the assessments to the agency. The books and records of all such persons and  
9 firms shall at all times during regular business hours be open for inspection by the  
10 Secretary or his duly authorized agents."

11 Sec. 58. G.S. 113A-103(5)c.3. reads as rewritten:

12 "3. Whether or ~~not~~ not dredging or filling is involved in the  
13 maintenance or improvement."

14 Sec. 59. G.S. 115C-12(22) reads as rewritten:

15 "(22) Duty to Monitor the Decisions of Teachers to Leave the Teaching  
16 Profession. – The State Board of Education shall monitor and  
17 compile an annual report on the decisions of teachers to leave the  
18 teaching profession. The State Board shall adopt standard procedures  
19 for each local board of education to use in requesting the information  
20 from teachers who are not continuing to work as teachers in the local  
21 school administrative unit and shall require each local ~~boards~~ board  
22 of education to report the information to the State Board in a  
23 standard format adopted by the State Board."

24 Sec. 60. G.S. 115C-48 reads as rewritten:

25 "**§ 115C-48. Penalties for certain conduct.**

26 (a) Members of local boards of ~~election~~ education are criminally liable for certain  
27 conduct as provided in G.S. 14-234 through 14-237.

28 (b) Members of local boards of ~~election~~ education are civilly liable for certain  
29 conduct as provided in G.S. 115C-441."

30 Sec. 61. G.S. 115C-81(a1) reads as rewritten:

31 "(a1) The Basic Education Program shall describe the education program to be  
32 offered to every child in the public schools. It shall provide every student in the State  
33 equal access to a Basic Education Program. Instruction shall be offered in the areas of  
34 arts, communication skills, physical education and personal health and safety,  
35 mathematics, media and computer skills, science, second languages, social studies, and  
36 vocational and technical education.

37 Instruction in vocational and technical education under the Basic Education Program  
38 shall be based on factors including:

- 39 (1) The integration of academic and vocational and technical education;
- 40 (2) A sequential course of study leading to both academic and occupational  
41 competencies;
- 42 (3) Increased student work skill attainment and job placement;



1 (4) Increased linkages, where geographically feasible, between public  
2 schools and community colleges, so the public schools can emphasize  
3 academic preparation and the community colleges can emphasize  
4 specific job training; and

5 (5) Instruction and experience, to the extent practicable, in all aspects of the  
6 industry the students are prepared to enter."

7 Sec. 62. G.S. 115C-81(d) reads as rewritten:

8 "(d) The standard course of study as it exists on January 1, 1985, and as  
9 subsequently revised by the State Board, shall remain in effect until its components have  
10 been fully incorporated and implemented as a part of the Basic ~~Education~~-Education  
11 Program."

12 Sec. 63. G.S. 115C-238.3(b1) reads as rewritten:

13 "(b1) Development by each school of strategies for attaining local student  
14 performance goals. – The principal of each school, representatives of the building-level  
15 staff, and parents of children enrolled in the school shall develop a building-level plan to  
16 address student performance goals appropriate to that school from those established by  
17 the local board of education. Parents serving on building-level committees shall reflect  
18 the racial and socioeconomic composition of the students enrolled in that school and shall  
19 not be members of the building-level staff. Parental involvement is a critical component  
20 of school success and positive student outcomes; therefore, it is the intent of the General  
21 Assembly that parents, along with teachers, have a substantial role in developing student  
22 performance goals at the building level. To this end, building-level advisory board  
23 meetings shall be held at a convenient time to assure substantial parent participation. The  
24 strategies for attaining local school performance goals shall include a plan for the use of  
25 staff development funds that may be made available to the school by the local board of  
26 education to implement the building-level plan. These strategies may also include  
27 requests for waivers of State laws, regulations, or policies for that school. A request for a  
28 waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's  
29 ability to reach its local accountability goals, (ii) set out with specificity the  
30 circumstances under which the waiver may be used, and (iii) explain how a waiver of  
31 those laws, regulations, or policies will permit the local unit to reach its local goals.

32 Support among affected staff members is essential to successful implementation of a  
33 building-level plan to address student performance goals appropriate to a school;  
34 therefore, the principal of the school shall present the proposed building-level plan to all  
35 of the staff assigned to the school building for their review and vote. The vote shall be by  
36 secret ballot. The principal may submit the building-level plan to the local board of  
37 education for inclusion in the systemwide plan only if the proposed building-level plan  
38 has the approval of a majority of the staff who voted on the plan.

39 The local board of education shall accept or reject the building-level plan. The local  
40 board shall not make any substantive changes in any building-level plan that it accepts;  
41 the local board shall set out any building-level plan that it accepts in the systemwide plan.  
42 If the local board rejects a building-level plan, the local board shall state with specificity  
43 its reasons for rejecting the plan; the principal of the school for which the plan was

1 rejected, representatives of the building-level staff, and parents of children enrolled in the  
2 school may then prepare another plan, present it to the building-level staff for a vote, and  
3 submit it to the local board for inclusion in the systemwide plan. If no building-level  
4 plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year  
5 in which participation is sought, the local board may develop a plan for the school for  
6 inclusion in the systemwide plan; the General Assembly urges the local board to utilize  
7 the proposed building-level plan to the maximum extent possible when developing such a  
8 plan."

9 Sec. 64. G.S. 115D-32(c) reads as rewritten:

10 "(c) The board of trustees of each institution may apply institutional funds provided  
11 in accordance with ~~G.S. 115D-54(3)~~ G.S. 115D-54(b)(3) for such purposes as may be  
12 determined by the board of trustees of the institution."

13 Sec. 65. G.S. 116-233(e) reads as rewritten:

14 "(e) Of the initial members appointed under ~~G.S. 116-233(5)~~, G.S. 116-233(a)(5),  
15 one member shall serve a term to expire June 30, 1987, and one member shall serve a  
16 term to expire June 30, 1989. Subsequent appointments shall be for four-year terms. The  
17 initial members appointed under ~~G.S. 116-233(6)~~, G.S. 116-233(a)(6), shall be appointed  
18 for terms to expire June 30, 1987. Subsequent appointments shall be for two-year terms.  
19 The initial members appointed under ~~G.S. 116-233(7)~~ G.S. 116-233(a)(7) shall be  
20 appointed for terms to expire January 15, 1989. Successors shall be appointed for four-  
21 year terms."

22 Sec. 66. G.S. 116-234(d) reads as rewritten:

23 "(d) Members of the Board of Trustees, other than ex officio members under ~~G.S.~~  
24 ~~116-233(3)~~, G.S. 116-233(a)(3), shall receive such per diem compensation and necessary  
25 travel and subsistence expenses while engaged in the discharge of their official duties as  
26 is provided by law for members of State boards and commissions. Ex officio members  
27 under ~~G.S. 116-233(3)~~ G.S. 116-233(a)(3) shall be reimbursed for travel expenses as  
28 provided by G.S. 138-6."

29 Sec. 67. G.S. 126-7(c)(7) reads as rewritten:

30 "(7) An employee who disputes the fairness of his or her performance  
31 appraisal or the amount of ~~the~~ a performance bonus awarded or who  
32 believes that he or she was unfairly denied a career growth recognition  
33 award or performance bonus shall first discuss the problem with his or  
34 her supervisor. Appeals of the supervisor's decision shall be made only  
35 to the grievance committee or internal performance review board of the  
36 department, agency, or institution which shall make a recommendation  
37 to the head of the department, agency, or institution for final decision.  
38 The State Personnel Director shall help a department, agency, or  
39 institution establish an internal performance review board or, if it  
40 includes employee members, to use its existing grievance committee to  
41 hear performance pay disputes. Notwithstanding G.S. 150B-2(2) and  
42 G.S. 126-22, 126-25, and 126-34, performance pay disputes, including

1 disputes about individual performance appraisals, shall not be  
2 considered contested case issues."

3 Sec. 68. G.S. 128-30(b1) reads as rewritten:

4 "(b1) Pick Up of Employee Contributions. – Anything within this section to the  
5 contrary notwithstanding, effective July 1, 1982, an employer, pursuant to the provisions  
6 of section 414(h)(2) of the Internal Revenue Code of 1954 as amended, may elect to pick  
7 up and pay the contributions which would be payable by the employees as members  
8 under subsection (b) of this section with respect to the service of employees after June 30,  
9 1982.

10 The members' contributions picked up by an employer shall be designated for all  
11 purposes of the Retirement System as member contributions, except for the determination  
12 of tax upon a distribution from the System. These contributions shall be credited to the  
13 annuity savings fund and accumulated within the fund in a member's account which shall  
14 be separately established for the purpose of accounting for picked-up contributions.

15 Member contributions picked up by an employer shall be payable from the same  
16 source of funds used for the payment of compensation to a member. A deduction shall be  
17 made from a member's compensation equal to the amount of his contributions picked up  
18 by his employer. This deduction, however, shall not reduce his compensation as defined  
19 in subdivision (7a) of G.S. 128-21. Picked-up contributions shall be transmitted to the  
20 System monthly for the preceding month by means of a warrant drawn by the employer  
21 and payable to the Local Governmental Employees' Retirement System and shall be  
22 accompanied by a schedule of the picked-up contributions on such forms as may be  
23 prescribed. In the case of a failure to fulfill these conditions the provisions of subsection  
24 ~~(f)(3)~~ (g)(3) of this section shall apply."

25 Sec. 69. G.S. 130A-131.15(c) reads as rewritten:

26 "(c) The Department shall evaluate all of the adolescent pregnancy prevention  
27 projects funded as a result of this program at least yearly and shall report its findings to  
28 the Commission for Health Services, the Joint Legislative Commission on Governmental  
29 Operations, and the Chairmen of the House Appropriations Subcommittee on Natural and  
30 Economic Resources, and the Senate Appropriations Committee on Natural and  
31 Economic Resources by April 1 of each year. The evaluation shall be conducted by a  
32 firm or individual external to the Department. Any evaluation of these projects shall  
33 include a study of the effectiveness of the project in reducing the pregnancy rate within  
34 the target population."

35 Sec. 70. G.S. 130A-294(h)(5) reads as rewritten:

36 "(5) No hazardous waste disposal facility operated pursuant to Chapter 130B  
37 of the General Statutes shall be located within 25 miles of a  
38 polychlorinated biphenyl landfill facility."

39 Sec. 71. G.S. 131E-7(a)(6) reads as rewritten:

40 "(6) To establish a fee schedule for services received from hospital facilities  
41 and to make services available regardless of ability to ~~pay~~ pay."

42 Sec. 72. G.S. 131E-115 reads as rewritten:

43 "**§ 131E-115. Legislative intent.**

1 It is the intent of the General Assembly to promote the interests and well-being of the  
2 patients in nursing homes and homes for the aged and disabled licensed pursuant to G.S.  
3 131E-102, and patients in a nursing home operated by a hospital which is licensed under  
4 Article 5 of ~~G.S. Chapter 131E.~~ Chapter 131E of the General Statutes. It is the intent of  
5 the General Assembly that every patient's civil and religious liberties, including the right  
6 to independent personal decisions and knowledge of available choices, shall not be  
7 infringed and that the facility shall encourage and assist the patient in the fullest possible  
8 exercise of these rights."

9 Sec. 73. G.S. 131E-250(b) reads as rewritten:

10 "(b) A public hospital or a State hospital may donate medical equipment it  
11 determines is no longer needed by the hospital ~~to any; to any of the following if the~~  
12 property so donated is to be used by a hospital or medical facility in another country:

13 (1) ~~Corporation which~~ A corporation that is exempt from taxation under  
14 section 501(c) of the Internal Revenue Code of 1986; 1986.

15 (2) The United States or any agency thereof; of it.

16 (3) ~~Government~~ The government of a foreign country or any political  
17 subdivision of that ~~country;~~ country.

18 (4) The United Nations or an agency of it; or to it.

19 (5) Other eleemosynary institutions and groups groups.

20 ~~if the property so donated is to be used by a hospital or medical facility in another~~  
21 ~~country."~~

22 Sec. 74. G.S. 135-5(b13)(2)b. reads as rewritten:

23 "b. This allowance shall also be governed by the provisions of G.S.  
24 ~~135-5(b9)(2)b. e. 135-5(b9)(2)b., c., and d."~~

25 Sec. 75. G.S. 135-5(b14)(2)c. reads as rewritten:

26 "c. If the member's service retirement date occurs before his 60th  
27 birthday and prior to the completion of 30 or more years of  
28 creditable service, the service retirement allowance shall be the  
29 actuarial equivalent of the allowance payable at the age of 60  
30 years as computed in G.S. ~~135(b14)(2)b.~~ 135-5(b14)(2)b."

31 Sec. 76. G.S. 135-64(b) reads as rewritten:

32 "(b) In the event of the death of a former member prior to his sixty-fifth birthday  
33 while in receipt of a retirement allowance pursuant to his retirement under the provisions  
34 of G.S. 135-59, there shall be paid to the former member's surviving spouse, if any, an  
35 annual retirement allowance, payable monthly, which shall commence on the first day of  
36 the calendar month next following the date of death of the former member and shall be  
37 continued on the first day of each month thereafter until the remarriage or death of the  
38 spouse. The amount of any such allowance shall be equal to one half of the allowance to  
39 which the former member would have been entitled under the provisions of G.S. 135-58  
40 if he had remained in service from his disability retirement date to his date of death with  
41 no change in his final compensation or status and had then retired, reduced by two  
42 percent (2%) thereof for each full year, if any, by which the age of the former member at  
43 date of death exceeds that of his spouse."

1           Sec. 77. G.S. 143-23(c) reads as rewritten:

2           "(c) Transfers or changes as between objects or line items in the budget of the  
3 Senate may be made by the President Pro Tempore of the ~~Senate~~; Senate."

4           Sec. 78. G.S. 143-23(d) reads as rewritten:

5           "(d) Transfers or changes as between objects or line items in the budget of the  
6 House of Representatives may be made by the Speaker of the House of ~~Representatives~~;  
7 Representatives."

8           Sec. 79. G.S. 143-128(c)(2)b. reads as rewritten:

9           "b. Hispanic, that is, a person of Spanish or ~~Portugese~~ Portuguese  
10 culture with origins in Mexico, South or Central America, or the  
11 Caribbean Islands, regardless of race;".

12           Sec. 80. G.S. 143-215.26(b) reads as rewritten:

13           "(b) The Department shall send a copy of each completed application to the State  
14 Health Director, the Wildlife Resources Commission, the Department of Transportation,  
15 and other State and local agencies it considers appropriate for review and comment."

16           Sec. 81. G.S. 143-247.2(a) reads as rewritten:

17           "(a) Account. – The Wildlife Conservation Account is established within the  
18 Wildlife Resources Fund and is subject to the oversight of the State Auditor pursuant to  
19 Article 5A of Chapter 147 of the General Statutes. Revenue is credited to the Account  
20 from donations of income tax refunds, from other donations, and from revenue derived  
21 from the sale of wildlife resources license plates. The Commission may use revenue in  
22 the Account only for the following purposes:

23           (1) To manage, preserve, or protect wildlife species that are endangered,  
24 threatened, or of special concern and are included on the State's  
25 protected animal lists.

26           (2) To manage, preserve, or protect nongame wildlife species that are not  
27 on the State's protected animal lists.

28           (3) To administer and enforce nongame wildlife programs under the  
29 jurisdiction of the Commission."

30           Sec. 82. G.S. 143-291.3 reads as rewritten:

31 **"§ 143-291.3. Counterclaims by State.**

32           The filing of a claim under this Article shall constitute consent by the plaintiff(s)  
33 to the jurisdiction of the Industrial Commission to hear and determine any  
34 counterclaim of one hundred fifty thousand dollars (~~\$100,000~~) (~~\$150,000~~) or less which  
35 may be filed on behalf of a State department, institution, or agency or a county or city  
36 board of education. A final award of the Industrial Commission awarding damages on a  
37 counterclaim shall be filed with the Clerk of the Superior Court of the county wherein the  
38 case was heard. These awards shall be docketed and shall be enforceable in the same  
39 manner as judgments of the General Court of Justice. Notwithstanding the provisions of  
40 Rule 12 of the Rules of Civil Procedure, nothing in this section shall require the filing of  
41 such a counterclaim."

42           Sec. 83. G.S. 143-299.2 reads as rewritten:

43 **"§ 143-299.2. Limitation on payments by the State.**

1 The maximum amount which the State may pay cumulatively to all claimants on  
2 account of injury and damage to any one person, whether the claim or claims are brought  
3 under this Article or Article 31A or Article 31B, shall be one hundred fifty thousand  
4 dollars ~~(\$100,000), (\$150,000)~~, less any commercial liability insurance purchased by the  
5 State and applicable to the claim or claims under G.S. 143-291(b), 143-300.6(c), or 143-  
6 300.16(c). The fact that a claim or claims may be brought under more than one Article  
7 under this Chapter shall not increase the above maximum liability of the State."

8 Sec. 84. G.S. 143-318.11(a) reads as rewritten:

9 "(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be  
10 held only when required to permit a public body to act in the public interest as permitted  
11 in this section. A public body may hold a closed session and exclude the public only  
12 when a closed session is required:

13 (1) To prevent the disclosure of information that is privileged or  
14 confidential pursuant to the law of this State or of the United States, or  
15 not considered a public record within the meaning of Chapter 132 of the  
16 General Statutes.

17 (2) To prevent the premature disclosure of an honorary degree, scholarship,  
18 prize, or similar ~~award~~; award.

19 (3) To consult with an attorney employed or retained by the public body in  
20 order to preserve the attorney-client privilege between the attorney and  
21 the public body, which privilege is hereby acknowledged. General  
22 policy matters may not be discussed in a closed session and nothing  
23 herein shall be construed to permit a public body to close a meeting that  
24 otherwise would be open merely because an attorney employed or  
25 retained by the public body is a participant. The public body may  
26 consider and give instructions to an attorney concerning the handling or  
27 settlement of a claim, judicial action, or administrative procedure. If the  
28 public body has approved or considered a settlement, other than a  
29 malpractice settlement by or on behalf of a hospital, in closed session,  
30 the terms of that settlement shall be reported to the public body and  
31 entered into its minutes as soon as possible within a reasonable time  
32 after the settlement is ~~concluded~~; concluded.

33 (4) To discuss matters relating to the location or expansion of industries or  
34 other businesses in the area served by the public ~~body~~; body.

35 (5) To establish, or to instruct the public body's staff or negotiating agents  
36 concerning the position to be taken by or on behalf of the public body in  
37 negotiating (i) the price and other material terms of a contract or  
38 proposed contract for the acquisition of real property by purchase,  
39 option, exchange, or lease; or (ii) the amount of compensation and other  
40 material terms of an employment contract or proposed employment  
41 contract.

42 (6) To consider the qualifications, competence, performance, character,  
43 fitness, conditions of appointment, or conditions of initial employment

1 of an individual public officer or employee or prospective public officer  
2 or employee; or to hear or investigate a complaint, charge, or grievance  
3 by or against an individual public officer or employee. General  
4 personnel policy issues may not be considered in a closed session. A  
5 public body may not consider the qualifications, competence,  
6 performance, character, fitness, appointment, or removal of a member of  
7 the public body or another body and may not consider or fill a vacancy  
8 among its own membership except in an open meeting. Final action  
9 making an appointment or discharge or removal by a public body  
10 having final authority for the appointment or discharge or removal shall  
11 be taken in an open meeting.

12 (7) To plan, conduct, or hear reports concerning investigations of alleged  
13 criminal misconduct."

14 Sec. 85. G.S. 143-355(l) reads as rewritten:

15 "(l) Each unit of local government that provides public water services or that  
16 plans to provide public water service shall, either individually or  
17 together with other units of local government, prepare a local water  
18 supply plan and submit it to the Department. The Department shall  
19 provide technical assistance with the preparation of plans to units of  
20 local government upon request and to the extent that the Department has  
21 resources available to provide assistance. At a minimum, local units of  
22 government shall include in local water supply plans all information that  
23 is readily available to them. However this subsection shall be construed  
24 to require the preparation of local water supply plans only to the extent  
25 that technical assistance is made available to units of local government  
26 from the Department. Plans shall include present and projected  
27 population, industrial development, and water use within the service  
28 area, present and future water supplies, an estimate of the technical  
29 assistance that may be needed at the local level to address projected  
30 water needs, and any other related information as the Department may  
31 require in the preparation of a State water supply plan. Local plans shall  
32 be revised to reflect changes in relevant data and projections at least  
33 once each five years unless the Department requests more frequent  
34 revisions. Local plans and revised plans shall be submitted to the  
35 Department once they have been approved by the unit(s) of local  
36 government."

37 Sec. 86. G.S. 143-621 reads as rewritten:

38 "**§ 143-621. Purpose and intent.**

39 The purpose and intent of this Article is to increase the affordability, efficiency, and  
40 fairness of health care coverage for small employers.

41 ~~The~~ This Article promotes the development of voluntary purchasing Alliances to  
42 provide affordable health care coverage for self-employed individuals and employees of  
43 participating small employers in the manner of large employer groups. The Alliances

1 will allow members to benefit from the contracting expertise and the administrative  
2 savings that can result from the pooling of small employers and self-employed  
3 individuals.

4 These Alliances will make available through their contracting processes a choice of  
5 Accountable Health Carriers that arrange for quality health services in a cost-effective  
6 manner. ~~The~~This Article establishes rules for fair competition among competing  
7 Accountable Health Carriers. These rules include the offering of comparable benefits by  
8 competing Accountable Health Carriers, risk assessment, and risk adjustment to assure  
9 competition based on a fair allocation of risk among Accountable Health Carriers, and the  
10 providing of data that measures clinical outcomes and other valid areas of Accountable  
11 Health Carrier performance.

12 Carriers throughout the health care coverage market for small employers are required  
13 to use adjusted community rating, guarantee the continuity of coverage, adhere to  
14 limitations on the use of preexisting conditions, abolish individual medical underwriting,  
15 and follow rules limiting the use of participation requirements."

16 Sec. 87. G.S. 143-622(15)a.1. reads as rewritten:

17 "1. Lost coverage under another health plan as a result of  
18 termination of employment, the termination of coverage  
19 under another health plan, ~~or~~ the death of a ~~spouse~~spouse,  
20 or divorce and requests enrollment in a qualified health  
21 care plan within 30 days after termination of coverage;  
22 or".

23 Sec. 88. G.S. 143-627(d) reads as rewritten:

24 "(d) Of the initially elected members of each Alliance Board, six members shall be  
25 designated to serve two-year terms and the remaining five members shall ~~have~~serve four-  
26 year terms. Thereafter, the term of an elected member shall be four years."

27 Sec. 89. G.S. 143-627(e) reads as rewritten:

28 "(e) Vacancies on an Alliance Board shall be filled for the remaining period of the  
29 term by a majority vote of the remaining Board members. A member appointed to fill a  
30 vacancy may serve for the remainder of the term and until a qualified successor is elected  
31 for a new term."

32 Sec. 90. G.S. 143-627(i) reads as rewritten:

33 "(i) The Alliance Board shall meet at times and places as it determines necessary to  
34 operate the Alliance in accordance with this section and G.S. 143-628. Such meetings  
35 shall be governed by the procedures and ~~polices~~policies set forth by the North Carolina  
36 Open Meetings Law, Article 33C of Chapter 143 of the General Statutes."

37 Sec. 91. G.S. 143-628(2) reads as rewritten:

38 "(2) Enter into contracts with member small employers pursuant to G.S. 143-  
39 630;".

40 Sec. 92. G.S. 143-628(7) reads as rewritten:

41 "(7) Impose annual surcharges established at the beginning of the fiscal year  
42 to be paid monthly by member small employers for necessary costs  
43 incurred in connection with the operation of the Alliance. The amount



1 of annual surcharges shall cover any default on insurer premium  
2 payments by member small ~~employer; employers~~."

3 Sec. 93. G.S. 143-629(d)(5) reads as rewritten:

4 "(5) Comply with all rules regarding rating, underwriting, claims handling,  
5 sales, solicitation, licensing, unfair trade practices and other provisions  
6 in this Article and Chapter 58 of the General ~~Statutes~~ Statutes."

7 Sec. 94. G.S. 143-629(d)(8) reads as rewritten:

8 "(8) Provide a procedure for addressing grievances that arise between the  
9 Accountable Health Carrier and the Alliance, member small employers,  
10 or employee ~~enrollees; and enrollees~~."

11 Sec. 95. G.S. 143-632(f) reads as rewritten:

12 "(f) An Alliance shall notify the Board of any marketing practices or materials that  
13 it finds contrary to the fair and affirmative marketing requirements of this Article.  
14 Furthermore, the Board shall monitor compliance with this section, including the conduct  
15 of Accountable Health Carriers and their agents, brokers, or contractors, and shall report  
16 to the Department of Insurance any unfair trade practices and misleading or unfair  
17 conduct that has been reported to the Board by Alliances, agents, consumers, or any other  
18 individual. The Department of Insurance shall investigate all reports and, upon a finding  
19 of noncompliance with this section or of unfair and misleading practices, shall take action  
20 against violators as permitted under Chapter 58 of the General Statutes or this Article.  
21 The Board shall forward all reports of cases ~~or~~ of abuse to the Department of Insurance  
22 for investigation."

23 Sec. 96. G.S. 143A-11 reads as rewritten:

24 "**§ 143A-11. Principal departments.**

25 Except as otherwise provided by this Chapter, or the State Constitution, all executive  
26 and administrative powers, duties and functions, not including those of the General  
27 Assembly and the judiciary, previously vested by law in the several State agencies, are  
28 vested in the following principal offices or departments:

- 29 (1) Office of the Governor.
- 30 (2) Office of the Lieutenant Governor.
- 31 (3) Department of the Secretary of State.
- 32 (4) Department of State Auditor.
- 33 (5) Department of State Treasurer.
- 34 (6) Department of Public Instruction.
- 35 (7) Department of Justice.
- 36 (8) Department of Agriculture.
- 37 (9) Department of Labor.
- 38 (10) Department of Insurance.
- 39 ~~(11) Department of Administration.~~
- 40 ~~(12) Department of Transportation.~~
- 41 ~~(13) Department of Environment, Health, and Natural Resources.~~
- 42 (14) Repealed by Session Laws 1973, c. 476, s. 6.
- 43 ~~(15) Department of Social Rehabilitation and Control.~~

1           ~~(16) Department of Commerce-~~

2                           (17), (18) Repealed by Session Laws 1973, c. 476, s. 6.

3           (19) Repealed by Session Laws 1973, c. 620, s. 9."

4           Sec. 97. G.S. 143B-168.15(b) reads as rewritten:

5           "(b) Depending on local, regional, or ~~Statewide~~-statewide needs, funds may be used  
6 to support activities and services that shall be made available and accessible to providers,  
7 children, and families on a voluntary basis. Of the funds allocated to local partnerships  
8 that are designated by the Secretary for direct services, seventy-five percent (75%) shall  
9 be used for any one or more of the following activities and services:

10           (1) Child day care services, including:

- 11           a. Child day care subsidies to reduce waiting lists;
- 12           b. Raising the county child day care subsidy rate to the State market  
13 rate, if applicable, in return for improvements in the quality of  
14 child day care services;
- 15           c. Raising the income eligibility for child day care subsidies to  
16 seventy-five percent (75%) of the State median family income;
- 17           d. Start-up funding for child day care providers;
- 18           e. Assistance to enable child day care providers to conform to  
19 licensing and building code requirements;
- 20           f. Child day care resources and referral services;
- 21           g. Enhancement of the quality of child day care provided;
- 22           h. Technical assistance for child day care providers;
- 23           i. Quality grants for child day care centers or family child day care  
24 homes;
- 25           j. Expanded services or enhanced rates for children with special  
26 needs;
- 27           k. Head Start services;
- 28           l. Development of comprehensive child day care services that  
29 include child health and family support;
- 30           m. Activities to reduce staff turnover;
- 31           n. Activities to serve children with special needs;
- 32           o. Transportation services related to providing child day care  
33 services;
- 34           p. Evaluation of plan implementation of child day care services; and  
35           q. Needs and resources assessments for child day care services.

36           (2) Family- and child-centered services, including early childhood  
37 education and child development services, including:

- 38           a. Enhancement of the quality of family- and child-centered  
39 services provided;
- 40           b. Technical assistance for family- and child-centered services;
- 41           c. Needs and resource assessments for family- and child-centered  
42 services;
- 43           d. Home-centered services; and

1 e. Evaluation of plan implementation of family- and child-centered  
2 services.

3 (3) Other appropriate activities and services for child day care providers  
4 and for family- and child-centered services, including:

5 a. Staff and organizational development, leadership and  
6 administrative development, technology assisted education, and  
7 long-range planning; and

8 b. Procedures to ensure that infants and young children receive  
9 needed health, immunization, and related services."

10 Sec. 98. G.S. 143B-390.1 is recodified as G.S. 143B-289.19.

11 Sec. 99. G.S. 143B-426.39A reads as rewritten:

12 **"§ 143B-426.39A. Information Highway Grants Advisory Council.**

13 (a) The Information Highway Grants Advisory Council is created within the  
14 Office of the State Controller. The Council shall consist of 18 members as follows:

15 (1) Five members to be appointed by the Governor.

16 (2) Four members to be appointed by the Speaker of the House of  
17 Representatives, at least one of whom shall be a public member.

18 (3) Four members to be appointed by the President Pro Tempore of the  
19 Senate, at least one of whom shall be a public member.

20 (4) One representative from the Department of Public Instruction to be  
21 designated by the Superintendent of Public Instruction.

22 (5) One representative from the Department of Community Colleges to be  
23 designated by the President of the Community College System.

24 (6) One representative from ~~the~~The University of North Carolina to be  
25 designated by the President of The University of North Carolina.

26 (7) One representative from the Office of the State Controller, to be  
27 designated by the State Controller.

28 (8) One representative from the North Carolina School of Science and  
29 Mathematics, to designated by the Board of Trustees.

30 Members of the Council shall be appointed by September 1, 1994, and shall serve  
31 two-year terms. The Speaker of the House of Representatives and the President Pro  
32 Tempore of the Senate shall each designate a cochair from among the ~~member~~members  
33 of the General Assembly they appoint to the Council. Vacancies on the Council shall be  
34 filled in the same manner as the original appointment.

35 The members of the Council shall not receive compensation but may receive  
36 subsistence and travel in accordance with G.S. 120-3.1, G.S. 138-5, and G.S. 138-6 as  
37 appropriate.

38 (b) The Information Highway Grants Advisory Council shall meet as often as  
39 needed to transact its business. The first meeting of the Council shall be called by the  
40 cochairs. A majority of the members of the Council shall constitute a quorum. The Office  
41 of the State Controller shall provide staff and space to the Council.

42 (c) The Information Highway Grants Advisory Council shall advise the Governor,  
43 the General Assembly, and Office of the State Controller on matters pertaining to the

1 North Carolina Information Highway. The Information Highway Grants Advisory  
 2 Council shall, by September 30, 1994, develop criteria for evaluating grant applications  
 3 under this section. The Information Highway Grants Advisory Council shall evaluate the  
 4 grant applications and make recommendations to the State Controller regarding grant  
 5 recipients by December 1, 1994. The State Controller shall not award grants before  
 6 December 15, 1994. The State Controller shall notify the Information Highway Grants  
 7 Advisory Council as to whom the intended grant recipients are ~~fifteen~~ 15 days prior to  
 8 awarding the grants."

9 Sec. 100. G.S. 147-45 reads as rewritten:

10 **"§ 147-45. Distribution of copies of State publications.**

11 The Secretary of State shall, at the State's expense, as soon as possible after  
 12 publication, provide such number of copies of the Session Laws and Senate and House  
 13 Journals to federal, State, and local governmental officials, departments and agencies,  
 14 and to educational institutions of instruction and exchange use, as is set out in the table  
 15 below:

	Session	Assembly
<u>Agency or Institution</u> <u>Laws</u> <u>Journals</u>		
Governor, Office of the	3	2
Lieutenant Governor, Office of the	1	1
Secretary of State, Department of the	3	3
Auditor, Department of the State	3	1
Treasurer, Department of the State	3	1
Local Government Commission	2	0
State Board of Education	1	0
Department of Public Instruction	3	1
Controller	1	0
Technical Assistance Centers	1 ea.	0
Department of Community Colleges	3	1
Justice, Department of		
Office of the Attorney General	25	3
Budget Bureau (Administration)	1	0
Property Control (Administration)	1	1
State Bureau of Investigation	1	0
Agriculture, Department of	3	1
Labor, Department of	5	1
Insurance, Department of	5	1
Administration, Department of	1	1
Budget Bureau	2	1
Controller	1	0
Property Control	1	0
Purchase and Contract	2	0
Policy and Development	1	0
Veterans Affairs Commission	1	0

1	Environment, Health, and Natural		
2	Resources, Department of	1	0
3	Division of Environmental Management	2	0
4	Board of Environment, Health, and		
5	Natural Resources	1	0
6	Soil and Water Conservation Commission	1	0
7	Wildlife Resources Commission	2	0
8	Revenue, Department of	5	1
9	Human Resources, Department of	3	0
10	Board of Human Resources	1	0
11	Health Services, Division of	3	0
12	Mental Health, Developmental		
13	Disabilities, and Substance Abuse Services,		
14	Division of	1	0
15	Social Services, Division of	3	0
16	Facilities Services, Division of	1	0
17	Youth Services, Division of	1	0
18	Hospitals and Institutions	1 ea.	0
19	Transportation, Department of	1	0
20	Board of Transportation	3	0
21	Motor Vehicles, Division of	1	0
22	Commerce, Department of	1	0
23	Economic Development, Division of	2	0
24	State Ports Authority	1	0
25	Alcoholic Beverage Control Commission,		
26	North Carolina	2	0
27	Banking Commission	2	0
28	Utilities Commission	8	1
29	Industrial Commission	7	0
30	Labor Force Development Council	1	0
31	Milk Commission	5	0
32	Employment Security Commission	1	1
33	Correction, Department of	1	0
34	Department of Correction	2	0
35	Parole Commission	2	0
36	State Prison	1	0
37	Correctional Institutions	1 ea.	0
38	Cultural Resources, Department of	1	0
39	Archives and History, Division of	5	1
40	State Library	5	5
41	Publications Division	1	1
42	Crime Control and Public Safety,		
43	Department of	2	1

1	North Carolina Crime Commission	1	0
2	Adjutant General	2	0
3	Elections, State Board of	2	0
4	Office of Administrative Hearings	2	0
5	Legislative Branch		
6	State Senators	1 ea.	1 ea.
7	State Representatives	1 ea.	1 ea.
8	Principal Clerk – Senate	1	1
9	Principal Clerk – House	1	1
10	Reading Clerk – Senate	1	1
11	Reading Clerk – House	1	1
12	Sergeant at Arms – House	1	1
13	Sergeant at Arms – Senate	1	1
14	Enrolling Clerk	1	0
15	Engrossing Clerk	1	0
16	Indexer of the Laws	1	0
17	Legislative Building Library	35	15
18	Judicial System		
19	Justices of the Supreme Court	1 ea.	1 ea.
20	Judges of the Court of Appeals	1 ea.	1 ea.
21	Judges of the Superior Court	1 ea.	0
22	Emergency and Special Judges of the		
23	Superior Court	1 ea.	0
24	District Court Judges	1 ea.	0
25	District Attorneys	1 ea.	0
26	Clerk of the Supreme Court	1	1
27	Clerk of the Court of Appeals	1	1
28	Administrative Office of the Courts	4	1
29	Supreme Court Library	AS MANY AS REQUESTED	
30	Colleges and Universities		
31	The University of North Carolina System		
32	Administrative Offices	3	0
33	University of North Carolina, Chapel Hill	65	25
34	University of North Carolina, Charlotte	3	1
35	University of North Carolina, Greensboro	3	1
36	University of North Carolina, Asheville	2	1
37	University of North Carolina, Wilmington	2	1
38	North Carolina State University, Raleigh	5	3
39	Appalachian State University	2	1
40	East Carolina University	3	2
41	Elizabeth City State University	2	1
42	Fayetteville State University	2	1
43	North Carolina Agricultural and		

1	Technical University	2	1
2	North Carolina Central University	5	5
3	Western Carolina University	2	1
4	Pembroke State University	2	1
5	Winston-Salem State University	2	1
6	North Carolina School of the Arts	1	1
7	Private Institutions		
8	Duke University	6	6
9	Davidson College	3	2
10	Wake Forest University	5	5
11	Lenoir Rhyne College	1	1
12	Elon College	1	1
13	Guilford College	1	1
14	Campbell College <del>University</del>	5	5
15	Wingate College	1	1
16	Pfeiffer College	1	1
17	Barber Scotia College	1	1
18	<del>Atlantic Christian</del> <u>Barton</u> College	1	1
19	Shaw University	1	1
20	St. Augustine's College	1	1
21	J.C. Smith University	1	1
22	Belmont Abbey College	1	1
23	Bennett College	1	1
24	Catawba College	1	1
25	Gardner-Webb College	1	1
26	Greensboro College	1	1
27	High Point College	1	1
28	Livingstone College	1	1
29	Mars Hill College	1	1
30	Meredith College	1	1
31	Methodist College	1	1
32	North Carolina Wesleyan College	1	1
33	Queens College	1	1
34	Sacred Heart College	1	1
35	St. Andrews Presbyterian College	1	1
36	Salem College	1	1
37	Warren Wilson College	1	1
38	County and Local Officials		
39	Clerks of the Superior Court	1 ea.	1 ea.
40	Register of Deeds	1 ea.	1 ea.
41	Federal, Out-of-State and Foreign		
42	Secretary to the President	1	0
43	Secretary of State	1	1

1	Secretary of Defense	1	0
2	Secretary of Agriculture	1	0
3	Secretary of the Interior	1	0
4	Secretary of Labor	1	1
5	Secretary of Commerce	1	1
6	Secretary of the Treasury	1	0
7	Secretary of Health, Education and Welfare	1	0
8	Secretary of Housing and Urban Development	1	0
9	Secretary of Transportation	1	0
10	Attorney General	1	0
11	Postmaster General	1	0
12	Bureau of Census	1	0
13	Bureau of Public Roads	1	0
14	Department of Justice	1	0
15	Department of Internal Revenue	1	0
16	Veterans' Administration	1	0
17	Farm Credit Administration	1	0
18	Securities and Exchange Commission	1	0
19	Social Security Board	1	0
20	Environmental Protection Agency	1	0
21	Library of Congress	8	2
22	Federal Judges resident in North Carolina	1 ea.	0
23	Federal District Attorneys resident in		
24	North Carolina	1 ea.	0
25	Marshal of the United States Supreme Court	1	0
26	Federal Clerks of Court resident in North Carolina		1 ea. 0
27	Supreme Court Library exchange list	1 ea.	0
28	One copy of the Session Laws shall be furnished the head of any department of State		
29	government created in the future.		
30	State agencies, institutions, etc., not found in or covered by this list may, upon written		
31	request from their respective department head to the Secretary of State, and upon the		
32	discretion of the Secretary of State as to need, be issued copies of the Session Laws on a		
33	permanent loan basis with the understanding that should said copies be needed they will		
34	be recalled."		
35	Sec. 101. G.S. 147-54 reads as rewritten:		
36	<b>"§ 147-54. Printing, distribution and sale of the North Carolina Manual.</b>		
37	The Secretary of State shall have printed biennially for distribution and sale, five		
38	thousand (5,000) copies of the North Carolina Manual, and shall make distribution to the		
39	State agencies, individuals, institutions and others as herein set forth.		
40	NORTH CAROLINA STATE GOVERNMENT:		
41	Members of the General Assembly		2 ea.
42	Officers of the General Assembly		1 ea.
43	Offices of the Clerk of each House of the General Assembly	1 ea.	



1	Legislative Services Officer	1
2	Legislative Library	6
3	Members of the Council of State	2 ea.
4	Appointed Secretaries of Executive Departments	2 ea.
5	Personnel of the Department of the Secretary of State	1 ea.
6	State Board of Elections	2
7	Divisions of Archives and History, Director	1
8	Search Room    3	
9	Publications Section    2	
10	State Library	10
11	Libraries within State Agencies	1 ea.
12	Justices of the North Carolina Supreme Court	1 ea.
13	Judges of the North Carolina Court of Appeals	1 ea.
14	Judges of the North Carolina Superior Court	1 ea.
15	Supreme Court Library	12
16	Court of Appeals Library	2
17	Clerk of the Supreme Court	1
18	Clerk of the Court of Appeals	1
19	Reporter of the Supreme Court and Court of Appeals	1
20	Administrative Office of the Courts	5
21	NORTH CAROLINA EDUCATIONAL INSTITUTIONS:	
22	University of North Carolina System	
23	General Administration Offices	12
24	Chancellors of the Constituent Institutions	1 ea.
25	University of North Carolina – Chapel Hill Library	15
26	North Carolina State University Library	5
27	East Carolina University Library	5
28	North Carolina Central University Library	5
29	Appalachian State University Library	4
30	University of North Carolina – Charlotte Library	4
31	University of North Carolina – Greensboro Library	4
32	Western Carolina University Library	4
33	Other Constituent Institutions Libraries	3 ea.
34	North Carolina School of the Arts	2
35	Institute of Government	2
36	Community Colleges and Technical Institutes	2 ea.
37	Private Colleges and Universities	
38	Duke University Library	6
39	Wake Forest University	6
40	Campbell College University Library	5
41	Davidson College Library	4
42	All other Libraries of Senior and Junior Colleges	2 ea.
43	Public and Private Schools containing grades 8-12	1 ea.

1	COUNTY GOVERNMENT:	
2	Clerks of Court	1 ea.
3	Registers of Deeds	1 ea.
4	Public Libraries of North Carolina	1 ea.
5	FEDERAL GOVERNMENT:	
6	President of the United States	1
7	North Carolina Members of the Presidential Cabinet	1 ea.
8	North Carolina Members of the United States Congress	2 ea.
9	Library of Congress	3
10	Resident Judges of the Federal Judiciary	
11	and United States Attorneys in North Carolina	1 ea.
12	Secretaries of State of the United States	
13	and Territories	1 ea.

14 After making the above distribution, the remainder shall be sold at the cost of  
 15 publication plus tax and postage and the proceeds from such sales deposited with the  
 16 State Treasurer for use by the Publications Division of the Secretary of State's Office to  
 17 defray the expense of publishing the North Carolina Manual. Libraries and educational  
 18 institutions not covered in the above distribution shall be entitled to a twenty percent  
 19 (20%) discount on the cost of any purchase(s)."

20 Sec. 102. G.S. 148-4.1(b) reads as rewritten:

21 "(b) Except as provided in ~~subsection~~ subsections (c) and (e), only inmates who are  
 22 otherwise eligible for parole pursuant to Article 85 of Chapter 15A or pursuant to Article  
 23 3B of this Chapter may be released under this section."

24 Sec. 103. G.S. 158-8.1(b) reads as rewritten:

25 "(b) The Commission shall consist of 15 members appointed as follows:  
 26 (1) Three members shall be appointed by the Governor;  
 27 (2) Two members shall be appointed by the Lieutenant Governor;  
 28 (3) Five members shall be appointed by the General Assembly upon the  
 29 recommendation of the Speaker of the House of Representatives in  
 30 accordance with G.S. ~~120-121~~ 120-121; and  
 31 (4) Five members shall be appointed by the General Assembly upon the  
 32 recommendation of the President Pro Tempore of the Senate in  
 33 accordance with G.S. ~~120-121~~ and 120-121."

34 Sec. 104. G.S. 158-8.1(c) reads as rewritten:

35 "(c) The appointing authority shall designate two of the initial appointees pursuant  
 36 to ~~subsection~~ subdivision (b)(1), one of the initial appointees pursuant to ~~subsection~~  
 37 subdivision (b)(2), two of the initial appointees pursuant to ~~subsection~~ subdivision (b)(3),  
 38 and two of the initial appointees pursuant to ~~subsection~~ subdivision (b)(4) to serve for  
 39 terms ending June 30, 1995; the remainder of the initial appointees shall serve for terms  
 40 ending June 30, 1997. Their successors shall serve for four-year terms ending on June 30  
 41 quadrennially thereafter.

1 Any appointment to fill a vacancy on the Commission shall be for the balance of the  
2 unexpired term. Vacancies in appointments made by the General Assembly shall be in  
3 accordance with G.S. 120-122."

4 Sec. 105. G.S. 158-8.1(e)(1) reads as rewritten:

5 "(1) Survey Western North Carolina and determine the assets, liabilities, and  
6 resources that the region ~~contribute~~ contributes to the economic  
7 development process."

8 Sec. 106. G.S. 158-8.2(b) reads as rewritten:

9 "(b) The Commission shall consist of 17 members appointed as follows:

10 (1) Five members shall be appointed by the Governor, including one  
11 developer of northeastern North Carolina, one banker, one county  
12 commissioner from Camden, Currituck, Pasquotank, or Perquimans  
13 Counties, or from the county or counties assigned to the Commission by  
14 the Department of Commerce as authorized by law, and one county  
15 commissioner from Beaufort, Bertie, Chowan, or Martin Counties, or  
16 from the county or counties assigned to the Commission by the  
17 Department of Commerce as authorized by law;

18 (2) Five members shall be appointed by the General Assembly upon the  
19 recommendation of the President Pro Tempore of the Senate in  
20 accordance with G.S. 120-121, including one developer of northeastern  
21 North Carolina, one banker, and one county commissioner from Dare,  
22 Hyde, Tyrrell, or Washington Counties;

23 (3) Five members shall be appointed by the General Assembly upon the  
24 recommendation of the Speaker of the House of Representatives in  
25 accordance with G.S. 120-121, including one developer of northeastern  
26 North Carolina, one banker, and one county commissioner from  
27 Halifax, Hertford, Gates, or Northampton Counties;

28 (4) The Secretary of Commerce or a designee; and

29 (5) The Secretary of Environment, Health, and Natural Resources, or a  
30 designee.

31 Any person appointed to the Commission in a categorical appointment as a county  
32 commissioner may hold such office in addition to the offices permitted by ~~G.S.~~ G.S. 128-  
33 1.1."

34 Sec. 107. G.S. 158-8.2(c) reads as rewritten:

35 "(c) The appointing authority shall designate two of the initial appointees pursuant  
36 to ~~subsection~~ subdivision (b)(1), one of the initial appointees pursuant to ~~subsection~~  
37 subdivision (b)(2), two of the initial appointees pursuant to ~~subsection~~ subdivision (b)(3),  
38 and two of the initial appointees pursuant to ~~subsection~~ subdivision (b)(4) to serve for  
39 terms ending June 30, 1995; the remainder of the initial appointees shall serve for terms  
40 ending June 30, 1997. Their successors shall serve for four-year terms ending on June 30  
41 quadrennially thereafter."

42 Sec. 108. G.S. 158-8.2(f)(1)a. reads as rewritten:

1            "a. Survey northeastern North Carolina and determine the assets,  
2            liabilities, and resources that the region ~~contribute~~ contributes to  
3            the economic development process;"

4            Sec. 109. G.S. 158-8.2(g) reads as rewritten:

5            "(g) Within the limits of funds available, the Commission may hire and fix the  
6            compensation of any personnel necessary to its operations, contract with consultants for  
7            any services as it may require, and contract with the State of North Carolina or the federal  
8            government, or any agency or department thereof, for any services as may be provided by  
9            those agencies. The Commission may carry out the provisions of any contracts it may  
10           enter.

11           Within the limits of funds available, the Commission may lease, rent, ~~or~~ purchase, or  
12           otherwise obtain suitable quarters and office space for its staff, and may lease, rent, or  
13           purchase necessary furniture, fixtures, and other equipment."

14           Sec. 110. G.S. 158-8.3(b) reads as rewritten:

15           "(b) The Commission shall consist of 15 members appointed as follows:

16           (1) Three members shall be appointed by the Governor;

17           (2) Two members shall be appointed by the Lieutenant Governor;

18           (3) Five members shall be appointed by the General Assembly upon the  
19           recommendation of the Speaker of the House of Representatives in  
20           accordance with G.S. 120-121; and

21           (4) Five members shall be appointed by the General Assembly upon the  
22           recommendation of the President Pro Tempore of the Senate in  
23           accordance with G.S. ~~120-121; and~~ 120-121."

24           Sec. 111. G.S. 158-8.3(c) reads as rewritten:

25           "(c) The appointing authority shall designate two of the initial appointees pursuant  
26           to ~~subsection~~ subdivision (b)(1) of this section, one of the initial appointees pursuant to  
27           ~~subsection~~ subdivision (b)(2) of this section, two of the initial appointees pursuant to  
28           ~~subsection~~ subdivision (b)(3) of this section, and two of the initial appointees pursuant to  
29           ~~subsection~~ subdivision (b)(4) of this section to serve for terms ending June 30, 1995; the  
30           remainder of the initial appointees shall serve for terms ending June 30, 1997. Their  
31           successors shall serve for four-year terms ending on June 30 quadrennially thereafter.

32           Any appointment to fill a vacancy on the Commission shall be for the balance of the  
33           unexpired term. Vacancies in appointments made by the General Assembly shall be  
34           filled in accordance with G.S. 120-122."

35           Sec. 112. G.S. 160A-443(7) reads as rewritten:

36           "(7) If any occupant fails to comply with an order to vacate a dwelling, the  
37           public officer may file a civil action in the name of the city to remove  
38           such occupant. The action to vacate the dwelling shall be in the nature  
39           of summary ejectment and shall be commenced by filing a complaint  
40           naming as parties-defendant any person occupying such dwelling. The  
41           clerk of superior court shall issue a summons requiring the defendant to  
42           appear before a magistrate at a certain time, date and place not to exceed  
43           10 days from the issuance of the summons to answer the complaint. The

1 summons and complaint shall be served as provided in G.S. 42-29. The  
2 summons shall be returned according to its tenor, and if on its return it  
3 appears to have been duly served, and if at the hearing the public officer  
4 produces a certified copy of an ordinance adopted by the governing  
5 body pursuant to subdivision (5) authorizing the officer to proceed to  
6 vacate the occupied dwelling, the magistrate shall enter judgment  
7 ordering that the premises be vacated and that all persons be removed.  
8 The judgment ordering that the dwelling be vacated shall be enforced in  
9 the same manner as the judgment for summary ejectment entered under  
10 G.S. 42-30. An appeal from any judgment entered hereunder by the  
11 magistrate may be taken as provided in G.S. 7A-228, and the execution  
12 of such judgment may be stayed as provided in G.S. 7A-227. An action  
13 to remove an occupant of a dwelling who is a tenant of the owner may  
14 not be in the nature of a summary ejectment proceeding pursuant to this  
15 paragraph unless such occupant was served with notice at least 30 days  
16 before the filing of the summary ejectment proceeding that the  
17 governing body has ordered the public officer to proceed to exercise his  
18 duties under subdivisions ~~4 and 5~~ (4) and (5) of this section to vacate and  
19 close or remove and demolish the dwelling."

20 Sec. 113. G.S. 162A-6(14a) reads as rewritten:

21 "(14a) To make special assessments against benefited property within the  
22 area served or to be served by the authority for the purpose of  
23 constructing, reconstructing, extending, or otherwise improving  
24 water systems or sanitary collection, treatment, and sewage  
25 disposal systems, in the same manner that a county may make  
26 special assessments under authority of Chapter 153A, Article 9,  
27 except that the language appearing in G.S. 153A-185 reading as  
28 follows: 'A county may not assess property within a city pursuant  
29 to subdivision (1) or (2) of this section unless the governing board  
30 of the city has by resolution approved the project,' shall not apply  
31 to assessments levied by Water and Sewer Authorities established  
32 pursuant to Chapter 162A, Article 1, of the General Statutes. For  
33 the purposes of this paragraph, references in Chapter 153A, Article  
34 9, to the 'county,' the 'board of county commissioners,' 'the board'  
35 or a specific county official or employee are deemed to refer,  
36 respectively, to the authority and to the official or employee of the  
37 authority who performs most nearly the same duties performed by  
38 the specified county official or employee.

39 Assessment rolls after being confirmed shall be filed for  
40 registration in the office of the Register of Deeds of the county in  
41 which the property being assessed is located, and the term 'county  
42 tax collector' wherever used in G.S. 153A-195 and G.S. 153A-196,  
43 shall mean the Executive Director or other administrative officer

1 designated by the authority to perform the functions described in  
2 said sections of the statute."

3 Sec. 114. G.S. 163-22(e) reads as rewritten:

4 "(e) The State Board of Elections shall determine, in the manner provided by law,  
5 the form and content of ballots, instruction sheets, pollbooks, ~~tally~~-tally sheets, abstract  
6 and return forms, certificates of election, and other forms to be used in primaries and  
7 elections. The Board shall furnish to the county and municipal boards of elections the  
8 registration application forms required pursuant to G.S. 163-67. The State Board of  
9 Elections shall direct the county boards of elections to purchase a sufficient quantity of  
10 all forms attendant to the registration and elections process. In addition, the State Board  
11 shall provide a source of supply from which the county boards of elections may purchase  
12 the quantity of pollbooks needed for the execution of its responsibilities. In the  
13 preparation of ballots, pollbooks, abstract and return forms, and all other forms, the State  
14 Board of Elections may call to its aid the Attorney General of the State, and it shall be the  
15 duty of the Attorney General to advise and aid in the preparation of these books, ballots  
16 and forms."

17 Sec. 115. G.S. 163-82.9 reads as rewritten:

18 "**§ 163-82.9. Cancellation of prior registration.**

19 If an applicant indicates on an application form described in G.S. 163-82.3 a current  
20 registration to vote in any other county, municipality, or ~~State~~-state, the county board of  
21 elections, upon registering the person to vote, shall send a notice to the appropriate  
22 officials in the other county, municipality, or ~~State~~-state and shall ask them to cancel the  
23 person's voter registration there."

24 Sec. 116. G.S. 163-144 reads as rewritten:

25 "**§ 163-144. Lost, destroyed, damaged, and stolen ballots; replacement; report.**

26 Should official ballots furnished to any precinct in accordance with the provisions of  
27 this ~~chapter~~-Chapter be lost, destroyed, damaged, or stolen, the county board of elections,  
28 upon ascertaining that a shortage of ballots exists in the precinct, shall furnish the needed  
29 replacement ballots.

30 Within three days after the primary or election, the chief judge of the precinct in  
31 which the loss occurred shall make a written report, under oath, to the county board of  
32 elections describing in detail the circumstances of the loss, destruction, damage, or theft  
33 of the ballots."

34 Sec. 117. G.S. 163-227.2(d) reads as rewritten:

35 "(d) Only the chairman, member or supervisor of elections of the board shall keep  
36 the voter's application for absentee ballots and the sealed container-return envelope in a  
37 safe place, separate and apart from other applications and container-return envelopes. At  
38 the first meeting of the board pursuant to G.S. 163-230(2) held after receipt of the  
39 application and envelope, the chairman shall comply with the requirements of G.S. 163-  
40 230(1) and G.S. 163-230(2)b. and c. If the voter's application for absentee ballots is  
41 approved by the board at that meeting, the application form and container-return  
42 envelope, with the ballots enclosed, shall be handled in the same manner and under the  
43 same provisions of law as applications and container-return envelopes received by the

1 board under other provisions of this Article. If the voter's application for absentee ballots  
2 is disapproved by the board, the board shall so notify the voter stating the reason for  
3 disapproval by first-class mail addressed to the voter at his residence address or at the  
4 address shown in the application for absentee ballots; and the board chairman shall retain  
5 the container-return envelope in its unopened condition until the day of the primary or  
6 election to which it relates and on that day he shall destroy the container-return envelope  
7 and the ballots therein, without, however, revealing the manner in which the voter  
8 marked the ballots."

9 Sec. 118. G.S. 163-227.2(f) reads as rewritten:

10 "(f) Notwithstanding the exception specified in ~~G.S. 163-119~~, G.S. 163-130,  
11 counties which operate a modified full-time office shall remain open five days each week  
12 during regular business hours consistent with daily hours presently observed by the  
13 county board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and  
14 continuing until 5:00 P.M. on the Friday prior to that election or primary. The boards of  
15 county commissioners shall provide necessary funds for the additional operation of the  
16 office during such time."

17 Sec. 119. G.S. 164-14 reads as rewritten:

18 "**§ 164-14. Membership; appointments; terms; vacancies.**

19 (a) The Commission shall consist of 12 members, who shall be appointed as  
20 follows:

- 21 (1) One member, by the president of the North Carolina State Bar;
- 22 (2) One member, by the General Statutes Commission;
- 23 (3) One member, by the dean of the school of law of the University of  
24 North Carolina;
- 25 (4) One member, by the dean of the school of law of Duke University;
- 26 (5) One member, by the dean of the school of law of Wake Forest  
27 University;
- 28 (6) One member, by the Speaker of the House of Representatives of each  
29 General Assembly from the membership of the House;
- 30 (7) One member, by the President Pro Tempore of the Senate of each  
31 General Assembly from the membership of the Senate;
- 32 (8) Two members, by the Governor;
- 33 (9) One member, by the dean of the school of law of North Carolina Central  
34 University;
- 35 (10) One member by the president of the North Carolina Bar Association;
- 36 (11) One member, by the dean of the school of law of Campbell College-  
37 University.

38 (b) Appointments of original members of the Commission made by the president  
39 of the North Carolina State Bar, the president of the North Carolina Bar Association, and  
40 the deans of the schools of law of Duke University, the University of North Carolina, and  
41 Wake Forest University shall be for one year. Appointments of original members of the  
42 Commission made by the Speaker of the House of Representatives, the President of the  
43 Senate, and the Governor shall be for two years.

1 (c) After the appointment of the original members of the Commission,  
2 appointments by the president of the North Carolina State Bar, the General Statutes  
3 Commission, and the deans of the schools of law of North Carolina Central University,  
4 Duke University, the University of North Carolina, and Wake Forest University shall be  
5 made in the even-numbered years, and appointments made by the Speaker of the House  
6 of Representatives, the President Pro Tempore of the Senate, president of the North  
7 Carolina Bar Association, the dean of the School of Law of Campbell ~~College~~-University  
8 and the Governor shall be made in the odd-numbered years. Such appointments shall be  
9 made for two-year terms beginning June first of the year when such appointments are to  
10 become effective and expiring May 31 two years thereafter. All such appointments shall  
11 be made not later than May 31 of the year when such appointments are to become  
12 effective.

13 (d) If any appointment provided for by this section is not made prior to June first  
14 of the year when it should become effective, a vacancy shall exist with respect thereto,  
15 and the vacancy shall then be filled by appointment by the Governor. If any member of  
16 the Commission dies or resigns during the term for which he was appointed, his  
17 successor for the unexpired term shall be appointed by the person who made the original  
18 appointment, as provided in G.S. 164-14, or by the successor of such person; and if such  
19 vacancy is not filled within 30 days after the vacancy occurs, it shall then be filled by  
20 appointment by the Governor. In any case where an appointment authorized to be made  
21 by G.S. 164-14(c) has not been made on or before July 31 of the year in which it was due  
22 to be made, a vacancy shall exist with respect to that appointment and the General  
23 Statutes Commission at its next meeting shall by majority vote fill the vacancy by  
24 appointment.

25 (e) All appointments shall be reported to the secretary of the Commission.

26 (f) Notwithstanding the expiration of the term of the appointment, the terms of  
27 members of the General Statutes Commission shall continue until the appointment of a  
28 successor has been made and reported to the secretary of the Commission."

29 Sec. 120. G.S. 166A-1 reads as rewritten:

30 "**§ 166A-1. Short title.**

31 This ~~Chapter~~-Article may be cited as 'North Carolina Emergency Management Act of  
32 1977.'"

33 Sec. 121. G.S. 166A-2 reads as rewritten:

34 "**§ 166A-2. Purposes.**

35 The purposes of this ~~Chapter~~-Article are to set forth the authority and responsibility of  
36 the Governor, State agencies, and local governments in prevention of, preparation for,  
37 response to and recovery from natural or man-made disasters or hostile military or  
38 paramilitary action and to:

- 39 (1) Reduce vulnerability of people and property of this State to damage,  
40 injury, and loss of life and property;
- 41 (2) Prepare for prompt and efficient rescue, care and treatment of threatened  
42 or affected persons;



1 (3) Provide for the rapid and orderly rehabilitation of persons and  
2 restoration of property; and

3 (4) Provide for cooperation and coordination of activities relating to  
4 emergency and disaster mitigation, preparedness, response and recovery  
5 among agencies and officials of this State and with similar agencies and  
6 officials of other states, with local and federal governments, with  
7 interstate organizations and with other private and quasi-official  
8 organizations."

9 Sec. 122. G.S. 166A-3 reads as rewritten:

10 **"§ 166A-3. Limitations.**

11 Nothing in this ~~Chapter~~ Article shall be construed to:

12 (1) Interfere with dissemination of news or comment on public affairs; but  
13 any communications facility or organization, including but not limited  
14 to radio and television stations, wire services, and newspapers, may be  
15 requested to transmit or print public service messages furnishing  
16 information or instructions in connection with an emergency, disaster or  
17 war; or

18 (2) Limit, modify or abridge the authority of the Governor to proclaim  
19 martial law or exercise any other powers vested in him under the  
20 Constitution, statutes, or common law of this State independent of, or in  
21 conjunction with, any provisions of this ~~Chapter~~ Article."

22 Sec. 123. G.S. 166A-4 reads as rewritten:

23 **"§ 166A-4. Definitions.**

24 The following ~~words and phrases as used in this Chapter shall have the following~~  
25 ~~meanings:~~ definitions apply in this Article:

26 (1) 'Emergency Management.' – Those measures taken by the populace and  
27 governments at federal, State, and local levels to minimize the adverse  
28 effect of any type disaster, which include the never-ending preparedness  
29 cycle of prevention, mitigation, warning, movement, shelter, emergency  
30 assistance and recovery.

31 (2) 'Emergency Management Agency.' – A State or local governmental  
32 agency charged with coordination of all emergency management  
33 activities for its jurisdiction.

34 (3) 'Disaster.' – An occurrence or imminent threat of widespread or severe  
35 damage, injury, or loss of life or property resulting from any natural or  
36 man-made accidental, military or paramilitary cause.

37 (4) 'Political Subdivision.' – Counties and incorporated cities, towns and  
38 villages."

39 Sec. 124. G.S. 166A-5 reads as rewritten:

40 **"§ 166A-5. State emergency management.**

41 The State emergency management program includes all aspects of preparations for,  
42 response to and recovery from war or peacetime disasters.

- 1           (1) Governor. – The Governor shall have general direction and control of  
2 the State emergency management program and shall be responsible for  
3 carrying out the provisions of this ~~Chapter~~ Article.  
4           a. The Governor is authorized and empowered:  
5           1. To make, amend or rescind the necessary orders, rules and  
6 regulations within the limits of the authority conferred  
7 upon him herein, with due consideration of the policies of  
8 the federal government.  
9           2. To delegate any authority vested in him under this ~~Chapter~~  
10 Article and to provide for the subdelegation of any such  
11 authority.  
12           3. To cooperate and coordinate with the President and the  
13 heads of the departments and agencies of the federal  
14 government, and with other appropriate federal officers  
15 and agencies, and with the officers and agencies of other  
16 states and local units of government in matters pertaining  
17 to the emergency management of the State and nation.  
18           4. To enter into agreements with the American National Red  
19 Cross, Salvation Army, Mennonite Disaster Service and  
20 other disaster relief organizations.  
21           5. To make, amend, or rescind mutual aid agreements in  
22 accordance with G.S. 166A-10.  
23           6. To utilize the services, equipment, supplies and facilities  
24 of existing departments, offices and agencies of the State  
25 and of the political subdivisions thereof. The officers and  
26 personnel of all such departments, offices and agencies are  
27 required to cooperate with and extend such services and  
28 facilities to the Governor upon request. This authority  
29 shall extend to a state of disaster, imminent threat of  
30 disaster or emergency management planning and training  
31 purposes.  
32           7. To agree, when required to obtain federal assistance in  
33 debris removal, that the State will indemnify the federal  
34 government against any claim arising from the removal.  
35           8. To sell, lend, lease, give, transfer or deliver materials or  
36 perform services for disaster purposes on such terms and  
37 conditions as may be prescribed by any existing law, and  
38 to account to the State Treasurer for any funds received  
39 for such property.  
40           b. In the threat of or event of a disaster, or when requested by the  
41 governing body of any political subdivision in the State, the  
42 Governor may assume operational control over all or any part of  
43 the emergency management functions within this State.

- 1           (2) Secretary of Crime Control and Public Safety. – The Secretary of Crime  
2           Control and Public Safety shall be responsible to the Governor for State  
3           emergency management activities and shall have:
- 4           a.       The power, as delegated by the Governor, to activate the State  
5           and local plans applicable to the areas in question and he shall be  
6           empowered to authorize and direct the deployment and use of  
7           any personnel and forces to which the plan or plans apply, and  
8           the use or distribution of any supplies, equipment, materials and  
9           facilities available pursuant to this ~~Chapter~~Article or any other  
10          provision of law.
- 11          b.       Additional authority, duties, and responsibilities as may be  
12          prescribed by the Governor, and he may subdelegate his  
13          authority to the appropriate member of his department.
- 14          (3) Functions of State Emergency Management. – The functions of the  
15          State emergency management program include:
- 16          a.       Coordination of the activities of all agencies for emergency  
17          management within the State, including planning, organizing,  
18          staffing, equipping, training, testing, and the activation of  
19          emergency management programs.
- 20          b.       Preparation and maintenance of State plans for man-made or  
21          natural disasters. The State plans or any parts thereof may be  
22          incorporated into department regulations and into executive  
23          orders of the Governor.
- 24          c.       Promulgation of standards and requirements for local plans and  
25          programs, determination of eligibility for State financial  
26          assistance provided for in G.S. 166A-7 and provision of technical  
27          assistance to local governments.
- 28          d.       Development and presentation of training programs and public  
29          information programs to insure the furnishing of adequately  
30          trained personnel and an informed public in time of need.
- 31          e.       Making of such studies and surveys of the resources in this State  
32          as may be necessary to ascertain the capabilities of the State for  
33          emergency management, maintaining data on these resources,  
34          and planning for the most efficient use thereof.
- 35          f.       Coordination of the use of any private facilities, services, and  
36          property.
- 37          g.       Preparation for issuance by the Governor of executive orders,  
38          proclamations, and regulations as necessary or ~~appropriate~~, and  
39          appropriate.
- 40          h.       Cooperation and maintenance of liaison with the other states,  
41          federal government and any public or private agency or entity in  
42          achieving any purpose of this ~~Chapter~~Article and in

1 implementing programs for emergency, disaster or war  
2 prevention, preparation, response, and recovery.

- 3 i. Making recommendations, as appropriate, for zoning, building  
4 and other land-use controls, and safety measures for securing  
5 mobile homes or other nonpermanent or semipermanent works  
6 designed to protect against or mitigate the effects of a disaster.  
7 j. Coordination of the use of existing means of communications  
8 and supplementing communications resources and integrating  
9 them into a comprehensive State or State-federal  
10 telecommunications or other communications system or  
11 network."

12 Sec. 125. G.S. 166A-6(b) reads as rewritten:

13 "(b) In addition to any other powers conferred upon the Governor by law, during  
14 the state of disaster, he shall have the following:

- 15 (1) To utilize all available State resources as reasonably necessary to cope  
16 with an emergency, including the transfer and direction of personnel or  
17 functions of State agencies or units thereof for the purpose of  
18 performing or facilitating emergency services;  
19 (2) To take such action and give such directions to State and local law-  
20 enforcement officers and agencies as may be reasonable and necessary  
21 for the purpose of securing compliance with the provisions of this  
22 ~~Chapter~~ Article and with the orders, rules and regulations made pursuant  
23 thereto;  
24 (3) To take steps to assure that measures, including the installation of public  
25 utilities, are taken when necessary to qualify for temporary housing  
26 assistance from the federal government when that assistance is required  
27 to protect the public health, welfare, and safety;  
28 (4) Subject to the provisions of the State Constitution to relieve any public  
29 official having administrative responsibilities under this ~~Chapter~~ Article  
30 of such responsibilities for willful failure to obey an order, rule or  
31 regulation adopted pursuant to this ~~Chapter~~ Article."

32 Sec. 126. G.S. 166A-7(c) reads as rewritten:

33 "(c) Each county and incorporated municipality in this State is authorized to make  
34 appropriations for the purposes of this ~~Chapter~~ Article and to fund them by levy of  
35 property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of  
36 other revenues, whose use is not otherwise restricted by law."

37 Sec. 127. G.S. 166A-7(d) reads as rewritten:

38 "(d) In carrying out the provisions of this ~~Chapter~~ Article each political subdivision  
39 is authorized:

- 40 (1) To appropriate and expend funds, make contracts, obtain and distribute  
41 equipment, materials, and supplies for emergency management purposes  
42 and to provide for the health and safety of persons and property,  
43 including emergency assistance, consistent with this ~~Chapter~~ Article;

- 1           (2) To direct and coordinate the development of emergency management  
2 plans and programs in accordance with the policies and standards set by  
3 the State;
- 4           (3) To assign and make available all available resources for emergency  
5 management purposes for service within or outside of the physical  
6 limits of the subdivision; and
- 7           (4) To delegate powers in a local state of emergency under G.S. 166A-8 to  
8 an appropriate official."

9           Sec. 128. G.S. 166A-12 reads as rewritten:

10 **"§ 166A-12. Nondiscrimination in emergency management.**

11           State and local governmental bodies and other organizations and personnel who carry  
12 out emergency management functions under the provisions of this ~~Chapter~~-Article are  
13 required to do so in an equitable and impartial manner. Such State and local  
14 governmental bodies, organizations and personnel shall not discriminate on the grounds  
15 of race, color, religion, nationality, sex, age or economic status in the distribution of  
16 supplies, the processing of applications and other relief and assistance activities."

17           Sec. 129. G.S. 166A-13 reads as rewritten:

18 **"§ 166A-13. Emergency management personnel.**

19           (a) No person shall be employed or associated in any capacity in any emergency  
20 management agency established under this ~~Chapter~~-Article if that person:

- 21           (1) Advocates or has advocated a change by force or violence in the  
22 constitutional form of the Government of the United States or in this  
23 State;
- 24           (2) Advocates or has advocated the overthrow of any government in the  
25 United States by force or violence;
- 26           (3) Has been convicted of any subversive act against the United States;
- 27           (4) Is under indictment or information charging any subversive act against  
28 the United States; or
- 29           (5) Has ever been a member of the Communist Party.

30           Each person who is appointed to serve in any emergency management agency shall,  
31 before entering upon his duties, take a written oath before a person authorized to  
32 administer oaths in this State, which oath shall be substantially as follows:

33           'I, ....., do solemnly swear (or affirm) that I will support and defend the  
34 Constitution of the United States and the Constitution of the State of North Carolina,  
35 against all enemies, foreign and domestic; and that I will bear true faith and allegiance to  
36 the same; that I take this obligation freely, without any mental reservation or purpose of  
37 evasion; and that I will well and faithfully discharge the duties upon which I am about to  
38 enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I ever  
39 knowingly been, a member of any political party or organization that advocates the  
40 overthrow of the Government of the United States or of this State by force or violence;  
41 and that during such time as I am a member of the State Emergency Management Agency  
42 I will not advocate nor become a member of any political party or organization that

1 advocates the overthrow of the Government of the United States or of this State by force  
2 or violence, so help me God.'

3 (b) No position created by or pursuant to this ~~Chapter~~ Article shall be deemed an  
4 office within the meaning of Article 6, Section 9 of the Constitution of North Carolina."

5 Sec. 130. G.S. 166A-14(a) reads as rewritten:

6 "(a) All functions hereunder and all other activities relating to emergency  
7 management are hereby declared to be governmental functions. Neither the State nor any  
8 political subdivision thereof, nor, except in cases of willful misconduct, gross negligence  
9 or bad faith, any emergency management worker complying with or reasonably  
10 attempting to comply with this ~~Chapter~~ Article or any order, rule or regulation  
11 promulgated pursuant to the provisions of this ~~Chapter~~ Article or pursuant to any  
12 ordinance relating to any emergency management measures enacted by any political  
13 subdivision of the State, shall be liable for the death of or injury to persons, or for  
14 damage to property as a result of any such activity."

15 Sec. 131. G.S. 166A-14(b) reads as rewritten:

16 "(b) The rights of any person to receive benefits to which he would otherwise be  
17 entitled under this ~~Chapter~~ Article or under the Workers' Compensation Law or under any  
18 pension law, nor the right of any such person to receive any benefits or compensation  
19 under any act of Congress shall not be affected by performance of emergency  
20 management functions."

21 Sec. 132. G.S. 166A-16 reads as rewritten:

22 "**§ 166A-16. Severability.**

23 If any provision of this ~~Chapter~~ Article or the application thereof to any person or  
24 circumstances is held invalid, the invalidity does not affect other provisions or  
25 applications of the ~~Chapter~~ Article which can be given effect without the invalid provision  
26 or application, and to this end the provisions of this ~~Chapter~~ Article are severable."

27 Sec. 133. Section 3 of Chapter 514 of the 1993 Session Laws is repealed.

28 Sec. 134. The introductory language of Section 1 of Chapter 630 of the 1993  
29 Session Laws reads as rewritten:

30 "Section 1. Section 42 of Chapter 1281 of the Session Laws of 1957, as amended by  
31 Chapter 934 of the Session Laws of 1959, Chapter 1111 of the Session Laws of 1961,  
32 Chapter 693 of the Session Laws of 1965, Chapter 324 of the Session Laws of 1969,  
33 Chapter 785 of the Session Laws of 1971, and Section 4 of Chapter 1168 of the Session  
34 Laws of 1981 reads as rewritten:"

35 Sec. 135. Section 4 of Chapter 646 of the 1993 Session Laws reads as  
36 rewritten:

37 "Sec. 4. **Charter.** Any action by the City of Gastonia under this act to dissolve the  
38 GAA also repeals Section 9.3 of the Charter of the City of Gastonia, being Chapter 557  
39 of the 1991 Session ~~Laws, is repealed.~~ Laws."

40 Sec. 136. Except as otherwise provided, this act is effective upon ratification.