

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**SENATE DRS85305-LGz-207A\* (05/10)**

Short Title: 2004 Technical Corrections Act.

(Public)

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Sponsors: Senator Hartsell.

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Referred to:

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A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-402(c)(3) reads as rewritten:

"(c) The following definitions apply in this section:

...

(3) Crossbow. – A mechanical device consisting of, but not limited to, strings, cables, and prods transversely mounted on either a shoulder or hand-held stock. This ~~device~~ device is mechanically held at full or partial draw and released by a trigger or similar mechanism ~~which~~ that is incorporated into a stock or handle. When operated, the crossbow discharges a projectile known as a bolt.

..."

**SECTION 2.** G.S. 20-7(b1) reads as rewritten:

"(b1) Application. – To obtain ~~a~~ an identification card, learners permit, or drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

1 The application form shall request all of the following information, and it shall  
2 contain the disclosures concerning the request for an applicant's social security number  
3 required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- 4 (1) The applicant's full name.
- 5 (2) The applicant's mailing address and residence address.
- 6 (3) A physical description of the applicant, including the applicant's sex,  
7 height, eye color, and hair color.
- 8 (4) The applicant's date of birth.
- 9 (5) The applicant's valid social security number.
- 10 (6) The applicant's signature.

11 If an applicant does not have a valid social security number and is ineligible to  
12 obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In  
13 such case, the applicant may provide a valid Individual Taxpayer Identification Number  
14 issued by the Internal Revenue Service to that person.

15 The Division shall not issue an identification card, learners permit, or drivers license  
16 to an applicant who fails to provide either the applicant's valid social security number or  
17 the applicant's valid Individual Taxpayer Identification Number."

18 **SECTION 3.** G.S. 49-13.1 is repealed.

19 **SECTION 4.** G.S. 55B-2(6), as amended by Section 3 of S.L. 2003-117,  
20 reads as rewritten:

21 "(6) The term "professional service" means any type of personal or  
22 professional service of the public which requires as a condition  
23 precedent to the rendering of such service the obtaining of a license  
24 from a licensing board as herein defined, and pursuant to the following  
25 provisions of the General Statutes: Chapter 83A, "Architects"; Chapter  
26 84, "Attorneys-at-Law"; Chapter 93, "Public Accountants"; and the  
27 following Articles in Chapter 90: Article 1, "Practice of Medicine,"  
28 Article 2, "Dentistry," Article 6, "Optometry," Article 7, "Osteopathy,"  
29 Article 8, "Chiropractic," Article 9A, "Nursing Practice Act," with  
30 regard to registered nurses, Article 11, "Veterinarians," Article 12A,  
31 "Podiatrists," Article 18A, "Practicing Psychologists," Article 18C,  
32 "Marriage and Family Therapy Licensure," Article 18D, "Occupational  
33 Therapy," and Article 24, "Licensed Professional Counselors"; Chapter  
34 89C, "Engineering and Land Surveying"; Chapter 89A, "Landscape  
35 Architects"; Chapter 90B, "Social Worker Certification and Licensure  
36 Act" with regard to ~~Certified~~ Licensed Clinical Social Workers as  
37 defined by G.S. 90B-3; Chapter 89E, "Geologists"; Chapter 89B,  
38 "Foresters"; and Chapter 89F, "North Carolina Soil Scientist Licensing  
39 Act."

40 **SECTION 5.(a)** G.S. 58-36-10(3) reads as rewritten:

41 **§ 58-36-10. Method of rate making; factors considered.**

42 The following standards shall apply to the making and use of rates:

43 ...

1 (3) In the case of property insurance rates under this Article, consideration  
 2 may be given to the experience of property insurance business during  
 3 the most recent five-year period for which that experience is available.  
 4 In the case of property insurance rates under this Article, consideration  
 5 shall be given to the insurance public protection classifications of fire  
 6 districts established by the Commissioner. The Commissioner shall  
 7 establish and modify from time to time insurance public protection  
 8 districts for all rural areas of the State and for cities with populations  
 9 of 100,000 or fewer, according to the most recent annual population  
 10 estimates certified by the State ~~Planning~~Budget Officer. In  
 11 establishing and modifying these districts, the Commissioner shall use  
 12 standards at least equivalent to those used by the Insurance Services  
 13 Office, Inc., or any successor organization. The standards developed  
 14 by the Commissioner are subject to Article 2A of Chapter 150B of the  
 15 General Statutes. The insurance public protection classifications  
 16 established by the Commissioner issued pursuant to the provisions of  
 17 this Article shall be subject to appeal as provided in G.S. 58-2-75, et  
 18 seq. The exceptions stated in G.S. 58-2-75(a) do not apply.

19 ..."

20 **SECTION 5.(b)** G.S. 58-40-25(4) reads as rewritten:

21 "**§ 58-40-25. Rating methods.**

22 In determining whether rates comply with the standards under G.S. 58-40-20, the  
 23 following criteria shall be applied:

24 ...

25 (4) In the case of property insurance rates under this Article, consideration  
 26 shall be given to the insurance public protection classifications of fire  
 27 districts established by the Commissioner. The Commissioner shall  
 28 establish and modify from time to time insurance public protection  
 29 districts for all rural areas of the State and for cities with populations  
 30 of 100,000 or fewer, according to the most recent annual population  
 31 estimates certified by the State ~~Planning~~Budget Officer. In  
 32 establishing and modifying these districts, the Commissioner shall use  
 33 standards at least equivalent to those used by the Insurance Services  
 34 Office, Inc., or any successor organization. The standards developed  
 35 by the Commissioner are subject to Article 2A of Chapter 150B of the  
 36 General Statutes. The insurance public protection classifications  
 37 established by the Commissioner issued pursuant to the provisions of  
 38 this Article shall be subject to appeal as provided in G.S. 58-2-75, et  
 39 seq. The exceptions stated in G.S. 58-2-75(a) do not apply."

40 **SECTION 5.(c)** G.S. 58-87-1(b) reads as rewritten:

41 "(b) A fire department is eligible for a grant under this section if it meets all of the  
 42 following conditions:

43 (1) It serves a response area of 6,000 or less in population.

1           (2) It consists entirely of volunteer members, with the exception that the  
2           unit may have paid members to fill the equivalent of three full-time  
3           paid positions.

4           (3) It has been certified by the Department of Insurance.

5 In making the population determination under subdivision (1) of this subsection, the  
6 Department shall use the most recent annual population estimates certified by the State  
7 ~~Planning-Budget~~ Officer."

8           **SECTION 5.(d)** G.S. 105-113.82(e) reads as rewritten:

9           "(e) Population Estimates. – To determine the population of a city or county for  
10 purposes of the distribution required by this section, the Secretary shall use the most  
11 recent annual estimate of population certified by the State ~~Planning-Budget~~ Officer."

12           **SECTION 5.(e)** G.S. 105-129.3(b1) reads as rewritten:

13           "(b1) Data. – In measuring rates of unemployment and per capita income, the  
14 Secretary shall use the latest available data published by a State or federal agency  
15 generally recognized as having expertise concerning the data. In measuring population  
16 and population growth, the Secretary shall use the most recent estimates of population  
17 certified by the State ~~Planning-Budget~~ Officer."

18           **SECTION 5.(f)** G.S. 105-129.3A(a) reads as rewritten:

19           "(a) Development Zone Defined. – A development zone is an area comprised of  
20 one or more contiguous census tracts, census block groups, or both in the most recent  
21 federal decennial census that meets all of the following conditions:

22           (1) Every census tract and census block group in the zone is located in  
23           whole or in part within the primary corporate limits of a city with a  
24           population of more than 5,000 according to the most recent annual  
25           population estimates certified by the State ~~Planning-Budget~~ Officer.

26           (2) It has a population of 1,000 or more according to the most recent  
27           annual population estimates certified by the State ~~Planning-Budget~~  
28           Officer.

29           (3) More than twenty percent (20%) of its population is below the poverty  
30           level according to the most recent federal decennial census.

31           (4) Every census tract and census block group in the zone meets at least  
32           one of the following conditions:

33           a. More than ten percent (10%) of its population is below the  
34           poverty level according to the most recent federal decennial  
35           census.

36           b. It is immediately adjacent to another census tract or census  
37           block group that is in the same zone and has more than twenty  
38           percent (20%) of its population below the poverty level  
39           according to the most recent federal decennial census.

40           (5) None of the census tracts or census block groups in the zone is located  
41           in another development zone designated by the Secretary of  
42           Commerce."

43           **SECTION 5.(g)** G.S. 105-164.44F(b) reads as rewritten:

1       "(b) Share of Cities Incorporated on or After January 1, 2001. – The share of a  
2 city incorporated on or after January 1, 2001, is its per capita share of the amount to be  
3 distributed to all cities incorporated on or after this date. This amount is the proportion  
4 of the total to be distributed under this section that is the same as the proportion of the  
5 population of cities incorporated on or after January 1, 2001, compared to the  
6 population of all cities. In making the distribution under this subsection, the Secretary  
7 must use the most recent annual population estimates certified to the Secretary by the  
8 State ~~Planning~~Budget Officer."

9               **SECTION 5.(h)** G.S. 105-187.19(b) reads as rewritten:

10       "(b) Each quarter, the Secretary shall credit five percent (5%) of the net tax  
11 proceeds to the Solid Waste Management Trust Fund and shall credit twenty-seven  
12 percent (27%) of the net tax proceeds to the Scrap Tire Disposal Account. The Secretary  
13 shall distribute the remaining sixty-eight percent (68%) of the net tax proceeds among  
14 the counties on a per capita basis according to the most recent annual population  
15 estimates certified to the Secretary by the State ~~Planning~~Budget Officer."

16               **SECTION 5.(i)** G.S. 105-187.24 reads as rewritten:

17       "**§ 105-187.24. Use of tax proceeds.**

18       The Secretary shall distribute the taxes collected under this Article, less the  
19 Department of Revenue's allowance for administrative expenses, in accordance with this  
20 section. The Secretary may retain the Department's cost of collection, not to exceed two  
21 hundred twenty-five thousand dollars (\$225,000) a year, as reimbursement to the  
22 Department.

23       Each quarter, the Secretary shall credit eight percent (8%) of the net tax proceeds to  
24 the Solid Waste Management Trust Fund and shall credit twenty percent (20%) of the  
25 net tax proceeds to the White Goods Management Account. The Secretary shall  
26 distribute the remaining seventy-two percent (72%) of the net tax proceeds among the  
27 counties on a per capita basis according to the most recent annual population estimates  
28 certified to the Secretary by the State ~~Planning~~Budget Officer. The Department shall  
29 not distribute the tax proceeds to a county when notified not to do so by the Department  
30 of Environment and Natural Resources under G.S. 130A-309.87. If a county is not  
31 entitled to a distribution, the proceeds allocated for that county will be credited to the  
32 White Goods Management Account.

33       A county may use funds distributed to it under this section only as provided in  
34 G.S. 130A-309.82. A county that receives funds under this section and that has an  
35 interlocal agreement with another unit of local government under which the other unit  
36 provides for the disposal of solid waste for the county must transfer the amount received  
37 under this section to that other unit. A unit to which funds are transferred is subject to  
38 the same restrictions on use of the funds as the county."

39               **SECTION 5.(j)** Effective July 1, 2003, G.S. 105-472(b) reads as rewritten:

40       "(b) Distribution Between Counties and Cities. – The Secretary shall divide the  
41 amount allocated to each taxing county among the county and its municipalities in  
42 accordance with the method determined by the county. The board of county  
43 commissioners shall, by resolution, choose one of the following methods of distribution:

- 1 (1) Per Capita Method. – The net proceeds of the tax collected in a taxing  
2 county shall be distributed to that county and to the municipalities in  
3 the county on a per capita basis according to the total population of the  
4 taxing county, plus the total population of the municipalities in the  
5 county. In the case of a municipality located in more than one county,  
6 only that part of its population living in the taxing county is considered  
7 its "total population". In order to make the distribution, the Secretary  
8 shall determine a per capita figure by dividing the amount allocated to  
9 each taxing county by the total population of that county plus the total  
10 population of all municipalities in the county. The Secretary shall then  
11 multiply this per capita figure by the population of the taxing county  
12 and by the population of each municipality in the county; each  
13 respective product shall be the amount to be distributed to the county  
14 and to each municipality in the county. To determine the population of  
15 each county and each municipality, the Secretary shall use the most  
16 recent annual estimate of population certified by the State Planning  
17 Budget Officer.
- 18 (2) Ad Valorem Method. – The net proceeds of the tax collected in a  
19 taxing county shall be distributed to that county and the municipalities  
20 in the county in proportion to the total amount of ad valorem taxes  
21 levied by each on property having a tax situs in the taxing county  
22 during the fiscal year next preceding the distribution. For purposes of  
23 this section, the amount of the ad valorem taxes levied by a county or  
24 municipality includes ad valorem taxes levied by the county or  
25 municipality in behalf of a taxing district and collected by the county  
26 or municipality. In addition, the amount of taxes levied by a county  
27 includes ad valorem taxes levied by a merged school administrative  
28 unit described in G.S. 115C-513 in the part of the unit located in the  
29 county. In computing the amount of tax proceeds to be distributed to  
30 each county and municipality, the amount of any ad valorem taxes  
31 levied but not substantially collected shall be ignored. Each county and  
32 municipality receiving a distribution of the proceeds of the tax levied  
33 under this Article shall in turn immediately share the proceeds with  
34 each district in behalf of which the county or municipality levied ad  
35 valorem taxes in the proportion that the district levy bears to the total  
36 levy of the county or municipality. Any county or municipality that  
37 fails to provide the Department of Revenue with information  
38 concerning ad valorem taxes levied by it adequate to permit a timely  
39 determination of its appropriate share of tax proceeds collected under  
40 this Article may be excluded by the Secretary from each monthly  
41 distribution with respect to which the information was not provided in  
42 a timely manner, and those tax proceeds shall then be distributed only  
43 to the remaining counties or municipalities, as appropriate. For the  
44 purpose of computing the distribution of the tax under this subsection

1 to any county and the municipalities located in the county for any  
2 month with respect to which the property valuation of a public service  
3 company is the subject of an appeal and the Department of Revenue is  
4 restrained by law from certifying the valuation to the county and the  
5 municipalities in the county, the Department shall use the last property  
6 valuation of the public service company that has been certified.

7 The board of county commissioners in each taxing county shall, by resolution  
8 adopted during the month of April of each year, determine which of the two foregoing  
9 methods of distribution shall be in effect in the county during the next succeeding fiscal  
10 year. In order for the resolution to be effective, a certified copy of it must be delivered  
11 to the Secretary in Raleigh within 15 calendar days after its adoption. If the board fails  
12 to adopt a resolution choosing a method of distribution not then in effect in the county,  
13 or if a certified copy of the resolution is not timely delivered to the Secretary, the  
14 method of distribution then in effect in the county shall continue in effect for the  
15 following fiscal year. The method of distribution in effect on the first of July of each  
16 fiscal year shall apply to every distribution made during that fiscal year."

17 **SECTION 5.(k)** G.S. 136-202(c) reads as rewritten:

18 "(c) The Department, the metropolitan planning organizations, and the  
19 Department of Environment and Natural Resources shall jointly evaluate and adjust the  
20 regions defined in each regional travel demand model at least once every five years and  
21 no later than October 1 of the year following each decennial federal census. The  
22 evaluation and adjustment shall be based on decennial census data and the most recent  
23 populations estimates certified by the State ~~Planning-Budget~~ Officer. The adjustment of  
24 these boundaries shall reflect current and projected patterns of population, employment,  
25 travel, congestion, commuting, and public transportation use and the effects of these  
26 patterns on air quality."

27 **SECTION 5.(l)** G.S. 143-215.107A(d) reads as rewritten:

28 "(d) Additional Counties. – The Commission may require that motor vehicle  
29 emissions inspections be performed in counties in addition to those set out in subsection  
30 (c) of this section. In determining whether to require that motor vehicle emissions  
31 inspections be performed in a county, the Commission may consider the population of,  
32 and distribution of population in, the county; the projected change in population of, and  
33 distribution of population in, the county; the number of vehicles registered in the  
34 county; the projected change in the number of vehicles registered in the county; vehicle  
35 miles traveled in the county; the projected change in vehicle miles traveled in the  
36 county; current and projected commuting patterns in the county; and the current and  
37 projected impact of these factors on attainment of air quality standards in the county and  
38 in areas outside the county. The Commission may not require that motor vehicle  
39 emissions inspections be performed in any county with a population of less than 40,000  
40 based on the most recent population estimates prepared by the State ~~Planning-Budget~~  
41 Officer. The Commission may not require that motor vehicle emissions inspections be  
42 performed in any county in which the number of vehicle miles traveled per day is less  
43 than 900,000, based on the most recent estimates prepared by the Department of  
44 Transportation. In order to disapprove a rule that requires that motor vehicle emissions

1 inspections be performed in one or more additional counties, a bill introduced pursuant  
2 to G.S. 150B-21.3(b) must amend subsection (c) of this section to add one or more other  
3 counties in which the total population and vehicle miles traveled per day equal or  
4 exceed the total population and vehicle miles traveled in the county or counties listed in  
5 the rule that the bill would disapprove."

6 **SECTION 5.(m)** G.S. 160A-536(c) reads as rewritten:

7 "(c) Urban Area Revitalization Defined. – As used in this section, the term "urban  
8 area revitalization projects" includes the provision within an urban area of any service  
9 or facility that may be provided in a downtown area as a downtown revitalization  
10 project under subdivision (a)(2) and subsection (b) of this section. As used in this  
11 section, the term "urban area" means an area that (i) is located within a city whose  
12 population exceeds 150,000 according to the most recent annual population statistics  
13 certified by the State ~~Planning~~Budget Officer and (ii) meets one or more of the  
14 following conditions:

- 15 (1) It is the central business district of the city.
- 16 (2) It consists primarily of existing or redeveloping concentrations of  
17 industrial, retail, wholesale, office, or significant  
18 employment-generating uses, or any combination of these uses.
- 19 (3) It is located in or along a major transportation corridor and does not  
20 include any residential parcels that are not, at their closest point, within  
21 150 feet of the major transportation corridor right-of-way or any  
22 nonresidentially zoned parcels that are not, at their closest point,  
23 within 1,500 feet of the major transportation corridor right-of-way.
- 24 (4) It has as its center and focus a major concentration of public or  
25 institutional uses, such as airports, seaports, colleges or universities,  
26 hospitals and health care facilities, or governmental facilities."

27 **SECTION 5.(n)** G.S. 162A-6(a)(14d) reads as rewritten:

28 "(a) Each authority created hereunder shall be deemed to be a public  
29 instrumentality exercising public and essential governmental functions to provide for  
30 the public health and welfare, and each authority is authorized and empowered:

- 31 ...
- 32 (14d) To require the owners of developed property on which there are  
33 situated one or more residential dwelling units or commercial  
34 establishments located within the jurisdiction of the authority and  
35 within a reasonable distance of any waterline or sewer collection line  
36 owned, leased as lessee, or operated by the authority to connect the  
37 property with the waterline, sewer connection line, or both and fix  
38 charges for the connections. The power granted by this subdivision  
39 may be exercised by an authority only to the extent that the service,  
40 whether water, sewer, or a combination thereof, to be provided by the  
41 authority is not then being provided to the improved property by any  
42 other political subdivision or by a public utility regulated by the North  
43 Carolina Utilities Commission pursuant to Chapter 62 of the General  
44 Statutes. In the case of improved property that would qualify for the



1 issuance of a building permit for the construction of one or more  
2 residential dwelling units or commercial establishments and where the  
3 authority has installed water or sewer lines or a combination thereof  
4 directly available to the property, the authority may require payment of  
5 a periodic availability charge, not to exceed the minimum periodic  
6 service charge for properties that are connected. This subdivision  
7 applies only to a water and sewer authority whose membership  
8 includes part or all of a county that has a population of at least 40,000  
9 according to the most recent annual population estimates certified by  
10 the State ~~Planning~~Budget Officer.

11 ..."

12 **SECTION 6.** G.S. 78A-17 reads as rewritten:

13 **"§ 78A-17. Exempt transactions.**

14 Except as otherwise provided in this Chapter, the following transactions are  
15 exempted from G.S. 78A-24 and G.S. 78A-49(d):

- 16 (1) Any isolated nonissuer transaction, whether effected through a dealer  
17 or ~~not~~not.
- 18 (2) Any nonissuer distribution other than by a controlling person of an  
19 outstanding security if
- 20 a. A recognized securities manual contains the names of the  
21 issuer's officers and directors, a balance sheet of the issuer as of  
22 a date within 18 months, and a profit and loss statement for  
23 either the fiscal year preceding that date or the most recent year  
24 of operations, or
- 25 b. A registered dealer files with the Administrator such  
26 information relating to the issuer as the Administrator may by  
27 rule or order require, or
- 28 c. The security has a fixed maturity or a fixed interest or dividend  
29 provision and there has been no default during the current fiscal  
30 year or within the three preceding fiscal years, or during the  
31 existence of the issuer and any predecessors if less than three  
32 years, in the payment of principal, interest, or dividends on the  
33 ~~security~~security.
- 34 (3) Any nonissuer transaction effected by or through a registered dealer  
35 pursuant to an unsolicited order or offer to buy; but the Administrator  
36 may by rule require that the customer acknowledge upon a specified  
37 form that the sale was unsolicited, and that a signed copy of each such  
38 form be preserved by the dealer for a specified ~~period~~period.
- 39 (4) Any transaction between the issuer or other person on whose behalf  
40 the offering is made and an underwriter, or among  
41 ~~underwriters~~underwriters.
- 42 (5) Any transaction in a bond or other evidence of indebtedness secured  
43 by a lien or security interest in real or personal property, or by an  
44 agreement for the sale of real estate or chattels, if the entire security

- 1 interest or agreement, together with all the bonds or other evidences of  
2 indebtedness secured thereby, is offered and sold as a ~~unit~~; unit.
- 3 (6) Any transaction by an executor, administrator, sheriff, marshal,  
4 receiver, trustee in bankruptcy, guardian, or ~~conservator~~; conservator.
- 5 (7) Any transaction executed by a person holding a bona fide security  
6 interest without any purpose of evading this ~~Chapter~~; Chapter.
- 7 (8) Any offer or sale to an entity which has a net worth in excess of one  
8 million dollars (\$1,000,000) as determined by generally accepted  
9 accounting principles, bank, savings institution, trust company,  
10 insurance company, investment company as defined in the Investment  
11 Company Act of 1940, pension or profit-sharing trust, or other  
12 financial institution or institutional buyer, or to a dealer, whether the  
13 purchaser is acting for itself or in some fiduciary ~~capacity~~; capacity.
- 14 (9) Any transaction pursuant to an offer directed by the offeror to not  
15 more than 25 persons, other than those persons designated in  
16 subdivision (8), in this State during any period of 12 consecutive  
17 months, whether or not the offeror or any of the offerees is then  
18 present in this State, if the seller reasonably believes that all the buyers  
19 in this State are purchasing for investment. The Administrator may by  
20 rule or order withdraw, amend, or further condition this exemption for  
21 any security or security transaction. There is established a fee of one  
22 hundred fifty dollars (\$150.00) to recover costs for any filing required.
- 23 (10) Any offer or sale of a preorganizational certificate or subscription if:  
24 (i) no commission or other remuneration is paid or given directly or  
25 indirectly for soliciting any prospective subscriber; (ii) no public  
26 advertising or solicitation is used in connection with the offer or sale;  
27 (iii) the number of subscribers does not exceed 10 and the number of  
28 offerees does not exceed 25; and (iv) no payment is made by any  
29 subscriber.
- 30 (11) Any transaction pursuant to an offer to existing security holders of the  
31 issuer, including persons who at the time of the transaction are holders  
32 of convertible securities, nontransferable warrants, or transferable  
33 warrants exercisable within not more than 90 days of their issuance, if  
34 (i) no commission or other remuneration (other than a standby  
35 commission) is paid or given directly or indirectly for soliciting any  
36 security holder in this State, or (ii) the issuer first files a notice  
37 specifying the terms of the offer and the Administrator does not by  
38 order disallow the exemption within the next 10 full business  
39 ~~days~~; days.
- 40 (12) Any offer (but not a sale) of a security for which registration  
41 statements have been filed under both this Chapter and the Securities  
42 Act of 1933 if no stop order or refusal order is in effect and no public  
43 proceeding or examination looking toward such an order is pending  
44 under either ~~aet~~; act.

- 1 (13) Any offer or sale by a domestic entity of its own securities if (i) the  
 2 entity was organized for the purpose of promoting community,  
 3 agricultural or industrial development of the area in which the  
 4 principal office is located, (ii) the offer or sale has been approved by  
 5 resolution of the county commissioners of the county in which its  
 6 principal office is located, and, if located in a municipality or within  
 7 two miles of the boundaries thereof, by resolution of the governing  
 8 body of such municipality, (iii) no commission or other remuneration  
 9 is paid or given directly or indirectly for soliciting any prospective  
 10 buyer in this State, and (iv) the ~~corporation~~ entity is both organized  
 11 and operated principally to promote some community, industrial, or  
 12 agricultural development that confers a public benefit rather than  
 13 organized and operated principally to generate a pecuniary  
 14 ~~profit~~ profit.
- 15 (14) Any offer, sale or issuance of securities pursuant to an employees'  
 16 stock or equity purchase, option, savings, pension, profit-sharing, or  
 17 other similar benefit plan that is exempt under the provisions of  
 18 G.S. 78A-16(11);G.S. 78A-16(11).

19 ..."

20 **SECTION 7.** G.S. 90-210.69(c) reads as rewritten:

21 "(c) In accordance with the provisions of Chapter 150B of the General Statutes, if  
 22 the Board finds that a licensee, an applicant for a license or an applicant for license  
 23 renewal is guilty of one or more of the following, the Board may refuse to issue or  
 24 renew a license or may suspend or revoke a license or place the holder thereof on  
 25 probation upon conditions set by the Board, with revocation upon failure to comply with  
 26 the conditions:

- 27 (1) Offering to engage or engaging in activities for which a license is  
 28 required under this Article but without having obtained such a license.
- 29 (2) Aiding or abetting an unlicensed person, firm, partnership, association,  
 30 corporation or other entity to offer to engage or engage in such  
 31 activities.
- 32 (3) A crime involving fraud or moral turpitude by conviction thereof.
- 33 (4) Fraud or misrepresentation in obtaining or receiving a license or in  
 34 preneed funeral planning.
- 35 (5) False or misleading advertising.
- 36 (6) Violating or cooperating with others to violate any provision of this  
 37 Article, the rules and regulations of the Board, ~~adopted~~ or the  
 38 standards set forth in Funeral Industry Practices, 16 C.F.R. 453 (1984),  
 39 as amended from time to time.

40 In any case in which the Board is authorized to take any of the actions permitted  
 41 under this subsection, the Board may instead accept an offer in compromise of the  
 42 charges whereby the accused shall pay to the Board a penalty of not more than five  
 43 thousand dollars (\$5,000). In any case in which the Board is entitled to place a licensee

1 on a term of probation, the Board may also impose a penalty of not more than five  
2 thousand dollars (\$5,000) in conjunction with such probation."

3 **SECTION 8.** G.S. 96-4(t)(2) reads as rewritten:

4 "(t) Confidentiality of Records, Reports, and Information Obtained from  
5 Claimants, Employers, and Units of Government.

6 ...

7 (2) Job Service Information. – (i) Except as hereinafter otherwise provided  
8 it is unlawful for any person to disclose any information obtained by  
9 the North Carolina State Employment Service Division from workers,  
10 employers, applicants, or other persons or groups of persons in the  
11 course of administering the State Public Employment Service  
12 Program. Provided, however, that if all interested parties waive in  
13 writing the right to hold such information confidential, the information  
14 may be disclosed and used but only for those purposes that the parties  
15 and the Commission have agreed upon in writing. (ii) The  
16 Employment Service Division shall make public, through the  
17 newspapers and any other suitable media, information as to job  
18 openings and available applicants for the purpose of supplying the  
19 demand for workers and employment. (iii) The Labor Market  
20 Information Division shall collect, collate, and publish statistical and  
21 other information relating to the work under the Commission's  
22 jurisdiction; investigate economic developments, and the extent and  
23 causes of unemployment and its remedies with the view of preparing  
24 for the information of the General Assembly such facts as in the  
25 Commission's opinion may make further legislation desirable. (iv)  
26 Except as provided by Commission regulation, any information  
27 published pursuant to this ~~subsection (H)~~ subdivision shall not be  
28 published in any manner revealing the identity of the applicant or the  
29 employing unit.

30 ..."

31 **SECTION 9.** G.S. 110-136.13(a) reads as rewritten:

32 "(a) For purposes of this section, G.S. 110-136.11, 110-136.12, and ~~110-14-~~  
33 110-136.14, the term "employer" means employer as is defined at 29 U.S.C. § 203(d) in  
34 the Fair Labor Standards Act."

35 **SECTION 10.** G.S. 113-307.1(b) reads as rewritten:

36 "(b) The State of North Carolina hereby assents to the provisions of the act of  
37 Congress entitled "An act to provide that the United States shall aid the states in wildlife  
38 restoration projects, and for other purposes," approved September 2, 1937 (Public Law  
39 415, 75th Congress), and the Wildlife Resources Commission is hereby authorized,  
40 empowered, and directed to perform such acts as may be necessary to the conduct and  
41 establishment of cooperative wildlife restoration projects, as defined in said act of  
42 Congress, in compliance with said act and rules and regulations promulgated by the  
43 Secretary of ~~Agriculture~~ the Interior thereunder; and no funds accruing to the State of  
44 North Carolina from license fees paid by hunters shall be diverted for any other purpose

1 than the protection and propagation of game and wildlife in North Carolina and  
2 administration of the laws enacted for such purposes, which laws are and shall be  
3 administered by the Wildlife Resources Commission."

4 **SECTION 11.** G.S. 143-129.8(b) reads as rewritten:

5 "(b) Contracts for information technology may be entered into under a request for  
6 proposals procedure that satisfies the following minimum requirements:

7 (1) Notice of the request for proposals shall be given in accordance with  
8 ~~G.S. 143-129(a)~~.G.S. 143-129(b).

9 (2) Contracts shall be awarded to the person or entity that submits the best  
10 overall proposal as determined by the awarding authority. Factors to be  
11 considered in awarding contracts shall be identified in the request for  
12 proposals."

13 **SECTION 12.** G.S. 147-69 reads as rewritten:

14 "§ 147-69. **Deposits of State funds in banks and savings and loan associations**  
15 **regulated.**

16 Banks and savings and loan associations having State deposits shall furnish to the  
17 Auditor of the State, upon ~~his~~the Auditor's request, a statement of the moneys which  
18 have been received and paid by them on account of the treasury. The Treasurer shall  
19 keep in ~~his~~the Treasurer's office a full account of all moneys deposited in and drawn  
20 from all banks and savings and loan associations in which ~~he~~the Treasurer may deposit  
21 or cause to be deposited any of the public funds, and ~~such~~these accounts shall be open  
22 to the inspection of the Auditor. The Treasurer shall sign all checks, and no depository  
23 bank or savings and loan association shall be authorized to pay checks not bearing ~~his~~  
24 the Treasurer's official signature. The Treasurer is authorized to use a facsimile  
25 signature machine or device in affixing ~~his~~the Treasurer's signature to warrants, checks  
26 or any other instrument ~~he~~the Treasurer is required by law to sign. The Commissioner  
27 of ~~Banks and Banks~~, the bank examiners, and ~~the Commissioner of Banks and~~  
28 savings and loan examiners, when so required by the State Treasurer, shall keep the  
29 State Treasurer fully informed at all times as to the condition of all ~~such~~these  
30 depository banks and savings and loan associations, so as to fully protect the State from  
31 loss. The State Treasurer shall, before making deposits in any bank or savings and loan  
32 association, require ample security from the bank or savings and loan association for  
33 ~~such deposit~~these deposits."

34 **SECTION 13.(a)** G.S. 163-278.39B is recodified as G.S. 163-278.38Z under  
35 Part 1A of Article 22A of Chapter 163 of the General Statutes, so that the recodified  
36 section appears as the first section in Part 1A.

37 **SECTION 13.(b)** G.S. 163-278.6 reads as rewritten:

38 "§ 163-278.6. **Definitions.**

39 When used in this Article:

40 ...

41 (2) The term "broadcasting station" means any commercial radio or  
42 television station or community antenna radio or television station.  
43 Special definitions of 'radio' and 'television' that apply only in Part 1A  
44 of this Article are set forth in G.S. 163-278.38Z.

1 ...  
2 (4) The term "candidate" means any individual who, with respect to a  
3 public office listed in G.S. 163-278.6(18), has filed a notice of  
4 candidacy or a petition requesting to be a candidate, or has been  
5 certified as a nominee of a political party for a vacancy, has otherwise  
6 qualified as a candidate in a manner authorized by law, or has received  
7 funds or made payments or has given the consent for anyone else to  
8 receive funds or transfer anything of value for the purpose of exploring  
9 or bringing about that individual's nomination or election to office.  
10 Transferring anything of value includes incurring an obligation to  
11 transfer anything of value. Status as a candidate for the purpose of this  
12 Article continues if the individual is receiving contributions to repay  
13 loans or cover a deficit or is making expenditures to satisfy obligations  
14 from an election already held. Special definitions of 'candidate' and  
15 'candidate campaign committee' that apply only in Part 1A of this  
16 Article are set forth in G.S. 163-278.38Z.

17 (5) The term "communications media" or "media" means broadcasting  
18 stations, carrier current stations, newspapers, magazines, periodicals,  
19 outdoor advertising facilities, billboards, newspaper inserts, and any  
20 person or individual whose business is polling public opinion,  
21 analyzing or predicting voter behavior or voter preferences. Special  
22 definitions of 'print media,' 'radio,' and 'television' that apply only in  
23 Part 1A of this Article are set forth in G.S. 163-278.38Z.

24 ...  
25 (14) The term "political committee" means a combination of two or more  
26 individuals, such as any person, committee, association, organization,  
27 or other entity that makes, or accepts anything of value to make,  
28 contributions or expenditures and has one or more of the following  
29 characteristics:

- 30 a. Is controlled by a candidate;
- 31 b. Is a political party or executive committee of a political party or  
32 is controlled by a political party or executive committee of a  
33 political party;
- 34 c. Is created by a corporation, business entity, insurance company,  
35 labor union, or professional association pursuant to  
36 G.S. 163-278.19(b); or
- 37 d. Has as a major purpose to support or oppose the nomination or  
38 election of one or more clearly identified candidates.

39 Supporting or opposing the election of clearly identified candidates  
40 includes supporting or opposing the candidates of a clearly identified  
41 political party.

42 An entity is rebuttably presumed to have as a major purpose to  
43 support or oppose the nomination or election of one or more clearly  
44 identified candidates if it contributes or expends or both contributes

1 and expends during an election cycle more than three thousand dollars  
2 (\$3,000). The presumption may be rebutted by showing that the  
3 contributions and expenditures giving rise to the presumption were not  
4 a major part of activities of the organization during the election cycle.  
5 Contributions to referendum committees and expenditures to support  
6 or oppose ballot issues shall not be facts considered to give rise to the  
7 presumption or otherwise be used in determining whether an entity is a  
8 political committee.

9 If the entity qualifies as a "political committee" under  
10 sub-subdivision a., b., c., or d. of this subdivision, it continues to be a  
11 political committee if it receives contributions or makes expenditures  
12 or maintains assets or liabilities. A political committee ceases to exist  
13 when it winds up its operations, disposes of its assets, and files its final  
14 report.

15 Special definitions of 'political action committee' and 'candidate  
16 campaign committee' that apply only in Part 1A of this Article are set  
17 forth in G.S. 163-278.38Z.

- 18 (15) The term "political party" means any political party organized or  
19 operating in this State, whether or not that party is recognized under  
20 the provisions of G.S. 163-96. A special definition of 'political party  
21 organization' that applies only in Part 1A of this Article is set forth in  
22 G.S. 163-278.38Z.

23 ..."

24 **SECTION 14.(a)** Section 1 of S.L. 2001-37 is repealed.

25 **SECTION 14.(b)** S.L. 2001-37 is amended by adding a new section to read:

26 "SECTION 1.1. G.S. 160A 58.1(b)(5) does not apply to the Cities of Marion,  
27 Oxford, and Rockingham and the Towns of Calabash, Catawba, Dallas, Godwin,  
28 Louisburg, Mocksville, Pembroke, Rutherfordton, and Waynesville."

29 **SECTION 14.(c)** G.S. 160-58.1(b)(5) reads as rewritten:

30 "(5) The area within the proposed satellite corporate limits, when added to  
31 the area within all other satellite corporate limits, may not exceed ten  
32 percent (10%) of the area within the primary corporate limits of the  
33 annexing city.

34 This subdivision does not apply to the Cities of Claremont,  
35 Concord, Conover, Hickory, Marion, Mount Airy, New Bern, Newton,  
36 Oxford, Rockingham, Sanford, Salisbury, Southport, and Statesville,  
37 and the Towns of Calabash, Catawba, Dallas, Godwin, Kenly,  
38 Louisburg, Maiden, Midland, Mocksville, Mooresville, Pembroke,  
39 Rutherfordton, Swansboro, ~~and Warsaw~~, Warsaw, and Waynesville."

40 **SECTION 14.(d)** G.S. 160A-58.1(b1) is repealed.

41 **SECTION 15.** This act is effective when it becomes law.