

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 590

Judiciary II/Election Laws Committee Substitute Adopted 5/4/95

Short Title: 1995 Technical Corrections.

(Public)

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Sponsors:

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Referred to:

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April 5, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES  
3 TO THE GENERAL STATUTES AND SESSION LAWS AS RECOMMENDED  
4 BY THE GENERAL STATUTES COMMISSION.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 1C-1807. Situations not covered by Article.**

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

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

11 "(a) From any final order or decision of the North Carolina Utilities Commission  
12 not governed by subsection (b) of this section, the Department of Human Resources  
13 pursuant to G.S. 131E-188(b), the Commissioner of Banks pursuant to Articles ~~17 and~~  
14 ~~18, 18A, 17, 18, and 18A~~ of Chapter 53 of the General Statutes, the Administrator of  
15 Savings and Loans pursuant to Article 3A of Chapter 54B of the General Statutes, the  
16 North Carolina Industrial Commission, the North Carolina State Bar pursuant to G.S. 84-  
17 28, the Property Tax Commission pursuant to G.S. 105-290 and G.S. 105-342, the Board  
18 of State Contract Appeals pursuant to G.S. 143-135.9, the Commissioner of Insurance

1 pursuant to G.S. 58-2-80, or the Secretary of Environment, Health, and Natural  
 2 Resources under G.S. 104E-6.2, appeal as of right lies directly to the Court of Appeals."

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

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

- 7 a. Will improve election administration; and
- 8 b. Complies with subdivisions (1) and (2) of this subsection."

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

10 **"§ 7A-343.1. Distribution of copies of the appellate division reports.**

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

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

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

1 copies of reports furnished each justice or judge as set out in the table above may be  
2 retained by him personally to enable him to keep up-to-date his personal set of reports."

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

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

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

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

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

18 The juvenile's record of an adjudication of delinquency for an offense that would be a  
19 Class A, ~~B~~, B1, B2, C, D, or E felony if committed by an adult may be used in a  
20 subsequent criminal proceeding against the juvenile either under G.S. 8C-1, Rule 404(b),  
21 or to prove an aggravating factor at sentencing under G.S. 15A-1340.4(a), G.S. 15A-  
22 1340.16(d), or G.S. 15A-2000(e). The record may be so used only by order of the judge  
23 in the subsequent criminal proceeding, upon motion of the prosecutor, after an in camera  
24 hearing to determine whether the record in question is admissible."

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

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

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

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

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

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

39 "(b) Other crimes, wrongs, or acts. – Evidence of other crimes, wrongs, or acts is  
40 not admissible to prove the character of a person in order to show that he acted in  
41 conformity therewith. It may, however, be admissible for other purposes, such as proof of  
42 motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake,  
43 entrapment or accident. Admissible evidence may include evidence of an offense

1 committed by a juvenile if it would have been a Class A, ~~B~~, B1, B2, C, D, or E felony if  
2 committed by an adult."

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

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

9 (1) Holding such other person for ransom or as a hostage or using such  
10 other person as a shield; or

11 (2) Facilitating the commission of any felony or facilitating flight of any  
12 person following the commission of a felony; or

13 (3) Doing serious bodily harm to or terrorizing the person so confined,  
14 restrained or removed or any other ~~person~~ person; or

15 (4) Holding such other person in involuntary servitude in violation of G.S.  
16 14-43.2."

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

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

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

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

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

41 "**§ 14-413. Permits for use at public exhibitions.**

42 For the purpose of enforcing the provisions of this ~~article~~, Article, the board of county  
43 commissioners of any county ~~are~~ is hereby empowered and authorized to issue permits

1 for use in connection with the conduct of public exhibitions, such as fairs, carnivals,  
2 shows of all descriptions and public exhibitions, but only after satisfactory evidence is  
3 produced to the effect that said pyrotechnics will be used for the aforementioned  
4 purposes and none other. Provided that no such permit shall be required for a public  
5 exhibition authorized by ~~the~~ The University of North Carolina or the University of North  
6 Carolina at Chapel Hill and conducted on lands or buildings in Orange County owned by  
7 The University of North Carolina or the University of North Carolina at Chapel Hill."

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

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

14 ~~Class 1~~."

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

16 "(18a) The defendant has previously been adjudicated delinquent for an  
17 offense that would be a Class A, ~~B~~, B1, B2, C, D, or E felony if  
18 committed by an adult."

19 Sec. 14. G.S. 15A-2000(e)(3) reads as rewritten:

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

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

30 Sec. 14.1. G.S. 17C-6(a)(8) reads as rewritten:

31 "(8) Investigate and make such evaluations as may be necessary to determine  
32 if criminal justice agencies, schools, and individuals are complying with  
33 the ~~provision~~ provisions of this Chapter;"

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

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

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

42 "(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified  
43 wine permit authorizes the retail sale of unfortified wine for

1 consumption on the premises, either alone or mixed with other  
2 beverages, and the retail sale of unfortified wine in the manufacturer's  
3 original container for consumption off the premises. The permit may be  
4 issued for any of the following:

- 5 a. Restaurants;  
6 b. Hotels;  
7 c. Eating establishments;  
8 d. Private clubs;  
9 e. Convention centers;  
10 f. Cooking schools;  
11 g. Community ~~theatres~~ theatres;  
12 h. ~~Winery~~ Wineries."

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

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

- 20 a. Restaurants;  
21 b. Hotels;  
22 c. Private clubs;  
23 d. Community ~~theatres~~ theatres;  
24 e. Wineries;  
25 f. Convention centers."

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

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

- 33 a. Restaurants;  
34 b. Hotels;  
35 c. Private clubs;  
36 d. Community ~~theaters~~ theatres;  
37 e. ~~Congressionally chartered~~ Congressionally chartered veterans  
38 organizations."

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

40 **"§ 19A-1. Definitions.**

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

- 1           (1) The terms 'animals' and 'dumb animals' ~~shall be held to include~~ every  
2           useful living creature.
- 3           (2) The terms 'cruelty' and 'cruel treatment' ~~shall be held to include~~ every  
4           act, omission, or neglect whereby unjustifiable physical pain, suffering,  
5           or death is caused or permitted; but ~~such term~~ these terms shall not be  
6           construed to include lawful taking of animals under the jurisdiction and  
7           regulation of the Wildlife Resources Commission, lawful activities  
8           sponsored by agencies conducting biomedical research or training,  
9           lawful activities for sport, the production of livestock or poultry, or the  
10          lawful destruction of any animal for the purpose of protecting such  
11          livestock or poultry.
- 12          (3) The term 'person' ~~as used herein shall be held to include~~ includes any  
13          persons, firm or corporation, including any nonprofit corporation, such  
14          as a society for the prevention of cruelty to animals."

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

16          "**§ 19A-2. Purpose.**

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

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

- 25          "(g) 'Finance lease' means a lease with respect to which: (i) the lessor does  
26          not select, ~~manufacturer,~~ manufacture, or supply the goods; (ii) the  
27          lessor acquires the goods or the right to possession and use of the goods  
28          in connection with the lease; and (iii) one of the following occurs:
- 29                  (A) the lessee receives a copy of the contract by which the lessor  
30                  acquired the goods or the right to possession and use of the goods  
31                  before signing the lease contract;
- 32                  (B) the lessee's approval of the contract by which the lessor acquired  
33                  the goods or the right to possession and use of the goods is a  
34                  condition to effectiveness of the lease contract;
- 35                  (C) the lessee, before signing the lease contract, receives an accurate  
36                  and complete statement designating the promises and warranties,  
37                  and any disclaimers of warranties, limitations or modifications of  
38                  remedies, or liquidated damages, including those of a third party,  
39                  such as the manufacturer of the goods, provided to the lessor by  
40                  the person supplying the goods in connection with or as part of  
41                  the contract by which the lessor acquired the goods or the right to  
42                  possession and use of the goods; or



1 (D) if the lease is not a consumer lease, the lessor, before the lessee  
2 signs the lease contract, informs the lessee in writing (a) of the  
3 identity of the person supplying the goods to the lessor, unless  
4 the lessee has selected that person and directed the lessor to  
5 acquire the goods or the right to possession and use of the goods  
6 from that person, (b) that the lessee is entitled under this Article  
7 to the promises and warranties, including those of any third  
8 party, provided to the lessor by the person supplying the goods in  
9 connection with or as part of the contract by which the lessor  
10 acquired the goods or the right to possession and use of the  
11 goods, and (c) that the lessee may communicate with the person  
12 supplying the goods to the lessor and receive an accurate and  
13 complete statement of those promises and warranties, including  
14 any disclaimers and limitations of them or of remedies."

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

16 "**§ 25-2A-305. Sale or sublease of goods by lease-lessee.**"

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

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

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

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

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

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

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

35 "(d) If a sale is not held at the time fixed therefor and is not postponed as provided  
36 by this section, or if a postponed sale is not held at the time fixed therefor or within 90  
37 days of the date originally fixed for the sale, then prior to such sale taking place the  
38 provisions of G.S. 45-21.16 need not be complied with but the provisions of G.S. 45-  
39 21.16A, 45-21.17, and 45-21.17A shall be again complied with, or if on appeal, the  
40 appellate court orders the sale to be held, as to such sale so authorized the provisions of  
41 G.S. 45-21.16 need not be complied with again but those of G.S. 45-21.16A, 45-21.17,  
42 and 45-21.17A shall be."

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

1           "(3) Proof as required by the clerk, which may be by affidavit, that notices of  
2 hearing, sale and resale were served upon all parties entitled thereto  
3 under G.S. 45-21.16, ~~G.S. 45-21.17~~, 45-21.17A, and 45-21.30. In the  
4 absence of an affidavit to the contrary filed with the clerk, an affidavit  
5 by the person holding the sale that the notice of sale was posted in the  
6 area designated by the clerk of superior court for posting public notices  
7 in the county or counties in which the property is situated 20 days prior  
8 to the sale shall be proof of compliance with the requirements of G.S.  
9 45-21.17(1)a."

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

11 **"§ 53-141. Powers.**

12           Industrial banks shall have the powers conferred by ~~paragraphs 1, 2, 3, 5 and 7 G.S.~~  
13 ~~55-17(a)(1), (2), (3), (5), and (7) of G.S. 55-17, and subdivision (3) of G.S. 53-43, G.S.~~  
14 ~~53-43(3)~~, such additional powers as may be necessary or incidental for the carrying out of  
15 their corporate purposes, and in addition thereto the following powers:

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

40           Provided, that the Commissioner of Banks shall not authorize the  
41 establishment of any branch the paid-in capital of whose parent bank is  
42 not sufficient in amount to provide for capital in an amount equal to that  
43 required with respect to the establishment of branches of commercial

1 banks under the provisions of G.S. 53-62. For the purposes of this  
2 paragraph, the provisions of G.S. 53-62 as to the meaning of the word  
3 'capital' shall be applicable.

4 A bank may discontinue a branch office upon resolution of its board  
5 of directors or board of managers. Upon the adoption of such a  
6 resolution, the bank shall file a certification with the Commissioner of  
7 Banks specifying the location of the branch office to be discontinued  
8 and the date upon which it is proposed that the discontinuance shall be  
9 effective. This certificate must state the reasons for the closing of such  
10 branch and indicate that the needs and convenience of the community  
11 would still be adequately met. Notice stating the intention to discontinue  
12 the said branch shall be published in a newspaper serving said  
13 community once a week for four consecutive weeks before a certificate  
14 requesting a discontinuance is filed with the Commissioner of Banks.  
15 No such branch may be discontinued until approved by the  
16 Commissioner of Banks, who shall first hold a public hearing thereon, if  
17 so requested by any interested party.

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

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

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

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

2           "(3) Two or more persons hold the membership as cotenants or fiduciaries  
3           and the name signed purports to be the name of at least one of the  
4           coholders and the person signing appears to be acting on behalf of all  
5           the coholders; ~~and or~~."

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

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

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

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

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

17          "**§ 55A-10-30. Approval by third persons.**

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

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

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

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

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

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

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

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

37                 "1. Producing, generating, transmitting, delivering or  
38                 furnishing electricity, piped gas, steam or any other like  
39                 agency for the production of light, heat or power to or for  
40                 the public for compensation; provided, however, that the  
41                 term 'public utility' shall not include persons who  
42                 construct or operate an electric generating facility, the  
43                 primary purpose of which facility is for such person's own

1 use and not for the primary purpose of producing  
2 electricity, heat, or steam for sale to or for the public for  
3 ~~compensation.~~ compensation."

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

5 "1. The security is exempted under subdivisions (1), (2), (3),  
6 (4), ~~(5)-(5)~~, (7), (9), (10), (11), (13), or (14) of G.S. 78A-  
7 16, or the transaction is exempted under G.S. 78A-17, and  
8 such exemption has not been denied or revoked under  
9 G.S. 78A-18, or".

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

11 **"§ 88A-23. Reports and immunity from suit.**

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

20 Sec. 36.1. G.S. 89C-13 reads as rewritten:

21 **"§ 89C-13. General requirements for registration.**

22 (a) Engineer Applicant. – To be eligible for admission to examination for  
23 professional engineer an applicant must be of good character and reputation. An applicant  
24 desiring to take the examination in the fundamentals of engineering only must submit  
25 three character references. An applicant desiring to take the examination in the principles  
26 and practice of engineering must submit five references, two of whom shall be  
27 professional engineers having personal knowledge of his engineering experiences.

28 The following shall be considered as minimum evidence satisfactory to the Board that  
29 the applicant is qualified for registration:

30 (1) As a professional engineer (shall meet one):

31 a. Registration by Comity or Endorsement. – A person holding a  
32 certificate of registration to engage in the practice of engineering,  
33 on the basis of comparable qualifications, issued to him by a  
34 proper authority of a state, territory, or possession of the United  
35 States, the District of Columbia, or of Canada, who in the  
36 opinion of the Board, meets the requirements of this Chapter,  
37 based on verified evidence may, upon application, be registered  
38 without further examination.

39 A person holding a certificate of qualification issued by the  
40 Committee on National Engineering Certification of the National  
41 Council of Engineering Examiners, whose qualifications meet  
42 the requirements of this Chapter, may upon application, be  
43 registered without further examination.

- 1           b.     E.I.T. Certificate, Experience, and Examination. – A holder of a  
2 certificate of engineer-in-training issued by the Board, and with a  
3 specific record of an additional four years or more of progressive  
4 experience on engineering projects of a grade and character  
5 which indicates to the Board that the applicant may be competent  
6 to practice engineering, shall be admitted to an eight-hour  
7 examination in the principles and ~~practices~~practice of  
8 engineering. Upon passing such examination, the applicant shall  
9 be granted a certificate of registration to practice professional  
10 engineering in this State, provided he is otherwise qualified.
- 11           c.     Graduation, Experience, and Examination. – A graduate of an  
12 engineering curriculum of four years or more approved by the  
13 Board as being of satisfactory standing, and with a specific  
14 record of an additional four years or more of progressive  
15 experience on engineering projects of a grade and character  
16 which indicates to the Board that the applicant may be competent  
17 to practice engineering, shall be admitted to an eight-hour written  
18 examination in the fundamentals of engineering, and an eight-  
19 hour written examination in the principles and ~~practices~~practice  
20 of engineering. Upon passing such examinations, the applicant  
21 shall be granted a certificate of registration to practice  
22 professional engineering in this State, provided he is otherwise  
23 qualified.
- 24           d.     Graduation, Experience, and Examination. – A graduate of an  
25 engineering or related science curriculum of four years or more,  
26 other than the ones approved by the Board as being of  
27 satisfactory standing or with an equivalent education and  
28 engineering experience satisfactory to the Board and with a  
29 specific record of eight years or more of progressive experience  
30 on engineering projects of a grade and character which indicates  
31 to the Board that the applicant may be competent in the  
32 fundamentals of engineering, shall be admitted to an eight-hour  
33 written examination in the fundamentals of engineering, and an  
34 eight-hour written examination in the principles and ~~practices~~  
35 practice of engineering. Upon passing such examinations, the  
36 applicant shall be granted a certificate of registration to practice  
37 professional engineering in this State, provided he is otherwise  
38 qualified.
- 39           e.     Long-Established Practice. – An individual with a specific record  
40 of 20 years or more of progressive experience on engineering  
41 projects of a grade and character which indicates to the Board  
42 that the applicant may be competent to practice engineering shall  
43 be admitted to an eight-hour written examination in the principles

1 and practice of engineering. Upon passing such examination, the  
2 applicant shall be granted a certificate of registration to practice  
3 professional engineering in this State, provided he is otherwise  
4 qualified.

5 At its discretion the Board may require an applicant to submit exhibits, drawings,  
6 designs, or other tangible evidence of engineering work executed by him and which he  
7 personally accomplished or supervised.

8 The following shall be considered as minimum evidence that the applicant is qualified  
9 for certification:

10 (2) As an engineer-in-training (shall meet one):

11 a. Graduation and Examination. – A graduate of an engineering  
12 curriculum or related science curriculum of four years or more,  
13 approved by the Board as being of satisfactory standing, shall be  
14 admitted to an eight-hour written examination in the  
15 fundamentals of engineering. The applicant shall be notified if  
16 the examination was passed or not passed and if passed he shall  
17 be certified as an engineer-in-training, if he is otherwise  
18 qualified.

19 b. Graduation, Experience, and Examination. – A graduate of an  
20 engineering or related science curriculum of four years or more,  
21 other than the ones approved by the Board as being of  
22 satisfactory standing, or with equivalent education and  
23 engineering experience satisfactory to the Board and with a  
24 specific record of four or more years of progressive experience  
25 on engineering projects of a grade and character satisfactory to  
26 the Board, shall be admitted to an eight-hour written examination  
27 in the fundamentals of engineering. The applicant shall be  
28 notified if the examination was passed or not passed and if  
29 passed he shall be certified as an engineer-in-training if he is  
30 otherwise qualified.

31 (b) Land Surveyor Applicant. – To be eligible for admission to examination for  
32 land surveyor-in-training, or registered land surveyor, an applicant must be of good  
33 character and reputation and shall submit five references with his application for  
34 registration as a land surveyor, two of which references shall be registered land surveyors  
35 having personal knowledge of his land surveying experience, or in the case of an  
36 application for certification as a land surveyor-in-training by three references, one of  
37 which shall be a registered land surveyor having personal knowledge of the applicant's  
38 land surveying experience.

39 The evaluation of a land surveyor applicant's qualifications shall involve a  
40 consideration of his education, technical and land surveying experience, exhibits of land  
41 surveying projects with which he has been associated, recommendations by references,  
42 and reviewing of these categories during an oral examination. The land surveyor  
43 applicant's qualifications may be reviewed at an interview if the Board deems it

1 necessary. Educational credit for institute courses, correspondence courses, etc., shall be  
2 determined by the Board.

3 The following shall be considered a minimum evidence satisfactory to the Board that  
4 the applicant is qualified for registration as a land surveyor or for certification as a land  
5 surveyor-in-training, respectively:

6 (1) As a registered land surveyor (shall meet one):

7 a. Rightful possession of a B.S. degree in surveying or other  
8 equivalent curricula, all approved by the Board and a record  
9 satisfactory to the Board of one year or more of progressive  
10 practical experience one year of which shall have been under a  
11 practicing registered land surveyor and satisfactorily passing  
12 such oral and written examination, taken in the presence of and  
13 required by the Board, all of which shall determine and indicate  
14 that the candidate is competent to practice land surveying. The  
15 applicant may elect to take the first examination (Surveying  
16 Fundamentals) immediately after obtaining the B.S. degree at the  
17 first regularly scheduled examination thereafter. Upon passing  
18 the first examination and successful completion of the experience  
19 required by this subdivision, the applicant may take the second  
20 examination (Principles and ~~Practices~~—Practice of Land  
21 Surveying). An applicant who passes both examinations and  
22 completes the educational and experience requirements of this  
23 subdivision shall be granted registration as a land surveyor.

24 b. Rightful possession of an associate degree in surveying  
25 technology approved by the Board and a record satisfactory to  
26 the Board of three years of progressive practical experience, two  
27 years of which shall have been under a practicing registered land  
28 surveyor, and satisfactorily passing such written and oral  
29 examination taken in the presence of and as required by the  
30 Board, all of which shall determine and indicate that the  
31 candidate is competent to practice land surveying. The applicant  
32 may elect to take the first examination (Surveying Fundamentals)  
33 immediately after obtaining the associate degree at the first  
34 regularly scheduled examination thereafter. Upon passing the  
35 first examination and successfully completing two years of  
36 progressive practical experience under a practicing registered  
37 land surveyor, the applicant may elect to take the second  
38 examination (Principles and ~~Practices~~—Practice of Land  
39 Surveying) prior to, during, or after completion of the additional  
40 experience required by this subdivision. An applicant who passes  
41 both examinations and successfully completes the educational  
42 and experience requirements of this subdivision shall be granted  
43 registration as a land surveyor.



- 1           c.    Land Surveyor-in-Training Certificate, Experience, and  
2           Examination. – A holder of a certificate of land surveyor-in-  
3           training issued by the Board, and with a specific record of an  
4           additional two years or more of progressive surveying  
5           experience, one year of which shall have been under a practicing  
6           registered land surveyor, of a grade and character which indicates  
7           to the Board that the applicant may be competent to practice land  
8           surveying, shall be admitted to two four-hour examinations.  
9           Upon passing such examinations, the applicant shall be granted a  
10          certificate of registration to practice land surveying in this State,  
11          provided he is otherwise qualified.
- 12          d.    Graduation from a high school or the completion of a high school  
13          equivalency certificate and a record satisfactory to the Board of  
14          seven years of progressive practical experience, six years of  
15          which shall have been under a practicing registered land  
16          surveyor, and satisfactorily passing such oral and written  
17          examination written in the presence of and required by the Board,  
18          all of which shall determine and indicate that the candidate is  
19          competent to practice land surveying.
- 20          e.    Repealed by Session Laws 1985 (Regular Session, 1986), c. 977,  
21          s. 7.
- 22          f.    Registration by Comity or Endorsement. – A person holding a  
23          certificate of registration to engage in the practice of land  
24          surveying issued on comparable qualifications from a state,  
25          territory, or possession of the United States will be given comity  
26          considerations. However, he may be asked to take such  
27          examinations as the Board deems necessary to determine his  
28          qualifications, but in any event, he shall be required to pass a  
29          written examination which shall include questions on laws,  
30          procedures, and practices pertaining to the practice of land  
31          surveying in North Carolina.
- 32          g.    A licensed professional engineer who can satisfactorily  
33          demonstrate to the Board that his formal academic training in  
34          acquiring a degree and field experience in engineering includes  
35          land surveying, to the extent necessary to reasonably qualify the  
36          applicant in the practice of land surveying, may apply for and  
37          may be granted permission to take the two four-hour  
38          examinations on the principles and ~~practices~~ practice of land  
39          surveying and the two four-hour examinations on the  
40          fundamentals of land surveying. Upon satisfactorily passing the  
41          examinations, the applicant will be granted a license to practice  
42          land surveying in the State of North Carolina.

1 h. Professional Engineers in Land Surveying. – Any person  
2 presently licensed to practice professional engineering under this  
3 Chapter shall upon his application be licensed to practice land  
4 surveying, providing his written application is filed with the  
5 Board within one year next after June 19, 1975.

6 The Board shall require an applicant to submit exhibits, drawings,  
7 plats or other tangible evidence of land surveying work executed by him  
8 under proper supervision and which he has personally accomplished or  
9 supervised.

10 (2) As a land surveyor-in-training (shall meet one):

11 a. Rightful possession of an associate degree in surveying  
12 technology approved by the Board and satisfactorily passing a  
13 written or oral examination taken in the presence of and as  
14 required by the Board.

15 b. Rightful possession of a B.S. degree in surveying or other  
16 equivalent curricula in surveying all approved by the Board and  
17 satisfactorily passing such oral and written examinations written  
18 in the presence of and required by the Board.

19 c. Graduation from high school or the completion of a high school  
20 equivalency certificate and a record satisfactory to the Board of  
21 five years of progressive, practical experience, four years of  
22 which shall have been under a practicing registered land surveyor  
23 and satisfactorily passing oral and written examinations taken in  
24 the presence of and as required by the Board.

25 The Board shall require an applicant to submit exhibits, drawings,  
26 plats, or other tangible evidence of land surveying work executed by  
27 him under proper supervision and which he has personally  
28 accomplished or supervised."

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

30 **"§ 90-15. License fee; salaries, fees, and expenses of Board.**

31 Each applicant for a license by examination shall pay to the Board of Medical  
32 Examiners of the State of North Carolina a fee which shall be prescribed by the Board in  
33 an amount not exceeding the sum of four hundred dollars (\$400.00) plus the cost of test  
34 materials before being admitted to the examination. Whenever a license is granted  
35 without examination, as authorized in G.S. 90-13, the applicant shall pay to the Board a  
36 fee in an amount to be prescribed by the Board not in excess of two hundred fifty dollars  
37 (\$250.00). Whenever a limited license is granted as provided in G.S. 90-12, the applicant  
38 shall pay to the Board a fee not to exceed one hundred fifty dollars (\$150.00), except  
39 where a limited license to practice in a medical education and training program approved  
40 by the Board for the purpose of education or training is granted, the applicant shall pay a  
41 fee of twenty-five dollars (\$25.00). A fee of twenty-five dollars (\$25.00) shall be paid for  
42 the issuance of a duplicate license. All fees shall be paid in advance to the Board of  
43 Medical Examiners of the State of North Carolina, to be held in a fund for the use of the

1 Board. The compensation and expenses of the members and officers of ~~the~~ the Board and  
2 all expenses proper and necessary in the opinion of the Board to the discharge of its  
3 duties under and to enforce the laws regulating the practice of medicine or surgery shall  
4 be paid out of the fund, upon the warrant of the Board. The per diem compensation of  
5 Board members shall not exceed two hundred dollars (\$200.00) per day per member for  
6 time spent in the performance and discharge of duties as a member. Any unexpended sum  
7 or sums of money remaining in the treasury of the Board at the expiration of the terms of  
8 office of the members of the Board shall be paid over to their successors in office.

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

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

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

- 15 1. Dextropropoxyphene (~~Alpha-(plus)-4-dimethylamino-1, -(Alpha-(plus)-~~  
16 ~~4-dimethylamino-1, 2-diphenyl- 3-methyl-2-propionoxybutane).~~
- 17 2. Pipradrol.
- 18 3. SPA ((-)-1-dimethylamino-1, 2-diphenylethane)."

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

20 **"§ 90-109. Licensing required.**

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

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

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

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

34 **"§ 90-171.25. Custody and use of funds.**

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

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

40 "(a) 'Veterinary technicians,' 'veterinary student interns,' and 'veterinary student  
41 preceptees,' before performing any services otherwise prohibited to persons not licensed  
42 or registered under this Article, shall be approved by and registered with the Board. The  
43 Board shall be responsible for all matters pertaining to the qualifications, registration,

1 discipline, and revocation of registration of these persons, ~~under~~ under this Article and  
2 rules issued by the Board."

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

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

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

7 "(d) Nothing in this Article shall be construed as limiting the activities, services,  
8 and use of title designating training status of a student, intern, fellow, or other trainee  
9 preparing for the practice of psychology under the supervision and responsibility of a  
10 qualified psychologist in an institution of higher education or service facility, provided  
11 that such activities and services constitute a part of his ~~course of~~ or her course of study as  
12 a matriculated graduate student in psychology. For individuals pursuing postdoctoral  
13 training or experience in psychology, nothing shall limit the use of a title designating  
14 training status, but the Board may develop rules defining qualified supervision, disclosure  
15 of supervisory relationships, frequency of supervision, settings to which trainees may be  
16 assigned, activities in which trainees may engage, qualifications for trainee status, nature  
17 of responsibility assumed by the supervisor, and the structure, content, and organization  
18 of postdoctoral experience."

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

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

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

26 (2) Is of good moral character;

27 (3) Has received a doctoral degree based on a planned and directed program  
28 of studies in psychology from an institution of higher education. The  
29 degree program, wherever administratively housed, must be publicly  
30 identified and clearly labeled as a psychology program. The Board shall  
31 adopt rules implementing and defining these provisions, including, but  
32 not limited to, such factors as residence in the educational program,  
33 internship and related field experiences, number of course credits,  
34 course content, numbers and qualifications of faculty, and program  
35 identification and identity.

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

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

40 "**§ 90-405. Definition. Definitions.**"

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

42 "a. Except as otherwise specifically provided in G.S. ~~95-25.5-95-~~  
43 25.5;"

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

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

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

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

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

14           (2) To encourage, participate in, or conduct studies, investigations, public  
15 hearings, training, research, and demonstrations relating to the control  
16 of sources of radiation, the measurement of radiation, the effect upon  
17 public health and safety of exposure to radiation and related ~~problems;~~  
18 problems.

19           (3) To require the submission of plans, specifications, and reports for new  
20 construction and material alterations on (i) the design and protective  
21 shielding of installations for radioactive material and radiation machines  
22 and (ii) systems for the disposal of radioactive waste materials, for the  
23 determination of any radiation hazard and may render opinions, approve  
24 or disapprove such plans and ~~specifications;~~ specifications.

25           (4) To collect and disseminate information relating to the sources of  
26 radiation, including but not limited to: (i) maintenance of a record of all  
27 license applications, issuances, denials, amendments, transfers,  
28 renewals, modifications, suspensions, and revocations; and (ii)  
29 maintenance of a record of registrants and licensees possessing sources  
30 of radiation requiring registration or licensure under the provisions of  
31 this Chapter, and regulations hereunder, and any administrative or  
32 judicial action pertaining thereto; and to develop and implement a  
33 responsible data management program for the purpose of collecting and  
34 analyzing statistical information necessary to protect the public health  
35 and safety. The Department may refuse to make public dissemination  
36 of information relating to the source of radiation within this State after  
37 the Department first determines that the disclosure of such information  
38 will contravene the stated policy and purposes of this Chapter and such  
39 disclosure would be against the health, welfare and safety of the public.

40           (5) To respond to any emergency which involves possible or actual release  
41 of radioactive material; and to perform or supervise decontamination  
42 and otherwise protect the public health and safety in any manner  
43 deemed necessary. This section does not in any way alter or change the

1 provisions of Chapter 166 of the North Carolina General Statutes  
2 concerning response during an emergency by the Department of  
3 Military and Veterans Affairs or its successor.

4 (6) To develop and maintain a statewide environmental radiation program  
5 for monitoring the radioactivity levels in air, water, soil, vegetation,  
6 animal life, milk, and food as necessary to ensure protection of the  
7 public and the environment from radiation hazards.

8 (7) To implement the provisions of this Chapter and the regulations duly  
9 promulgated under the Chapter.

10 (8) To establish annual fees for activities under this Chapter based on actual  
11 administrative costs to be applied to training, enforcement, and  
12 inspection pursuant to the provisions of this Chapter and to charge and  
13 collect fees from operators and users of low-level radioactive waste  
14 facilities pursuant to the provisions of this Chapter.

15 (9) To enter upon any lands and structures upon lands to make surveys,  
16 borings, soundings, and examinations as may be necessary to  
17 determine the suitability of a site for a low-level radioactive waste  
18 facility or low-level radioactive disposal facility. The Department shall  
19 give 30 days' notice of the intended entry authorized by this section in  
20 the manner prescribed for service of process by G.S. 1A-1, Rule 4.  
21 Entry under this section shall not be deemed a trespass or taking;  
22 provided, however, that the Department shall make reimbursement for  
23 any damage to such land or structures caused by such activities. This  
24 authority shall also apply to the North Carolina Low-Level Radioactive  
25 Waste Management Authority.

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

29 ~~The Department shall~~ To promote public education and public  
30 involvement in the decision-making process for the siting and  
31 permitting of proposed low-level radioactive waste facilities. The  
32 Department shall assist localities in which facilities are proposed in  
33 collecting and receiving information relating to the suitability of the  
34 proposed site. At the request of a local government in which facilities  
35 are proposed, the Department shall direct the appropriate agencies of  
36 State government to develop such relevant data as that locality shall  
37 reasonably request."

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

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

41 (1) Interest upon the obligations of the United States or its possessions, to  
42 the extent included in federal taxable income: Provided, interest upon  
43 the obligations of the United States shall not be an allowable deduction

- 1 unless interest upon obligations of the State of North Carolina or any of  
2 its political subdivisions is exempt from income taxes imposed by the  
3 United ~~States;~~ States.
- 4 (2) Payments received from a parent, subsidiary or affiliated corporation in  
5 excess of fair compensation in intercompany transactions which in the  
6 determination of the net income or net loss of such corporation were not  
7 allowed as a deduction under the Revenue Laws of this ~~State;~~ State.
- 8 (3) The deductible portion of dividends from stock issued by any  
9 corporation as provided under G.S. ~~105-130.7;~~ 105-130.7.
- 10 (4) Losses in the nature of net economic losses sustained by the corporation  
11 in any or all of the five preceding years pursuant to the provisions of  
12 G.S. 105-130.8. Provided, a corporation required to allocate and  
13 apportion its net income under the provisions of G.S. 105-130.4 shall  
14 deduct its allocable net economic loss only from total income allocable  
15 to this State pursuant to the provisions of G.S. ~~105-130.8;~~ 105-130.8.
- 16 (5) Contributions or gifts made by any corporation within the income year  
17 to the extent provided under G.S. ~~105-130.9;~~ 105-130.9.
- 18 (6) Amortization in excess of depreciation allowed under the Code on the  
19 cost of any sewage or waste treatment plant, and facilities or equipment  
20 used for purposes of recycling or resource recovery of or from solid  
21 waste, or for purposes of reducing the volume of hazardous waste  
22 generated as provided in G.S. 105-130.10.
- 23 (7) Depreciation of emergency facilities acquired prior to January 1, 1955.  
24 Any corporation shall be permitted to depreciate any emergency facility,  
25 as such is defined in section 168 of the Code, over its useful life,  
26 provided such facility was acquired prior to January 1, 1955, and no  
27 amortization has been claimed on such facility for State income tax  
28 ~~purposes; and purposes~~.
- 29 (8) The amount of losses realized on the sale or other disposition of assets  
30 not allowed under section 1211(a) of the Code. All losses recognized on  
31 the sale or other disposition of assets must be included in determining  
32 State net income or loss in the year of disposition.
- 33 (9) With respect to a shareholder of a regulated investment company, the  
34 portion of undistributed capital gains of such regulated investment  
35 company included in such shareholder's federal taxable income and on  
36 which the federal tax paid by the regulated investment company is  
37 allowed as a credit or refund to the shareholder under section 852 of the  
38 Code.
- 39 (10) Repealed by Session Laws 1987, c. 778, s. 2.
- 40 (11) If a deduction for an ordinary and necessary business expense was  
41 required to be reduced or was not allowed under the Code because the  
42 corporation claimed a federal tax credit against its federal income tax  
43 liability for the income year in lieu of a deduction, the amount by which

1 the deduction was reduced and the amount of the deduction that was  
2 disallowed.

3 (12) Reasonable expenses, in excess of deductions allowed under the Code,  
4 paid for reforestation and cultivation of commercially grown trees;  
5 provided, that this deduction shall be allowed only to those corporations  
6 in which the real owners of all the shares of such corporation are natural  
7 persons actively engaged in the commercial growing of trees, or the  
8 spouse, siblings, or parents of such persons. Provided, further, that in no  
9 case shall a corporation be allowed a deduction for the same  
10 reforestation or cultivation expenditure more than once.

11 (13) The eligible income of an international banking facility to the extent  
12 included in determining federal taxable income, determined as follows:

13 a. 'International banking facility' shall have the same meaning as is  
14 set forth in the laws of the United States or regulations of the  
15 board of governors of the federal reserve system.

16 b. The eligible income of an international banking facility for the  
17 taxable year shall be an amount obtained by multiplying State  
18 taxable income as determined under G.S. 105-130.3 (determined  
19 without regard to eligible income of an international banking  
20 facility and allocation and apportionment, if applicable) for such  
21 year by a fraction, the denominator of which shall be the gross  
22 receipts for such year derived by the bank from all sources, and  
23 the numerator of which shall be the adjusted gross receipts for  
24 such year derived by the international banking facility from:

- 25 1. Making, arranging for, placing or servicing loans to  
26 foreign persons substantially all the proceeds of which are  
27 for use outside the United States;
- 28 2. Making or placing deposits with foreign persons which  
29 are banks or foreign branches of banks (including foreign  
30 subsidiaries or foreign branches of the taxpayer) or with  
31 other international banking facilities; or
- 32 3. Entering into foreign exchange trading or hedging  
33 transactions related to any of the transactions described in  
34 this paragraph.

35 c. The adjusted gross receipts shall be determined by multiplying  
36 the gross receipts of the international banking facility by a  
37 fraction the numerator of which is the average amount for the  
38 taxable year of all assets of the international banking facility  
39 which are employed outside the United States and the  
40 denominator of which is the average amount for the taxable year  
41 of all assets of the international banking facility.

42 d. For the purposes of this subsection the term 'foreign person'  
43 means:



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

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

- (14) The amount by which the basis of a depreciable asset is required to be reduced under the Code for federal tax purposes because of a tax credit allowed against the corporation's federal income tax liability. This deduction may be claimed only in the year in which the Code requires that the asset's basis be reduced. In computing gain or loss on the asset's disposition, this deduction shall be considered as depreciation.
- (15) The amount paid during the income year, pursuant to 7 U.S.C. § 1445-2, as marketing assessments on tobacco grown by the corporation in North Carolina.
- (16) The amount of natural gas expansion surcharges collected by a natural gas local distribution company under G.S. 62-158."

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

- "(5) Vehicles that the United States government gives to veterans on account of disabilities they suffered in World War II, the Korean Conflict, or the ~~Viet Nam~~ Vietnam Era so long as they are owned by:
- a. A person to whom a vehicle has been given by the United States government or
  - b. Another person who is entitled to receive such a gift under Title 38, section 252, United States Code Annotated."

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

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

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

The Department of ~~Agriculture, Immigration, and Statistics~~ Agriculture is created and established and shall be under the control of the Commissioner of Agriculture, with the consent and advice of a board to be styled 'The Board of Agriculture.' The Board of Agriculture shall consist of the Commissioner of Agriculture, who shall be ex officio a member and chairman thereof and shall preside at all meetings, and of 10 other members from the State at large, so distributed as to reasonably represent the different sections and agriculture of the State. In the appointment of the members of the Board the Governor

1 shall also take into consideration the different agricultural interests of the State, and shall  
2 appoint one member who shall be a practical tobacco farmer to represent the tobacco  
3 farming interest, one who shall be a practical cotton grower to represent the cotton  
4 interest, one who shall be a practical truck farmer or general farmer to represent the truck  
5 and general farming interest, one who shall be a practical dairy farmer to represent the  
6 dairy and livestock interest of the State, one who shall be a practical poultryman to  
7 represent the poultry interest of the State, one who shall be a practical peanut grower to  
8 represent the peanut interests, one who shall be a ~~man~~-experienced in marketing to  
9 represent the marketing of products of the State. The members of such Board shall be  
10 appointed by the Governor by and with the consent of the Senate, when the terms of the  
11 incumbents respectively expire. The term of office of such members shall be six years  
12 and until their successors are duly appointed and qualified. The terms of office of the five  
13 members constituting the present Board of Agriculture shall continue for the time for  
14 which they were appointed. In making appointments for the enlarged Board of  
15 Agriculture, the Governor shall make the appointments so that the term of three members  
16 will be for two years, three for four and four for six years. Thereafter the appointments  
17 shall be made for six years. Vacancies in such Board shall be filled by the Governor for  
18 the unexpired term. The Commissioner of Agriculture and the members of the Board of  
19 Agriculture shall be practical farmers engaged in their profession."

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

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

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

25 Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526;  
26 Session Laws 1979, Chapter 556.

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

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

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

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

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

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

36 Brunswick: Session Laws 1975, Chapter 218.

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

38 Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra  
39 Session), Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933,  
40 Chapter 422, Section 3; Session Laws 1965, Chapter 608, as amended by Session Laws  
41 1977, Chapter 68; Session Laws 1977, Chapter 636.

- 1 Caldwell: Former G.S. 113-122; Session Laws 1965, Chapter 608, as amended by  
2 Session Laws 1977, Chapter 68; Session Laws 1977, Chapter 636; Session Laws 1979,  
3 Chapter 507.
- 4 Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing  
5 waters); Session Laws 1967, Chapter 441.
- 6 Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, Chapter 695.
- 7 Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter  
8 411.
- 9 Catawba: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.
- 10 Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.
- 11 Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.
- 12 Cleveland: Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101;  
13 Session Laws 1979, Chapter 587.
- 14 Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955,  
15 Chapter 506.
- 16 Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971,  
17 Chapter 629.
- 18 Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 471.
- 19 Currituck: Session Laws 1959, Chapter 545.
- 20 Dare: Session Laws 1973, Chapter 259.
- 21 Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.
- 22 Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session 1974),  
23 Chapter 1266; Session Laws 1979, Chapter 466.
- 24 Edgecombe: Session Laws 1961, Chapter 408.
- 25 Gates: Session Laws 1959, Chapter 298; ~~Session Laws 1973, Chapter 124, amending~~  
26 ~~Session Laws 1969, Chapter 121 (as it pertains to wild turkeys);~~ Session Laws 1975,  
27 Chapter 269; Session Laws 1975, Chapter 748.
- 28 Granville: Session Laws 1963, Chapter 670.
- 29 Greene: Session Laws 1975, Chapter 219; Session Laws 1979, Chapter 360.
- 30 Halifax: Public-Local Laws 1925, Chapter 571, Section 3 (with respect to fox-hunting  
31 seasons); Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.
- 32 Harnett: Former G.S. 113-111, as modified by Session Laws 1977, Chapter 636.
- 33 Haywood: Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.
- 34 Henderson: Former G.S. 113-111.
- 35 Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session  
36 Laws 1975, Chapter 748; Session Laws 1977, Chapter 67.
- 37 Hoke: Session Laws 1963, Chapter 267.
- 38 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes);  
39 Session Laws 1951, Chapter 932.
- 40 Iredell: Session Laws 1979, Chapter 577.
- 41 Jackson: Session Laws 1965, Chapter 765; Session Laws 1971, Chapter 424.
- 42 Johnston: Session Laws 1975, Chapter 342.
- 43 Jones: Session Laws 1979, Chapter 441.

- 1 Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.  
2 Lenoir: Session Laws 1979, Chapter 441.  
3 Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955,  
4 Chapter 878.  
5 Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951,  
6 Chapter 1040.  
7 Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.  
8 Mitchell: Session Laws 1965, Chapter 608, as amended by Session Laws 1977,  
9 Chapter 68.  
10 Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.  
11 Nash: Session Laws 1961, Chapter 408.  
12 New Hanover: Session Laws 1971, Chapter 559; Session Laws 1975, Chapter 95.  
13 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269;  
14 Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979,  
15 Chapter 548.  
16 Orange: Public-Local Laws 1913, Chapter 547.  
17 Pamlico: Session Laws 1977, Chapter 636.  
18 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session  
19 Laws 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws  
20 1977, Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977,  
21 Chapter 805; Session Laws 1979, Chapter 546.  
22 Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws  
23 1973, Chapter 264; Session Laws 1979, Chapter 582.  
24 Polk: Session Laws 1975, Chapter 397; Session Laws 1975, Chapter 269, as amended  
25 by Session Laws 1977, Chapter 167.  
26 Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.  
27 Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961,  
28 Chapter 348.  
29 Rockingham: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310.  
30 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter  
31 106, and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.  
32 Rutherford: Session Laws 1973, Chapter 114; Session Laws 1975, Chapter 397.  
33 Sampson: Session Laws 1979, Chapter 373.  
34 Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.  
35 Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws  
36 1979, Chapter 556.  
37 Surry: Public-Local Laws 1925, Chapter 474, Section 6 (as it pertains to fox seasons);  
38 Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 167.  
39 Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270;  
40 Session Laws 1965, Chapter 765.  
41 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws  
42 1935, Chapter 238.  
43 Tyrrell: Former G.S. 113-111; Session Laws 1953, Chapter 685.

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

2 Washington: Session Laws 1947, Chapter 620.

3 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as  
4 amended by Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as  
5 amended by Session Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.

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

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

11 Yancey: Session Laws 1965, Chapter 522."

12 Sec. 55.1. (a) The catch line of G.S. 113-229 reads as rewritten:

13 **"§ 113-229. Permits to dredge or fill in or about estuarine waters or ~~state-owned~~  
14 State-owned lakes."**

15 (b) G.S. 113-229(a) reads as rewritten:

16 "(a) Except as hereinafter provided before any excavation or filling project is begun  
17 in any estuarine waters, tidelands, marshlands, or ~~state-owned~~State-owned lakes, the  
18 party or parties desiring to do such shall first obtain a permit from the Department.  
19 Granting of the State permit shall not relieve any party from the necessity of obtaining a  
20 permit from the United States Army Corps of Engineers for work in navigable waters, if  
21 the same is required. The Department shall continue to coordinate projects pertaining to  
22 navigation with the United States Army Corps of Engineers."

23 (c) G.S. 113-229(m) reads as rewritten:

24 "(m) This section shall apply to all persons, firms, or corporations, their employees,  
25 agents, or contractors proposing excavation or filling work in the estuarine waters,  
26 tidelands, marshlands and ~~state-owned~~State-owned lakes within the State, and the work  
27 to be performed by the State government or local governments. Provided, however, the  
28 provisions of this section shall not apply to the activities and functions of the Department  
29 and local health departments that are engaged in mosquito control for the protection of  
30 the health and welfare of the people of the coastal area of North Carolina as provided  
31 under G.S. 130A-346 through G.S. 130A-349. Provided, further, this section shall not  
32 impair the riparian right of ingress and egress to navigable waters."

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

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

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

37 **"§ 113-315.5. Alternative method for collection of assessment.**

38 As an alternate method for the collection of assessments provided for in ~~G.S. 113-310,~~  
39 G.S. 113-315.4, upon the request or petition of the agency and action by the Marine  
40 Fisheries Commission as prescribed in G.S. 113-313, the Secretary shall notify, by letter,  
41 all persons or firms licensed by the Marine Fisheries Commission to engage in business  
42 and commerce as may be directly affected by the paying of the assessment, that on and  
43 after the date specified in the letter the assessment shall become due and payable, and

1 shall be remitted by said persons or firms to the Secretary who shall thereupon pay the  
2 amount of the assessments to the agency. The books and records of all such persons and  
3 firms shall at all times during regular business hours be open for inspection by the  
4 Secretary or his duly authorized agents."

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

6 "3. Whether or ~~not~~ not dredging or filling is involved in the  
7 maintenance or improvement."

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

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

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

19 "**§ 115C-48. Penalties for certain conduct.**

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

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

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

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

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

- 33 (1) The integration of academic and vocational and technical education;
- 34 (2) A sequential course of study leading to both academic and occupational  
35 competencies;
- 36 (3) Increased student work skill attainment and job placement;
- 37 (4) Increased linkages, where geographically feasible, between public  
38 schools and community colleges, so the public schools can emphasize  
39 academic preparation and the community colleges can emphasize  
40 specific job training; and
- 41 (5) Instruction and experience, to the extent practicable, in all aspects of the  
42 industry the students are prepared to enter."

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

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

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

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

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

32       The local board of education shall accept or reject the building-level plan. The local  
33 board shall not make any substantive changes in any building-level plan that it accepts;  
34 the local board shall set out any building-level plan that it accepts in the systemwide plan.  
35 If the local board rejects a building-level plan, the local board shall state with specificity  
36 its reasons for rejecting the plan; the principal of the school for which the plan was  
37 rejected, representatives of the building-level staff, and parents of children enrolled in the  
38 school may then prepare another plan, present it to the building-level staff for a vote, and  
39 submit it to the local board for inclusion in the systemwide plan. If no building-level  
40 plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year  
41 in which participation is sought, the local board may develop a plan for the school for  
42 inclusion in the systemwide plan; the General Assembly urges the local board to utilize

1 the proposed building-level plan to the maximum extent possible when developing such a  
2 plan."

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

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

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

8 "(e) Of the initial members appointed under ~~G.S. 116-233(5)~~, G.S. 116-233(a)(5),  
9 one member shall serve a term to expire June 30, 1987, and one member shall serve a  
10 term to expire June 30, 1989. Subsequent appointments shall be for four-year terms. The  
11 initial members appointed under ~~G.S. 116-233(6)~~, G.S. 116-233(a)(6), shall be appointed  
12 for terms to expire June 30, 1987. Subsequent appointments shall be for two-year terms.  
13 The initial members appointed under ~~G.S. 116-233(7)~~ G.S. 116-233(a)(7) shall be  
14 appointed for terms to expire January 15, 1989. Successors shall be appointed for four-  
15 year terms."

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

17 "(d) Members of the Board of Trustees, other than ex officio members under ~~G.S.~~  
18 ~~116-233(3)~~, G.S. 116-233(a)(3), shall receive such per diem compensation and necessary  
19 travel and subsistence expenses while engaged in the discharge of their official duties as  
20 is provided by law for members of State boards and commissions. Ex officio members  
21 under ~~G.S. 116-233(3)~~ G.S. 116-233(a)(3) shall be reimbursed for travel expenses as  
22 provided by G.S. 138-6."

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

24 "(7) An employee who disputes the fairness of his or her performance  
25 appraisal or the amount of ~~the~~ a performance bonus awarded or who  
26 believes that he or she was unfairly denied a career growth recognition  
27 award or performance bonus shall first discuss the problem with his or  
28 her supervisor. Appeals of the supervisor's decision shall be made only  
29 to the grievance committee or internal performance review board of the  
30 department, agency, or institution which shall make a recommendation  
31 to the head of the department, agency, or institution for final decision.  
32 The State Personnel Director shall help a department, agency, or  
33 institution establish an internal performance review board or, if it  
34 includes employee members, to use its existing grievance committee to  
35 hear performance pay disputes. Notwithstanding G.S. 150B-2(2) and  
36 G.S. 126-22, 126-25, and 126-34, performance pay disputes, including  
37 disputes about individual performance appraisals, shall not be  
38 considered contested case issues."

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

40 "(b1) Pick Up of Employee Contributions. – Anything within this section to the  
41 contrary notwithstanding, effective July 1, 1982, an employer, pursuant to the provisions  
42 of section 414(h)(2) of the Internal Revenue Code of 1954 as amended, may elect to pick  
43 up and pay the contributions which would be payable by the employees as members



1 under subsection (b) of this section with respect to the service of employees after June 30,  
2 1982.

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

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

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

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

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

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

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

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

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

36 "**§ 131E-115. Legislative intent.**

37 It is the intent of the General Assembly to promote the interests and well-being of the  
38 patients in nursing homes and homes for the aged and disabled licensed pursuant to G.S.  
39 131E-102, and patients in a nursing home operated by a hospital which is licensed under  
40 Article 5 of ~~G.S. Chapter 131E.~~ Chapter 131E of the General Statutes. It is the intent of  
41 the General Assembly that every patient's civil and religious liberties, including the right  
42 to independent personal decisions and knowledge of available choices, shall not be

1 infringed and that the facility shall encourage and assist the patient in the fullest possible  
2 exercise of these rights."

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

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

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

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

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

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

13 (5) Other eleemosynary institutions and ~~groups~~ groups.

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

16 Sec. 73.1. G.S. 135-3(8)c. reads as rewritten:

17 "c. Should a beneficiary who retired on an early or service  
18 retirement allowance under this Chapter be reemployed, or  
19 otherwise engaged to perform services, by an employer  
20 participating in the Retirement System on a part-time, temporary,  
21 interim, or on a fee-for-service basis, whether contractual or  
22 otherwise, and if such beneficiary earns an amount in any  
23 calendar year which exceeds fifty percent (50%) of the reported  
24 compensation, excluding terminal payments, during the 12  
25 months of service preceding the effective date of retirement, or  
26 twenty thousand dollars (\$20,000), whichever is greater, as  
27 hereinafter indexed, then the retirement allowance shall be  
28 suspended as of the first day of the month following the month in  
29 which the reemployment earnings exceed the amount above, for  
30 the balance of the calendar year. The retirement allowance of the  
31 beneficiary shall be reinstated as of January 1 of each year  
32 following suspension. The amount that may be earned before  
33 suspension shall be increased on January 1 of each year by the  
34 ratio of the Consumer Price Index to the Index one year earlier,  
35 calculated to the nearest tenth of a percent (1/10 of 1%)."

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

37 "b. This allowance shall also be governed by the provisions of G.S.  
38 ~~135-5(b9)(2)b. e. 135-5(b9)(2)b., c., and d."~~

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

40 "c. If the member's service retirement date occurs before his 60th  
41 birthday and prior to the completion of 30 or more years of  
42 creditable service, the service retirement allowance shall be the

1 actuarial equivalent of the allowance payable at the age of 60  
2 years as computed in G.S. ~~135(b14)(2)b.~~ 135-5(b14)(2)b."

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

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

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

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

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

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

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

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

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

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

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

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

- 38 (1) To manage, preserve, or protect wildlife species that are endangered,  
39 threatened, or of special concern and are included on the State's  
40 protected animal lists.  
41 (2) To manage, preserve, or protect nongame wildlife species that are not  
42 on the State's protected animal lists.

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

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

4 **"§ 143-291.3. Counterclaims by State.**

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

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

16 **"§ 143-299.2. Limitation on payments by the State.**

17 The maximum amount which the State may pay cumulatively to all claimants on  
18 account of injury and damage to any one person, whether the claim or claims are brought  
19 under this Article or Article 31A or Article 31B, shall be one hundred fifty thousand  
20 dollars ~~(\$100,000)~~ ~~(\$150,000)~~, less any commercial liability insurance purchased by the  
21 State and applicable to the claim or claims under G.S. 143-291(b), 143-300.6(c), or 143-  
22 300.16(c). The fact that a claim or claims may be brought under more than one Article  
23 under this Chapter shall not increase the above maximum liability of the State."

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

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

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

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

35 (3) To consult with an attorney employed or retained by the public body in  
36 order to preserve the attorney-client privilege between the attorney and  
37 the public body, which privilege is hereby acknowledged. General  
38 policy matters may not be discussed in a closed session and nothing  
39 herein shall be construed to permit a public body to close a meeting that  
40 otherwise would be open merely because an attorney employed or  
41 retained by the public body is a participant. The public body may  
42 consider and give instructions to an attorney concerning the handling or  
43 settlement of a claim, judicial action, or administrative procedure. If the

1 public body has approved or considered a settlement, other than a  
2 malpractice settlement by or on behalf of a hospital, in closed session,  
3 the terms of that settlement shall be reported to the public body and  
4 entered into its minutes as soon as possible within a reasonable time  
5 after the settlement is ~~concluded~~; concluded.

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

8 (5) To establish, or to instruct the public body's staff or negotiating agents  
9 concerning the position to be taken by or on behalf of the public body in  
10 negotiating (i) the price and other material terms of a contract or  
11 proposed contract for the acquisition of real property by purchase,  
12 option, exchange, or lease; or (ii) the amount of compensation and other  
13 material terms of an employment contract or proposed employment  
14 contract.

15 (6) To consider the qualifications, competence, performance, character,  
16 fitness, conditions of appointment, or conditions of initial employment  
17 of an individual public officer or employee or prospective public officer  
18 or employee; or to hear or investigate a complaint, charge, or grievance  
19 by or against an individual public officer or employee. General  
20 personnel policy issues may not be considered in a closed session. A  
21 public body may not consider the qualifications, competence,  
22 performance, character, fitness, appointment, or removal of a member of  
23 the public body or another body and may not consider or fill a vacancy  
24 among its own membership except in an open meeting. Final action  
25 making an appointment or discharge or removal by a public body  
26 having final authority for the appointment or discharge or removal shall  
27 be taken in an open meeting.

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

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

31 "(l) Each unit of local government that provides public water services or that plans  
32 to provide public water service shall, either individually or together with other units of  
33 local government, prepare a local water supply plan and submit it to the Department. The  
34 Department shall provide technical assistance with the preparation of plans to units of  
35 local government upon request and to the extent that the Department has resources  
36 available to provide assistance. At a minimum, local units of government shall include in  
37 local water supply plans all information that is readily available to them. However this  
38 subsection shall be construed to require the preparation of local water supply plans only  
39 to the extent that technical assistance is made available to units of local government from  
40 the Department. Plans shall include present and projected population, industrial  
41 development, and water use within the service area, present and future water supplies, an  
42 estimate of the technical assistance that may be needed at the local level to address  
43 projected water needs, and any other related information as the Department may require

1 in the preparation of a State water supply plan. Local plans shall be revised to reflect  
2 changes in relevant data and projections at least once each five years unless the  
3 Department requests more frequent revisions. Local plans and revised plans shall be  
4 submitted to the Department once they have been approved by the unit(s) of local  
5 government."

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

7 "**§ 143-621. Purpose and intent.**

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

10 ~~The~~This Article promotes the development of voluntary purchasing Alliances to  
11 provide affordable health care coverage for self-employed individuals and employees of  
12 participating small employers in the manner of large employer groups. The Alliances  
13 will allow members to benefit from the contracting expertise and the administrative  
14 savings that can result from the pooling of small employers and self-employed  
15 individuals.

16 These Alliances will make available through their contracting processes a choice of  
17 Accountable Health Carriers that arrange for quality health services in a cost-effective  
18 manner. ~~The~~This Article establishes rules for fair competition among competing  
19 Accountable Health Carriers. These rules include the offering of comparable benefits by  
20 competing Accountable Health Carriers, risk assessment, and risk adjustment to assure  
21 competition based on a fair allocation of risk among Accountable Health Carriers, and the  
22 providing of data that measures clinical outcomes and other valid areas of Accountable  
23 Health Carrier performance.

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

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

29 "1. Lost coverage under another health plan as a result of  
30 termination of employment, the termination of coverage  
31 under another health plan, ~~or~~ the death of a ~~spouse~~spouse,  
32 or divorce and requests enrollment in a qualified health  
33 care plan within 30 days after termination of coverage;  
34 or".

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

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

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

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

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

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

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

7           "(2) Enter into contracts with member small employers pursuant to G.S. 143-  
8 630;"

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

10          "(7) Impose annual surcharges established at the beginning of the fiscal year  
11 to be paid monthly by member small employers for necessary costs  
12 incurred in connection with the operation of the Alliance. The amount  
13 of annual surcharges shall cover any default on insurer premium  
14 payments by member small ~~employer~~ employers;"

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

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

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

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

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

24          "(f) An Alliance shall notify the Board of any marketing practices or materials that  
25 it finds contrary to the fair and affirmative marketing requirements of this Article.  
26 Furthermore, the Board shall monitor compliance with this section, including the conduct  
27 of Accountable Health Carriers and their agents, brokers, or contractors, and shall report  
28 to the Department of Insurance any unfair trade practices and misleading or unfair  
29 conduct that has been reported to the Board by Alliances, agents, consumers, or any other  
30 individual. The Department of Insurance shall investigate all reports and, upon a finding  
31 of noncompliance with this section or of unfair and misleading practices, shall take action  
32 against violators as permitted under Chapter 58 of the General Statutes or this Article.  
33 The Board shall forward all reports of cases ~~or~~ of abuse to the Department of Insurance  
34 for investigation."

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

36          "**§ 143A-11. Principal departments.**

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

- 41           (1) Office of the Governor.
- 42           (2) Office of the Lieutenant Governor.
- 43           (3) Department of the Secretary of State.

- 1 (4) Department of State Auditor.  
2 (5) Department of State Treasurer.  
3 (6) Department of Public Instruction.  
4 (7) Department of Justice.  
5 (8) Department of Agriculture.  
6 (9) Department of Labor.  
7 (10) Department of Insurance.  
8 ~~(11) Department of Administration.~~  
9 ~~(12) Department of Transportation.~~  
10 ~~(13) Department of Environment, Health, and Natural Resources.~~  
11 (14) Repealed by Session Laws 1973, c. 476, s. 6.  
12 ~~(15) Department of Social Rehabilitation and Control.~~  
13 ~~(16) Department of Commerce.~~  
14 (17), (18) Repealed by Session Laws 1973, c. 476, s. 6.  
15 (19) Repealed by Session Laws 1973, c. 620, s. 9."  
16 Sec. 97. G.S. 143B-168.15(b) reads as rewritten:

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

- 22 (1) Child day care services, including:  
23 a. Child day care subsidies to reduce waiting lists;  
24 b. Raising the county child day care subsidy rate to the State market  
25 rate, if applicable, in return for improvements in the quality of  
26 child day care services;  
27 c. Raising the income eligibility for child day care subsidies to  
28 seventy-five percent (75%) of the State median family income;  
29 d. Start-up funding for child day care providers;  
30 e. Assistance to enable child day care providers to conform to  
31 licensing and building code requirements;  
32 f. Child day care resources and referral services;  
33 g. Enhancement of the quality of child day care provided;  
34 h. Technical assistance for child day care providers;  
35 i. Quality grants for child day care centers or family child day care  
36 homes;  
37 j. Expanded services or enhanced rates for children with special  
38 needs;  
39 k. Head Start services;  
40 l. Development of comprehensive child day care services that  
41 include child health and family support;  
42 m. Activities to reduce staff turnover;  
43 n. Activities to serve children with special needs;



- 1           o.     Transportation services related to providing child day care  
2           services;  
3           p.     Evaluation of plan implementation of child day care services; and  
4           q.     Needs and resources assessments for child day care services.  
5        (2)    Family- and child-centered services, including early childhood  
6           education and child development services, including:  
7           a.     Enhancement of the quality of family- and child-centered  
8           services provided;  
9           b.     Technical assistance for family- and child-centered services;  
10          c.     Needs and resource assessments for family- and child-centered  
11          services;  
12          d.     Home-centered services; and  
13          e.     Evaluation of plan implementation of family- and child-centered  
14          services.  
15        (3)    Other appropriate activities and services for child day care providers  
16           and for family- and child-centered services, including:  
17          a.     Staff and organizational development, leadership and  
18           administrative development, technology assisted education, and  
19           long-range planning; and  
20          b.     Procedures to ensure that infants and young children receive  
21           needed health, immunization, and related services."

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

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

24    **"§ 143B-426.39A. Information Highway Grants Advisory Council.**

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

- 27           (1)   Five members to be appointed by the Governor.  
28           (2)   Four members to be appointed by the Speaker of the House of  
29           Representatives, at least one of whom shall be a public member.  
30           (3)   Four members to be appointed by the President Pro Tempore of the  
31           Senate, at least one of whom shall be a public member.  
32           (4)   One representative from the Department of Public Instruction to be  
33           designated by the Superintendent of Public Instruction.  
34           (5)   One representative from the Department of Community Colleges to be  
35           designated by the President of the Community College System.  
36           (6)   One representative from ~~the~~The University of North Carolina to be  
37           designated by the President of The University of North Carolina.  
38           (7)   One representative from the Office of the State Controller, to be  
39           designated by the State Controller.  
40           (8)   One representative from the North Carolina School of Science and  
41           Mathematics, to designated by the Board of Trustees.

42        Members of the Council shall be appointed by September 1, 1994, and shall serve  
43        two-year terms. The Speaker of the House of Representatives and the President Pro

1 Tempore of the Senate shall each designate a cochair from among the ~~member~~ members  
 2 of the General Assembly they appoint to the Council. Vacancies on the Council shall be  
 3 filled in the same manner as the original appointment.

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

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

11 (c) The Information Highway Grants Advisory Council shall advise the Governor,  
 12 the General Assembly, and Office of the State Controller on matters pertaining to the  
 13 North Carolina Information Highway. The Information Highway Grants Advisory  
 14 Council shall, by September 30, 1994, develop criteria for evaluating grant applications  
 15 under this section. The Information Highway Grants Advisory Council shall evaluate the  
 16 grant applications and make recommendations to the State Controller regarding grant  
 17 recipients by December 1, 1994. The State Controller shall not award grants before  
 18 December 15, 1994. The State Controller shall notify the Information Highway Grants  
 19 Advisory Council as to whom the intended grant recipients are ~~fifteen~~ 15 days prior to  
 20 awarding the grants."

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

22 **"§ 147-45. Distribution of copies of State publications.**

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

<u>Agency or Institution</u>	<u>Laws</u>	<u>Journals</u>	Session	Assembly
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

1	Property Control (Administration)	1	1
2	State Bureau of Investigation	1	0
3	Agriculture, Department of	3	1
4	Labor, Department of	5	1
5	Insurance, Department of	5	1
6	Administration, Department of	1	1
7	Budget Bureau	2	1
8	Controller	1	0
9	Property Control	1	0
10	Purchase and Contract	2	0
11	Policy and Development	1	0
12	Veterans Affairs Commission	1	0
13	Environment, Health, and Natural		
14	Resources, Department of	1	0
15	Division of Environmental Management	2	0
16	Board of Environment, Health, and		
17	Natural Resources	1	0
18	Soil and Water Conservation Commission	1	0
19	Wildlife Resources Commission	2	0
20	Revenue, Department of	5	1
21	Human Resources, Department of	3	0
22	Board of Human Resources	1	0
23	Health Services, Division of	3	0
24	Mental Health, Developmental		
25	Disabilities, and Substance Abuse Services,		
26	Division of	1	0
27	Social Services, Division of	3	0
28	Facilities Services, Division of	1	0
29	Youth Services, Division of	1	0
30	Hospitals and Institutions	1 ea.	0
31	Transportation, Department of	1	0
32	Board of Transportation	3	0
33	Motor Vehicles, Division of	1	0
34	Commerce, Department of	1	0
35	Economic Development, Division of	2	0
36	State Ports Authority	1	0
37	Alcoholic Beverage Control Commission,		
38	North Carolina	2	0
39	Banking Commission	2	0
40	Utilities Commission	8	1
41	Industrial Commission	7	0
42	Labor Force Development Council	1	0
43	Milk Commission	5	0

1	Employment Security Commission	1	1
2	Correction, Department of	1	0
3	Department of Correction	2	0
4	Parole Commission	2	0
5	State Prison	1	0
6	Correctional Institutions	1 ea.	0
7	Cultural Resources, Department of	1	0
8	Archives and History, Division of	5	1
9	State Library	5	5
10	Publications Division	1	1
11	Crime Control and Public Safety,		
12	Department of	2	1
13	North Carolina Crime Commission	1	0
14	Adjutant General	2	0
15	Elections, State Board of	2	0
16	Office of Administrative Hearings	2	0
17	Legislative Branch		
18	State Senators	1 ea.	1 ea.
19	State Representatives	1 ea.	1 ea.
20	Principal Clerk – Senate	1	1
21	Principal Clerk – House	1	1
22	Reading Clerk – Senate	1	1
23	Reading Clerk – House	1	1
24	Sergeant at Arms – House	1	1
25	Sergeant at Arms – Senate	1	1
26	Enrolling Clerk	1	0
27	Engrossing Clerk	1	0
28	Indexer of the Laws	1	0
29	Legislative Building Library	35	15
30	Judicial System		
31	Justices of the Supreme Court	1 ea.	1 ea.
32	Judges of the Court of Appeals	1 ea.	1 ea.
33	Judges of the Superior Court	1 ea.	0
34	Emergency and Special Judges of the		
35	Superior Court	1 ea.	0
36	District Court Judges	1 ea.	0
37	District Attorneys	1 ea.	0
38	Clerk of the Supreme Court	1	1
39	Clerk of the Court of Appeals	1	1
40	Administrative Office of the Courts	4	1
41	Supreme Court Library	AS MANY AS REQUESTED	
42	Colleges and Universities		
43	The University of North Carolina System		

1	Administrative Offices	3	0
2	University of North Carolina, Chapel Hill	65	25
3	University of North Carolina, Charlotte	3	1
4	University of North Carolina, Greensboro	3	1
5	University of North Carolina, Asheville	2	1
6	University of North Carolina, Wilmington	2	1
7	North Carolina State University, Raleigh	5	3
8	Appalachian State University	2	1
9	East Carolina University	3	2
10	Elizabeth City State University	2	1
11	Fayetteville State University	2	1
12	North Carolina Agricultural and		
13	Technical University	2	1
14	North Carolina Central University	5	5
15	Western Carolina University	2	1
16	Pembroke State University	2	1
17	Winston-Salem State University	2	1
18	North Carolina School of the Arts	1	1
19	Private Institutions		
20	Duke University	6	6
21	Davidson College	3	2
22	Wake Forest University	5	5
23	Lenoir Rhyne College	1	1
24	Elon College	1	1
25	Guilford College	1	1
26	Campbell College <del>University</del>	5	5
27	Wingate College	1	1
28	Pfeiffer College	1	1
29	Barber Scotia College	1	1
30	<del>Atlantic Christian</del> Barton College	1	1
31	Shaw University	1	1
32	St. Augustine's College	1	1
33	J.C. Smith University	1	1
34	Belmont Abbey College	1	1
35	Bennett College	1	1
36	Catawba College	1	1
37	Gardner-Webb College	1	1
38	Greensboro College	1	1
39	High Point College	1	1
40	Livingstone College	1	1
41	Mars Hill College	1	1
42	Meredith College	1	1
43	Methodist College	1	1

1	North Carolina Wesleyan College	1	1
2	Queens College	1	1
3	Sacred Heart College	1	1
4	St. Andrews Presbyterian College	1	1
5	Salem College	1	1
6	Warren Wilson College	1	1
7	County and Local Officials		
8	Clerks of the Superior Court	1 ea.	1 ea.
9	Register of Deeds	1 ea.	1 ea.
10	Federal, Out-of-State and Foreign		
11	Secretary to the President	1	0
12	Secretary of State	1	1
13	Secretary of Defense	1	0
14	Secretary of Agriculture	1	0
15	Secretary of the Interior	1	0
16	Secretary of Labor	1	1
17	Secretary of Commerce	1	1
18	Secretary of the Treasury	1	0
19	Secretary of Health, Education and Welfare	1	0
20	Secretary of Housing and Urban Development	1	0
21	Secretary of Transportation	1	0
22	Attorney General	1	0
23	Postmaster General	1	0
24	Bureau of Census	1	0
25	Bureau of Public Roads	1	0
26	Department of Justice	1	0
27	Department of Internal Revenue	1	0
28	Veterans' Administration	1	0
29	Farm Credit Administration	1	0
30	Securities and Exchange Commission	1	0
31	Social Security Board	1	0
32	Environmental Protection Agency	1	0
33	Library of Congress	8	2
34	Federal Judges resident in North Carolina	1 ea.	0
35	Federal District Attorneys resident in		
36	North Carolina	1 ea.	0
37	Marshal of the United States Supreme Court	1	0
38	Federal Clerks of Court resident in North Carolina		1 ea. 0
39	Supreme Court Library exchange list	1 ea.	0
40	One copy of the Session Laws shall be furnished the head of any department of State		
41	government created in the future.		
42	State agencies, institutions, etc., not found in or covered by this list may, upon written		
43	request from their respective department head to the Secretary of State, and upon the		

1 discretion of the Secretary of State as to need, be issued copies of the Session Laws on a  
 2 permanent loan basis with the understanding that should said copies be needed they will  
 3 be recalled."

4 Sec. 101. G.S. 147-54 reads as rewritten:

5 **"§ 147-54. Printing, distribution and sale of the North Carolina Manual.**

6 The Secretary of State shall have printed biennially for distribution and sale, five  
 7 thousand (5,000) copies of the North Carolina Manual, and shall make distribution to the  
 8 State agencies, individuals, institutions and others as herein set forth.

9 NORTH CAROLINA STATE GOVERNMENT:

10	Members of the General Assembly	2 ea.
11	Officers of the General Assembly	1 ea.
12	Offices of the Clerk of each House of the General Assembly	1 ea.
13	Legislative Services Officer	1
14	Legislative Library	6
15	Members of the Council of State	2 ea.
16	Appointed Secretaries of Executive Departments	2 ea.
17	Personnel of the Department of the Secretary of State	1 ea.
18	State Board of Elections	2
19	Divisions of Archives and History, Director	1
20	Search Room	3
21	Publications Section	2
22	State Library	10
23	Libraries within State Agencies	1 ea.
24	Justices of the North Carolina Supreme Court	1 ea.
25	Judges of the North Carolina Court of Appeals	1 ea.
26	Judges of the North Carolina Superior Court	1 ea.
27	Supreme Court Library	12
28	Court of Appeals Library	2
29	Clerk of the Supreme Court	1
30	Clerk of the Court of Appeals	1
31	Reporter of the Supreme Court and Court of Appeals	1
32	Administrative Office of the Courts	5
33	NORTH CAROLINA EDUCATIONAL INSTITUTIONS:	
34	University of North Carolina System	
35	General Administration Offices	12
36	Chancellors of the Constituent Institutions	1 ea.
37	University of North Carolina – Chapel Hill Library	15
38	North Carolina State University Library	5
39	East Carolina University Library	5
40	North Carolina Central University Library	5
41	Appalachian State University Library	4
42	University of North Carolina – Charlotte Library	4
43	University of North Carolina – Greensboro Library	4

1	Western Carolina University Library	4
2	Other Constituent Institutions Libraries	3 ea.
3	North Carolina School of the Arts	2
4	Institute of Government	2
5	Community Colleges and Technical Institutes	2 ea.
6	Private Colleges and Universities	
7	Duke University Library	6
8	Wake Forest University	6
9	Campbell <del>College</del> University Library	5
10	Davidson College Library	4
11	All other Libraries of Senior and Junior Colleges	2 ea.
12	Public and Private Schools containing grades 8-12	1 ea.
13	COUNTY GOVERNMENT:	
14	Clerks of Court	1 ea.
15	Registers of Deeds	1 ea.
16	Public Libraries of North Carolina	1 ea.
17	FEDERAL GOVERNMENT:	
18	President of the United States	1
19	North Carolina Members of the Presidential Cabinet	1 ea.
20	North Carolina Members of the United States Congress	2 ea.
21	Library of Congress	3
22	Resident Judges of the Federal Judiciary	
23	and United States Attorneys in North Carolina	1 ea.
24	Secretaries of State of the United States	
25	and Territories	1 ea.
26	After making the above distribution, the remainder shall be sold at the cost of	
27	publication plus tax and postage and the proceeds from such sales deposited with the	
28	State Treasurer for use by the Publications Division of the Secretary of State's Office to	
29	defray the expense of publishing the North Carolina Manual. Libraries and educational	
30	institutions not covered in the above distribution shall be entitled to a twenty percent	
31	(20%) discount on the cost of any purchase(s)."	
32	Sec. 102. G.S. 148-4.1(b) reads as rewritten:	
33	"(b) Except as provided in <del>subsection</del> <u>subsections</u> (c) and (e), only inmates who are	
34	otherwise eligible for parole pursuant to Article 85 of Chapter 15A or pursuant to Article	
35	3B of this Chapter may be released under this section."	
36	Sec. 103. G.S. 158-8.1(b) reads as rewritten:	
37	"(b) The Commission shall consist of 15 members appointed as follows:	
38	(1) Three members shall be appointed by the Governor;	
39	(2) Two members <u>shall be</u> appointed by the Lieutenant Governor;	
40	(3) Five members shall be appointed by the General Assembly upon the	
41	recommendation of the Speaker of the House of Representatives in	
42	accordance with G.S. <del>120-121</del> . <u>120-121</u> ; and	



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

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

5 "(c) The appointing authority shall designate two of the initial appointees pursuant  
6 to ~~subsection~~-subdivision (b)(1), one of the initial appointees pursuant to ~~subsection~~  
7 subdivision (b)(2), two of the initial appointees pursuant to ~~subsection~~-subdivision (b)(3),  
8 and two of the initial appointees pursuant to ~~subsection~~-subdivision (b)(4) to serve for  
9 terms ending June 30, 1995; the remainder of the initial appointees shall serve for terms  
10 ending June 30, 1997. Their successors shall serve for four-year terms ending on June 30  
11 quadrennially thereafter.

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

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

16 "(1) Survey Western North Carolina and determine the assets, liabilities, and  
17 resources that the region ~~contribute~~-contributes to the economic  
18 development process."

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

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

21 (1) Five members shall be appointed by the Governor, including one  
22 developer of northeastern North Carolina, one banker, one county  
23 commissioner from Camden, Currituck, Pasquotank, or Perquimans  
24 Counties, or from the county or counties assigned to the Commission by  
25 the Department of Commerce as authorized by law, and one county  
26 commissioner from Beaufort, Bertie, Chowan, or Martin Counties, or  
27 from the county or counties assigned to the Commission by the  
28 Department of Commerce as authorized by law;

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

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

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

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

1 Any person appointed to the Commission in a categorical appointment as a county  
2 commissioner may hold such office in addition to the offices permitted by ~~G.S.~~G.S. 128-  
3 1.1."

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

5 "(c) The appointing authority shall designate two of the initial appointees pursuant  
6 to ~~subsection-subdivision~~ (b)(1), one of the initial appointees pursuant to ~~subsection~~  
7 ~~subdivision~~ (b)(2), two of the initial appointees pursuant to ~~subsection-subdivision~~ (b)(3),  
8 and two of the initial appointees pursuant to ~~subsection-subdivision~~ (b)(4) to serve for  
9 terms ending June 30, 1995; the remainder of the initial appointees shall serve for terms  
10 ending June 30, 1997. Their successors shall serve for four-year terms ending on June 30  
11 quadrennially thereafter."

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

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

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

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

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

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

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

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

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

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

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

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

37 "(c) The appointing authority shall designate two of the initial appointees pursuant  
38 to ~~subsection-subdivision~~ (b)(1) of this section, one of the initial appointees pursuant to  
39 ~~subsection-subdivision~~ (b)(2) of this section, two of the initial appointees pursuant to  
40 ~~subsection-subdivision~~ (b)(3) of this section, and two of the initial appointees pursuant to  
41 ~~subsection-subdivision~~ (b)(4) of this section to serve for terms ending June 30, 1995; the  
42 remainder of the initial appointees shall serve for terms ending June 30, 1997. Their  
43 successors shall serve for four-year terms ending on June 30 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  
3 filled in accordance with G.S. 120-122."

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

5 "(7) If any occupant fails to comply with an order to vacate a dwelling, the  
6 public officer may file a civil action in the name of the city to remove  
7 such occupant. The action to vacate the dwelling shall be in the nature  
8 of summary ejectment and shall be commenced by filing a complaint  
9 naming as parties-defendant any person occupying such dwelling. The  
10 clerk of superior court shall issue a summons requiring the defendant to  
11 appear before a magistrate at a certain time, date and place not to exceed  
12 10 days from the issuance of the summons to answer the complaint. The  
13 summons and complaint shall be served as provided in G.S. 42-29. The  
14 summons shall be returned according to its tenor, and if on its return it  
15 appears to have been duly served, and if at the hearing the public officer  
16 produces a certified copy of an ordinance adopted by the governing  
17 body pursuant to subdivision (5) authorizing the officer to proceed to  
18 vacate the occupied dwelling, the magistrate shall enter judgment  
19 ordering that the premises be vacated and that all persons be removed.  
20 The judgment ordering that the dwelling be vacated shall be enforced in  
21 the same manner as the judgment for summary ejectment entered under  
22 G.S. 42-30. An appeal from any judgment entered hereunder by the  
23 magistrate may be taken as provided in G.S. 7A-228, and the execution  
24 of such judgment may be stayed as provided in G.S. 7A-227. An action  
25 to remove an occupant of a dwelling who is a tenant of the owner may  
26 not be in the nature of a summary ejectment proceeding pursuant to this  
27 paragraph unless such occupant was served with notice at least 30 days  
28 before the filing of the summary ejectment proceeding that the  
29 governing body has ordered the public officer to proceed to exercise his  
30 duties under subdivisions ~~4 and 5~~ (4) and (5) of this section to vacate  
31 and close or remove and demolish the dwelling."

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

33 "(14a) To make special assessments against benefited property within the  
34 area served or to be served by the authority for the purpose of  
35 constructing, reconstructing, extending, or otherwise improving  
36 water systems or sanitary collection, treatment, and sewage  
37 disposal systems, in the same manner that a county may make  
38 special assessments under authority of Chapter 153A, Article 9,  
39 except that the language appearing in G.S. 153A-185 reading as  
40 follows: 'A county may not assess property within a city pursuant  
41 to subdivision (1) or (2) of this section unless the governing board  
42 of the city has by resolution approved the project,' shall not apply  
43 to assessments levied by Water and Sewer Authorities established

1 pursuant to Chapter 162A, Article 1, of the General Statutes. For  
2 the purposes of this paragraph, references in Chapter 153A, Article  
3 9, to the 'county,' the 'board of county commissioners,' 'the board'  
4 or a specific county official or employee are deemed to refer,  
5 respectively, to the authority and to the official or employee of the  
6 authority who performs most nearly the same duties performed by  
7 the specified county official or employee.

8 Assessment rolls after being confirmed shall be filed for  
9 registration in the office of the Register of Deeds of the county in  
10 which the property being assessed is located, and the term 'county  
11 tax collector' wherever used in G.S. 153A-195 and G.S. 153A-196,  
12 shall mean the Executive Director or other administrative officer  
13 designated by the authority to perform the functions described in  
14 said sections of the statute."

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

16 "(e) The State Board of Elections shall determine, in the manner provided by law,  
17 the form and content of ballots, instruction sheets, pollbooks, ~~tally~~-tally sheets, abstract  
18 and return forms, certificates of election, and other forms to be used in primaries and  
19 elections. The Board shall furnish to the county and municipal boards of elections the  
20 registration application forms required pursuant to G.S. 163-67. The State Board of  
21 Elections shall direct the county boards of elections to purchase a sufficient quantity of  
22 all forms attendant to the registration and elections process. In addition, the State Board  
23 shall provide a source of supply from which the county boards of elections may purchase  
24 the quantity of pollbooks needed for the execution of its responsibilities. In the  
25 preparation of ballots, pollbooks, abstract and return forms, and all other forms, the State  
26 Board of Elections may call to its aid the Attorney General of the State, and it shall be the  
27 duty of the Attorney General to advise and aid in the preparation of these books, ballots  
28 and forms."

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

30 **"§ 163-82.9. Cancellation of prior registration.**

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

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

37 **"§ 163-144. Lost, destroyed, damaged, and stolen ballots; replacement; report.**

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

42 Within three days after the primary or election, the chief judge of the precinct in  
43 which the loss occurred shall make a written report, under oath, to the county board of

1 elections describing in detail the circumstances of the loss, destruction, damage, or theft  
2 of the ballots."

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

4 "(d) Only the chairman, member or supervisor of elections of the board shall keep  
5 the voter's application for absentee ballots and the sealed container-return envelope in a  
6 safe place, separate and apart from other applications and container-return envelopes. At  
7 the first meeting of the board pursuant to G.S. 163-230(2) held after receipt of the  
8 application and envelope, the chairman shall comply with the requirements of G.S. 163-  
9 230(1) and G.S. 163-230(2)b. and c. If the voter's application for absentee ballots is  
10 approved by the board at that meeting, the application form and container-return  
11 envelope, with the ballots enclosed, shall be handled in the same manner and under the  
12 same provisions of law as applications and container-return envelopes received by the  
13 board under other provisions of this Article. If the voter's application for absentee ballots  
14 is disapproved by the board, the board shall so notify the voter stating the reason for  
15 disapproval by first-class mail addressed to the voter at his residence address or at the  
16 address shown in the application for absentee ballots; and the board chairman shall retain  
17 the container-return envelope in its unopened condition until the day of the primary or  
18 election to which it relates and on that day he shall destroy the container-return envelope  
19 and the ballots therein, without, however, revealing the manner in which the voter  
20 marked the ballots."

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

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

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

30 "**§ 164-14. Membership; appointments; terms; vacancies.**

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

- 33 (1) One member, by the president of the North Carolina State Bar;
- 34 (2) One member, by the General Statutes Commission;
- 35 (3) One member, by the dean of the school of law of the University of  
36 North Carolina;
- 37 (4) One member, by the dean of the school of law of Duke University;
- 38 (5) One member, by the dean of the school of law of Wake Forest  
39 University;
- 40 (6) One member, by the Speaker of the House of Representatives of each  
41 General Assembly from the membership of the House;
- 42 (7) One member, by the President Pro Tempore of the Senate of each  
43 General Assembly from the membership of the Senate;

- 1 (8) Two members, by the Governor;  
2 (9) One member, by the dean of the school of law of North Carolina Central  
3 University;  
4 (10) One member by the president of the North Carolina Bar Association;  
5 (11) One member, by the dean of the school of law of Campbell ~~College~~  
6 University.

7 (b) Appointments of original members of the Commission made by the president  
8 of the North Carolina State Bar, the president of the North Carolina Bar Association, and  
9 the deans of the schools of law of Duke University, the University of North Carolina, and  
10 Wake Forest University shall be for one year. Appointments of original members of the  
11 Commission made by the Speaker of the House of Representatives, the President of the  
12 Senate, and the Governor shall be for two years.

13 (c) After the appointment of the original members of the Commission,  
14 appointments by the president of the North Carolina State Bar, the General Statutes  
15 Commission, and the deans of the schools of law of North Carolina Central University,  
16 Duke University, the University of North Carolina, and Wake Forest University shall be  
17 made in the even-numbered years, and appointments made by the Speaker of the House  
18 of Representatives, the President Pro Tempore of the Senate, president of the North  
19 Carolina Bar Association, the dean of the School of Law of Campbell ~~College~~University  
20 and the Governor shall be made in the odd-numbered years. Such appointments shall be  
21 made for two-year terms beginning June first of the year when such appointments are to  
22 become effective and expiring May 31 two years thereafter. All such appointments shall  
23 be made not later than May 31 of the year when such appointments are to become  
24 effective.

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

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

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

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

42 "**§ 166A-1. Short title.**

1 This ~~Chapter Article~~ may be cited as 'North Carolina Emergency Management Act of  
2 1977.'

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

4 **"§ 166A-2. Purposes.**

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

- 9 (1) Reduce vulnerability of people and property of this State to damage,  
10 injury, and loss of life and property;
- 11 (2) Prepare for prompt and efficient rescue, care and treatment of threatened  
12 or affected persons;
- 13 (3) Provide for the rapid and orderly rehabilitation of persons and  
14 restoration of property; and
- 15 (4) Provide for cooperation and coordination of activities relating to  
16 emergency and disaster mitigation, preparedness, response and recovery  
17 among agencies and officials of this State and with similar agencies and  
18 officials of other states, with local and federal governments, with  
19 interstate organizations and with other private and quasi-official  
20 organizations."

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

22 **"§ 166A-3. Limitations.**

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

- 24 (1) Interfere with dissemination of news or comment on public affairs; but  
25 any communications facility or organization, including but not limited  
26 to radio and television stations, wire services, and newspapers, may be  
27 requested to transmit or print public service messages furnishing  
28 information or instructions in connection with an emergency, disaster or  
29 war; or
- 30 (2) Limit, modify or abridge the authority of the Governor to proclaim  
31 martial law or exercise any other powers vested in him under the  
32 Constitution, statutes, or common law of this State independent of, or in  
33 conjunction with, any provisions of this ~~Chapter Article~~."

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

35 **"§ 166A-4. Definitions.**

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

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

- 1 (2) 'Emergency Management Agency.' – A State or local governmental  
2 agency charged with coordination of all emergency management  
3 activities for its jurisdiction.
- 4 (3) 'Disaster.' – An occurrence or imminent threat of widespread or severe  
5 damage, injury, or loss of life or property resulting from any natural or  
6 man-made accidental, military or paramilitary cause.
- 7 (4) 'Political Subdivision.' – Counties and incorporated cities, towns and  
8 villages."

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

10 **"§ 166A-5. State emergency management.**

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

- 13 (1) Governor. – The Governor shall have general direction and control of  
14 the State emergency management program and shall be responsible for  
15 carrying out the provisions of this ~~Chapter~~ Article.

16 a. The Governor is authorized and empowered:

- 17 1. To make, amend or rescind the necessary orders, rules and  
18 regulations within the limits of the authority conferred  
19 upon him herein, with due consideration of the policies of  
20 the federal government.
- 21 2. To delegate any authority vested in him under this ~~Chapter~~  
22 Article and to provide for the subdelegation of any such  
23 authority.
- 24 3. To cooperate and coordinate with the President and the  
25 heads of the departments and agencies of the federal  
26 government, and with other appropriate federal officers  
27 and agencies, and with the officers and agencies of other  
28 states and local units of government in matters pertaining  
29 to the emergency management of the State and nation.
- 30 4. To enter into agreements with the American National Red  
31 Cross, Salvation Army, Mennonite Disaster Service and  
32 other disaster relief organizations.
- 33 5. To make, amend, or rescind mutual aid agreements in  
34 accordance with G.S. 166A-10.
- 35 6. To utilize the services, equipment, supplies and facilities  
36 of existing departments, offices and agencies of the State  
37 and of the political subdivisions thereof. The officers and  
38 personnel of all such departments, offices and agencies are  
39 required to cooperate with and extend such services and  
40 facilities to the Governor upon request. This authority  
41 shall extend to a state of disaster, imminent threat of  
42 disaster or emergency management planning and training  
43 purposes.



- 1                   7.     To agree, when required to obtain federal assistance in  
2                   debris removal, that the State will indemnify the federal  
3                   government against any claim arising from the removal.  
4                   8.     To sell, lend, lease, give, transfer or deliver materials or  
5                   perform services for disaster purposes on such terms and  
6                   conditions as may be prescribed by any existing law, and  
7                   to account to the State Treasurer for any funds received  
8                   for such property.
- 9                   b.     In the threat of or event of a disaster, or when requested by the  
10                  governing body of any political subdivision in the State, the  
11                  Governor may assume operational control over all or any part of  
12                  the emergency management functions within this State.
- 13           (2)    Secretary of Crime Control and Public Safety. – The Secretary of Crime  
14                  Control and Public Safety shall be responsible to the Governor for State  
15                  emergency management activities and shall have:
- 16                  a.     The power, as delegated by the Governor, to activate the State  
17                  and local plans applicable to the areas in question and he shall be  
18                  empowered to authorize and direct the deployment and use of  
19                  any personnel and forces to which the plan or plans apply, and  
20                  the use or distribution of any supplies, equipment, materials and  
21                  facilities available pursuant to this ~~Chapter~~ Article or any other  
22                  provision of law.
- 23                  b.     Additional authority, duties, and responsibilities as may be  
24                  prescribed by the Governor, and he may subdelegate his  
25                  authority to the appropriate member of his department.
- 26           (3)    Functions of State Emergency Management. – The functions of the  
27                  State emergency management program include:
- 28                  a.     Coordination of the activities of all agencies for emergency  
29                  management within the State, including planning, organizing,  
30                  staffing, equipping, training, testing, and the activation of  
31                  emergency management programs.
- 32                  b.     Preparation and maintenance of State plans for man-made or  
33                  natural disasters. The State plans or any parts thereof may be  
34                  incorporated into department regulations and into executive  
35                  orders of the Governor.
- 36                  c.     Promulgation of standards and requirements for local plans and  
37                  programs, determination of eligibility for State financial  
38                  assistance provided for in G.S. 166A-7 and provision of technical  
39                  assistance to local governments.
- 40                  d.     Development and presentation of training programs and public  
41                  information programs to insure the furnishing of adequately  
42                  trained personnel and an informed public in time of need.

- 1 e. Making of such studies and surveys of the resources in this State  
2 as may be necessary to ascertain the capabilities of the State for  
3 emergency management, maintaining data on these resources,  
4 and planning for the most efficient use thereof.
- 5 f. Coordination of the use of any private facilities, services, and  
6 property.
- 7 g. Preparation for issuance by the Governor of executive orders,  
8 proclamations, and regulations as necessary or ~~appropriate~~; and  
9 appropriate.
- 10 h. Cooperation and maintenance of liaison with the other states,  
11 federal government and any public or private agency or entity in  
12 achieving any purpose of this ~~Chapter~~ Article and in  
13 implementing programs for emergency, disaster or war  
14 prevention, preparation, response, and recovery.
- 15 i. Making recommendations, as appropriate, for zoning, building  
16 and other land-use controls, and safety measures for securing  
17 mobile homes or other nonpermanent or semipermanent works  
18 designed to protect against or mitigate the effects of a disaster.
- 19 j. Coordination of the use of existing means of communications  
20 and supplementing communications resources and integrating  
21 them into a comprehensive State or State-federal  
22 telecommunications or other communications system or  
23 network."

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

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

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

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

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

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

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

- 9           (1) To appropriate and expend funds, make contracts, obtain and distribute  
10 equipment, materials, and supplies for emergency management purposes  
11 and to provide for the health and safety of persons and property,  
12 including emergency assistance, consistent with this ~~Chapter~~; Article;
- 13           (2) To direct and coordinate the development of emergency management  
14 plans and programs in accordance with the policies and standards set by  
15 the State;
- 16           (3) To assign and make available all available resources for emergency  
17 management purposes for service within or outside of the physical  
18 limits of the subdivision; and
- 19           (4) To delegate powers in a local state of emergency under G.S. 166A-8 to  
20 an appropriate official."

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

22 **"§ 166A-12. Nondiscrimination in emergency management.**

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

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

30 **"§ 166A-13. Emergency management personnel.**

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

- 33           (1) Advocates or has advocated a change by force or violence in the  
34 constitutional form of the Government of the United States or in this  
35 State;
- 36           (2) Advocates or has advocated the overthrow of any government in the  
37 United States by force or violence;
- 38           (3) Has been convicted of any subversive act against the United States;
- 39           (4) Is under indictment or information charging any subversive act against  
40 the United States; or
- 41           (5) Has ever been a member of the Communist Party.

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

4 'I, ....., do solemnly swear (or affirm) that I will support and defend the  
5 Constitution of the United States and the Constitution of the State of North Carolina,  
6 against all enemies, foreign and domestic; and that I will bear true faith and allegiance to  
7 the same; that I take this obligation freely, without any mental reservation or purpose of  
8 evasion; and that I will well and faithfully discharge the duties upon which I am about to  
9 enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I ever  
10 knowingly been, a member of any political party or organization that advocates the  
11 overthrow of the Government of the United States or of this State by force or violence;  
12 and that during such time as I am a member of the State Emergency Management Agency  
13 I will not advocate nor become a member of any political party or organization that  
14 advocates the overthrow of the Government of the United States or of this State by force  
15 or violence, so help me God.'

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

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

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

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

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

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

35 **"§ 166A-16. Severability.**

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

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

42 Sec. 133.1. Section 8 of Chapter 538 of the 1993 Session Laws is repealed.

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

3           "Section 1. Section 42 of Chapter 1281 of the Session Laws of 1957, as amended by  
4 Chapter 934 of the Session Laws of 1959, Chapter 1111 of the Session Laws of 1961,  
5 Chapter 693 of the Session Laws of 1965, Chapter 324 of the Session Laws of 1969,  
6 Chapter 785 of the Session Laws of 1971, and Section 4 of Chapter 1168 of the Session  
7 Laws of 1981 reads as rewritten:".

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

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

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