

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 590

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

House Committee Substitute Favorable 7/11/95

House Committee Substitute #2 Favorable 7/25/95

Short Title: 1995 Technical Corrections.

(Public)

Sponsors:

Referred to:

April 5, 1995

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

"(a) From any final order or decision of the North Carolina Utilities Commission not governed by subsection (b) of this section, the Department of Human Resources pursuant to G.S. 131E-188(b), the Commissioner of Banks pursuant to Articles 17 and 18, 18A, 17, 18, and 18A of Chapter 53 of the General Statutes, the Administrator of Savings and Loans pursuant to Article 3A of Chapter 54B of the General Statutes, the North

1 Carolina Industrial Commission, the North Carolina State Bar pursuant to G.S. 84-28, the  
 2 Property Tax Commission pursuant to G.S. 105-290 and G.S. 105-342, the Board of State  
 3 Contract Appeals pursuant to G.S. 143-135.9, the Commissioner of Insurance pursuant to  
 4 G.S. 58-2-80, or the Secretary of Environment, Health, and Natural Resources under G.S.  
 5 104E-6.2, appeal as of right lies directly to the Court of Appeals."

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

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

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

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

13 **"§ 7A-343.1. Distribution of copies of the appellate division reports.**

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

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

|    |   |                      |
|----|---|----------------------|
| 1  | Archives and History, Division of                     | 1                    |
| 2  | Crime Control and Public Safety, Department of        | 2                    |
| 3  | Department of Cultural Resources                      | 3                    |
| 4  | Legislative Building Library                          | 2                    |
| 5  | Justices of the Supreme Court                         | 1 ea.                |
| 6  | Judges of the Court of Appeals                        | 1 ea.                |
| 7  | Judges of the Superior Court                          | 1 ea.                |
| 8  | Clerks of the Superior Court                          | 1 ea.                |
| 9  | District Attorneys                                    | 1 ea.                |
| 10 | Emergency and Special Judges of the Superior Court    | 1 ea.                |
| 11 | Supreme Court Library                                 | AS MANY AS REQUESTED |
| 12 | Appellate Division Reporter                           | 1                    |
| 13 | University of North Carolina, Chapel Hill             | 71                   |
| 14 | University of North Carolina, Charlotte               | 1                    |
| 15 | University of North Carolina, Greensboro              | 1                    |
| 16 | University of North Carolina, Asheville               | 1                    |
| 17 | North Carolina State University, Raleigh              | 1                    |
| 18 | Appalachian State University                          | 1                    |
| 19 | East Carolina University                              | 1                    |
| 20 | Fayetteville State University                         | 1                    |
| 21 | North Carolina Central University                     | 17                   |
| 22 | Western Carolina University                           | 1                    |
| 23 | Duke University                                       | 17                   |
| 24 | Davidson College                                      | 2                    |
| 25 | Wake Forest University                                | 25                   |
| 26 | Lenoir Rhyne College                                  | 1                    |
| 27 | Elon College  | 1                    |
| 28 | Campbell College <u>University</u>                    | 25                   |
| 29 | Federal, Out-of-State and Foreign Secretary of State  | 1                    |
| 30 | Secretary of Defense                                  | 1                    |
| 31 | Secretary of Health, Education and Welfare            | 1                    |
| 32 | Secretary of Housing and Urban Development            | 1                    |
| 33 | Secretary of Transportation                           | 1                    |
| 34 | Attorney General                                      | 1                    |
| 35 | Department of Justice                                 | 1                    |
| 36 | Internal Revenue Service                              | 1                    |
| 37 | Veterans' Administration                              | 1                    |
| 38 | Library of Congress                                   | 5                    |
| 39 | Federal Judges resident in North Carolina             | 1 ea.                |
| 40 | Marshal of the United States Supreme Court            | 1                    |
| 41 | Federal District Attorneys resident in North Carolina | 1 ea.                |
| 42 | Federal Clerks of Court resident in North Carolina    | 1 ea.                |
| 43 | Supreme Court Library exchange list                   | 1                    |

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

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

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

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

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

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

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

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

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

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

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

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

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

41 "(b) Other crimes, wrongs, or acts. – Evidence of other crimes, wrongs, or acts is  
42 not admissible to prove the character of a person in order to show that he acted in  
43 conformity therewith. It may, however, be admissible for other purposes, such as proof of

1 motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake,  
2 entrapment or accident. Admissible evidence may include evidence of an offense  
3 committed by a juvenile if it would have been a Class A, ~~B~~, B1, B2, C, D, or E felony if  
4 committed by an adult."

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

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

- 11 (1) Holding such other person for ransom or as a hostage or using such  
12 other person as a shield; or
- 13 (2) Facilitating the commission of any felony or facilitating flight of any  
14 person following the commission of a felony; or
- 15 (3) Doing serious bodily harm to or terrorizing the person so confined,  
16 restrained or removed or any other ~~person~~ person; or
- 17 (4) Holding such other person in involuntary servitude in violation of G.S.  
18 14-43.2."

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

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

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

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

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

43 "**§ 14-413. Permits for use at public exhibitions.**

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

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

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

16 ~~Class 1~~".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 **"§ 19A-1. Definitions.**

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

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

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

18 **"§ 19A-2. Purpose.**

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

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

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



1 the contract by which the lessor acquired the goods or the right to  
2 possession and use of the goods; or

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

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

18 **"§ 25-2A-305. Sale or sublease of goods by ~~lease-lessee.~~"**

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

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

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

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

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

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

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

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

1 G.S. 45-21.16 need not be complied with again but those of G.S. 45-21.16A, 45-21.17,  
2 and 45-21.17A shall be."

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

4 "(3) Proof as required by the clerk, which may be by affidavit, that notices of  
5 hearing, sale and resale were served upon all parties entitled thereto  
6 under G.S. 45-21.16, ~~G.S. 45-21.17~~, 45-21.17A, and 45-21.30. In the  
7 absence of an affidavit to the contrary filed with the clerk, an affidavit  
8 by the person holding the sale that the notice of sale was posted in the  
9 area designated by the clerk of superior court for posting public notices  
10 in the county or counties in which the property is situated 20 days prior  
11 to the sale shall be proof of compliance with the requirements of G.S.  
12 45-21.17(1)a."

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

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

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

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

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

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

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

28 **"§ 55A-10-30. Approval by third persons.**

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

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

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

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

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

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

1 "1. Producing, generating, transmitting, delivering or  
2 furnishing electricity, piped gas, steam or any other like  
3 agency for the production of light, heat or power to or for  
4 the public for compensation; provided, however, that the  
5 term 'public utility' shall not include persons who  
6 construct or operate an electric generating facility, the  
7 primary purpose of which facility is for such person's own  
8 use and not for the primary purpose of producing  
9 electricity, heat, or steam for sale to or for the public for  
10 ~~compensation.~~ compensation."

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

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

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

18 **"§ 88A-23. Reports and immunity from suit.**

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

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

28 **"§ 89C-13. General requirements for registration.**

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

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

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

38 a. Registration by Comity or Endorsement. – A person holding a  
39 certificate of registration to engage in the practice of engineering,  
40 on the basis of comparable qualifications, issued to him by a  
41 proper authority of a state, territory, or possession of the United  
42 States, the District of Columbia, or of Canada, who in the  
43 opinion of the Board, meets the requirements of this Chapter,

1 based on verified evidence may, upon application, be registered  
2 without further examination.

3 A person holding a certificate of qualification issued by the  
4 Committee on National Engineering Certification of the National  
5 Council of Engineering Examiners, whose qualifications meet  
6 the requirements of this Chapter, may upon application, be  
7 registered without further examination.

8 b. E.I.T. Certificate, Experience, and Examination. – A holder of a  
9 certificate of engineer-in-training issued by the Board, and with a  
10 specific record of an additional four years or more of progressive  
11 experience on engineering projects of a grade and character  
12 which indicates to the Board that the applicant may be competent  
13 to practice engineering, shall be admitted to an eight-hour  
14 examination in the principles and ~~practices~~practice of  
15 engineering. Upon passing such examination, the applicant shall  
16 be granted a certificate of registration to practice professional  
17 engineering in this State, provided he is otherwise qualified.

18 c. Graduation, Experience, and Examination. – A graduate of an  
19 engineering curriculum of four years or more approved by the  
20 Board as being of satisfactory standing, and with a specific  
21 record of an additional four years or more of progressive  
22 experience on engineering projects of a grade and character  
23 which indicates to the Board that the applicant may be competent  
24 to practice engineering, shall be admitted to an eight-hour written  
25 examination in the fundamentals of engineering, and an eight-  
26 hour written examination in the principles and ~~practices~~practice  
27 of engineering. Upon passing such examinations, the applicant  
28 shall be granted a certificate of registration to practice  
29 professional engineering in this State, provided he is otherwise  
30 qualified.

31 d. Graduation, Experience, and Examination. – A graduate of an  
32 engineering or related science curriculum of four years or more,  
33 other than the ones approved by the Board as being of  
34 satisfactory standing or with an equivalent education and  
35 engineering experience satisfactory to the Board and with a  
36 specific record of eight years or more of progressive experience  
37 on engineering projects of a grade and character which indicates  
38 to the Board that the applicant may be competent in the  
39 fundamentals of engineering, shall be admitted to an eight-hour  
40 written examination in the fundamentals of engineering, and an  
41 eight-hour written examination in the principles and ~~practices~~  
42 practice of engineering. Upon passing such examinations, the  
43 applicant shall be granted a certificate of registration to practice

1 professional engineering in this State, provided he is otherwise  
2 qualified.

- 3 e. Long-Established Practice. – An individual with a specific record  
4 of 20 years of more of progressive experience on engineering  
5 projects of a grade and character which indicates to the Board  
6 that the applicant may be competent to practice engineering shall  
7 be admitted to an eight-hour written examination in the principles  
8 and practice of engineering. Upon passing such examination, the  
9 applicant shall be granted a certificate of registration to practice  
10 professional engineering in this State, provided he is otherwise  
11 qualified.

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

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

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

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

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

1 which shall be a registered land surveyor having personal knowledge of the applicant's  
2 land surveying experience.

3 The evaluation of a land surveyor applicant's qualifications shall involve a  
4 consideration of his education, technical and land surveying experience, exhibits of land  
5 surveying projects with which he has been associated, recommendations by references,  
6 and reviewing of these categories during an oral examination. The land surveyor  
7 applicant's qualifications may be reviewed at an interview if the Board deems it  
8 necessary. Educational credit for institute courses, correspondence courses, etc., shall be  
9 determined by the Board.

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

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

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

1 land surveyor, the applicant may elect to take the second  
2 examination (~~Principles and Practices~~—Practice of Land  
3 Surveying) prior to, during, or after completion of the additional  
4 experience required by this subdivision. An applicant who passes  
5 both examinations and successfully completes the educational  
6 and experience requirements of this subdivision shall be granted  
7 registration as a land surveyor.

8 c. Land Surveyor-in-Training Certificate, Experience, and  
9 Examination. – A holder of a certificate of land surveyor-in-  
10 training issued by the Board, and with a specific record of an  
11 additional two years or more of progressive surveying  
12 experience, one year of which shall have been under a practicing  
13 registered land surveyor, of a grade and character which indicates  
14 to the Board that the applicant may be competent to practice land  
15 surveying, shall be admitted to two four-hour examinations.  
16 Upon passing such examinations, the applicant shall be granted a  
17 certificate of registration to practice land surveying in this State,  
18 provided he is otherwise qualified.

19 d. Graduation from a high school or the completion of a high school  
20 equivalency certificate and a record satisfactory to the Board of  
21 seven years of progressive practical experience, six years of  
22 which shall have been under a practicing registered land  
23 surveyor, and satisfactorily passing such oral and written  
24 examination written in the presence of and required by the Board,  
25 all of which shall determine and indicate that the candidate is  
26 competent to practice land surveying.

27 e. Repealed by Session Laws 1985 (Regular Session, 1986), c. 977,  
28 s. 7.

29 f. Registration by Comity or Endorsement. – A person holding a  
30 certificate of registration to engage in the practice of land  
31 surveying issued on comparable qualifications from a state,  
32 territory, or possession of the United States will be given comity  
33 considerations. However, he may be asked to take such  
34 examinations as the Board deems necessary to determine his  
35 qualifications, but in any event, he shall be required to pass a  
36 written examination which shall include questions on laws,  
37 procedures, and practices pertaining to the practice of land  
38 surveying in North Carolina.

39 g. A licensed professional engineer who can satisfactorily  
40 demonstrate to the Board that his formal academic training in  
41 acquiring a degree and field experience in engineering includes  
42 land surveying, to the extent necessary to reasonably qualify the  
43 applicant in the practice of land surveying, may apply for and

1 may be granted permission to take the two four-hour  
2 examinations on the principles and ~~practices~~ practice of land  
3 surveying and the two four-hour examinations on the  
4 fundamentals of land surveying. Upon satisfactorily passing the  
5 examinations, the applicant will be granted a license to practice  
6 land surveying in the State of North Carolina.

- 7 h. Professional Engineers in Land Surveying. – Any person  
8 presently licensed to practice professional engineering under this  
9 Chapter shall upon his application be licensed to practice land  
10 surveying, providing his written application is filed with the  
11 Board within one year next after June 19, 1975.

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

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

- 17 a. Rightful possession of an associate degree in surveying  
18 technology approved by the Board and satisfactorily passing a  
19 written or oral examination taken in the presence of and as  
20 required by the Board.  
21 b. Rightful possession of a B.S. degree in surveying or other  
22 equivalent curricula in surveying all approved by the Board and  
23 satisfactorily passing such oral and written examinations written  
24 in the presence of and required by the Board.  
25 c. Graduation from high school or the completion of a high school  
26 equivalency certificate and a record satisfactory to the Board of  
27 five years of progressive, practical experience, four years of  
28 which shall have been under a practicing registered land surveyor  
29 and satisfactorily passing oral and written examinations taken in  
30 the presence of and as required by the Board.

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

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

36 **"§ 90-15. License fee; salaries, fees, and expenses of Board.**

37 Each applicant for a license by examination shall pay to the Board of Medical  
38 Examiners of the State of North Carolina a fee which shall be prescribed by the Board in  
39 an amount not exceeding the sum of four hundred dollars (\$400.00) plus the cost of test  
40 materials before being admitted to the examination. Whenever a license is granted  
41 without examination, as authorized in G.S. 90-13, the applicant shall pay to the Board a  
42 fee in an amount to be prescribed by the Board not in excess of two hundred fifty dollars  
43 (\$250.00). Whenever a limited license is granted as provided in G.S. 90-12, the applicant



1 shall pay to the Board a fee not to exceed one hundred fifty dollars (\$150.00), except  
2 where a limited license to practice in a medical education and training program approved  
3 by the Board for the purpose of education or training is granted, the applicant shall pay a  
4 fee of twenty-five dollars (\$25.00). A fee of twenty-five dollars (\$25.00) shall be paid for  
5 the issuance of a duplicate license. All fees shall be paid in advance to the Board of  
6 Medical Examiners of the State of North Carolina, to be held in a fund for the use of the  
7 Board. The compensation and expenses of the members and officers of ~~the~~-the Board and  
8 all expenses proper and necessary in the opinion of the Board to the discharge of its  
9 duties under and to enforce the laws regulating the practice of medicine or surgery shall  
10 be paid out of the fund, upon the warrant of the Board. The per diem compensation of  
11 Board members shall not exceed two hundred dollars (\$200.00) per day per member for  
12 time spent in the performance and discharge of duties as a member. Any unexpended sum  
13 or sums of money remaining in the treasury of the Board at the expiration of the terms of  
14 office of the members of the Board shall be paid over to their successors in office.

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

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

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

- 21 1. Dextropropoxyphene (~~Alpha (plus) 4-dimethylamino-1, (Alpha-(plus)- 4-~~  
22 dimethylamino-1, 2-diphenyl- 3-methyl-2-propionoxybutane).
- 23 2. Pipradrol.
- 24 3. SPA ((-)-1-dimethylamino-1, 2-diphenylethane)."

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

26 **"§ 90-109. Licensing required.**

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

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

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

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

40 **"§ 90-171.25. Custody and use of funds.**

41 The executive director shall deposit in financial institutions designated by the Board  
42 as official depositories all fees payable to the Board. The funds shall be deposited in the

1 name of the Board and shall be used to pay all expenses incurred by the Board in carrying  
2 out the purposes of this Article. ~~in accordance with State law."~~

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

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

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

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

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

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

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

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

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

33 (2) Is of good moral character;

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

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

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

5 "**§ 90-405. ~~Definition.~~ Definitions.**"

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

7 "a. Except as otherwise specifically provided in G.S. ~~95-25.5.~~  
8 25.5."

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

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

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

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

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

22 (2) To encourage, participate in, or conduct studies, investigations, public  
23 hearings, training, research, and demonstrations relating to the control  
24 of sources of radiation, the measurement of radiation, the effect upon  
25 public health and safety of exposure to radiation and related ~~problems;~~  
26 problems.

27 (3) To require the submission of plans, specifications, and reports for new  
28 construction and material alterations on (i) the design and protective  
29 shielding of installations for radioactive material and radiation machines  
30 and (ii) systems for the disposal of radioactive waste materials, for the  
31 determination of any radiation hazard and may render opinions, approve  
32 or disapprove such plans and ~~specifications;~~ specifications.

33 (4) To collect and disseminate information relating to the sources of  
34 radiation, including but not limited to: (i) maintenance of a record of all  
35 license applications, issuances, denials, amendments, transfers,  
36 renewals, modifications, suspensions, and revocations; and (ii)  
37 maintenance of a record of registrants and licensees possessing sources  
38 of radiation requiring registration or licensure under the provisions of  
39 this Chapter, and regulations hereunder, and any administrative or  
40 judicial action pertaining thereto; and to develop and implement a  
41 responsible data management program for the purpose of collecting and  
42 analyzing statistical information necessary to protect the public health  
43 and safety. The Department may refuse to make public dissemination

1 of information relating to the source of radiation within this State after  
2 the Department first determines that the disclosure of such information  
3 will contravene the stated policy and purposes of this Chapter and such  
4 disclosure would be against the health, welfare and safety of the public.

5 (5) To respond to any emergency which involves possible or actual release  
6 of radioactive material; and to perform or supervise decontamination  
7 and otherwise protect the public health and safety in any manner  
8 deemed necessary. This section does not in any way alter or change the  
9 provisions of Chapter 166 of the North Carolina General Statutes  
10 concerning response during an emergency by the Department of  
11 Military and Veterans Affairs or its successor.

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

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

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

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

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

37 (11) ~~The Department shall~~ To promote public education and public  
38 involvement in the decision-making process for the siting and  
39 permitting of proposed low-level radioactive waste facilities. The  
40 Department shall assist localities in which facilities are proposed in  
41 collecting and receiving information relating to the suitability of the  
42 proposed site. At the request of a local government in which facilities  
43 are proposed, the Department shall direct the appropriate agencies of

1 State government to develop such relevant data as that locality shall  
2 reasonably request."

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

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

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

1 which the federal tax paid by the regulated investment company is  
2 allowed as a credit or refund to the shareholder under section 852 of the  
3 Code.

4 (10) Repealed by Session Laws 1987, c. 778, s. 2.

5 (11) If a deduction for an ordinary and necessary business expense was  
6 required to be reduced or was not allowed under the Code because the  
7 corporation claimed a federal tax credit against its federal income tax  
8 liability for the income year in lieu of a deduction, the amount by which  
9 the deduction was reduced and the amount of the deduction that was  
10 disallowed.

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

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

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

24 b. The eligible income of an international banking facility for the  
25 taxable year shall be an amount obtained by multiplying State  
26 taxable income as determined under G.S. 105-130.3 (determined  
27 without regard to eligible income of an international banking  
28 facility and allocation and apportionment, if applicable) for such  
29 year by a fraction, the denominator of which shall be the gross  
30 receipts for such year derived by the bank from all sources, and  
31 the numerator of which shall be the adjusted gross receipts for  
32 such year derived by the international banking facility from:

33 1. Making, arranging for, placing or servicing loans to  
34 foreign persons substantially all the proceeds of which are  
35 for use outside the United States;

36 2. Making or placing deposits with foreign persons which  
37 are banks or foreign branches of banks (including foreign  
38 subsidiaries or foreign branches of the taxpayer) or with  
39 other international banking facilities; or

40 3. Entering into foreign exchange trading or hedging  
41 transactions related to any of the transactions described in  
42 this paragraph.

- 1 c. The adjusted gross receipts shall be determined by multiplying  
2 the gross receipts of the international banking facility by a  
3 fraction the numerator of which is the average amount for the  
4 taxable year of all assets of the international banking facility  
5 which are employed outside the United States and the  
6 denominator of which is the average amount for the taxable year  
7 of all assets of the international banking facility.
- 8 d. For the purposes of this subsection the term 'foreign person'  
9 means:
- 10 1. An individual who is not a resident of the United States;
  - 11 2. A foreign corporation, a foreign partnership or a foreign  
12 trust, as defined in section 7701 of the Code, other than a  
13 domestic branch thereof;
  - 14 3. A foreign branch of a domestic corporation (including the  
15 taxpayer);
  - 16 4. A foreign government or an international organization or  
17 an agency of either, or
  - 18 5. An international banking facility.

19 For purposes of this paragraph, the terms 'foreign' and  
20 'domestic' shall have the same meaning as set forth in section  
21 7701 of the Code.

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

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

- 34 "(5) Vehicles that the United States government gives to veterans on account  
35 of disabilities they suffered in World War II, the Korean Conflict, or the  
36 ~~Viet Nam~~-Vietnam Era so long as they are owned by:
- 37 a. A person to whom a vehicle has been given by the United States  
38 government or
  - 39 b. Another person who is entitled to receive such a gift under Title  
40 38, section 252, United States Code Annotated."

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

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

1 "**§ 106-2. Department of ~~Agriculture, Immigration, and Statistics~~ established;**  
2 **Agriculture established; Board of Agriculture, membership, terms of**  
3 **office, etc.**

4 The Department of ~~Agriculture, Immigration, and Statistics~~ Agriculture is created and  
5 established and shall be under the control of the Commissioner of Agriculture, with the  
6 consent and advice of a board to be styled 'The Board of Agriculture.' The Board of  
7 Agriculture shall consist of the Commissioner of Agriculture, who shall be ex officio a  
8 member and chairman thereof and shall preside at all meetings, and of 10 other members  
9 from the State at large, so distributed as to reasonably represent the different sections and  
10 agriculture of the State. In the appointment of the members of the Board the Governor  
11 shall also take into consideration the different agricultural interests of the State, and shall  
12 appoint one member who shall be a practical tobacco farmer to represent the tobacco  
13 farming interest, one who shall be a practical cotton grower to represent the cotton  
14 interest, one who shall be a practical truck farmer or general farmer to represent the truck  
15 and general farming interest, one who shall be a practical dairy farmer to represent the  
16 dairy and livestock interest of the State, one who shall be a practical poultryman to  
17 represent the poultry interest of the State, one who shall be a practical peanut grower to  
18 represent the peanut interests, one who shall be a ~~man~~-experienced in marketing to  
19 represent the marketing of products of the State. The members of such Board shall be  
20 appointed by the Governor by and with the consent of the Senate, when the terms of the  
21 incumbents respectively expire. The term of office of such members shall be six years  
22 and until their successors are duly appointed and qualified. The terms of office of the five  
23 members constituting the present Board of Agriculture shall continue for the time for  
24 which they were appointed. In making appointments for the enlarged Board of  
25 Agriculture, the Governor shall make the appointments so that the term of three members  
26 will be for two years, three for four and four for six years. Thereafter the appointments  
27 shall be made for six years. Vacancies in such Board shall be filled by the Governor for  
28 the unexpired term. The Commissioner of Agriculture and the members of the Board of  
29 Agriculture shall be practical farmers engaged in their profession."

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

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

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

35 Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526;  
36 Session Laws 1979, Chapter 556.

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

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

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

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

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



- 1 Bladen: Public-Local Laws 1933, Chapter 550, Section 2 (as it pertains to fox  
2 season); Session Laws 1961, Chapter 348 (as it applies to Bladen residents fishing in  
3 Robeson County); Session Laws 1961, Chapter 1023; Session Laws 1971, Chapter 384.  
4 Brunswick: Session Laws 1975, Chapter 218.  
5 Buncombe: Public-Local Laws 1933, Chapter 308.  
6 Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra  
7 Session), Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933,  
8 Chapter 422, Section 3; Session Laws 1965, Chapter 608, as amended by Session Laws  
9 1977, Chapter 68; Session Laws 1977, Chapter 636.  
10 Caldwell: Former G.S. 113-122; Session Laws 1965, Chapter 608, as amended by  
11 Session Laws 1977, Chapter 68; Session Laws 1977, Chapter 636; Session Laws 1979,  
12 Chapter 507.  
13 Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing  
14 waters); Session Laws 1967, Chapter 441.  
15 Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, Chapter 695.  
16 Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter  
17 411.  
18 Catawba: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.  
19 Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.  
20 Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.  
21 Cleveland: Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101;  
22 Session Laws 1979, Chapter 587.  
23 Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955,  
24 Chapter 506.  
25 Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971,  
26 Chapter 629.  
27 Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 471.  
28 Currituck: Session Laws 1959, Chapter 545.  
29 Dare: Session Laws 1973, Chapter 259.  
30 Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.  
31 Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session 1974),  
32 Chapter 1266; Session Laws 1979, Chapter 466.  
33 Edgecombe: Session Laws 1961, Chapter 408.  
34 Gates: Session Laws 1959, Chapter 298; ~~Session Laws 1973, Chapter 124, amending~~  
35 ~~Session Laws 1969, Chapter 121 (as it pertains to wild turkeys);~~ Session Laws 1975,  
36 Chapter 269; Session Laws 1975, Chapter 748.  
37 Granville: Session Laws 1963, Chapter 670.  
38 Greene: Session Laws 1975, Chapter 219; Session Laws 1979, Chapter 360.  
39 Halifax: Public-Local Laws 1925, Chapter 571, Section 3 (with respect to fox-hunting  
40 seasons); Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.  
41 Harnett: Former G.S. 113-111, as modified by Session Laws 1977, Chapter 636.  
42 Haywood: Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.  
43 Henderson: Former G.S. 113-111.

- 1 Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session  
2 Laws 1975, Chapter 748; Session Laws 1977, Chapter 67.
- 3 Hoke: Session Laws 1963, Chapter 267.
- 4 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes);  
5 Session Laws 1951, Chapter 932.
- 6 Iredell: Session Laws 1979, Chapter 577.
- 7 Jackson: Session Laws 1965, Chapter 765; Session Laws 1971, Chapter 424.
- 8 Johnston: Session Laws 1975, Chapter 342.
- 9 Jones: Session Laws 1979, Chapter 441.
- 10 Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.
- 11 Lenoir: Session Laws 1979, Chapter 441.
- 12 Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955,  
13 Chapter 878.
- 14 Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951,  
15 Chapter 1040.
- 16 Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.
- 17 Mitchell: Session Laws 1965, Chapter 608, as amended by Session Laws 1977,  
18 Chapter 68.
- 19 Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.
- 20 Nash: Session Laws 1961, Chapter 408.
- 21 New Hanover: Session Laws 1971, Chapter 559; Session Laws 1975, Chapter 95.
- 22 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269;  
23 Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979,  
24 Chapter 548.
- 25 Orange: Public-Local Laws 1913, Chapter 547.
- 26 Pamlico: Session Laws 1977, Chapter 636.
- 27 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session  
28 Laws 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws  
29 1977, Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977,  
30 Chapter 805; Session Laws 1979, Chapter 546.
- 31 Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws  
32 1973, Chapter 264; Session Laws 1979, Chapter 582.
- 33 Polk: Session Laws 1975, Chapter 397; Session Laws 1975, Chapter 269, as amended  
34 by Session Laws 1977, Chapter 167.
- 35 Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.
- 36 Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961,  
37 Chapter 348.
- 38 Rockingham: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310.
- 39 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter  
40 106, and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.
- 41 Rutherford: Session Laws 1973, Chapter 114; Session Laws 1975, Chapter 397.
- 42 Sampson: Session Laws 1979, Chapter 373.
- 43 Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.

1 Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws  
2 1979, Chapter 556.

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

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

7 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws  
8 1935, Chapter 238.

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

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

11 Washington: Session Laws 1947, Chapter 620.

12 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as  
13 amended by Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as  
14 amended by Session Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.

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

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

20 Yancey: Session Laws 1965, Chapter 522."

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

22 "**§ 113-229. Permits to dredge or fill in or about estuarine waters or ~~state-owned~~**  
23 **State-owned lakes.**"

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

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

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

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

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

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

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

4       **"§ 113-315.5. Alternative method for collection of assessment.**

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

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

16               "3. Whether or ~~not~~ not dredging or filling is involved in the  
17 maintenance or improvement."

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

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

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

29       **"§ 115C-48. Penalties for certain conduct.**

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

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

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

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

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

43               (1) The integration of academic and vocational and technical education;

- 1 (2) A sequential course of study leading to both academic and occupational  
2 competencies;
- 3 (3) Increased student work skill attainment and job placement;
- 4 (4) Increased linkages, where geographically feasible, between public  
5 schools and community colleges, so the public schools can emphasize  
6 academic preparation and the community colleges can emphasize  
7 specific job training; and
- 8 (5) Instruction and experience, to the extent practicable, in all aspects of the  
9 industry the students are prepared to enter."

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

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

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

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

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

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

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

29 "(d) Members of the Board of Trustees, other than ex officio members under ~~G.S.~~  
30 ~~116-233(3)~~, G.S. 116-233(a)(3), shall receive such per diem compensation and necessary  
31 travel and subsistence expenses while engaged in the discharge of their official duties as  
32 is provided by law for members of State boards and commissions. Ex officio members  
33 under ~~G.S. 116-233(3)~~-G.S. 116-233(a)(3) shall be reimbursed for travel expenses as  
34 provided by G.S. 138-6."

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

36 "(7) An employee who disputes the fairness of his or her performance  
37 appraisal or the amount of ~~the~~-a performance bonus awarded or who  
38 believes that he or she was unfairly denied a career growth recognition  
39 award or performance bonus shall first discuss the problem with his or  
40 her supervisor. Appeals of the supervisor's decision shall be made only  
41 to the grievance committee or internal performance review board of the  
42 department, agency, or institution which shall make a recommendation  
43 to the head of the department, agency, or institution for final decision.

1 The State Personnel Director shall help a department, agency, or  
2 institution establish an internal performance review board or, if it  
3 includes employee members, to use its existing grievance committee to  
4 hear performance pay disputes. Notwithstanding G.S. 150B-2(2) and  
5 G.S. 126-22, 126-25, and 126-34, performance pay disputes, including  
6 disputes about individual performance appraisals, shall not be  
7 considered contested case issues."

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

9 "(b1) Pick Up of Employee Contributions. – Anything within this section to the  
10 contrary notwithstanding, effective July 1, 1982, an employer, pursuant to the provisions  
11 of section 414(h)(2) of the Internal Revenue Code of 1954 as amended, may elect to pick  
12 up and pay the contributions which would be payable by the employees as members  
13 under subsection (b) of this section with respect to the service of employees after June 30,  
14 1982.

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

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

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

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

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

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

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

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

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

5   **"§ 131E-115. Legislative intent.**

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

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

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

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

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

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

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

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

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

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

28          "c. Should a beneficiary who retired on an early or service  
29          retirement allowance under this Chapter be reemployed, or  
30          otherwise engaged to perform services, by an employer  
31          participating in the Retirement System on a part-time, temporary,  
32          interim, or on a fee-for-service basis, whether contractual or  
33          otherwise, and if such beneficiary earns an amount in any  
34          calendar year which exceeds fifty percent (50%) of the reported  
35          compensation, excluding terminal payments, during the 12  
36          months of service preceding the effective date of retirement, or  
37          twenty thousand dollars (\$20,000), whichever is greater, as  
38          hereinafter indexed, then the retirement allowance shall be  
39          suspended as of the first day of the month following the month in  
40          which the reemployment earnings exceed the amount above, for  
41          the balance of the calendar year. The retirement allowance of the  
42          beneficiary shall be reinstated as of January 1 of each year  
43          following suspension. The amount that may be earned before

1 suspension shall be increased on January 1 of each year by the  
2 ratio of the Consumer Price Index to the Index one year earlier,  
3 calculated to the nearest tenth of a percent (1/10 of 1%)."

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

5 "b. This allowance shall also be governed by the provisions of G.S.  
6 ~~135-5(b9)(2)b. c. and d.~~ 135-5(b9)(2)b., c., and d."

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

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

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

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

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

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

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

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

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

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

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

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

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

42 "(a) Account. – The Wildlife Conservation Account is established within the  
43 Wildlife Resources Fund and is subject to the oversight of the State Auditor pursuant to



1 Article 5A of Chapter 147 of the General Statutes. Revenue is credited to the Account  
2 from donations of income tax refunds, from other donations, and from revenue derived  
3 from the sale of wildlife resources license plates. The Commission may use revenue in  
4 the Account only for the following purposes:

- 5 (1) To manage, preserve, or protect wildlife species that are endangered,  
6 threatened, or of special concern and are included on the State's  
7 protected animal lists.
- 8 (2) To manage, preserve, or protect nongame wildlife species that are not  
9 on the State's protected animal lists.
- 10 (3) To administer and enforce nongame wildlife programs under the  
11 jurisdiction of the Commission."

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

13 **"§ 143-291.3. Counterclaims by State.**

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

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

25 **"§ 143-299.2. Limitation on payments by the State.**

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

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

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

- 38 (1) To prevent the disclosure of information that is privileged or  
39 confidential pursuant to the law of this State or of the United States, or  
40 not considered a public record within the meaning of Chapter 132 of the  
41 General Statutes.
- 42 (2) To prevent the premature disclosure of an honorary degree, scholarship,  
43 prize, or similar ~~award~~; award.

- 1           (3) To consult with an attorney employed or retained by the public body in  
2 order to preserve the attorney-client privilege between the attorney and  
3 the public body, which privilege is hereby acknowledged. General  
4 policy matters may not be discussed in a closed session and nothing  
5 herein shall be construed to permit a public body to close a meeting that  
6 otherwise would be open merely because an attorney employed or  
7 retained by the public body is a participant. The public body may  
8 consider and give instructions to an attorney concerning the handling or  
9 settlement of a claim, judicial action, or administrative procedure. If the  
10 public body has approved or considered a settlement, other than a  
11 malpractice settlement by or on behalf of a hospital, in closed session,  
12 the terms of that settlement shall be reported to the public body and  
13 entered into its minutes as soon as possible within a reasonable time  
14 after the settlement is ~~concluded~~; concluded.
- 15           (4) To discuss matters relating to the location or expansion of industries or  
16 other businesses in the area served by the public ~~body~~; body.
- 17           (5) To establish, or to instruct the public body's staff or negotiating agents  
18 concerning the position to be taken by or on behalf of the public body in  
19 negotiating (i) the price and other material terms of a contract or  
20 proposed contract for the acquisition of real property by purchase,  
21 option, exchange, or lease; or (ii) the amount of compensation and other  
22 material terms of an employment contract or proposed employment  
23 contract.
- 24           (6) To consider the qualifications, competence, performance, character,  
25 fitness, conditions of appointment, or conditions of initial employment  
26 of an individual public officer or employee or prospective public officer  
27 or employee; or to hear or investigate a complaint, charge, or grievance  
28 by or against an individual public officer or employee. General  
29 personnel policy issues may not be considered in a closed session. A  
30 public body may not consider the qualifications, competence,  
31 performance, character, fitness, appointment, or removal of a member of  
32 the public body or another body and may not consider or fill a vacancy  
33 among its own membership except in an open meeting. Final action  
34 making an appointment or discharge or removal by a public body  
35 having final authority for the appointment or discharge or removal shall  
36 be taken in an open meeting.
- 37           (7) To plan, conduct, or hear reports concerning investigations of alleged  
38 criminal misconduct."

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

40           "(l) Each unit of local government that provides public water services or that plans  
41 to provide public water service shall, either individually or together with other units of  
42 local government, prepare a local water supply plan and submit it to the Department. The  
43 Department shall provide technical assistance with the preparation of plans to units of

1 local government upon request and to the extent that the Department has resources  
2 available to provide assistance. At a minimum, local units of government shall include in  
3 local water supply plans all information that is readily available to them. However this  
4 subsection shall be construed to require the preparation of local water supply plans only  
5 to the extent that technical assistance is made available to units of local government from  
6 the Department. Plans shall include present and projected population, industrial  
7 development, and water use within the service area, present and future water supplies, an  
8 estimate of the technical assistance that may be needed at the local level to address  
9 projected water needs, and any other related information as the Department may require  
10 in the preparation of a State water supply plan. Local plans shall be revised to reflect  
11 changes in relevant data and projections at least once each five years unless the  
12 Department requests more frequent revisions. Local plans and revised plans shall be  
13 submitted to the Department once they have been approved by the unit(s) of local  
14 government."

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

16 **"§ 143-621. Purpose and intent.**

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

19 ~~The~~ This Article promotes the development of voluntary purchasing Alliances to  
20 provide affordable health care coverage for self-employed individuals and employees of  
21 participating small employers in the manner of large employer groups. The Alliances  
22 will allow members to benefit from the contracting expertise and the administrative  
23 savings that can result from the pooling of small employers and self-employed  
24 individuals.

25 These Alliances will make available through their contracting processes a choice of  
26 Accountable Health Carriers that arrange for quality health services in a cost-effective  
27 manner. ~~The~~ This Article establishes rules for fair competition among competing  
28 Accountable Health Carriers. These rules include the offering of comparable benefits by  
29 competing Accountable Health Carriers, risk assessment, and risk adjustment to assure  
30 competition based on a fair allocation of risk among Accountable Health Carriers, and the  
31 providing of data that measures clinical outcomes and other valid areas of Accountable  
32 Health Carrier performance.

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

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

38 "1. Lost coverage under another health plan as a result of  
39 termination of employment, the termination of coverage  
40 under another health plan, ~~or~~ the death of a ~~spouse~~ spouse,  
41 or divorce and requests enrollment in a qualified health  
42 care plan within 30 days after termination of coverage;  
43 or".

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

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

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

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

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

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

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

16          "(2) Enter into contracts with member small employers pursuant to G.S. 143-  
17 630;".

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

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

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

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

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

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

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

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

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

2 **"§ 143A-11. Principal departments.**

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

- 7           (1) Office of the Governor.
- 8           (2) Office of the Lieutenant Governor.
- 9           (3) Department of the Secretary of State.
- 10          (4) Department of State Auditor.
- 11          (5) Department of State Treasurer.
- 12          (6) Department of Public Instruction.
- 13          (7) Department of Justice.
- 14          (8) Department of Agriculture.
- 15          (9) Department of Labor.
- 16          (10) Department of Insurance.
- 17          ~~(11) Department of Administration.~~
- 18          ~~(12) Department of Transportation.~~
- 19          ~~(13) Department of Environment, Health, and Natural Resources.~~
- 20          (14) Repealed by Session Laws 1973, c. 476, s. 6.
- 21          ~~(15) Department of Social Rehabilitation and Control.~~
- 22          ~~(16) Department of Commerce.~~
- 23                       (17), (18) Repealed by Session Laws 1973, c. 476, s. 6.
- 24          (19) Repealed by Session Laws 1973, c. 620, s. 9."

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

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

- 31           (1) Child day care services, including:
  - 32           a. Child day care subsidies to reduce waiting lists;
  - 33           b. Raising the county child day care subsidy rate to the State market  
34 rate, if applicable, in return for improvements in the quality of  
35 child day care services;
  - 36           c. Raising the income eligibility for child day care subsidies to  
37 seventy-five percent (75%) of the State median family income;
  - 38           d. Start-up funding for child day care providers;
  - 39           e. Assistance to enable child day care providers to conform to  
40 licensing and building code requirements;
  - 41           f. Child day care resources and referral services;
  - 42           g. Enhancement of the quality of child day care provided;
  - 43           h. Technical assistance for child day care providers;

- 1 i. Quality grants for child day care centers or family child day care
- 2 homes;
- 3 j. Expanded services or enhanced rates for children with special
- 4 needs;
- 5 k. Head Start services;
- 6 l. Development of comprehensive child day care services that
- 7 include child health and family support;
- 8 m. Activities to reduce staff turnover;
- 9 n. Activities to serve children with special needs;
- 10 o. Transportation services related to providing child day care
- 11 services;
- 12 p. Evaluation of plan implementation of child day care services; and
- 13 q. Needs and resources assessments for child day care services.
- 14 (2) Family- and child-centered services, including early childhood
- 15 education and child development services, including:
- 16 a. Enhancement of the quality of family- and child-centered
- 17 services provided;
- 18 b. Technical assistance for family- and child-centered services;
- 19 c. Needs and resource assessments for family- and child-centered
- 20 services;
- 21 d. Home-centered services; and
- 22 e. Evaluation of plan implementation of family- and child-centered
- 23 services.
- 24 (3) Other appropriate activities and services for child day care providers
- 25 and for family- and child-centered services, including:
- 26 a. Staff and organizational development, leadership and
- 27 administrative development, technology assisted education, and
- 28 long-range planning; and
- 29 b. Procedures to ensure that infants and young children receive
- 30 needed health, immunization, and related services."

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

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

33 **"§ 143B-426.39A. Information Highway Grants Advisory Council.**

34 (a) The Information Highway Grants Advisory Council is created within the

35 Office of the State Controller. The Council shall consist of 18 members as follows:

- 36 (1) Five members to be appointed by the Governor.
- 37 (2) Four members to be appointed by the Speaker of the House of
- 38 Representatives, at least one of whom shall be a public member.
- 39 (3) Four members to be appointed by the President Pro Tempore of the
- 40 Senate, at least one of whom shall be a public member.
- 41 (4) One representative from the Department of Public Instruction to be
- 42 designated by the Superintendent of Public Instruction.

- (5) One representative from the Department of Community Colleges to be designated by the President of the Community College System.
- (6) One representative from ~~the~~The University of North Carolina to be designated by the President of The University of North Carolina.
- (7) One representative from the Office of the State Controller, to be designated by the State Controller.
- (8) One representative from the North Carolina School of Science and Mathematics, to designated by the Board of Trustees.

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

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

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

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

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

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

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

|    |   |       |   |
|----|---|-------|---|
| 1  | Treasurer, Department of the State          | 3     | 1 |
| 2  | Local Government Commission                 | 2     | 0 |
| 3  | State Board of Education                    | 1     | 0 |
| 4  | Department of Public Instruction            | 3     | 1 |
| 5  | Controller                                  | 1     | 0 |
| 6  | Technical Assistance Centers                | 1 ea. | 0 |
| 7  | Department of Community Colleges            | 3     | 1 |
| 8  | Justice, Department of                      |       |   |
| 9  | Office of the Attorney General              | 25    | 3 |
| 10 | Budget Bureau (Administration)              | 1     | 0 |
| 11 | Property Control (Administration)           | 1     | 1 |
| 12 | State Bureau of Investigation               | 1     | 0 |
| 13 | Agriculture, Department of                  | 3     | 1 |
| 14 | Labor, Department of                        | 5     | 1 |
| 15 | Insurance, Department of                    | 5     | 1 |
| 16 | Administration, Department of               | 1     | 1 |
| 17 | Budget Bureau                               | 2     | 1 |
| 18 | Controller                                  | 1     | 0 |
| 19 | Property Control                            | 1     | 0 |
| 20 | Purchase and Contract                       | 2     | 0 |
| 21 | Policy and Development                      | 1     | 0 |
| 22 | Veterans Affairs Commission                 | 1     | 0 |
| 23 | Environment, Health, and Natural            |       |   |
| 24 | Resources, Department of                    | 1     | 0 |
| 25 | Division of Environmental Management        | 2     | 0 |
| 26 | Board of Environment, Health, and           |       |   |
| 27 | Natural Resources                           | 1     | 0 |
| 28 | Soil and Water Conservation Commission      | 1     | 0 |
| 29 | Wildlife Resources Commission               | 2     | 0 |
| 30 | Revenue, Department of                      | 5     | 1 |
| 31 | Human Resources, Department of              | 3     | 0 |
| 32 | Board of Human Resources                    | 1     | 0 |
| 33 | Health Services, Division of                | 3     | 0 |
| 34 | Mental Health, Developmental                |       |   |
| 35 | Disabilities, and Substance Abuse Services, |       |   |
| 36 | Division of                                 | 1     | 0 |
| 37 | Social Services, Division of                | 3     | 0 |
| 38 | Facilities Services, Division of            | 1     | 0 |
| 39 | Youth Services, Division of                 | 1     | 0 |
| 40 | Hospitals and Institutions                  | 1 ea. | 0 |
| 41 | Transportation, Department of               | 1     | 0 |
| 42 | Board of Transportation                     | 3     | 0 |
| 43 | Motor Vehicles, Division of                 | 1     | 0 |



|    |  |       |       |
|----|--|-------|-------|
| 1  | Commerce, Department of                | 1     | 0     |
| 2  | Economic Development, Division of      | 2     | 0     |
| 3  | State Ports Authority                  | 1     | 0     |
| 4  | Alcoholic Beverage Control Commission, |       |       |
| 5  | North Carolina                         | 2     | 0     |
| 6  | Banking Commission                     | 2     | 0     |
| 7  | Utilities Commission                   | 8     | 1     |
| 8  | Industrial Commission                  | 7     | 0     |
| 9  | Labor Force Development Council        | 1     | 0     |
| 10 | Milk Commission                        | 5     | 0     |
| 11 | Employment Security Commission         | 1     | 1     |
| 12 | Correction, Department of              | 1     | 0     |
| 13 | Department of Correction               | 2     | 0     |
| 14 | Parole Commission                      | 2     | 0     |
| 15 | State Prison                           | 1     | 0     |
| 16 | Correctional Institutions              | 1 ea. | 0     |
| 17 | Cultural Resources, Department of      | 1     | 0     |
| 18 | Archives and History, Division of      | 5     | 1     |
| 19 | State Library                          | 5     | 5     |
| 20 | Publications Division                  | 1     | 1     |
| 21 | Crime Control and Public Safety,       |       |       |
| 22 | Department of                          | 2     | 1     |
| 23 | North Carolina Crime Commission        | 1     | 0     |
| 24 | Adjutant General                       | 2     | 0     |
| 25 | Elections, State Board of              | 2     | 0     |
| 26 | Office of Administrative Hearings      | 2     | 0     |
| 27 | Legislative Branch                     |       |       |
| 28 | State Senators                         | 1 ea. | 1 ea. |
| 29 | State Representatives                  | 1 ea. | 1 ea. |
| 30 | Principal Clerk – Senate               | 1     | 1     |
| 31 | Principal Clerk – House                | 1     | 1     |
| 32 | Reading Clerk – Senate                 | 1     | 1     |
| 33 | Reading Clerk – House                  | 1     | 1     |
| 34 | Sergeant at Arms – House               | 1     | 1     |
| 35 | Sergeant at Arms – Senate              | 1     | 1     |
| 36 | Enrolling Clerk                        | 1     | 0     |
| 37 | Engrossing Clerk                       | 1     | 0     |
| 38 | Indexer of the Laws                    | 1     | 0     |
| 39 | Legislative Building Library           | 35    | 15    |
| 40 | Judicial System                        |       |       |
| 41 | Justices of the Supreme Court          | 1 ea. | 1 ea. |
| 42 | Judges of the Court of Appeals         | 1 ea. | 1 ea. |
| 43 | Judges of the Superior Court           | 1 ea. | 0     |

|    |   |                      |    |
|----|---|----------------------|----|
| 1  | Emergency and Special Judges of the                   |                      |    |
| 2  | Superior Court  | 1 ea.                | 0  |
| 3  | District Court Judges                                 | 1 ea.                | 0  |
| 4  | District Attorneys                                    | 1 ea.                | 0  |
| 5  | Clerk of the Supreme Court                            | 1                    | 1  |
| 6  | Clerk of the Court of Appeals                         | 1                    | 1  |
| 7  | Administrative Office of the Courts                   | 4                    | 1  |
| 8  | Supreme Court Library                                 |                      |    |
|    |   | AS MANY AS REQUESTED |    |
| 9  | Colleges and Universities                             |                      |    |
| 10 | The University of North Carolina System               |                      |    |
| 11 | Administrative Offices                                | 3                    | 0  |
| 12 | University of North Carolina, Chapel Hill             | 65                   | 25 |
| 13 | University of North Carolina, Charlotte               | 3                    | 1  |
| 14 | University of North Carolina, Greensboro              | 3                    | 1  |
| 15 | University of North Carolina, Asheville               | 2                    | 1  |
| 16 | University of North Carolina, Wilmington              | 2                    | 1  |
| 17 | North Carolina State University, Raleigh              | 5                    | 3  |
| 18 | Appalachian State University                          | 2                    | 1  |
| 19 | East Carolina University                              | 3                    | 2  |
| 20 | Elizabeth City State University                       | 2                    | 1  |
| 21 | Fayetteville State University                         | 2                    | 1  |
| 22 | North Carolina Agricultural and                       |                      |    |
| 23 | Technical University                                  | 2                    | 1  |
| 24 | North Carolina Central University                     | 5                    | 5  |
| 25 | Western Carolina University                           | 2                    | 1  |
| 26 | Pembroke State University                             | 2                    | 1  |
| 27 | Winston-Salem State University                        | 2                    | 1  |
| 28 | North Carolina School of the Arts                     | 1                    | 1  |
| 29 | Private Institutions                                  |                      |    |
| 30 | Duke University                                       | 6                    | 6  |
| 31 | Davidson College                                      | 3                    | 2  |
| 32 | Wake Forest University                                | 5                    | 5  |
| 33 | Lenoir Rhyne College                                  | 1                    | 1  |
| 34 | Elon College  | 1                    | 1  |
| 35 | Guilford College                                      | 1                    | 1  |
| 36 | Campbell College <del>College</del> <u>University</u> | 5                    | 5  |
| 37 | Wingate College                                       | 1                    | 1  |
| 38 | Pfeiffer College                                      | 1                    | 1  |
| 39 | Barber Scotia College                                 | 1                    | 1  |
| 40 | <del>Atlantic Christian</del> <u>Barton</u> College   | 1                    | 1  |
| 41 | Shaw University                                       | 1                    | 1  |
| 42 | St. Augustine's College                               | 1                    | 1  |
| 43 | J.C. Smith University                                 | 1                    | 1  |

|    |  |       |       |
|----|--|-------|-------|
| 1  | Belmont Abbey College                      | 1     | 1     |
| 2  | Bennett College                            | 1     | 1     |
| 3  | Catawba College                            | 1     | 1     |
| 4  | Gardner-Webb College                       | 1     | 1     |
| 5  | Greensboro College                         | 1     | 1     |
| 6  | High Point College                         | 1     | 1     |
| 7  | Livingstone College                        | 1     | 1     |
| 8  | Mars Hill College                          | 1     | 1     |
| 9  | Meredith College                           | 1     | 1     |
| 10 | Methodist College                          | 1     | 1     |
| 11 | North Carolina Wesleyan College            | 1     | 1     |
| 12 | Queens College                             | 1     | 1     |
| 13 | Sacred Heart College                       | 1     | 1     |
| 14 | St. Andrews Presbyterian College           | 1     | 1     |
| 15 | Salem College                              | 1     | 1     |
| 16 | Warren Wilson College                      | 1     | 1     |
| 17 | County and Local Officials                 |       |       |
| 18 | Clerks of the Superior Court               | 1 ea. | 1 ea. |
| 19 | Register of Deeds                          | 1 ea. | 1 ea. |
| 20 | Federal, Out-of-State and Foreign          |       |       |
| 21 | Secretary to the President                 | 1     | 0     |
| 22 | Secretary of State                         | 1     | 1     |
| 23 | Secretary of Defense                       | 1     | 0     |
| 24 | Secretary of Agriculture                   | 1     | 0     |
| 25 | Secretary of the Interior                  | 1     | 0     |
| 26 | Secretary of Labor                         | 1     | 1     |
| 27 | Secretary of Commerce                      | 1     | 1     |
| 28 | Secretary of the Treasury                  | 1     | 0     |
| 29 | Secretary of Health, Education and Welfare | 1     | 0     |
| 30 | Secretary of Housing and Urban Development | 1     | 0     |
| 31 | Secretary of Transportation                | 1     | 0     |
| 32 | Attorney General                           | 1     | 0     |
| 33 | Postmaster General                         | 1     | 0     |
| 34 | Bureau of Census                           | 1     | 0     |
| 35 | Bureau of Public Roads                     | 1     | 0     |
| 36 | Department of Justice                      | 1     | 0     |
| 37 | Department of Internal Revenue             | 1     | 0     |
| 38 | Veterans' Administration                   | 1     | 0     |
| 39 | Farm Credit Administration                 | 1     | 0     |
| 40 | Securities and Exchange Commission         | 1     | 0     |
| 41 | Social Security Board                      | 1     | 0     |
| 42 | Environmental Protection Agency            | 1     | 0     |
| 43 | Library of Congress                        | 8     | 2     |

|   |  |       |         |
|---|--|-------|---------|
| 1 | Federal Judges resident in North Carolina          | 1 ea. | 0       |
| 2 | Federal District Attorneys resident in             |       |         |
| 3 | North Carolina                                     | 1 ea. | 0       |
| 4 | Marshal of the United States Supreme Court         | 1     | 0       |
| 5 | Federal Clerks of Court resident in North Carolina |       | 1 ea. 0 |
| 6 | Supreme Court Library exchange list                | 1 ea. | 0       |

7 One copy of the Session Laws shall be furnished the head of any department of State  
8 government created in the future.

9 State agencies, institutions, etc., not found in or covered by this list may, upon written  
10 request from their respective department head to the Secretary of State, and upon the  
11 discretion of the Secretary of State as to need, be issued copies of the Session Laws on a  
12 permanent loan basis with the understanding that should said copies be needed they will  
13 be recalled."

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

15 **"§ 147-54. Printing, distribution and sale of the North Carolina Manual.**

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

19 **NORTH CAROLINA STATE GOVERNMENT:**

|    |  |       |       |
|----|--|-------|-------|
| 20 | Members of the General Assembly                            |       | 2 ea. |
| 21 | Officers of the General Assembly                           |       | 1 ea. |
| 22 | Offices of the Clerk of each House of the General Assembly | 1 ea. |       |
| 23 | Legislative Services Officer                               |       | 1     |
| 24 | Legislative Library  |       | 6     |
| 25 | Members of the Council of State                            |       | 2 ea. |
| 26 | Appointed Secretaries of Executive Departments             |       | 2 ea. |
| 27 | Personnel of the Department of the Secretary of State      |       | 1 ea. |
| 28 | State Board of Elections                                   |       | 2     |
| 29 | Divisions of Archives and History, Director                |       | 1     |
| 30 | Search Room  | 3     |       |
| 31 | Publications Section                                       | 2     |       |
| 32 | State Library  |       | 10    |
| 33 | Libraries within State Agencies                            |       | 1 ea. |
| 34 | Justices of the North Carolina Supreme Court               |       | 1 ea. |
| 35 | Judges of the North Carolina Court of Appeals              |       | 1 ea. |
| 36 | Judges of the North Carolina Superior Court                |       | 1 ea. |
| 37 | Supreme Court Library                                      |       | 12    |
| 38 | Court of Appeals Library                                   |       | 2     |
| 39 | Clerk of the Supreme Court                                 |       | 1     |
| 40 | Clerk of the Court of Appeals                              |       | 1     |
| 41 | Reporter of the Supreme Court and Court of Appeals         |       | 1     |
| 42 | Administrative Office of the Courts                        |       | 5     |

43 **NORTH CAROLINA EDUCATIONAL INSTITUTIONS:**

|    |  |       |
|----|--|-------|
| 1  | University of North Carolina System                  |       |
| 2  | General Administration Offices                       | 12    |
| 3  | Chancellors of the Constituent Institutions          | 1 ea. |
| 4  | University of North Carolina – Chapel Hill Library   | 15    |
| 5  | North Carolina State University Library              | 5     |
| 6  | East Carolina University Library                     | 5     |
| 7  | North Carolina Central University Library            | 5     |
| 8  | Appalachian State University Library                 | 4     |
| 9  | University of North Carolina – Charlotte Library     | 4     |
| 10 | University of North Carolina – Greensboro Library    | 4     |
| 11 | Western Carolina University Library                  | 4     |
| 12 | Other Constituent Institutions Libraries             | 3 ea. |
| 13 | North Carolina School of the Arts                    | 2     |
| 14 | Institute of Government                              | 2     |
| 15 | Community Colleges and Technical Institutes          | 2 ea. |
| 16 | Private Colleges and Universities                    |       |
| 17 | Duke University Library                              | 6     |
| 18 | Wake Forest University                               | 6     |
| 19 | Campbell College- <u>University</u> Library          | 5     |
| 20 | Davidson College Library                             | 4     |
| 21 | All other Libraries of Senior and Junior Colleges    | 2 ea. |
| 22 | Public and Private Schools containing grades 8-12    | 1 ea. |
| 23 | COUNTY GOVERNMENT:                                   |       |
| 24 | Clerks of Court                                      | 1 ea. |
| 25 | Registers of Deeds                                   | 1 ea. |
| 26 | Public Libraries of North Carolina                   | 1 ea. |
| 27 | FEDERAL GOVERNMENT:                                  |       |
| 28 | President of the United States                       | 1     |
| 29 | North Carolina Members of the Presidential Cabinet   | 1 ea. |
| 30 | North Carolina Members of the United States Congress | 2 ea. |
| 31 | Library of Congress                                  | 3     |
| 32 | Resident Judges of the Federal Judiciary             |       |
| 33 | and United States Attorneys in North Carolina        | 1 ea. |
| 34 | Secretaries of State of the United States            |       |
| 35 | and Territories                                      | 1 ea. |

36 After making the above distribution, the remainder shall be sold at the cost of  
 37 publication plus tax and postage and the proceeds from such sales deposited with the  
 38 State Treasurer for use by the Publications Division of the Secretary of State's Office to  
 39 defray the expense of publishing the North Carolina Manual. Libraries and educational  
 40 institutions not covered in the above distribution shall be entitled to a twenty percent  
 41 (20%) discount on the cost of any purchase(s)."

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

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

- 1 (1) Three members shall be appointed by the Governor;
- 2 (2) Two members shall be appointed by the Lieutenant Governor;
- 3 (3) Five members shall be appointed by the General Assembly upon the
- 4 recommendation of the Speaker of the House of Representatives in
- 5 accordance with G.S. ~~120-121~~, 120-121; and
- 6 (4) Five members shall be appointed by the General Assembly upon the
- 7 recommendation of the President Pro Tempore of the Senate in
- 8 accordance with G.S. ~~120-121~~, and 120-121."

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

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

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

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

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

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

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

- 26 (1) Five members shall be appointed by the Governor, including one  
27 developer of northeastern North Carolina, one banker, one county  
28 commissioner from Camden, Currituck, Pasquotank, or Perquimans  
29 Counties, or from the county or counties assigned to the Commission by  
30 the Department of Commerce as authorized by law, and one county  
31 commissioner from Beaufort, Bertie, Chowan, or Martin Counties, or  
32 from the county or counties assigned to the Commission by the  
33 Department of Commerce as authorized by law;
- 34 (2) Five members shall be appointed by the General Assembly upon the  
35 recommendation of the President Pro Tempore of the Senate in  
36 accordance with G.S. 120-121, including one developer of northeastern  
37 North Carolina, one banker, and one county commissioner from Dare,  
38 Hyde, Tyrrell, or Washington Counties;
- 39 (3) Five members shall be appointed by the General Assembly upon the  
40 recommendation of the Speaker of the House of Representatives in  
41 accordance with G.S. 120-121, including one developer of northeastern  
42 North Carolina, one banker, and one county commissioner from  
43 Halifax, Hertford, Gates, or Northampton Counties;

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

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

4 Any person appointed to the Commission in a categorical appointment as a county  
5 commissioner may hold such office in addition to the offices permitted by ~~G.S.~~ G.S. 128-  
6 1.1."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 "(c) The appointing authority shall designate two of the initial appointees pursuant  
41 to ~~subsection~~ subdivision (b)(1) of this section, one of the initial appointees pursuant to  
42 ~~subsection~~ subdivision (b)(2) of this section, two of the initial appointees pursuant to  
43 ~~subsection~~ subdivision (b)(3) of this section, and two of the initial appointees pursuant to

1 ~~subsection~~ subdivision (b)(4) of this section to serve for terms ending June 30, 1995; the  
2 remainder of the initial appointees shall serve for terms ending June 30, 1997. Their  
3 successors shall serve for four-year terms ending on June 30 quadrennially thereafter.

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

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

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

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

36 "(14a) To make special assessments against benefited property within the  
37 area served or to be served by the authority for the purpose of  
38 constructing, reconstructing, extending, or otherwise improving  
39 water systems or sanitary collection, treatment, and sewage  
40 disposal systems, in the same manner that a county may make  
41 special assessments under authority of Chapter 153A, Article 9,  
42 except that the language appearing in G.S. 153A-185 reading as  
43 follows: 'A county may not assess property within a city pursuant



1 to subdivision (1) or (2) of this section unless the governing board  
2 of the city has by resolution approved the project,' shall not apply  
3 to assessments levied by Water and Sewer Authorities established  
4 pursuant to Chapter 162A, Article 1, of the General Statutes. For  
5 the purposes of this paragraph, references in Chapter 153A, Article  
6 9, to the 'county,' the 'board of county commissioners,' 'the board'  
7 or a specific county official or employee are deemed to refer,  
8 respectively, to the authority and to the official or employee of the  
9 authority who performs most nearly the same duties performed by  
10 the specified county official or employee.

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

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

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

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

33 **"§ 163-82.9. Cancellation of prior registration.**

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

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

40 **"§ 163-144. Lost, destroyed, damaged, and stolen ballots; replacement; report.**

41 Should official ballots furnished to any precinct in accordance with the provisions of  
42 this ~~chapter~~-Chapter be lost, destroyed, damaged, or stolen, the county board of elections,

1 upon ascertaining that a shortage of ballots exists in the precinct, shall furnish the needed  
2 replacement ballots.

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

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

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

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

26 "(f) Notwithstanding the exception specified in ~~G.S. 163-119~~, G.S. 163-36, counties  
27 which operate a modified full-time office shall remain open five days each week during  
28 regular business hours consistent with daily hours presently observed by the county board  
29 of elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing  
30 until 5:00 P.M. on the Friday prior to that election or primary. The boards of county  
31 commissioners shall provide necessary funds for the additional operation of the office  
32 during such time."

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

34 "**§ 164-14. Membership; appointments; terms; vacancies.**

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

- 37 (1) One member, by the president of the North Carolina State Bar;
- 38 (2) One member, by the General Statutes Commission;
- 39 (3) One member, by the dean of the school of law of the University of  
40 North Carolina;
- 41 (4) One member, by the dean of the school of law of Duke University;
- 42 (5) One member, by the dean of the school of law of Wake Forest  
43 University;

- 1 (6) One member, by the Speaker of the House of Representatives of each  
2 General Assembly from the membership of the House;
- 3 (7) One member, by the President Pro Tempore of the Senate of each  
4 General Assembly from the membership of the Senate;
- 5 (8) Two members, by the Governor;
- 6 (9) One member, by the dean of the school of law of North Carolina Central  
7 University;
- 8 (10) One member by the president of the North Carolina Bar Association;
- 9 (11) One member, by the dean of the school of law of Campbell ~~College~~  
10 University.

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

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

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

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

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

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

5 **"§ 166A-1. Short title.**

6 This ~~Chapter~~-Article may be cited as 'North Carolina Emergency Management Act of  
7 1977.'"

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

9 **"§ 166A-2. Purposes.**

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

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

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

27 **"§ 166A-3. Limitations.**

28 Nothing in this ~~Chapter~~-Article shall be construed to:

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

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

40 **"§ 166A-4. Definitions.**

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

- 1           (1) 'Emergency Management.' – Those measures taken by the populace and  
2 governments at federal, State, and local levels to minimize the adverse  
3 effect of any type disaster, which include the never-ending preparedness  
4 cycle of prevention, mitigation, warning, movement, shelter, emergency  
5 assistance and recovery.
- 6           (2) 'Emergency Management Agency.' – A State or local governmental  
7 agency charged with coordination of all emergency management  
8 activities for its jurisdiction.
- 9           (3) 'Disaster.' – An occurrence or imminent threat of widespread or severe  
10 damage, injury, or loss of life or property resulting from any natural or  
11 man-made accidental, military or paramilitary cause.
- 12           (4) 'Political Subdivision.' – Counties and incorporated cities, towns and  
13 villages."

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

15 **"§ 166A-5. State emergency management.**

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

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

1 required to cooperate with and extend such services and  
2 facilities to the Governor upon request. This authority  
3 shall extend to a state of disaster, imminent threat of  
4 disaster or emergency management planning and training  
5 purposes.

6 7. To agree, when required to obtain federal assistance in  
7 debris removal, that the State will indemnify the federal  
8 government against any claim arising from the removal.

9 8. To sell, lend, lease, give, transfer or deliver materials or  
10 perform services for disaster purposes on such terms and  
11 conditions as may be prescribed by any existing law, and  
12 to account to the State Treasurer for any funds received  
13 for such property.

14 b. In the threat of or event of a disaster, or when requested by the  
15 governing body of any political subdivision in the State, the  
16 Governor may assume operational control over all or any part of  
17 the emergency management functions within this State.

18 (2) Secretary of Crime Control and Public Safety. – The Secretary of Crime  
19 Control and Public Safety shall be responsible to the Governor for State  
20 emergency management activities and shall have:

21 a. The power, as delegated by the Governor, to activate the State  
22 and local plans applicable to the areas in question and he shall be  
23 empowered to authorize and direct the deployment and use of  
24 any personnel and forces to which the plan or plans apply, and  
25 the use or distribution of any supplies, equipment, materials and  
26 facilities available pursuant to this ~~Chapter~~ Article or any other  
27 provision of law.

28 b. Additional authority, duties, and responsibilities as may be  
29 prescribed by the Governor, and he may subdelegate his  
30 authority to the appropriate member of his department.

31 (3) Functions of State Emergency Management. – The functions of the  
32 State emergency management program include:

33 a. Coordination of the activities of all agencies for emergency  
34 management within the State, including planning, organizing,  
35 staffing, equipping, training, testing, and the activation of  
36 emergency management programs.

37 b. Preparation and maintenance of State plans for man-made or  
38 natural disasters. The State plans or any parts thereof may be  
39 incorporated into department regulations and into executive  
40 orders of the Governor.

41 c. Promulgation of standards and requirements for local plans and  
42 programs, determination of eligibility for State financial

- 1 assistance provided for in G.S. 166A-7 and provision of technical  
2 assistance to local governments.
- 3 d. Development and presentation of training programs and public  
4 information programs to insure the furnishing of adequately  
5 trained personnel and an informed public in time of need.
- 6 e. Making of such studies and surveys of the resources in this State  
7 as may be necessary to ascertain the capabilities of the State for  
8 emergency management, maintaining data on these resources,  
9 and planning for the most efficient use thereof.
- 10 f. Coordination of the use of any private facilities, services, and  
11 property.
- 12 g. Preparation for issuance by the Governor of executive orders,  
13 proclamations, and regulations as necessary or ~~appropriate~~, and  
14 appropriate.
- 15 h. Cooperation and maintenance of liaison with the other states,  
16 federal government and any public or private agency or entity in  
17 achieving any purpose of this ~~Chapter~~ Article and in  
18 implementing programs for emergency, disaster or war  
19 prevention, preparation, response, and recovery.
- 20 i. Making recommendations, as appropriate, for zoning, building  
21 and other land-use controls, and safety measures for securing  
22 mobile homes or other nonpermanent or semipermanent works  
23 designed to protect against or mitigate the effects of a disaster.
- 24 j. Coordination of the use of existing means of communications  
25 and supplementing communications resources and integrating  
26 them into a comprehensive State or State-federal  
27 telecommunications or other communications system or  
28 network."

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

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

- 32 (1) To utilize all available State resources as reasonably necessary to cope  
33 with an emergency, including the transfer and direction of personnel or  
34 functions of State agencies or units thereof for the purpose of  
35 performing or facilitating emergency services;
- 36 (2) To take such action and give such directions to State and local law-  
37 enforcement officers and agencies as may be reasonable and necessary  
38 for the purpose of securing compliance with the provisions of this  
39 ~~Chapter~~ Article and with the orders, rules and regulations made pursuant  
40 thereto;
- 41 (3) To take steps to assure that measures, including the installation of public  
42 utilities, are taken when necessary to qualify for temporary housing

1 assistance from the federal government when that assistance is required  
2 to protect the public health, welfare, and safety;

- 3 (4) Subject to the provisions of the State Constitution to relieve any public  
4 official having administrative responsibilities under this ~~Chapter~~-Article  
5 of such responsibilities for willful failure to obey an order, rule or  
6 regulation adopted pursuant to this ~~Chapter~~-Article."

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

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

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

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

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

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

28 "**§ 166A-12. Nondiscrimination in emergency management.**

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

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

36 "**§ 166A-13. Emergency management personnel.**

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

- 39 (1) Advocates or has advocated a change by force or violence in the  
40 constitutional form of the Government of the United States or in this  
41 State;
- 42 (2) Advocates or has advocated the overthrow of any government in the  
43 United States by force or violence;



- 1 (3) Has been convicted of any subversive act against the United States;  
2 (4) Is under indictment or information charging any subversive act against  
3 the United States; or  
4 (5) Has ever been a member of the Communist Party.

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

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

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

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

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

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

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

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

39 "**§ 166A-16. Severability.**

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

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

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

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

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

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

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

15          Sec. 135.1. (a) The introductory language of Section 2 of Chapter 110 of the 1995  
16 Session Laws reads as rewritten:

17           "Sec. 2. Section 4 of Chapter 869 of the ~~1986-1985~~ Session Laws reads as rewritten:".

18          (b) The introductory language of Section 4 of Chapter 163 of the 1995 Session  
19 Laws reads as rewritten:

20           "Sec. 4. G.S. ~~20-118(b)(12)-20-118(c)(12)~~ reads as rewritten:".

21          (c) Section 1 of Chapter 186 of the 1995 Session Laws is repealed.

22          (d) Section 2 of Chapter 197 of the 1995 Session Laws reads as rewritten:

23          "Sec. 2. Notwithstanding the provisions of G.S. 163-155, if a direct record voting  
24 system is approved by the State Board of Elections under the provisions of G.S. 163-160  
25 for use by a county, that county's board of elections may require, according to rules  
26 which shall be adopted by the State Board of ~~Election,~~ Elections, that paper ballots used in  
27 curbside voting under G.S. 163-155 be transported to the county board of elections to be  
28 counted centrally rather than at the voting place."

29          (e) G.S. 1A-1, Rule 4(c) reads as rewritten:

30          "(c) Summons – Return. – Personal service or substituted personal service of  
31 summons as prescribed by Rule 4(j)(1) a and b, must be made within 30 days after the  
32 date of the issuance of summons, except that in tax and assessment foreclosures under  
33 G.S. 47-108.25 or G.S. ~~405-414-105-374~~ the time allowed for service is 60 days. When a  
34 summons has been served upon every party named in the summons, it shall be returned  
35 immediately to the clerk who issued it, with notation thereon of its service.

36          Failure to make service within the time allowed or failure to return a summons to the  
37 clerk after it has been served on every party named in the summons shall not invalidate  
38 the summons. If the summons is not served within the time allowed upon every party  
39 named in the summons, it shall be returned immediately upon the expiration of such time  
40 by the officer to the clerk of the court who issued it with notation thereon of its  
41 nonservice and the reasons therefor as to every such party not served, but failure to  
42 comply with this requirement shall not invalidate the summons."

43          (f) G.S. 1A-1, Rule 4(d) reads as rewritten:

1       "(d) Summons – Extension; endorsement, alias and pluries. – When any defendant  
2 in a civil action is not served within the time allowed for service, the action may be  
3 continued in existence as to such defendant by either of the following methods of  
4 extension:

- 5           (1) The plaintiff may secure an endorsement upon the original summons for  
6 an extension of time within which to complete service of process.  
7 Return of the summons so endorsed shall be in the same manner as the  
8 original process. Such endorsement may be secured within 90 days after  
9 the issuance of summons or the date of the last prior endorsement, or  
10          (2) The plaintiff may sue out an alias or pluries summons returnable in the  
11 same manner as the original process. Such alias or pluries summons  
12 may be sued out at any time within 90 days after the date of issue of the  
13 last preceding summons in the chain of summonses or within 90 days of  
14 the last prior endorsement.

15       Provided, in tax and assessment foreclosures under G.S. ~~105-391-47-108.25~~ and G.S.  
16 ~~105-414105-374~~, the first endorsement may be made at any time within two years after  
17 the issuance of the original summons, and subsequent endorsements may thereafter be  
18 made as in other actions; or an alias or pluries summons may be sued out at any time  
19 within two years after the issuance of the original summons, and after the issuance of  
20 such alias or pluries summons, the chain of summonses may be kept up as in any other  
21 action.

22       Provided, further, the methods of extension may be used interchangeably in any case  
23 and regardless of the form of the preceding extension."

24           (g) G.S. 45-21.16(f) reads as rewritten:

25       "(f) Waiver of the right to notice and hearing provided herein shall not be permitted  
26 except as set forth herein. In any case in which the original principal amount of  
27 indebtedness secured was one hundred thousand dollars (\$100,000), or more, any person  
28 entitled to notice and hearing may waive after default the right to notice and hearing by  
29 written instrument signed and duly acknowledged by such party. In all other cases, at  
30 any time subsequent to service of the notice of hearing provided above, the clerk, upon  
31 the request of the mortgagee or trustee, shall mail to all other parties entitled to notice of  
32 such hearing a form by which such parties may waive their rights to the hearing. Upon  
33 the return of the forms to the clerk bearing the signatures of each such party and that of a  
34 witness to each such party's signature (which witness shall not be an agent or employee  
35 of the mortgagee or trustee), the clerk in his discretion may dispense with the necessity of  
36 a hearing and proceed to issue the order authorizing sale as set forth above."

37           (h) G.S. 47C-1-102 reads as rewritten:

38       "(a) This chapter applies to all condominiums created within this State after  
39 October 1, 1986. Sections 47C-1-105 (Separate Titles and Taxation), 47C-1-106  
40 (Applicability of Local Ordinances, Regulations, and Building Codes), 47C-1-107  
41 (Eminent Domain), 47C-2-103 (Construction and Validity of Declaration and Bylaws),  
42 47C-2-104 (Description of Units), 47C-3-102(a)(1) through (6) and (11) through (16)  
43 (Powers of Unit Owners' Association), 47C-3-107A (Charges for Late Payment, Fines),

1 47C-3-111 (Tort and Contract Liability), 47C-3-112 (Conveyance or Encumbrance of  
2 Common Elements), 47C-3-116 (Lien for Assessments), 47C-3-118 (Association  
3 Records), and 47C-4-117 (Effect of Violation on Rights of Action; Attorney's Fees), and  
4 G.S. 47C-1-103 (Definitions), to the extent necessary in construing any of those sections,  
5 apply to all condominiums created in this State on or before October 1, 1986; but those  
6 sections apply only with respect to events and circumstances occurring after October 1,  
7 1986 and do not invalidate existing provisions of the declarations, bylaws, or plats or  
8 plans of those condominiums.

9 (b) The provisions of Chapter 47A, the Unit Ownership Act, do not apply to  
10 condominiums created after October 1, 1986 and do not invalidate any amendment to the  
11 declaration, bylaws, and plats and plans of any condominium created on or before  
12 October 1, 1986 if the amendment would be permitted by this chapter. The amendment  
13 must be adopted in conformity with the procedures and requirements specified by those  
14 instruments and by Chapter 47A, the Unit Ownership Act. If the amendment grants to  
15 any person any rights, powers, or privileges permitted by this chapter, all correlative  
16 obligations, liabilities, and restrictions in this chapter also apply to that person.

17 (c) This chapter does not apply to condominiums or units located outside this  
18 State, but the public offering statement provisions (G.S. 47C-4-102 through 47C-4-108)  
19 apply to all contracts for the dispositions thereof signed in this State by any party unless  
20 exempt under G.S. 47C-4-101(b)."

21 (i) G.S. 65-47 reads as rewritten:

22 "(a) The provisions of this Article shall apply to all persons engaged in the business  
23 of operating a cemetery as defined herein, except cemeteries owned and operated by  
24 governmental agencies or churches.

25 (b) Any cemetery beneficially owned and operated by a fraternal organization or  
26 its corporate agent for at least 50 years prior to September 1, 1975, shall be exempt from  
27 the provisions of Article 9 of this Chapter.

28 (c) The provisions of this Article shall not apply to persons licensed under ~~G.S.~~  
29 ~~65-36.1 through 65-36.8 when performing services or selling items for which a license is~~  
30 ~~required under G.S. 65-36.1 through 65-36.8~~ Article 13D of Chapter 90 of the General  
31 Statutes when engaging in activities for which a license is required under the Article."

32 (j) G.S. 65-66(a) reads as rewritten:

33 "(a) It shall be deemed contrary to public policy if any person or legal entity  
34 receives, holds, controls or manages funds or proceeds received from the sale of, or from  
35 a contract to sell, personal property or services which may be used in a cemetery in  
36 connection with the burial of or the commemoration of the memory of a deceased human  
37 being, where payments for the same are made either outright or on an installment basis  
38 prior to the demise of the person or persons so purchasing them or for whom they are so  
39 purchased, unless such person or legal entity holds, controls or manages said funds,  
40 subject to the limitations and regulations prescribed in this section. This section shall  
41 apply to all cemetery companies or other legal entities that offer for sale or sell personal  
42 property or services which may be used in a cemetery in connection with the burial of, or  
43 the commemoration of the memory of, a deceased human being, but shall exclude

1 persons holding a ~~certificate~~ license under ~~G.S. 90-210.30 through 90-210.37~~ Article 13D of  
2 Chapter 90 of the General Statutes."

3 (k) G.S. 65-66(k) reads as rewritten:

4 "(k) Nothing in ~~G.S. 65-66 and subsections thereunder~~ this section shall apply to  
5 persons or legal entities holding licenses ~~or certificates under G.S. 90-210.30 through 90-~~  
6 ~~210.37 when performing services or selling items authorized by said sections under~~  
7 Article 13D of Chapter 90 of the General Statutes when engaging in activities for which a  
8 license is required under that Article."

9 (l) G.S. 131E-23(a)(36) reads as rewritten:

10 "(36) To sell a hospital facility pursuant to G.S. 131E-8 or G.S. 131E-13;  
11 and".

12 Sec. 135.2. (a) Effective January 1, 1996, G.S. 28A-28-2(a)(6), as enacted by  
13 Section 1 of Chapter 294 of the 1995 Session Laws, reads as rewritten:

14 "(6) A description of the nature of the decedent's personal property and the  
15 location of such property, as far as these facts are known or can with  
16 reasonable diligence by be ascertained;"

17 (b) Effective October 1, 1995, G.S. 50-16.3A(a), as enacted by Section 2 of  
18 Chapter 319 of the 1995 Session Laws, reads as rewritten:

19 "(a) Entitlement. – In an action brought pursuant to Chapter 50 of the General  
20 Statutes, either party may move for alimony. The court shall award alimony to the  
21 dependent spouse upon a finding that one spouse is a dependent spouse, that the other  
22 spouse is a supporting spouse, and that an award of alimony is equitable after considering  
23 all relevant factors, including those set out in subsection (b) of this section. If the court  
24 finds that the dependent spouse participated in an act of illicit sexual behavior, as defined  
25 in G.S. 50-16.1A(3)a., during the marriage and prior to or on the date of separation, the  
26 court shall not award alimony. If the court finds that the supporting spouse participated  
27 in an act of illicit sexual behavior, as defined in G.S. 50-16.1A(3)a., during the marriage  
28 and prior to or on the date of separation, then the court shall order that alimony be ~~paid~~  
29 paid to a dependent spouse. If the court finds that the dependent and the supporting  
30 spouse each participated in an act of illicit sexual behavior during the marriage and prior  
31 to or on the date of separation, then alimony shall be denied or awarded in the discretion  
32 of the court after consideration of all of the circumstances. Any act of illicit sexual  
33 behavior by either party that has been ~~condone~~ condoned by the other party shall not be  
34 considered by the court.

35 The claim for alimony may be heard on the merits prior to the entry of a judgment for  
36 equitable distribution, and if awarded, the issues of amount and of whether a spouse is a  
37 dependent or supporting spouse may be reviewed by the court after the conclusion of the  
38 equitable distribution claim."

39 (c) G.S. 162A-4(a), as amended by Section 2 of Chapter 207 of the 1995 Session  
40 Laws, reads as rewritten:

41 "(a) Whenever an authority has been organized under the provisions of this  
42 Chapter, any political subdivision may withdraw therefrom at any time prior to the  
43 creation of any obligations by the authority, and any political subdivision not having

1 joined in the original organization may, with the consent of the authority, join the  
2 authority; provided, that any political subdivision not having joined the original  
3 organization shall have the right upon reasonable terms and conditions, whether the  
4 authority shall consent thereto or not, to join the authority if the authority's water system  
5 or sewer system, or any part thereof is situated within the boundaries of the political  
6 subdivision or of the county within which the political subdivision is located; provided,  
7 further, that any political subdivision authorized to join the authority by ~~G.S. 153A-5.1~~  
8 G.S. 162A-5.1 may do so without the consent of the authority."

9 (d) Section 1 of Chapter 285 of the 1995 Session Laws is amended by adding a  
10 quotation at the end of the section.

11 (e) Effective July 1, 1995, G.S. 87-43.2(a)(4) reads as rewritten:

12 "(4) The applicant furnishes, upon the initial application for a license, a  
13 bonding ability statement completed by a bonding company licensed to  
14 do business in North Carolina, verifying the applicant's ability to furnish  
15 performance bonds for electrical contracting projects having a value in  
16 excess of ~~seventeen thousand five hundred dollars (\$17,500)~~ twenty-five  
17 thousand dollars (\$25,000) for the intermediate license classification  
18 and in excess of seventy-five thousand dollars (\$75,000) for the  
19 unlimited license classification. In lieu of furnishing the bonding ability  
20 statement, the applicant may submit for evaluation and specific approval  
21 of the Board other information certifying the adequacy of the applicant's  
22 financial ability to engage in projects of the license classification  
23 applied for. The bonding ability statement or other financial information  
24 must be submitted in the same name as the license to be issued. If the  
25 firm for which a license application is filed is owned by a sole  
26 proprietor, the bonding ability statement or other financial information  
27 may be furnished in either the firm name or the name of the proprietor.  
28 However, if the application is submitted in the name of a sole  
29 proprietor, the applicant shall submit information verifying that the  
30 person in whose name the application is made is in fact the sole  
31 proprietor of the firm."

32 (f) G.S. 101-2 reads as rewritten:

33 **"§ 101-2. Procedure for changing name; petition; notice.**

34 A person who wishes, for good cause shown, to change his name must file his  
35 application before the clerk of the superior court of the county in which he lives, having  
36 first given 10 days' notice of the application by publication at the courthouse door.

37 Applications to change the name of minor children may be filed by their parent or  
38 parents or guardian or next friend of such minor children, and such applications may be  
39 joined in the application for a change of name filed by their parent or parents: Provided  
40 nothing herein shall be construed to permit one parent to make such application on behalf  
41 of a minor child without the consent of the other parent of such minor child if both  
42 parents be living, except that a minor who has reached the age of 16 years, upon proper  
43 application to the clerk may change his or her name, with the consent of the parent who

1 has custody of the minor and has supported the minor, without the necessity of obtaining  
2 the consent of the other parent, when the clerk of court is satisfied that the other parent  
3 has abandoned the minor. Provided, further, that a change of parentage or the addition of  
4 information relating to parentage on the birth certificate of any person shall be made  
5 pursuant to G.S. ~~130-60~~-130A-118.

6 Notwithstanding any other provisions of this section, the consent of a parent who has  
7 abandoned a minor child shall not be required if there is filed with the clerk a copy of an  
8 order of a court of competent jurisdiction adjudicating that such parent has abandoned  
9 such minor child. In the event that a court of competent jurisdiction has not therefore  
10 declared the minor child to be an abandoned child, then on written notice of not less than  
11 10 days to the parent alleged to have abandoned the child, by registered or certified mail  
12 directed to such parent's last known address, the clerk of superior court is hereby  
13 authorized to determine whether an abandonment has taken place. If said parent denies  
14 that an abandonment has taken place, this issue of fact shall be determined as provided in  
15 G.S. 1-273, and if abandonment is determined, then the consent of said parent shall not  
16 be required. Upon final determination of this issue of fact the proceeding shall be  
17 transferred back to the special proceedings docket for further action by the clerk."

18 (g) Section 4.1 of Chapter 360 of the 1995 Session Laws became effective  
19 upon ratification of that act.

20 (h) G.S. 120-2.1, as enacted by Section 1 of Chapter 355 of the 1995 Session  
21 Laws, is recodified as G.S. 120-2.2.

22 (i) Effective July 1, 1996, G.S. 20-85(b), as amended by Section 2 of Chapter  
23 50 of the 1995 Session Laws, reads as rewritten:

24 "~~(b) Thirty one dollars and fifty cents (\$31.50) of each title fee collected under~~  
25 ~~subdivision (a)(1) of this section and all of the~~ The fees collected under subdivisions  
26 ~~(a)(2)–(a)(1)~~ through (a)(9) of this section shall be credited to the North Carolina  
27 Highway Trust Fund. ~~The remaining three dollars and fifty cents (\$3.50) of the title fee~~  
28 ~~collected under subdivision (a)(1) of this section and the fees collected under subdivision~~  
29 (a)(10) of this section shall be credited to the Highway Fund. Fifteen dollars (\$15.00) of  
30 each title fee credited to the Trust Fund under subdivision (a)(1) shall be added to the  
31 amount allocated for secondary roads under G.S. 136-176 and used in accordance with  
32 G.S. 136-44.5."

33 (j) Section 34 of Chapter 390 of the 1995 Session Laws is repealed.

34 (k) Effective October 1, 1995, G.S. 143-129.4 reads as rewritten:

35 "**§ 143-129.4. Guaranteed energy savings contracts.**

36 The solicitation and evaluation of proposals for guaranteed energy savings contracts,  
37 as defined in Part 2 of Article 3B of this Chapter, and the letting of contracts for these  
38 proposals are governed solely by the provisions of that Part; except that guaranteed  
39 energy savings contracts are subject to the requirements of G.S. ~~143-128(e)~~-143-128(f)."

40 (l) As G.S. 132-10 enacted by Section 5 of Chapter 388 of the 1995 Session  
41 Laws covers the same subject matter, effective October 1, 1995, Chapter 285 of the 1991  
42 Session Laws and Chapter 82 of the 1993 Session Laws are repealed.

43 (m) Section 6 of Chapter 232 of the 1995 Session Laws reads as rewritten:

1 "Sec. 6. The Revisor of Statutes shall cause to be printed along with this act all  
2 relevant portions of the official comments to the Uniform Commercial Code, Revised  
3 Article 3 and conforming and miscellaneous amendments to Articles 1 and 4, and all  
4 explanatory comments of the drafters of this act, as the Revisor deems appropriate."

5 (n) Effective October 1, 1995, Section 7 of Chapter 331 of the 1995 Session  
6 Laws reads as rewritten:

7 "Sec. 7. Article 2A of Chapter 32A as set out in Section ~~3~~5 of this act is intended as a  
8 codification of the existing North Carolina common law."

9 (o) G.S. 90-21.11 reads as rewritten:

10 **"§ 90-21.11. Definitions.**

11 As used in this Article, the term 'health care provider' means without limitation any  
12 person who pursuant to the provisions of Chapter 90 of the General Statutes is licensed,  
13 or is otherwise registered or certified to engage in the practice of or otherwise performs  
14 duties associated with any of the following: medicine, surgery, dentistry, pharmacy,  
15 optometry, midwifery, osteopathy, podiatry, chiropractic, radiology, nursing,  
16 physiotherapy, pathology, anesthesiology, anesthesia, laboratory analysis, rendering  
17 assistance to a physician, dental hygiene, psychiatry, psychology; or a hospital ~~as defined~~  
18 ~~by G.S. 131-126.1(3); or a nursing home as defined by G.S. 130-9(e)(2);~~ home; or any other  
19 person who is legally responsible for the negligence of such person, hospital or nursing  
20 home; or any other person acting at the direction or under the supervision of any of the  
21 foregoing persons, hospital, or nursing home.

22 As used in this Article, the term 'medical malpractice action' means a civil action for  
23 damages for personal injury or death arising out of the furnishing or failure to furnish  
24 professional services in the performance of medical, dental, or other health care by a  
25 health care provider."

26 (p) G.S. 143-318.10(c) reads as rewritten:

27 "(c) 'Public body' does not include (1) a meeting solely among the professional staff  
28 of a public body, or (2) the medical staff of a public ~~hospital~~ hospital or the medical staff  
29 of a hospital that has been sold or conveyed pursuant to G.S. 131E-8."

30 (q) G.S. 131E-97.1(a) reads as rewritten:

31 "(a) Except as provided in subsection (b) of this section, the personnel files of  
32 employees or former employees, and the files of applicants for employment maintained  
33 by a public hospital as defined in G.S. 159-39 or maintained by a hospital that has been  
34 sold or conveyed pursuant to G.S. 131E-8 are not public records as defined by Chapter  
35 132 of the General Statutes."

36 (r) G.S. 131E-97.2 reads as rewritten:

37 **"§ 131E-97.2. Confidentiality of credentialing information.**

38 Information acquired by a public hospital, as defined in G.S. 159-39, a hospital that  
39 has been sold or conveyed pursuant to G.S. 131E-8, ~~or by a State-owned or State-operated~~  
40 hospital, or by persons acting for or on behalf of a hospital, in connection with the  
41 credentialing and peer review of persons having or applying for privileges to practice in  
42 the hospital is confidential and is not a public record under Chapter 132 of the General  
43 Statutes; provided that information otherwise available to the public shall not become



1 confidential merely because it was acquired by the hospital or by persons acting for or on  
2 behalf of the hospital."

3 (s) G.S. 90-368(8) reads as rewritten:

4 "(8) Employees or independent contractors of a hospital or health care  
5 facility licensed under Article 5 or Part A of Article 6 of Chapter 131E  
6 or Article 2 of Chapter 122C of the General Statutes."

7 (t) Effective October 1, 1995, G.S. 55-7-44(d) as enacted by Chapter 149 of  
8 the 1995 Session Laws reads as rewritten:

9 "(d) If a derivative proceeding is commenced after a determination has been made  
10 rejecting a demand by a shareholder, the complaint shall allege with particularity facts  
11 establishing that the requirements of subsection (a) of this section have not been met.  
12 Defendants may make a motion to dismiss a complaint under subsection (a) of this  
13 section for failure to comply with this subsection. Prior to the court's ruling on such a  
14 motion to dismiss for failure to comply with this subsection, dismiss, the plaintiff shall be  
15 entitled to discovery only with respect to the issues presented by the motion and only if  
16 and to the extent that the plaintiff has alleged such facts with particularity. The  
17 preliminary discovery shall be limited solely to matters germane and necessary to support  
18 the facts alleged with particularity relating solely to the requirements of subsection (a) of  
19 this section."

20 Sec. 135.3. (a) G.S. 65-60.1(e) reads as rewritten:

21 "(e) Any trustee shall invest and reinvest cemetery trust funds in the same manner  
22 as provided by law for the investment of trust funds by the clerk of the superior ~~court~~  
23 court; provided, however, that cemetery trust funds held in a fund designated as Trust  
24 Fund 'A' pursuant to G.S. 65-64(e) may be invested and reinvested in accordance with  
25 G.S. 36A-2."

26 (b) G.S. 65-64(a) reads as rewritten:

27 "(a) Deposits to the care and maintenance trust fund must be made by the cemetery  
28 company holding title to the subject cemetery lands on or before the last day of the  
29 calendar month following the calendar month in which final payment is received as  
30 provided herein; however the entire amount required to be deposited into the fund shall  
31 be paid within four years from the date of any contract requiring such payment regardless  
32 of whether all amounts have been received by the cemetery company. If the cemetery  
33 company fails to make timely deposit, the Commission may levy and collect a penalty of  
34 one dollar (\$1.00) per day for each day the deposit is delinquent on each grave space,  
35 niche or mausoleum crypt sold. The care and maintenance trust fund shall be invested  
36 and reinvested by the trustee in the same manner as provided by law for the investment of  
37 other trust funds by the clerk of the superior court except that such investments may be  
38 made through means of a common trust fund as described in ~~G.S. 36-47~~ G.S. 36A-90;  
39 provided, further, that cemetery trust funds held in a fund designated as Trust Fund 'A'  
40 pursuant to G.S. 65-64(e) may be invested and reinvested in accordance with G.S. 36A-2.  
41 The fees and other expenses of the trust fund shall be paid by the trustee from the net  
42 income thereof and may not be paid from the corpus. To the extent that the said net

1 income is not sufficient to pay such fees and other expenses, the same shall be paid by the  
2 cemetery company."

3 (c) G.S. 65-64(e) reads as rewritten:

4 "(e) When the amount deposited in the perpetual care fund required by this Article  
5 of any cemetery company shall amount to one hundred fifty thousand dollars (\$150,000),  
6 anything in this Article to the contrary notwithstanding, the cemetery company may make  
7 all deposits thereafter either into the original perpetual care trust fund or into a separate  
8 fund established as an irrevocable trust, designated as Perpetual Care Trust Fund 'A,' and  
9 invested by the ~~trustee~~ trustee, in accordance with G.S. 36A-2, as directed by the  
10 cemetery company. Funds in a trust fund designated as Trust Fund 'A' may not be  
11 invested in another cemetery company and are subject to the requirements of funds deposited  
12 in the original perpetual care trust fund- company."

13 (d) G.S. 14-415.12(b), as enacted in Chapter 398 of the 1995 Session Laws,  
14 reads as rewritten:

15 "(b) The sheriff shall deny a permit to an applicant who:

- 16 (1) Is ineligible to own, possess, or receive a firearm under the provisions  
17 of State or federal law.
- 18 (2) ~~Has formal charges pending~~ Is under indictment or against whom a  
19 finding of probable cause exists for a crime punishable by imprisonment  
20 for a term exceeding sixty days. felony.
- 21 (3) Has been adjudicated guilty in any court of a ~~crime punishable by~~  
22 ~~imprisonment for a term exceeding sixty days. felony.~~
- 23 (4) Is a fugitive from justice.
- 24 (5) Is an unlawful user of, or addicted to marijuana, alcohol, or any  
25 depressant, stimulant, or narcotic drug, or any other controlled  
26 substance as defined in 21 U.S.C. § 802.
- 27 (6) Is currently, or has been previously adjudicated or administratively  
28 determined to be, lacking mental capacity or mentally ill.
- 29 (7) Is or has been discharged from the armed forces under conditions other  
30 than honorable.
- 31 (8) Is or has been adjudicated guilty of or received a prayer for judgment  
32 continued or suspended sentence for one or more crimes of violence  
33 constituting a misdemeanor, including but not limited to, a violation of a  
34 misdemeanor under Article 8 of Chapter 14 of the General Statutes, or a  
35 violation of a misdemeanor under G.S. 14-225.2, 14-226.1, 14-258.1,  
36 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277, 14-277.1,  
37 14-277.2, 14-277.3, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1) or (2),  
38 14-288.6, 14-288.9, 14-288.12, 14-288.13, 14-288.14, 14-318.2, or ~~14-~~  
39 ~~415.19(a), unless five years has elapsed since disposition or pardon has~~  
40 ~~occurred prior to the date on which the application is submitted. 14-~~  
41 415.21(b).

1 (9) Has had entry of a prayer for judgment continued for a criminal offense  
2 which would disqualify the person from obtaining a concealed handgun  
3 permit.

4 (10) Is free on bond or personal recognizance pending trial, appeal, or  
5 sentencing for a crime which would disqualify him from obtaining a  
6 concealed handgun permit.

7 (11) Has been convicted of an impaired driving offense under G.S. 20-138.1,  
8 20-138.2, or 20-138.3 within three years prior to the date on which the  
9 application is submitted."

10 (e) G.S. 14-415.11(c), as enacted by Chapter 398 of the 1995 Session Laws,  
11 reads as rewritten:

12 "(c) A permit does not authorize a person to carry a concealed handgun in the areas  
13 prohibited by G.S. 14-269.2, 14-269.3, 14-269.4, and 14-277.2, in an area prohibited by  
14 rule adopted under G.S. 120-32.1, in any area prohibited by 18 U.S.C. § 922 or any other  
15 federal law, in a law enforcement or correctional facility, in a building housing only State  
16 or federal offices, in an office of the State or federal government that is not located in a  
17 building exclusively occupied by the State or federal government, a financial institution,  
18 or any other premises where notice that carrying a concealed handgun is prohibited by the  
19 posting of a conspicuous notice or statement by the person in legal possession or control  
20 of the premises. It shall be unlawful for a person, with or without a permit, to carry a  
21 concealed handgun while consuming alcohol or at any time while the person has  
22 remaining in his body any alcohol or in his blood a controlled substance previously  
23 consumed, but a person does not violate this condition if a controlled substance in his  
24 blood was lawfully obtained and taken in therapeutically appropriate amounts."

25 (f) G.S. 50-16.6, as amended by Chapter 319 of the 1995 Session Laws, reads  
26 as rewritten:

27 "**§ 50-16.6. When alimony, postseparation support, counsel fees not payable.**

28 Alimony, postseparation support, and counsel fees may be barred by an express  
29 provision of a valid separation agreement or premarital agreement so long as the  
30 agreement is ~~performed, by Chapter 31A of the General Statutes, or by a judgment pursuant to~~  
31 ~~G.S. 50-11 or G.S. 50-19 performed.~~"

32 (g) Subsection (f) of this section becomes effective October 1, 1995, and  
33 applies to civil actions filed on or after that date. Subsection (f) shall not apply to  
34 pending litigation, or to future motions in the cause seeking to modify orders or  
35 judgments in effect on October 1, 1995. Subsections (d) and (e) of this section become  
36 effective December 1, 1995.

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