

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 1225\*  
Judiciary I Committee Substitute Adopted 7/12/04  
Third Edition Engrossed 7/14/04**

Short Title: 2004 Technical Corrections Act. (Public)

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Sponsors:

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Referred to:

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May 20, 2004

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

6 The General Assembly of North Carolina enacts:

7  
8 **PART I. TECHNICAL CORRECTIONS RECOMMENDED BY THE GENERAL**  
9 **STATUTES COMMISSION**

10  
11 **SECTION 1.** G.S. 62-3 reads as rewritten:

12 **"§ 62-3. Definitions.**

13 As used in this Chapter, unless the context otherwise requires, the term:

14 ...  
15 (23) ...

16 a. "Public utility" means a person, whether organized under the  
17 laws of this State or under the laws of any other state or  
18 country, now or hereafter owning or operating in this State  
19 equipment or facilities for:

- 20 1. Producing, generating, transmitting, delivering or  
21 furnishing electricity, piped gas, steam or any other like  
22 agency for the production of light, heat or power to or  
23 for the public for compensation; provided, however, that  
24 the term "public utility" shall not include persons who  
25 construct or operate an electric generating facility, the  
26 primary purpose of which facility is for such person's  
27 own use and not for the primary purpose of producing

- 1 electricity, heat, or steam for sale to or for the public for  
2 compensation;
- 3 2. Diverting, developing, pumping, impounding,  
4 distributing or furnishing water to or for the public for  
5 compensation, or operating a public sewerage system for  
6 compensation; provided, however, that the term "public  
7 utility" shall not include any person or company whose  
8 sole operation consists of selling water to less than 15  
9 residential customers, except that any person or company  
10 which constructs a water system in a subdivision with  
11 plans for 15 or more lots and which holds itself out by  
12 contracts or other means at the time of said construction  
13 to serve an area containing more than 15 residential  
14 building lots shall be a public utility at the time of such  
15 planning or holding out to serve such 15 or more  
16 building lots, without regard to the number of actual  
17 customers connected;
- 18 3. Transporting persons or household goods by street,  
19 suburban or interurban bus for the public for  
20 compensation;
- 21 4. Transporting persons or household goods by motor  
22 vehicles or any other form of transportation for the  
23 public for compensation, except motor carriers exempted  
24 in G.S. 62-260, carriers by rail, and carriers by air;
- 25 5. Transporting or conveying gas, crude oil or other fluid  
26 substance by pipeline for the public for compensation;
- 27 6. Conveying or transmitting messages or communications  
28 by telephone or telegraph, or any other means of  
29 transmission, where such service is offered to the public  
30 for compensation.
- 31 b. The term "public utility" shall for rate-making purposes include  
32 any person producing, generating or furnishing any of the  
33 foregoing services to another person for distribution to or for  
34 the public for compensation.
- 35 c. The term "public utility" shall include all persons affiliated  
36 through stock ownership with a public utility doing business in  
37 this State as parent corporation or subsidiary corporation as  
38 defined in G.S. 55-2 to such an extent that the Commission  
39 shall find that such affiliation has an effect on the rates or  
40 service of such public utility.
- 41 d. The term "public utility," except as otherwise expressly  
42 provided in this Chapter, shall not include a municipality, an  
43 authority organized under the North Carolina Water and Sewer  
44 Authorities Act, electric or telephone membership corporation;

1 or any person not otherwise a public utility who furnishes such  
2 service or commodity only to himself, his employees or tenants  
3 when such service or commodity is not resold to or used by  
4 others; provided, however, that any person other than a  
5 nonprofit organization serving only its members, who  
6 distributes or provides utility service to his employees or  
7 tenants by individual meters or by other coin-operated devices  
8 with a charge for metered or coin-operated utility service shall  
9 be a public utility within the definition and meaning of this  
10 Chapter with respect to the regulation of rates and provisions of  
11 service rendered through such meter or coin-operated device  
12 imposing such separate metered utility charge. If any person  
13 conducting a public utility shall also conduct any enterprise not  
14 a public utility, such enterprise is not subject to the provisions  
15 of this Chapter. A water or sewer system owned by a  
16 homeowners' association that provides water or sewer service  
17 only to members or leaseholds of members is not subject to the  
18 provisions of this Chapter.

- 19 e. The term "public utility" shall include the University of North  
20 Carolina insofar as said University supplies telephone service,  
21 electricity or water to the public for compensation from the  
22 University Enterprises defined in G.S. 116-41.1(9).
- 23 f. The term "public utility" shall include the Town of Pineville  
24 insofar as said town supplies telephone services to the public  
25 for compensation. The territory to be served by the Town of  
26 Pineville in furnishing telephone services, subject to the Public  
27 Utilities Act, shall include the town limits as they exist on May  
28 8, 1973, and shall also include the area proposed to be annexed  
29 under the town's ordinance adopted May 3, 1971, until January  
30 1, 1975.
- 31 g. The term "public utility" shall not include a hotel, motel, time  
32 share or condominium complex operated primarily to serve  
33 transient occupants, which imposes charges to occupants for  
34 local, long-distance, or wide area telecommunication services  
35 when such calls are completed through the use of facilities  
36 provided by a public utility, and provided further that the local  
37 services received are rated in accordance with the provisions of  
38 G.S. 62-110(d) and the applicable charges for telephone calls  
39 are prominently displayed in each area where occupant rooms  
40 are located.
- 41 h. The term "public utility" shall not include the resale of  
42 electricity by (i) a campground operated primarily to serve  
43 transient occupants, or (ii) a marina; provided that (i) the  
44 campground or marina charges no more than the actual cost of

1 the electricity supplied to it, (ii) the amount of electricity used  
2 by each campsite or marina slip occupant is measured by an  
3 individual metering device, (iii) the applicable rates are  
4 prominently displayed at or near each campsite or marina slip,  
5 and (iv) the campground or marina only resells electricity to  
6 campsite or marina slip occupants.

7 i. The term "public utility" shall not include the State, the Office  
8 of ~~the State Controller, Information Technology Services,~~ or the  
9 Microelectronics Center of North Carolina in the provision or  
10 sharing of switched broadband telecommunications services  
11 with non-State entities or organizations of the kind or type set  
12 forth in G.S. 143B-426.39.

13 j. The term "public utility" shall not include any person, not  
14 otherwise a public utility, conveying or transmitting messages  
15 or communications by mobile radio communications service.  
16 Mobile radio communications service includes one-way or  
17 two-way radio service provided to mobile or fixed stations or  
18 receivers using mobile radio service frequencies.

19 k. The term "public utility" shall not include a regional natural gas  
20 district organized and operated pursuant to Article 28 of  
21 Chapter 160A of the General Statutes.

22 ...."

23 **SECTION 2.** G.S. 111-52 reads as rewritten:

24 **"§ 111-52. Profits from Highway Vending Fund.**

25 Profits generated by highway vending locations as of June 30, 1992, and deposited  
26 in a special fund in accordance with the ~~Administrative Policies and Procedures Manual~~  
27 policies of the Office of the State Controller shall be reserved for the construction and  
28 maintenance of highway vending facility projects."

29 **SECTION 3.** G.S. 113-307.1(b) reads as rewritten:

30 "(b) The State of North Carolina hereby assents to the provisions of the act of  
31 Congress entitled "An act to provide that the United States shall aid the states in wildlife  
32 restoration projects, and for other purposes," approved September 2, 1937 (Public Law  
33 415, 75th Congress), and the Wildlife Resources Commission is hereby authorized,  
34 empowered, and directed to perform such acts as may be necessary to the conduct and  
35 establishment of cooperative wildlife restoration projects, as defined in said act of  
36 Congress, in compliance with said act and rules and regulations promulgated by the  
37 Secretary of ~~Agriculture~~ the Interior thereunder; and no funds accruing to the State of  
38 North Carolina from license fees paid by hunters shall be diverted for any other purpose  
39 than the protection and propagation of game and wildlife in North Carolina and  
40 administration of the laws enacted for such purposes, which laws are and shall be  
41 administered by the Wildlife Resources Commission."

42 **SECTION 4.** G.S. 115C-102.5(e) reads as rewritten:

43 "(e) The Department of Public Instruction, the Department of Community  
44 Colleges, and the Office of ~~the State Controller~~ Information Technology Services shall

1 provide requested professional and clerical staff to the Commission. The Commission  
2 may also employ professional and clerical staff and may hire outside consultants to  
3 assist it in its work. The Commission shall use an outside consultant to perform a  
4 requirements analysis for learning and instructional management technologies on a  
5 statewide basis that is based on information gathered from each local school  
6 administrative unit and that considers the needs of teachers, students, and  
7 administrators."  
8

## 9 PART II. OTHER CHANGES

10  
11 **SECTION 5.(a)** G.S. 1A-1, Rule 5(d), reads as rewritten:

12 "(d) Filing. – All pleadings subsequent to the complaint shall be filed with the  
13 court. All other papers required to be served upon a party, including requests for  
14 admissions, shall be filed with the court either before service or within five days  
15 thereafter, except that subpoenas, objections to subpoenas under Rule 45(c)(3),  
16 depositions, interrogatories, requests for documents, and answers and responses to those  
17 requests may not be filed unless ordered by the court or until used in the proceeding.  
18 Briefs and memoranda provided to the court may not be filed with the clerk of the court  
19 unless ordered by the court. The party taking a deposition or obtaining material through  
20 discovery is responsible for its preservation and delivery to the court if needed or so  
21 ordered. With respect to all pleadings and other papers as to which service and return  
22 has not been made in the manner provided in Rule 4, proof of service shall be made by  
23 filing with the court a certificate either by the attorney or the party that the paper was  
24 served in the manner prescribed by this rule, or a certificate of acceptance of service by  
25 the attorney or the party to be served. Such certificate shall show the date and method of  
26 service or the date of acceptance of service."

27 **SECTION 5.(b)** This section becomes effective October 1, 2004, and  
28 applies to all pending cases and all cases filed on or after that date.

29 **SECTION 6.** G.S. 10A-16(d) reads as rewritten:

30 "(d) This section applies to notarial acts performed on or before ~~March 1,~~  
31 ~~2003.~~ February 1, 2004."

32 **SECTION 7.** G.S. 14-33(d) reads as rewritten:

33 "(d) Any person who, in the course of an assault, assault and battery, or affray,  
34 inflicts serious injury upon another person, or uses a deadly weapon, in violation of  
35 subdivision (c)(1) of this section, on a person with whom the person has a personal  
36 relationship, and in the presence of a minor, is guilty of a Class A1 misdemeanor. A  
37 person convicted under this subsection, who is sentenced to a community punishment,  
38 shall be placed on supervised probation in addition to any other punishment imposed by  
39 the court.

40 A person committing a second or subsequent violation of this subsection shall be  
41 sentenced to an active punishment of no less than 30 days in addition to any other  
42 punishment imposed by the court.

43 The following definitions apply to this subsection:

44 (1) "Personal relationship" is as defined in G.S. 50B-1(b).

- 1 (2) "In the presence of a minor" means that the minor was in a position to  
 2 have observed the assault.  
 3 (3) "Minor" is any person under the age of 18 years who is residing with  
 4 or is under the care and supervision of, and who has a personal  
 5 relationship with, the person assaulted or the person committing the  
 6 assault."

7 **SECTION 8.** G.S. 18B-103 is amended by adding a new subdivision to read:

8 "(11) The delivery, possession, or consumption of alcoholic beverages under  
 9 the direct supervision of an instructor during a class that is part of an  
 10 established curriculum at an accredited college or university, including  
 11 delivery to or possession or consumption by a student who is less than  
 12 21 years of age, when the student is required to taste or imbibe the  
 13 alcoholic beverage during a class conducted pursuant to the  
 14 curriculum."

15 **SECTION 9.** G.S. 18B-1006(m)(2) reads as rewritten:

- 16 "(2) The Commission may issue permits listed in G.S. 18B-1001(1), (3),  
 17 (5), and (10) to qualified establishments defined in G.S. 18B-1000(4),  
 18 (6), and (8) and may issue permits listed in G.S. 18B-1001(2) and (4)  
 19 to qualified establishments defined in G.S. 18B-1000(3) in any county  
 20 that qualifies for issuance of permits pursuant to  
 21 ~~G.S. 18B-1006(k)(5)~~. G.S. 18B-1006(k). These permits may be issued  
 22 without approval at an election and shall be issued only to qualified  
 23 establishments that meet ~~any~~ all of the following requirements:  
 24 a. Located within one mile of any interstate highway interchange  
 25 in that ~~county~~ county;  
 26 b. Located within one mile of an establishment issued a permit  
 27 under ~~G.S. 18B-1006(k)(5)~~. G.S. 18B-1006(k); and  
 28 c. Is, or is located within, one-quarter mile of a hotel with 70 or  
 29 more rooms."

30 **SECTION 10.** G.S. 19A-24(1) reads as rewritten:

31 **"§ 19A-24. Powers of Board of Agriculture.**

32 The Board of Agriculture may:

- 33 (1) Establish standards for the care of animals at animal shelters, boarding  
 34 kennels, pet shops, and public auctions. A boarding kennel which  
 35 offers dog day care services, and has a ratio of dogs to employees or  
 36 supervisors, or both employees and supervisors, of not more than 10 to  
 37 one, shall not as to such services be subject to any regulations which  
 38 restrict the number of dogs that are permitted within any primary  
 39 enclosure.

40 ...."

41 **SECTION 11.(a)** G.S. 20-16.1(b) reads as rewritten:

42 "(b) ...

- 43 (3) Upon conviction of such offense outside the jurisdiction of this State  
 44 the person so convicted may apply to ~~the resident judge of the superior~~

1 ~~court~~ a district court judge of the district or set of districts as defined in  
2 G.S. 7A-41.1(a) in which he resides for limited driving privileges  
3 hereinbefore defined. Upon such application the judge shall have the  
4 authority to issue such limited driving privileges in the same manner as  
5 if he were the trial judge.

6 ...."

7 "SECTION 11.(b) G.S. 97-10.2(j) reads as rewritten:

8 "(j) Notwithstanding any other subsection in this section, in the event that a  
9 judgment is obtained by the employee in an action against a third party, or in the event  
10 that a settlement has been agreed upon by the employee and the third party, either party  
11 may apply to the resident superior court judge of the county in which the cause of action  
12 ~~arose, arose or~~ where the injured employee ~~resides or the~~ resides, or to a presiding judge  
13 ~~before whom the cause of action is pending, of either district,~~ to determine the  
14 subrogation amount. After notice to the employer and the insurance carrier, after an  
15 opportunity to be heard by all interested parties, and with or without the consent of the  
16 employer, the judge shall determine, in his discretion, the amount, if any, of the  
17 employer's lien, whether based on accrued or prospective workers' compensation  
18 benefits, and the amount of cost of the third-party litigation to be shared between the  
19 employee and employer. The judge shall consider the anticipated amount of prospective  
20 compensation the employer or workers' compensation carrier is likely to pay to the  
21 employee in the future, the net recovery to plaintiff, the likelihood of the plaintiff  
22 prevailing at trial or on appeal, the need for finality in the litigation, and any other  
23 factors the court deems just and reasonable, in determining the appropriate amount of  
24 the employer's lien. If the matter is pending in the federal district court such  
25 determination may be made by a federal district court judge of that division."

26 SECTION 12. G.S. 20-179.4 reads as rewritten:

27 "§ 20-179.4. **Community service alternative punishment; responsibilities of the**  
28 **Department of ~~Crime Control and Public Safety~~; Correction; fee.**

29 (a) The Department of ~~Crime Control and Public Safety~~Correction shall conduct  
30 a community service alternative punishment program for persons sentenced under  
31 G.S. 20-179(i), (j) or (k).

32 (b) The Secretary of ~~Crime Control and Public Safety~~Correction shall assign at  
33 least one coordinator to each district court district as defined in G.S. 7A-133 to assure  
34 and report to the court the person's compliance with the community service sentence.  
35 The appointment of each coordinator shall be made in consultation with the chief  
36 district court judge in the district to which the coordinator is assigned. Each county must  
37 provide office space in the courthouse or other convenient place, necessary equipment,  
38 and secretarial service for the use of each coordinator assigned to that county.

39 (c) A fee of two hundred dollars (\$200.00) shall be paid by all persons serving a  
40 community service sentence. That fee shall be paid to the clerk of court in the county in  
41 which the person is convicted. The fee shall be paid in full within two weeks unless the  
42 court, upon a showing of hardship by the person, allows additional time to pay the fee.  
43 The person may not be required to pay the fee before beginning the community service  
44 unless the court specifically orders the person to do so.

1 (d) Fees collected under this section shall be deposited in the general fund.

2 (e) The coordinator shall report to the court in which the community service was  
3 ordered a significant violation of the terms of the probation judgment related to  
4 community service. The court shall then conduct a hearing to determine if there is a  
5 willful failure to comply. If the court determines there is a willful failure to pay the  
6 prescribed fee or to complete the work as ordered by the coordinator within the  
7 applicable time limits, the court shall revoke any limited driving privilege issued in the  
8 impaired driving case until the community service requirement has been met and in  
9 addition may take any further action authorized by Article 82 of General Statutes  
10 Chapter 15A for violation of a condition of probation."

11 **SECTION 13.** G.S. 47-2 reads as rewritten:

12 **"§ 47-2. Officials of the United States, foreign countries, and sister states.**

13 The execution of all such instruments and writings as are permitted or required by  
14 law to be registered may be proved or acknowledged before any one of the following  
15 officials of the United States, of the District of Columbia, of the several states and  
16 territories of the United States, of countries under the dominion of the United States and  
17 of foreign countries: Any judge of a court of record, any clerk of a court of record, any  
18 notary public, any commissioner of deeds, any commissioner of oaths, any mayor or  
19 chief magistrate of an incorporated town or city, any ambassador, minister, consul,  
20 vice-consul, consul general, vice-consul general, associate consul, or any other person  
21 authorized by federal law to acknowledge documents as consular officers, or  
22 commercial agent of the United States, any justice of the peace of any state or territory  
23 of the United States, any officer of the army or air force of the United States or United  
24 States marine corps having the rank of warrant officer or higher, any officer of the  
25 United States navy or coast guard having the rank of warrant officer, or higher, or any  
26 officer of the United States merchant marine having the rank of warrant officer, or  
27 higher. No official seal shall be required of said military, naval or merchant marine  
28 official, but he shall sign his name, designate his rank, and give the name of his ship or  
29 military organization and the date, and for the purpose of certifying said  
30 acknowledgment, he shall use a form in substance as follows:

31 On this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me \_\_\_\_\_, the undersigned  
32 officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be  
33 accompanying or serving in or with the armed forces of the United States (or to be the  
34 spouse of a person accompanying or serving in or with the armed forces of the United  
35 States) and to be the person whose name is subscribed to the within instruments and  
36 acknowledged that \_\_\_\_\_ he \_\_\_\_\_ executed the same for the purposes therein  
37 contained. And the undersigned does further certify that he is at the date of this  
38 certificate a commissioned officer of the rank stated below and is in the active service of  
39 the armed forces of the United States.

40 \_\_\_\_\_  
41 Signature of Officer

42 \_\_\_\_\_  
43 Rank of Officer and command to which attached.

1 If the proof or acknowledgment of the execution of an instrument is had before a  
2 justice of the peace of any state of the United States other than this State or of any  
3 territory of the United States, the certificate of such justice of the peace shall be  
4 accompanied by a certificate of the clerk of some court of record of the county in which  
5 such justice of the peace resides, which certificate of the clerk shall be under his hand  
6 and official seal, to the effect that such justice of the peace was at the time the certificate  
7 of such justice bears date an acting justice of the peace of such county and state or  
8 territory and that the genuine signature of such justice of the peace is set to such  
9 certificate."

10 **SECTION 14.** Article 4 of Chapter 47 of the General Statutes is amended by  
11 adding the following new section to read:

12 **"§ 47-50.1. Register's certificate omitted.**

13 In all cases prior to October 1, 2004, where it appears from the records of the office  
14 of the register of deeds of any county in this State that the execution of a deed of  
15 conveyance or other instrument by law required or authorized to be registered was duly  
16 signed and acknowledged as required by the laws of this State, and the register of deeds  
17 has failed to certify the correctness of the acknowledgment as required by  
18 G.S. 47-14(a), the registrations are hereby validated and the instrument so appearing in  
19 the office of the register of deeds of that county is effective to the same extent as if the  
20 register of deeds had properly certified the correctness of the acknowledgment."

21 **SECTION 15.** G.S. 47-53.1 reads as rewritten:

22 **"§ 47-53.1. Acknowledgment omitting seal of clerk or notary public.**

23 Where any person has taken an acknowledgment as either a notary public or a clerk  
24 of a superior court, deputy clerk of a superior court, or assistant clerk of a superior court  
25 and has failed to affix his or her seal and ~~such this~~ acknowledgment has been otherwise  
26 duly probated and recorded then ~~such this~~ acknowledgment is hereby declared to be  
27 sufficient and valid: ~~Provided this shall apply valid.~~ This section applies only to those  
28 deeds and other instruments acknowledged prior to January 1, 1991."

29 **SECTION 16.** G.S. 55B-2(6) reads as rewritten:

30 **"§ 55B-2. Definitions.**

31 As used in this Chapter, the following words shall, unless the context requires  
32 otherwise, have the following meanings:

33 ...

- 34 (6) The term "professional service" means any type of personal or  
35 professional service of the public which requires as a condition  
36 precedent to the rendering of such service the obtaining of a license  
37 from a licensing board as herein defined, and pursuant to the following  
38 provisions of the General Statutes: Chapter 83A, "Architects"; Chapter  
39 84, "Attorneys-at-Law"; Chapter 93, "Public Accountants"; and the  
40 following Articles in Chapter 90: Article 1, "Practice of Medicine,"  
41 Article 2, "Dentistry," Article 6, "Optometry," Article 7, "Osteopathy,"  
42 Article 8, "Chiropractic," Article 9A, "Nursing Practice Act," with  
43 regard to registered nurses, Article 11, "Veterinarians," Article 12A,  
44 "Podiatrists," Article 18A, "Practicing Psychologists," Article 18C,

1 "Marriage and Family Therapy Licensure," Article 18D, "Occupational  
2 Therapy," ~~and Article 22, "Licensure Act for Speech and Language~~  
3 ~~Pathologists and Audiologists," and Article 24, "Licensed Professional~~  
4 ~~Counselors"; Chapter 89C, "Engineering and Land Surveying";~~  
5 ~~Chapter 89A, "Landscape Architects"; Chapter 90B, "Social Worker~~  
6 ~~Certification and Licensure Act" with regard to Certified [Licensed]~~  
7 ~~Clinical Social Workers as defined by G.S. 90B-3; Chapter 89E,~~  
8 ~~"Geologists"; Chapter 89B, "Foresters"; and Chapter 89F, "North~~  
9 ~~Carolina Soil Scientist Licensing Act".~~"

10 **SECTION 17.(a)** G.S. 58-2-150 reads as rewritten:

11 **"§ 58-2-150. Oath required for compliance with law.**

12 Before issuing license to any insurance company to transact the business of  
13 insurance in this State, the Commissioner shall require, in every case, in addition to the  
14 other requirements provided for by law, that the company file with him the affidavit of  
15 its president or other chief officer that ~~it has not violated any of the provisions of~~  
16 ~~Articles 1 through 64 of this Chapter for the space of 12 months last past, and that it~~  
17 ~~accepts the terms and obligations of Articles 1 through 64 of this Chapter as a part of~~  
18 ~~the consideration of the license."~~

19 **SECTION 17.(b)** G.S. 58-10-20(b) reads as rewritten:

20 "(b) This Part does not apply to:

21 ...

22 (4) ~~Any~~ Except as provided in G.S. 58-10-45, any insurer subject to a  
23 judicial order of liquidation or rehabilitation.

24 ...."

25 **SECTION 17.(c)** G.S. 58-21-65(b)(4) is repealed.

26 **SECTION 17.(d)** G.S. 58-22-20 reads as rewritten:

27 **"§ 58-22-20. Risk retention groups not chartered in this State.**

28 Risk retention groups that have been chartered in states other than this State and that  
29 seek to do business as risk retention groups in this state must observe and abide by the  
30 laws of this State as follows:

31 ...

32 (4) Compliance With Unfair Claims Settlement Practices Law. – A risk  
33 retention group and its agents and representatives shall comply with  
34 ~~G.S. 58-3-100(5)~~ G.S. 58-3-100(a)(5) and G.S. 58-63-15(11).

35 ...."

36 **SECTION 17.(e)** G.S. 58-33-82(e) reads as rewritten:

37 "(e) Commissions, fees, or other valuable consideration for the sale, solicitation,  
38 or negotiation of insurance may be assigned or directed to be paid in the following  
39 circumstances:

40 (1) To a business entity by a person who is an owner, shareholder,  
41 member, partner, director, employee, or agent of that business entity.

42 (2) To a producer in connection with renewals of insurance business  
43 originally sold by or through the licensed person or for other deferred  
44 commissions.

1 (3) In connection with the indirect receipt of commissions in  
2 circumstances in which a license is not required under  
3 ~~G.S. 58-33-26(m)~~, G.S. 58-33-26(n)."

4 **SECTION 17.(f)** G.S. 58-36-90(e) reads as rewritten:

5 "(e) Indemnification. – An insurer shall indemnify, defend, and hold agents  
6 harmless from and against all liability, fees, and costs arising out of or relating to the  
7 actions, errors, or omissions of an agent who obtains or uses credit information or  
8 ~~insurance-credit~~ scores for an insurer, provided the agent follows the instructions or  
9 procedures established by the insurer and complies with any applicable law or  
10 regulation. Nothing in this subsection shall be construed to provide a consumer or other  
11 insured with a cause of action that does not exist in the absence of this subsection."

12 **SECTION 17.(g)** G.S. 58-36-90(f) reads as rewritten:

13 "(f) Filing. – Insurers that use ~~insurance-credit~~ scores to underwrite and rate risks  
14 shall file their scoring models, or other scoring processes, with the Department. A filing  
15 that includes ~~insurance-credit~~ scoring may include loss experience justifying the  
16 applicable surcharge or credit. A filer may request that its credit score data be  
17 considered a trade secret and may designate parts of its filings accordingly."

18 **SECTION 17.(h)** G.S. 97-165(10) reads as rewritten:

19 **"§ 97-165. Definitions.**

20 As used in this Article:

21 ...

22 (10) "Self-insurer" means ~~a single-an~~ employer who retains liability under  
23 the Act and is licensed under this Article."

24 **SECTION 18.** G.S. 58-3-33(a) reads as rewritten:

25 "(a) A person who claims to have been physically injured or to have incurred  
26 property damage where such injury or damage is subject to a policy of nonfleet private  
27 passenger automobile insurance may request by certified mail directed to the insurance  
28 adjuster or to the insurance company (Attention Corporate Secretary) at its last known  
29 principal place of business that the insurance company provide information regarding  
30 the policy's limits of coverage under the applicable policy. Upon receipt of such a  
31 request, which shall include the policyholder's name, and, if available, policy number,  
32 the insurance company shall notify that person within 15 business days, on a form  
33 developed by the Department, that the insurer is required to provide this information  
34 prior to litigation only if the person seeking the information satisfies all of the following  
35 conditions:

36 (1) The person seeking the information submits to the insurer the person's  
37 written consent to all of the person's physicians-medical providers to  
38 release to the insurer the person's medical records for the three years  
39 prior to the date on which the claim ~~arose~~, arose, as well as all medical  
40 records pertaining to the claimed injury.

41 ...."

42 **SECTION 19.(a)** G.S. 58-85-1 reads as rewritten:

43 **"§ 58-85-1. Application of fund.**

1 The money paid into the hands of the treasurer of the North Carolina State Firemen's  
2 Association shall be known and remain as the "Firemen's Relief Fund" of North  
3 Carolina, and shall be used as a fund for the relief of ~~firemen,~~ firemen and county fire  
4 marshals, who are members of such this Association, who may be injured or rendered  
5 sick by disease contracted in the actual discharge of duty as ~~firemen,~~ firemen or county  
6 fire marshals, and for the relief of widows, children, and if there be no widow or  
7 children, then dependent mothers of ~~such the~~ firemen and county fire marshals killed or  
8 dying from disease so contracted in ~~such the~~ discharge of duty; to be paid in ~~such the~~  
9 manner and in such the sums to ~~such the~~ individuals of the classes herein named and  
10 described as may be provided for and determined upon in accordance with the  
11 constitution and bylaws of said the Association, and ~~such any~~ provisions and  
12 determinations made pursuant to said under the constitution and bylaws shall be final  
13 and conclusive as to the persons entitled to benefits and as to the amount of benefit to be  
14 received, and no action at law shall be maintained against ~~said the~~ Association to  
15 enforce any claim or recover any benefit under this Article or under the constitution and  
16 bylaws of ~~said the~~ Association; but if any officer or committee of ~~said the~~ Association  
17 omit or refuse to perform any duty imposed upon him or them, nothing herein contained  
18 shall be construed to prevent any proceedings against ~~said that~~ officer or committee to  
19 compel him or them to perform ~~such that~~ duty. No fireman or county fire marshal shall  
20 be entitled to receive any benefits under this section until the firemen's relief fund of his  
21 city or town ~~shall have~~ has been exhausted. Notwithstanding the above provisions, the  
22 Executive Board of the North Carolina State Firemen's Association is hereby authorized  
23 to grant educational scholarships to members and the children of members, to subsidize  
24 premium payments of members over 65 years of age to the Firemen's Fraternal  
25 Insurance Fund of the North Carolina State Firemen's Association, and to provide  
26 accidental death and dismemberment insurance for members of those fire departments  
27 not eligible for benefits pursuant to standards of certification adopted by the State  
28 Firemen's Association for the use of local relief funds."

29 **SECTION 19.(b)** G.S. 58-85-15 reads as rewritten:

30 **"§ 58-85-15. Who shall participate in the fund.**

31 The line of duty entitling one to participate in the fund shall be so construed as to  
32 mean actual fire duty only, and any actual duty connected with the fire department or  
33 county fire marshal office when directed to perform the same by an officer in charge."

34 **SECTION 19.(c)** G.S. 58-85-20 reads as rewritten:

35 **"§ 58-85-20. Who may become members.**

36 Any organized fire company in North Carolina, holding itself ready for duty, may,  
37 upon compliance with the requirements of ~~said its~~ constitution and bylaws, become a  
38 member of the North Carolina State Firemen's Association, and any fireman of good  
39 moral character in North Carolina, and belonging to an organized fire company, who  
40 ~~will comply~~ complies with the requirements of the constitution and bylaws of the North  
41 Carolina State Firemen's Association, may become a member of ~~said the~~ Association.  
42 Any county fire marshal office may, upon compliance with the requirements of its  
43 constitution and bylaws, become a member of the North Carolina Firemen's  
44 Association, and any employee of a county fire marshal office of good moral character

1 whose sole duty is to act as a fire marshal, deputy fire marshal, assistant fire marshal, or  
2 firefighter of the county, who complies with the requirements of its constitution and  
3 bylaws, may become a member of the North Carolina Firemen's Association."

4 **SECTION 19.(d)** G.S. 58-85-25 reads as rewritten:

5 **"§ 58-85-25. Applied to members of regular fire company.**

6 ~~The provisions of~~ G.S. 58-85-1, 58-85-10, 58-85-15, 58-85-20, and 58-85-25 shall  
7 apply to any fireman or fire marshal who is a member of a regularly organized fire  
8 ~~company, company or county fire marshal office,~~ and is a member in good standing of  
9 the North Carolina State Firemen's Association."

10 **SECTION 20.** G.S. 62-82(a) reads as rewritten:

11 "(a) Notice of Application for Certificate for Generating Facility; Hearing; Briefs  
12 and Oral Arguments. – Whenever there is filed with the Commission an application for  
13 a certificate of public convenience and necessity for the construction of a facility for the  
14 generation of electricity under G.S. 62-110.1, the Commission shall require the  
15 applicant to publish a notice thereof once a week for four successive weeks in a daily  
16 newspaper of general circulation in the county where such facility is proposed to be  
17 constructed and thereafter the Commission upon complaint shall, or upon its own  
18 initiative may, upon reasonable notice, enter upon a hearing to determine whether such  
19 certificate shall be awarded. Any such hearing must be commenced by the Commission  
20 not later than three months after the filing of such application, and the procedure for  
21 rendering decisions therein shall be given priority over all other cases on the  
22 Commission's calendar of hearings and decisions, except rate proceedings referred to in  
23 G.S. 62-81. Such applications shall be heard as provided in G.S. 62-60.1, and the  
24 Commission shall furnish a transcript of evidence and testimony submitted by the end  
25 of the second business day after the taking of each day of testimony. The Commission  
26 or panel shall require that briefs and oral arguments in such cases be submitted within  
27 30 days after the conclusion of the hearing, and the Commission or panel shall render its  
28 decision in such cases within 60 days after submission of such briefs and arguments. If  
29 the Commission or panel does not, upon its own initiative, order a hearing and does not  
30 receive a complaint within 10 days after the last day of publication of the notice, the  
31 Commission or panel shall enter an order awarding the certificate. Notwithstanding this  
32 section, applicants for a certificate for solar photovoltaic facilities of 10 kilowatts or less  
33 are exempt from the requirement to publish public notice in newspapers."

34 **SECTION 21.** G.S. 66-27.1(a) reads as rewritten:

35 "(a) No individual, firm, corporation or business shall install, sell or offer for sale  
36 any automatic hot water tank or heater of 120-gallon capacity or ~~less-less,~~ except for a  
37 tankless water heater, which does not have installed thereon by the manufacturer of ~~such~~  
38 the tank or heater an American Society of Mechanical Engineers and National Board of  
39 Boiler and Pressure Vessel Inspectors approved type pressure-temperature relief valve  
40 set at or below the safe working pressure of the tank as indicated, and so labeled by the  
41 manufacturer's identification stamped or cast upon the tank or heater or upon a plate  
42 secured to it."

43 **SECTION 22.(a)** G.S. 90-171.21(d) reads as rewritten:

1       "(d) Qualifications. – Of the eight registered nurse members on the Board, one  
2 shall be a nurse administrator employed by a hospital or a hospital system, who shall be  
3 accountable for the administration of nursing services and not directly involved in  
4 patient care; one shall be an individual who meets the requirements to practice as a  
5 certified registered nurse anesthetist, a certified nurse midwife, a clinical nurse  
6 specialist, or a nurse practitioner; two shall be staff nurses, defined as individuals who  
7 are primarily involved in direct patient care regardless of practice setting; one shall be  
8 an at-large registered nurse who meets the requirements of sub-subdivisions (1)a., a1.,  
9 and b. of this subsection, but is not currently an educator in a program leading to  
10 licensure or any other degree-granting program; and three shall be nurse educators.  
11 Minimum ongoing employment requirements for every registered nurse and licensed  
12 practical nurse shall include continuous employment equal to or greater than fifty  
13 percent (50%) of a full-time position that meets the criteria for the specified Board  
14 member position. Of the three nurse educators, one shall be a practical nurse educator,  
15 one shall be an associate degree or diploma nurse educator, and one shall be a  
16 baccalaureate or higher degree nurse educator. All nurse educators shall meet the  
17 minimum education requirement as established by the Board's education program  
18 standards for nurse faculty. Candidates eligible for election to the Board as nurse  
19 educators are not eligible for election as the at-large member.

20           (1) Except for the at-large member, every registered nurse member shall  
21 meet the following criteria:

- 22           a. Hold a current, unencumbered license to practice as a registered  
23 nurse in North Carolina.
- 24           a1. Be a resident of North Carolina.
- 25           b. Have a minimum of five years of experience as a registered  
26 nurse.
- 27           c. Have been engaged continuously in a position that meets the  
28 criteria for the specified Board position for at least three years  
29 immediately preceding election.
- 30           d. Show evidence that the employer of the registered nurse is  
31 aware that the nurse intends to serve on the Board.

32           (2) Every licensed practical nurse member shall meet the following  
33 criteria:

- 34           a. Hold a current, unencumbered license to practice as a licensed  
35 practical nurse in North Carolina.
- 36           a1. Be a resident of North Carolina.
- 37           c. Have a minimum of five years of experience as a licensed  
38 practical nurse.
- 39           d. Have been engaged continuously in the position of a licensed  
40 practical nurse for at least three years immediately preceding  
41 election.
- 42           e. Show evidence that the employer of the licensed practical nurse  
43 is aware that the nurse intends to serve on the Board.

- 1           (3) A public member shall not be a provider of health services, employed
- 2           in the health services field, or hold a vested interest at any level in the
- 3           provision of health services as defined by the North Carolina Board of
- 4           Ethics. No public member or person in the public member's immediate
- 5           family as defined by G.S. 90-405(8) shall be currently employed as a
- 6           licensed nurse or been previously employed as a licensed nurse.
- 7           (4) The nurse practitioner, nurse anesthetist, nurse midwife, or clinical
- 8           nurse specialist member shall be recognized by the Board as a
- 9           registered nurse who meets the following criteria:
- 10          a. Has graduated from or completed a graduate level advanced
- 11          practice nursing education program accredited by a national
- 12          accrediting body.
- 13          b. Maintains current certification or recertification from a national
- 14          credentialing body approved by the Board or meets other
- 15          requirements established by rules adopted by the Board.
- 16          c. Practices in a manner consistent with rules adopted by the
- 17          Board and other applicable law."

18           **SECTION 22.(b)** This section is effective when it becomes law and applies  
 19 to members elected to the Board on or after January 1, 2005.

20           **SECTION 23.** G.S. 114-19.50, Article VI. Establishment of Compact  
 21 Council., subsection (b)(3), reads as rewritten:

22           "(b) The council must be composed of 15 members, each of whom must be  
 23 appointed by the Attorney General, as follows:

- 24           ...
- 25           (3) Two at-large members, nominated by the chair of the council once the
- 26           chair is elected pursuant to ~~subsection (c)(3)~~ subsection (c) of this
- 27           Article VI, each of whom shall serve a three-year term, of whom:
- 28           a. One must be a representative of state or local criminal justice
- 29           agencies; and
- 30           b. One must be a representative of state or local noncriminal
- 31           justice agencies;

32           ...."

33           **SECTION 24.(a)** G.S. 115C-522(a) reads as rewritten:

34           "(a) It shall be the duty of local boards of education to purchase or exchange all  
 35 supplies, equipment, and materials, and these purchases shall be made in accordance  
 36 with Article 8 of Chapter 143 of the General Statutes. These purchases may be made  
 37 from contracts made by the Department of Administration. Title to instructional  
 38 supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense  
 39 fund budget and purchased out of State funds, shall be taken in the name of the local  
 40 board of education which shall be responsible for the custody and replacement:  
 41 Provided, that no contracts shall be made by any local school administrative unit for  
 42 purchases unless provision has been made in the budget of the unit to pay for the  
 43 purchases, unless surplus funds are on hand to pay for the purchases, or unless the  
 44 contracts are made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate

1 funds are available to pay in the current fiscal year the sums obligated for the current  
2 fiscal year. The State Board of Education shall adopt rules regarding equipment  
3 standards for supplies, equipment, and materials related to student transportation. The  
4 State Board may adopt guidelines for any commodity that needs safety features. If a  
5 commodity that needs safety features is available on statewide term contract, any  
6 guidelines adopted by the State Board must at a minimum meet the safety standards of  
7 the statewide term contract. Compliance with Article 8 of Chapter 143 of the General  
8 Statutes is not mandatory for the purchase of published books, manuscripts, maps,  
9 pamphlets, and periodicals.

10 (1) Where competition is available, local school administrative units may  
11 utilize the:

- 12 a. E-Quote service of the NC E-Procurement system as one means  
13 of solicitation in seeking informal bids for purchases subject to  
14 the bidding requirements of G.S. 143-131; and  
15 b. Division of Purchase and Contract's electronic Interactive  
16 Purchasing System as one means of advertising formal bids on  
17 purchases subject to the bidding requirements of G.S. 143-129  
18 and applicable rules regarding advertising. This sub-subdivision  
19 does not prohibit a local school administrative unit from using  
20 other methods of advertising.

21 (2) In order to provide an efficient transition of purchasing procedures, the  
22 Secretary of the Department of Administration and the local school  
23 administrative units shall establish a local school administrative unit  
24 purchasing user group. The user group shall be comprised of a  
25 proportionate number of representatives from the Department of  
26 Administration and local school administrative unit purchasing and  
27 finance officers. The user group shall examine any issues that may  
28 arise between the Department of Administration and local school  
29 administrative units, including the new relationship between the  
30 Department and the local school administrative units, the appropriate  
31 exchange of information, the continued efficient use of  
32 E-Procurement, appropriate bid procedures, and any other technical  
33 assistance that may be necessary for the purchase of supplies and  
34 materials."

35 **SECTION 24.(b)** This section becomes effective April 1, 2004.

36 **SECTION 25.(a)** G.S. 115C-549 reads as rewritten:

37 **"§ 115C-549. Standardized testing requirements.**

38 Each private church school or school of religious charter shall administer, at least  
39 once in each school year, a nationally standardized test or other nationally standardized  
40 equivalent measurement selected by the chief administrative officer of such school, to  
41 all students enrolled or regularly attending grades three, six and nine. The nationally  
42 standardized test or other equivalent measurement selected must measure achievement  
43 in the areas of English grammar, reading, spelling and mathematics. Each school shall  
44 make and maintain records of the results achieved by its students. For one year after the

1 testing, all records shall be made available, subject to ~~the provision of G.S. 115C-196,~~  
2 G.S. 115C-174.13, at the principal office of such school, at all reasonable times, for  
3 annual inspection by a duly authorized representative of the State of North Carolina."

4 **SECTION 25.(b)** G.S. 115C-550 reads as rewritten:

5 "**§ 115C-550. High school competency testing.**

6 To assure that all high school graduates possess those minimum skills and that  
7 knowledge thought necessary to function in society, each private church school or  
8 school of religious charter shall administer at least once in each school year, a nationally  
9 standardized test or other nationally standardized equivalent measure selected by the  
10 chief administrative officer of such school, to all students enrolled and regularly  
11 attending the eleventh grade. The nationally standardized test or other equivalent  
12 measurement selected must measure competencies in the verbal and quantitative areas.  
13 Each private church school or school of religious charter shall establish a minimum  
14 score which must be attained by a student on the selected test in order to be graduated  
15 from high school. For one year after the testing, all records shall be made available,  
16 subject to ~~the provision of G.S. 115C-196,~~ G.S. 115C-174.13, at the principal office of  
17 such school, at all reasonable times, for annual inspection by a duly authorized  
18 representative of the State of North Carolina."

19 **SECTION 25.(c)** G.S. 115C-557 reads as rewritten:

20 "**§ 115C-557. Standardized testing requirements.**

21 Each qualified nonpublic school shall administer, at least once in each school year, a  
22 nationally standardized test or other nationally standardized equivalent measurement  
23 selected by the chief administrative officer of such school, to all students enrolled or  
24 regularly attending grades three, six and nine. The nationally standardized test or other  
25 equivalent measurement selected must measure achievement in the areas of English  
26 grammar, reading, spelling and mathematics. Each school shall make and maintain  
27 records of the results achieved by its students. For one year after the testing, all records  
28 shall be made available, subject to ~~the provision of G.S. 115C-196,~~ G.S. 115C-174.13,  
29 at the principal office of such school, at all reasonable times, for annual inspection by a  
30 duly authorized representative of the State of North Carolina."

31 **SECTION 25.(d)** G.S. 115C-558 reads as rewritten:

32 "**§ 115C-558. High school competency testing.**

33 To assure that all high school graduates possess those minimum skills and that  
34 knowledge thought necessary to function in society, each qualified nonpublic school  
35 shall administer at least once in each school year, a nationally standardized test or other  
36 nationally standardized equivalent measure selected by the chief administrative officer  
37 of such school, to all students enrolled and regularly attending the eleventh grade. The  
38 nationally standardized test or other equivalent measurement selected must measure  
39 competencies in the verbal and quantitative areas. Each qualified nonpublic school shall  
40 establish a minimum score which must be attained by a student on the selected test in  
41 order to be graduated from high school. For one year after the testing, all records shall  
42 be made available, subject to ~~the provision of G.S. 115C-196,~~ G.S. 115C-174.13, at the  
43 principal office of such school, at all reasonable times, for annual inspection by a duly  
44 authorized representative of the State of North Carolina."

1           **SECTION 26.(a)** G.S. 120-85 reads as rewritten:

2   **"§ 120-85. Definitions.**

3       As used in this Article:

4           (1) "Business with which ~~he is~~ associated" means any enterprise,  
5           incorporated or otherwise, doing business in the State of which ~~the~~  
6           ~~legislator~~ the person or any member of ~~his~~ the person's immediate  
7           household is a director, officer, owner, partner, employee, or of which  
8           the ~~legislator~~ person and ~~his~~ the person's immediate household, either  
9           singularly or collectively, is a holder of securities worth five thousand  
10          dollars (\$5,000) or more at fair market value as of December 31 of the  
11          preceding year, or constituting five percent (5%) or more of the  
12          outstanding stock of ~~such~~ the enterprise.

13          (1a) "Economic interest" includes matters involving a business with which  
14          the person is associated or a nonprofit corporation or organization with  
15          which the person is associated.

16          (2) "Immediate household" means the ~~legislator, his person, the person's~~  
17          spouse, and all of the person's dependent ~~children of the legislator.~~  
18          children.

19          (2a) "Nonprofit corporation or organization with which associated" means  
20          any public or private enterprise, incorporated or otherwise, that is  
21          organized or operating in the State primarily for religious, charitable,  
22          scientific, literary, public health and safety, or educational purposes  
23          and of which the person or any member of the person's immediate  
24          household is a director, officer, governing board member, employee or  
25          independent contractor as of December 31 of the preceding year.

26          (3) "Vested trust" as set forth in G.S. 120-96(4) means any trust, annuity  
27          or other funds held by a trustee or other third party for the benefit of  
28          the ~~member~~ person or a member of ~~his~~ the person's immediate  
29          household."

30       **SECTION 26.(b)** G.S. 120-87 reads as rewritten:

31   **"§ 120-87. Disclosure of confidential information.**

32       (a) No legislator shall use or disclose in any way confidential information gained  
33       in the course of the legislator's official activities or by reason of ~~his~~ the legislator's  
34       official position ~~or activities in any way~~ that could result in financial gain ~~for himself,~~  
35       for: (i) the legislator; (ii) a business with which ~~he~~ the legislator is associated ~~or~~  
36       associated; (iii) a nonprofit corporation or organization with which the legislator is  
37       associated; (iv) a member of ~~his~~ the legislator's immediate ~~household~~ household; or (v)  
38       any other person.

39       (b) As used in this section, "confidential information" means information defined  
40       as confidential by statute."

41       **SECTION 26.(c)** G.S. 120-96 reads as rewritten:

42   **"§ 120-96. Contents of statement.**

1 (a) Any statement of economic interest filed under this Article shall be on a form  
2 prescribed by the Committee, and the person filing the statement shall supply all of the  
3 following information:

4 (1) The identity, by name, of ~~any business~~ all businesses, nonprofit  
5 corporations or organizations with which he, or any member of his  
6 immediate household, is associated; the person is associated.

7 (2) The character and location of all real estate of a fair market value ~~in~~  
8 ~~excess of~~ more than five thousand dollars (\$5,000), other than ~~his~~ the  
9 person's personal residence (curtilage), in the State in which he, the  
10 person, or a member of his ~~the person's~~ immediate household, has any  
11 beneficial interest, including an option to buy and a lease for 10 years  
12 or ~~over;~~ more.

13 (3) The type of each creditor to whom ~~he, the person,~~ or a member of ~~his~~  
14 the person's immediate household, owes ~~money,~~ more than five  
15 thousand dollars (\$5,000), except indebtedness secured by lien upon  
16 his ~~the person's~~ personal residence ~~only, in excess of five thousand~~  
17 ~~dollars (\$5,000);~~ only.

18 (4) The name of each "vested trust" in which ~~he~~ the person or a member of  
19 ~~his~~ the person's immediate household has a financial interest ~~in excess~~  
20 ~~of~~ more than five thousand dollars (\$5,000) and the nature of ~~such~~  
21 ~~interest;~~ the interest.

22 (5) The name and nature of ~~his~~ the person and ~~his~~ the person's immediate  
23 household member's respective business or profession or employer and  
24 the types of customers and types of clientele ~~served;~~ served.

25 (6) A list of businesses with which ~~he~~ the person is associated that do  
26 business with the State, and a brief description of the nature of ~~such~~  
27 ~~business;~~ and the business.

28 (6a) A list of nonprofit corporations or organizations with which the person  
29 is associated and which receive State funds, and a brief description of  
30 the nature of the programs receiving funds.

31 (7) In the case of ~~professional persons and associations,~~ a person who  
32 practices a profession, whether individually or as a member of a  
33 professional association, a list of ~~classifications of business clients~~  
34 clients, by the type of business, whom the person or the person's firm  
35 or partnership has ~~which classes were charged or who have paid to the~~  
36 person or the person's firm or partnership two thousand five hundred  
37 dollars (\$2,500) or more for professional services rendered during the  
38 previous calendar year for professional services rendered by him, his  
39 firm or partnership, year. This list need not include the name of the  
40 client but shall list the type of the business of each such client or class  
41 of client, and brief description of the nature of the services rendered.

42 (b) All information provided in the statement of economic interest shall be  
43 current as of the last day of December of the year preceding the signature date."

44 **SECTION 26.(d)** G.S. 120-99 reads as rewritten:

1 **"§ 120-99. Creation; composition.**

2 (a) The Legislative Ethics Committee is created to consist of ten members, five  
3 Senators appointed by the President Pro Tempore of the Senate, among them – two  
4 from a list of four submitted by the Majority Leader and two from a list of four  
5 submitted by the Minority Leader, and five members of the House of Representatives  
6 appointed by the Speaker of the House, among them – two from a list of four submitted  
7 by the Majority Leader and two from a list of four submitted by the Minority Leader.

8 (b) The President Pro Tempore of the Senate and the Speaker of the House as the  
9 appointing officers shall each designate a cochair of the Legislative Ethics Committee  
10 from the respective officer's appointees. The cochair appointed by the President Pro  
11 Tempore of the Senate shall preside over the Legislative Ethics Committee during the  
12 odd-numbered year, and the cochair appointed by the Speaker of the House shall preside  
13 in the even-numbered year. However, a cochair may preside at anytime during the  
14 absence of the presiding cochair or upon the presiding cochair's designation. In the  
15 event a cochair is unable to act as cochair on a specific matter before the Legislative  
16 Ethics Committee, and so indicates in writing to the appointing officer and the  
17 Legislative Ethics Committee, the respective officer shall designate from that officer's  
18 appointees a member to serve as cochair for that specific matter.

19 (c) The provisions of G.S. 120-19.1 through G.S. 120-19.8 shall apply to the  
20 proceedings of the Legislative Ethics Committee as if it were a joint committee of the  
21 General Assembly, except that both cochairs shall sign all subpoenas on behalf of the  
22 Committee."

23 **SECTION 26.(e)** G.S. 120-100 reads as rewritten:

24 **"§ 120-100. Term of office; vacancies.**

25 (a) Appointments to the Legislative Ethics Committee shall be made  
26 immediately after the convening of the regular session of the General Assembly in  
27 odd-numbered years, and appointees shall serve until the expiration of their then-current  
28 terms as members of the General Assembly.

29 (b) A vacancy occurring for any reason during a term shall be filled for the  
30 unexpired term by the authority making the appointment which caused the vacancy, and  
31 the person appointed to fill the vacancy shall, if possible, be a member of the same  
32 political party as the member who caused the vacancy.

33 (c) In the event a member of the Legislative Ethics Committee is unable to act on  
34 a specific matter before the Legislative Ethics Committee, and so indicates in writing to  
35 the appointing officer and the Legislative Ethics Committee, the appointing officer may  
36 appoint another member of the respective chamber from a list submitted by the majority  
37 leader or minority leader who nominated the member who is unable to act on the matter  
38 to serve as a member of the Legislative Ethics Committee for the specific matter only. If  
39 on any specific matter, the number of members of the Legislative Ethics Committee  
40 who are unable to act on a specific matter exceeds four members, the appropriate  
41 appointing officer shall appoint other members of the General Assembly to serve as  
42 members of the Legislative Ethics Committee for that specific matter only."

43 **SECTION 26.(f)** Subsections (a), (b) and (c) of this section are effective  
44 January 1, 2006, and apply to candidates running for office on or after that date, to

1 persons appointed to fill vacancies for the 2007 and subsequent General Assemblies,  
2 and to presiding officers of the 2007 and subsequent General Assemblies. The  
3 remainder of this section is effective when it becomes law.

4 **SECTION 26.5.** G.S. 122C-22(a) reads as rewritten:

5 "**§ 122C-22. Exclusions from licensure; deemed status.**

6 (a) The following are excluded from the provisions of this Article and are not  
7 required to obtain licensure under this Article:

- 8 (1) Physicians and psychologists engaged in private office practice;
- 9 (2) General hospitals licensed under Article 5 of Chapter 131E of the  
10 General Statutes, that operate special units for the mentally ill,  
11 developmentally disabled, or substance abusers;
- 12 (3) State and federally operated facilities;
- 13 (4) Adult care homes licensed under Chapter 131D of the General  
14 Statutes;
- 15 (5) Developmental child care centers licensed under Article 7 of Chapter  
16 110 of the General Statutes;
- 17 (6) Persons subject to licensure under rules of the Social Services  
18 Commission;
- 19 (7) Persons subject to rules and regulations of the Division of Vocational  
20 Rehabilitation Services;
- 21 (8) Facilities that provide occasional respite care for not more than two  
22 individuals at a time; provided that the primary purpose of the facility  
23 is other than as defined in G.S. 122C-3(14);
- 24 (9) Twenty-four-hour nonprofit facilities established for the purposes of  
25 shelter care and recovery from alcohol or other drug addiction through  
26 a 12-step, self-help, peer role modeling, and self-governance approach;  
27 ~~and~~
- 28 (10) Inpatient chemical dependency or substance abuse facilities that  
29 provide services exclusively to inmates of the Department of  
30 Correction, as described in ~~G.S. 148-19.1~~G.S. 148-19.1; and
- 31 (11) A charitable, non-profit, faith-based, adult residential treatment facility  
32 that does not receive any federal or State funding and is part of an  
33 international organization serving at least 50 countries that helps  
34 persons ages 18-40 overcome life controlling problems and is a  
35 religious organization exempt from federal income tax under section  
36 501(a) of the Internal Revenue Code."

37 **SECTION 27.(a)** G.S. 135-1(25) reads as rewritten:

38 "(25) "Teacher" shall mean any teacher, helping teacher, ~~classroom~~-teacher  
39 in a job-sharing position ~~as defined in G.S. 115C-302.2(b)~~ under  
40 G.S. 115C-326.5 except for a beneficiary in that position, librarian,  
41 principal, supervisor, superintendent of public schools or any full-time  
42 employee, city or county, superintendent of public instruction, or any  
43 full-time employee of Department of Public Instruction, president,  
44 dean or teacher, or any full-time employee in any educational

1 institution supported by and under the control of the State: Provided,  
2 that the term "teacher" shall not include any part-time, temporary, or  
3 substitute teacher or employee except for a ~~classroom~~-teacher in a  
4 job-sharing position, and shall not include those participating in an  
5 optional retirement program provided for in G.S. 135-5.1 or  
6 G.S. 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore  
7 defined, shall determine whether any person is a teacher as defined in  
8 this Chapter. On and after August 1, 2001, a person who is a  
9 nonimmigrant alien and who otherwise meets the requirements of this  
10 subdivision shall not be excluded from the definition of "teacher"  
11 solely because the person holds a temporary or time-limited visa.  
12 Notwithstanding the foregoing, the term "teacher" shall not include  
13 any nonimmigrant alien employed in elementary or secondary public  
14 schools (whether employed in a full-time, part-time, temporary,  
15 permanent, or substitute teacher position) and participating in an  
16 exchange visitor program designated by the United States Department  
17 of State pursuant to 22 C.F.R. Part 62."

18 **SECTION 27.(b)** G.S. 135-40.2(a2) reads as rewritten:

19 "(a2) A school employee in a job-sharing position as defined in ~~G.S. 115C-302.2(b)~~  
20 G.S. 115C-326.5(b) shall be eligible for coverage under the Plan, on a partially  
21 contributory basis, subject to the provisions of G.S. 135-40.3. If these employees elect  
22 to participate in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's  
23 total noncontributory premiums. Individual employees shall pay the balance of the total  
24 noncontributory premiums not paid by the employing unit."

25 **SECTION 28.** G.S. 143-34.1(d) reads as rewritten:

26 "(d) Notwithstanding any other provisions of law relating to the salaries of  
27 officers and employees of departments, institutions, and agencies of State government,  
28 the Director of the Budget is authorized to provide a plan of flexible compensation to  
29 eligible officers and employees of State departments, institutions, and agencies not  
30 covered by the provisions of G.S. 116-17.2 for benefits available under Section 125 and  
31 related sections of the Internal Revenue Code of 1986 as amended. This plan shall not  
32 ~~include those~~ replace, substitute for, or duplicate any benefits provided to employees  
33 and officers under Article 1A of Chapter 120 of the General Statutes and Articles 1, 3,  
34 4, and 6 of Chapter 135 of the General Statutes ~~nor any vacation leave, sick leave, or~~  
35 ~~any other leave that may be carried forward from year to year by employees as a form~~  
36 ~~of deferred compensation.~~ Statutes. The plan may, however, include offerings for  
37 products and benefits that are supplemental or additional to these statutory benefits. In  
38 providing a plan of flexible compensation, the Director of the Budget may authorize  
39 State departments, institutions, and agencies to enter into agreements with their  
40 employees for reductions in the salaries of employees electing to participate in the plan  
41 of flexible compensation provided by this section. With the approval of the Director of  
42 the Budget, savings in the employer's share of contributions under the Federal Insurance  
43 Contributions Act on account of the reduction in salary may be used to pay some or all  
44 of the administrative expenses of the program. Should the Director of the Budget decide

1 to contract with a third party to administer the terms and conditions of a plan of flexible  
2 compensation as provided by this section, it may select such a contractor only upon a  
3 thorough and completely advertised competitive procurement process."

4 **SECTION 29.(a)** Part 3 of Article 3A of Chapter 143 of the General Statutes  
5 is repealed.

6 **SECTION 29.(b)** G.S. 143-129.8(b) reads as rewritten:

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

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

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

15 **SECTION 30.(a)** Article 9 of Chapter 143 of the General Statutes is  
16 amended by adding the following new section to read:

17 **"§ 143-143.5. Access to toilets in shopping malls.**

18 Notwithstanding any other law or rule, a horizontal travel distance of 300 feet for  
19 access to public use toilets in shopping malls shall be allowed."

20 **SECTION 30.(b)** This section is effective when it becomes law and applies  
21 to shopping malls for which building permits are issued on or before July 1, 2005. This  
22 section expires July 1, 2005.

23 **SECTION 31.(a)** G.S. 157-9 is amended by adding the following new  
24 subsection to read:

25 "(d) A housing authority shall not erect or maintain around any lawfully occupied  
26 housing units any fence or gate structure that is electrified or that includes spikes or  
27 barbed wire."

28 **SECTION 31.(b)** This section is effective when it becomes law and applies  
29 to existing fences and gates.

30 **SECTION 32.(a)** G.S. 160A-361 reads as rewritten:

31 **"§ 160A-361. Planning agency boards.**

32 (a) Any city may by ordinance create or designate one or more ~~agencies~~boards  
33 or commissions to perform the following duties:

34 (1) Make studies of the area within its jurisdiction and surrounding areas;

35 (2) Determine objectives to be sought in the development of the study  
36 area;

37 (3) Prepare and adopt plans for achieving these objectives;

38 (4) Develop and recommend policies, ordinances, administrative  
39 procedures, and other means for carrying out plans in a coordinated  
40 and efficient manner;

41 (5) Advise the council concerning the use and amendment of means for  
42 carrying out plans;

43 (6) Exercise any functions in the administration and enforcement of  
44 various means for carrying out plans that the council may direct;

- 1 (7) Perform any other related duties that the council may direct.
- 2 (b) ~~An agency~~ A board or commission created or designated pursuant to this
- 3 section may include, but shall not be limited to, one or more of the following:
- 4 (1) A planning board or commission of any size (with not fewer than three
- 5 members) or composition deemed appropriate, organized in any
- 6 manner deemed appropriate;
- 7 (2) A joint planning board created by two or more local governments
- 8 pursuant to Article 20, Part 1, of this Chapter."

9 **SECTION 32.(b)** G.S. 160A-363 reads as rewritten:

10 **"§ 160A-363. Supplemental powers.**

11 A city or its designated planning ~~agency-board~~ may accept, receive, and disburse in

12 furtherance of its functions any funds, grants, and services made available by the federal

13 government and its agencies, the State government and its agencies, any local

14 government and its agencies, and any private and civic sources. Any city, or its

15 designated planning ~~agency-board~~ with the concurrence of the council, may enter into

16 and carry out contracts with the State and federal governments or any agencies thereof

17 under which financial or other planning assistance is made available to the city and may

18 agree to and comply with any reasonable conditions that are imposed upon such

19 assistance.

20 Any city, or its designated planning ~~agency-board~~ with the concurrence of the

21 council, may enter into and carry out contracts with any other city, county, or regional

22 council or planning agency under which it agrees to furnish technical planning

23 assistance to the other local government or planning agency. Any city, or its designated

24 planning ~~agency-board~~ with the concurrence of its council, may enter into and carry out

25 contracts with any other city, county, or regional council or planning agency under

26 which it agrees to pay the other local government or planning ~~agency-board~~ for

27 technical planning assistance.

28 Any city council is authorized to make any appropriations that may be necessary to

29 carry out any activities or contracts authorized by this Article or to support, and

30 compensate members of, any planning ~~agency-board~~ that it may create pursuant to this

31 Article, and to levy taxes for these purposes as a necessary expense."

32 **SECTION 32.(c)** G.S. 153A-321 reads as rewritten:

33 **"§ 153A-321. Planning agency-boards.**

34 A county may by ordinance create or designate one or more ~~agencies-boards or~~

35 commissions to perform the following duties:

- 36 (1) Make studies of the county and surrounding areas;
- 37 (2) Determine objectives to be sought in the development of the study
- 38 area;
- 39 (3) Prepare and adopt plans for achieving these objectives;
- 40 (4) Develop and recommend policies, ordinances, administrative
- 41 procedures, and other means for carrying out plans in a coordinated
- 42 and efficient manner;
- 43 (5) Advise the board of commissioners concerning the use and amendment
- 44 of means for carrying out plans;

- 1 (6) Exercise any functions in the administration and enforcement of  
2 various means for carrying out plans that the board of commissioners  
3 may direct;
- 4 (7) Perform any other related duties that the board of commissioners may  
5 direct.

6 ~~An agency~~ A board or commission created or designated pursuant to this section  
7 may include but shall not be limited to one or more of the following:

- 8 (1) A planning board or commission of any size (with not fewer than three  
9 members) or composition considered appropriate, organized in any  
10 manner considered appropriate;
- 11 (2) A joint planning board created by two or more local governments  
12 according to the procedures and provisions of Chapter 160A, Article  
13 20, Part 1."

14 **SECTION 32.(d)** G.S. 153A-322 reads as rewritten:

15 **"§ 153A-322. Supplemental powers.**

16 A county or its designated planning ~~agency~~ board may accept, receive, and disburse  
17 in furtherance of its functions funds, grants, and services made available by the federal  
18 government or its agencies, the State government or its agencies, any local government  
19 or its agencies, and private or civic sources. A county, or its designated planning ~~agency~~  
20 board with the concurrence of the board of commissioners, may enter into and carry out  
21 contracts with the State or federal governments or any agencies of either under which  
22 financial or other planning assistance is made available to the county and may agree to  
23 and comply with any reasonable conditions that are imposed upon the assistance.

24 A county, or its designated planning ~~agency~~ board with the concurrence of the board  
25 of commissioners, may enter into and carry out contracts with any other county, city,  
26 regional council, or planning agency under which it agrees to furnish technical planning  
27 assistance to the other local government or planning agency. A county, or its designated  
28 planning ~~agency~~ board with the concurrence of the board of commissioners, may enter  
29 into and carry out contracts with any other county, city, regional council, or planning  
30 ~~agency~~ board under which it agrees to pay the other local government or planning  
31 ~~agency~~ board for technical planning assistance.

32 A county may make any appropriations that may be necessary to carry out an  
33 activity or contract authorized by this Article, by Chapter 157A, or by Chapter 160A,  
34 Article 19 or to support, and compensate members of, any planning agency that it may  
35 create or designate pursuant to this Article."

36 **SECTION 32.(e)** G.S. 160A-392 reads as rewritten:

37 **"§ 160A-392. Part applicable to buildings constructed by State and its  
38 subdivisions; exception.**

39 All of the provisions of this Part are hereby made applicable to the erection,  
40 construction, and use of buildings and land by the State of North Carolina and its  
41 political subdivisions.

42 Notwithstanding the provisions of any general or local law or ordinance, no land  
43 owned by the State of North Carolina may be included within ~~an overlay district or a~~

1 ~~special use or conditional use~~ district without approval of the Council of ~~State.~~State or  
2 its designate."

3 **SECTION 32.(f)** This section becomes effective October 1, 2004.

4 **SECTION 33.** The introductory language of subsection (b) of Section 2 of  
5 S.L.1997-41, as amended by S.L. 1998-19, S.L. 2001-318, S.L. 2003-55, and S.L.  
6 2003-260 is rewritten to read:

7 "(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of  
8 20 members, appointed as follows:"

9 **SECTION 34.(a)** The lead-in language of Section 1 of S.L. 2003-392 is  
10 rewritten to read:

11 "**SECTION 1.** G.S. 153A-225 is amended by adding the following new subsection  
12 to read:"

13 **SECTION 34.(b)** This section becomes effective August 7, 2003.

14 **SECTION 35.** If House Bill 142, 2003 Regular Session, becomes law, then  
15 Section 2.1 of that act reads as rewritten:

16 "**SECTION 2.1.** Privilege tax. – Notwithstanding the provisions of G.S. 153A-152,  
17 the Dare County Board of Commissioners may levy a privilege tax of up to three  
18 hundred dollars (\$300.00) per ~~rental unit~~establishment on each business engaged in the  
19 furnishing of any room, lodging, or accommodation within the county the rental of  
20 which is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax  
21 does not apply to nonprofit charitable, educational, or religious organizations that  
22 furnish accommodations in furtherance of their nonprofit purpose. For the purposes of  
23 this act, "establishment" has the same meaning as in G.S. 105-129.2."

24 **SECTION 36.** If House Bill 1414, 2003 Regular Session, becomes law, then  
25 Section 7.22(a) of House Bill 1414 reads as rewritten:

26 "**HIGH SCHOOL WORKFORCE DEVELOPMENT PROGRAM**

27 **SECTION 7.22.(a)** Funds are appropriated in this act for a high school workforce  
28 development program. The purpose of the program shall be to identify students who  
29 may not plan to attend or be adequately prepared to attend a two- or four-year degree  
30 program and to provide the assistance those students need to earn an Associate Degree  
31 the year after their senior year in high school. The Department of Public Instruction  
32 shall work closely with the Education Cabinet and the New Schools Project in  
33 administering the program.

34 These funds shall be used to establish five pilot projects in which a local school  
35 administrative unit, two- and four-year colleges and universities, and local employers  
36 work together to ensure that high school and community college curricula operate  
37 seamlessly and meet the needs of participating employers. Notwithstanding any other  
38 law or rule, a local school administrative unit and two- and four-year colleges and  
39 universities shall agree upon the minimum age of the students who participate in the  
40 pilot projects."

41 **SECTION 37.** If Section 8.17 of House Bill 1414, 2003 Regular Session,  
42 becomes law, then a new subsection is added to read:

43 "**SECTION 8.17.(c)** No request for proposals need be issued for any contract under  
44 subdivision (a)(2) of this section."

1           **SECTION 38.** If Senate Bill 582, 2003 Regular Session, becomes law,  
2 G.S. 130A-475(b), as enacted by that law, reads as rewritten:

3           "(b) The authority under subsection (a) of this section shall be exercised only  
4 when and so long as a public health threat may exist, all other reasonable means for  
5 correcting the problem have been exhausted, and no less restrictive alternative exists.  
6 Before applying the authority under subdivision (4) or (5) of subsection (a) of this  
7 section to livestock or poultry for the purpose of preventing the direct or indirect  
8 conveyance of a biological, chemical or nuclear agent to persons, the State Health  
9 Director shall consult with the State Veterinarian in the Department of Agriculture and  
10 Consumer Services.

11           The period of limited freedom of movement or access under subdivisions (4) and (5)  
12 of subsection (a) of this section shall not exceed 30 calendar days. Any person  
13 substantially affected by that limitation may institute, in superior court in Wake County  
14 or in the county in which the limitation is imposed, an action to review the limitation.  
15 The State Health Director shall give the persons known by the State Health Director to  
16 be substantially affected by the limitation reasonable notice under the circumstances of  
17 the right to institute an action to review the limitation. If a person or a person's  
18 representative requests a hearing, the hearing shall be held within 72 hours of the filing  
19 of the request, excluding Saturdays and Sundays. The person substantially affected by  
20 that limitation is entitled to be represented by counsel of the person's own choice or if  
21 the person is indigent, the person shall be represented by counsel appointed in  
22 accordance with Article 36 of Chapter 7A of the General Statutes and the rules adopted  
23 by the Office of Indigent Defense Services. The court shall reduce or terminate the  
24 limitation unless it determines, by the preponderance of the evidence, that the limitation  
25 is reasonably necessary to prevent or limit the conveyance of biological, chemical or  
26 nuclear agents to others, and may apply such conditions to the limitation as the court  
27 deems reasonable and necessary.

28           If the State Health Director determines that a 30-calendar-day limitation on freedom  
29 of movement or access is not adequate to protect the public health, the State Health  
30 Director must institute in superior court in the county in which the limitation is  
31 imposed, an action to obtain an order extending the period limiting the freedom of  
32 movement or access. If the person substantially affected by the limitation has already  
33 instituted an action in superior court in Wake County, the State Health Director must  
34 institute the action in superior court in Wake County or as a counterclaim in the pending  
35 case. The court shall continue the limitation for a period not to exceed 30 days, subject  
36 to conditions it deems reasonable and necessary, if it determines by the preponderance  
37 of the evidence, that additional limitation is reasonably necessary to prevent or limit the  
38 conveyance of biological, chemical, or nuclear agents to others. The court order shall  
39 specify the period of time the limitation is to be continued and shall provide for  
40 automatic termination of the order upon written determination by the State Health  
41 Director or local health director that the quarantine or isolation limitation on freedom of  
42 movement or access is no longer necessary to protect the public health. In addition,  
43 where the petitioner can prove by a preponderance of the evidence that quarantine or  
44 isolation ~~the limitation on freedom of movement or access~~ was not or is no longer

1 needed for protection of the public health, the person ~~quarantined or isolated~~ so limited  
2 may move the trial court to reconsider its order extending ~~quarantine or isolation~~ the  
3 limitation on freedom of movement or access before the time for the order otherwise  
4 expires and may seek immediate or expedited termination of the order. Before the  
5 expiration of an order issued under this section, the State Health Director may move to  
6 continue the order for additional periods not to exceed 30 days each."

7           **SECTION 38.1.(a)** Section 1 of Chapter 196 of the 1995 Session Laws  
8 reads as rewritten:

9           "Section 1. The provisions of Chapter 20 of the General Statutes relating to the use  
10 of the highways of the State and the operation of motor vehicles are applicable to the  
11 drives, driveways, roads, roadways, streets, courts, extensions, alleys, and parking lots,  
12 by whatever name known, on the properties owned by or under the control of The  
13 Colington Harbour Association, Inc., or the Martin's Point Homeowners Association,  
14 Inc., and shown on the several plats recorded in the office of the Register of Deeds of  
15 Dare County. For purposes of this act, drives, driveways, roads, roadways, streets,  
16 courts, extensions, alleys, and parking lots, by whatever name known shall have the  
17 same meaning as highways and public vehicular areas pursuant to G.S. 20-4.01. A  
18 violation of any of those laws is punishable as prescribed by those laws."

19           **SECTION 38.1.(b)** Section 2 of Chapter 196 of the 1995 Session Laws  
20 reads as rewritten:

21           "Sec. 2. This act shall not be construed as in any way interfering with the ownership  
22 and control of the drives, driveways, roads, roadways, streets, courts, extensions, alleys,  
23 and parking lots, by whatever name known, of The Colington Harbour Association,  
24 Inc., or the Martin's Point Homeowners Association, Inc., nor does this require the  
25 removal of the private guard gate belonging to ~~the~~ either Association."

26           **SECTION 39.** The Department of Transportation shall install highway  
27 directional guide signs at the freeway ramp terminals for colleges or universities with a  
28 campus located in North Carolina if the campus is within one mile from the freeway  
29 ramp terminal, is licensed by the Board of Governors of The University of North  
30 Carolina, offers both undergraduate and graduate degree programs, and has a minimum  
31 of 350 students enrolled at the campus. The college or university requesting the sign  
32 installment shall pay for all charges related to the construction of the sign.

33           **SECTION 40.** This act is effective when it becomes law.