

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 335
HOUSE BILL 771

AN ACT TO PROVIDE IMMUNITY TO MEMBERS OF THE NORTH CAROLINA
AGRICULTURAL FINANCE AUTHORITY AND TO CLARIFY THE RULE-
MAKING PROCEDURES APPLICABLE TO VARIOUS AGENCIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 122D of the General Statutes is amended by adding a new section to read:

"§ 122D-23. **Immunity.**—There shall be no liability on the part of and no cause of action of any nature may arise against the members of the Authority for any acts or omission to act by them in the performance of their powers and duties under this Chapter. The immunity established by this section shall not extend to willful neglect or malfeasance that would otherwise be actionable. The immunity established by this section further shall not extend to any act or omission occurring or arising out of the operation of a motor vehicle. The immunity established herein is waived to the extent of any indemnification by insurance for the liability of the members of the authority for which this act otherwise provides immunity."

Sec. 2. G.S. 150B-1(d), as amended by Chapter 112 of the 1987 Session Laws, is further amended by deleting the phrase "the North Carolina Agricultural Finance Authority until March 1, 1988,".

Sec. 3. Notwithstanding G.S. 150B-13, the North Carolina Agricultural Finance Authority may, until six months from the effective date of this act, adopt temporary rules to carry out the purposes of Chapter 122D of the General Statutes without prior notice or hearing or upon any abbreviated notice or hearing the Authority finds practicable. The Authority shall begin normal rule-making procedures on permanent rules in accordance with Article 2 of Chapter 150B at the same time it adopts a temporary rule. Temporary rules adopted under this section shall be published by the Director of the Office of Administrative Hearings in the **North Carolina Register** and shall be effective for a period of not longer than 180 days.

Sec. 4. Rules adopted by the Capital Building Authority that were in effect on the date the functions of the Authority were transferred to the State Building Commission by the enactment of Chapter 71 of the 1987 Session Laws apply to the State Building Commission until amended or repealed by the Commission.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 10th day of June, 1987.