

GENERAL ASSEMBLY OF NORTH CAROLINA  
1993 SESSION

CHAPTER 553  
HOUSE BILL 544

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

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-37 is repealed.

Sec. 2. G.S. 36A-52(a) reads as rewritten:

"(a) Declaration of Policy. – It is hereby declared to be the policy of the State of North Carolina that gifts, transfers, grants, bequests, and devises for religious, educational, charitable, or benevolent uses or purposes, or for some or all of such uses or purposes, are and shall be valid, notwithstanding the fact that any such gift, transfer, grant, bequest, or devise shall be in general terms, and this section shall be construed liberally to ~~affect~~ effect the policy herein declared."

Sec. 3. G.S. 120-47.8(3)b. reads as rewritten:

"b. Notwithstanding the persons exempted in this Article, the Governor, Council of State, and all appointed heads of State departments, agencies and institutions, shall designate all authorized official legislative liaison personnel and shall file and maintain current lists of designated legislative liaison personnel with the Secretary of State and shall likewise file with the Secretary of State a full and accurate accounting of all money expended on lobbying, other than the salaries of regular full-time employees, at the same times lobbyists are required to file expense reports under ~~G.S. 120-47.5.~~ G.S. 120-47.6."

Sec. 4. G.S. 143-170.5 reads as rewritten:

**"§ 143-170.5. Designated public documents to be printed on alkaline paper.**

The State Librarian and the University Librarian at the University of North Carolina at Chapel Hill shall designate annually as provided by ~~G.S. 125-11.12~~ G.S. 125-11.13 those State documents that must be printed on alkaline paper. Each agency publishing a State document designated by the State Librarian and the University Librarian at the University of North Carolina at Chapel Hill as one that must be printed on alkaline paper shall comply with that publication requirement."

Sec. 5. G.S. 143-299.3(a) reads as rewritten:

"(a) Notwithstanding G.S. 14-247 and G.S. 143-341(8)j, the Department of Administration or any other department of State government may allow North Carolina

Amateur Sports to have the use of State trucks and vans for the 1989 and the 1990 State Games of North Carolina. There will not be any charge for use of vehicles under this ~~aet. section.~~"

Sec. 6. G.S. 1-567.41(b) reads as rewritten:

"(b) The parties may agree on a procedure of appointing the ~~arbitrator~~ arbitral tribunal subject to the provisions of subsections (d) and (e) of this section."

Sec. 7. G.S. 7A-38(l) reads as rewritten:

"(l) ~~Inadmissability~~—Inadmissibility of negotiations. All conduct or communications made during a mediated settlement conference are presumed to be made in compromise negotiations and shall be governed by Rule 408 of the North Carolina Rules of Evidence."

Sec. 8. G.S. 14-108 reads as rewritten:

**"§ 14-108. Obtaining property or services from slot machines, etc., by false coins or tokens.**

Any person who shall operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee, of such machine, coin-box telephone or ~~receptable,~~ receptacle, or who shall take, obtain or receive from or in connection with any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph or other property, without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."

Sec. 9. G.S. 14-129 reads as rewritten:

**"§ 14-129. Taking, etc., of certain wild plants from land of another.**

No person, firm or corporation shall dig up, pull up or take from the land of another or from any public domain, the whole or any part of any Venus flytrap (*Dionaea muscipula*), trailing arbutus, Aaron's Rod (*Thermopsis caroliniana*), Bird-foot Violet (*Viola pedata*), Bloodroot (*Sanguinaria canadensis*), Blue Dogbane (*Amsonia tabernaemontana*), Cardinal-flower (*Lobelia cardinalis*), Columbine (*Aquilegia ~~canadensis~~, canadensis*), Dutchman's Breeches (*Dicentra cucullaria*), Maidenhair Fern (*Adiantum pedatum*), Walking Fern (*Camptosorus rhizophyllus*), Gentians (*Gentiana*), Ginseng (*Panax quinquefolium*), Ground Cedar, Running Cedar, Hepatica (*Hepatica americana* and *acutiloba*), Jack-in-the-Pulpit (*Arisaema triphyllum*), Lily (*Lilium*), Lupine (*Lupinus*), Monkshood (*Aconitum uncinatum* and *reclinatum*), May Apple

(Podophyllum peltatum), Orchids (all species), Pitcher Plant (Sarracenia), Sea Oats (Uniola paniculata), Shooting Star (Dodecantheon meadia), Oconee Bells (Shortia galacifolia), Solomon's Seal (Polygonatum), Trailing Christmas (Greens-Lycopodium), Trillium (Trillium), Virginia Bluebells (Mertensia virginica), and Fringe Tree (Chionanthus virginicus), American holly, white pine, red cedar, hemlock or other coniferous trees, or any flowering dogwood, any mountain laurel, any rhododendron, or any ground pine, or any Christmas greens, or any Judas tree, or any leucothea, or any azalea, without having in his possession a permit to dig up, pull up or take such plants, signed by the owner of such land, or by his duly authorized agent. Any person convicted of violating the provisions of this section shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. The provisions of this section shall not apply to the Counties of Cabarrus, Carteret, Catawba, Cherokee, Chowan, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gaston, Granville, Hertford, McDowell, Pamlico, Pender, Person, Richmond, Rockingham, Rowan and Swain."

Sec. 10. G.S. 20-279.24(a) reads as rewritten:

"(a) Proof of financial responsibility may be furnished by filing with the Commissioner the bond of a surety company duly authorized to transact business in the State or a bond with at least two individual sureties each owning real estate within this State, and together having equities in such real estate over and above any encumbrances thereon equal in value to at least twice the amount of such bond, which real estate shall be scheduled in the bond which shall be approved by the clerk of the superior court of the county wherein the real estate is situated. Such bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy, and shall not be cancellable except after 20 days' written notice to the Commissioner. A certificate of the county tax supervisor or person performing the duties of the tax supervisor, showing the assessed valuation of each tract or parcel of real estate for tax purposes shall accompany a bond with individual sureties and, upon acceptance and approval by the Commissioner, the execution of such bond shall be proved before the clerk of the superior court of the county or counties wherein the land or any part thereof lies, and such bond shall be recorded in the office of the register of deeds of such county or counties. Such bond shall constitute a lien upon the real estate therein described from and after filing for recordation to the same extent as in the case of ordinary mortgages and shall be regarded as the equivalent of a mortgage or deed of trust. In the event of default in the terms of the bond the Commissioner may foreclose the lien thereof by making public sale upon publishing notice thereof as provided by ~~subsection (b) of~~ G.S. 45-21.17; provided, that any such sale shall be subject to the provisions for upset or increased bids and resales and the procedure therefor as set out in Part 2 of Article 2A of Chapter 45 of the General Statutes. The proceeds of such sale shall be applied by the Commissioner toward the discharge of liability upon the bond, any excess to be paid over to the surety whose property was sold. The Commissioner shall have power to so sell as much of the property of either or both sureties described in the bond as shall be deemed necessary to discharge the liability under the bond, and shall not be required to apportion or prorate the liability as between sureties.

If any surety is a married person, his or her spouse shall be required to execute the bond, but only for the purpose of releasing any dower or curtesy interest in the property described in the bond, and the signing of such bond shall constitute a conveyance of dower or curtesy interest, as well as the homestead exemption of the surety, for the purpose of the bond, and the execution of the bond shall be duly acknowledged as in the case of deeds of conveyance. The Commissioner may require a certificate of title of a duly licensed attorney which shall show all liens and encumbrances with respect to each parcel of real estate described in the bond and, if any parcel of such real estate has buildings or other improvements thereon, the Commissioner may, in his discretion, require the filing with him of a policy or policies of fire and other hazard insurance, with loss clauses payable to the Commissioner as his interest may appear. All costs and expenses in connection with furnishing such bond and the registration thereof, and the certificate of title, insurance and other necessary items of expense shall be borne by the principal obligor under the bond, except that the costs of foreclosure may be paid from the proceeds of sale."

Sec. 11. G.S. 20-347(a) reads as rewritten:

"(a) In connection with the transfer of a motor vehicle, the transferor shall disclose the mileage to the transferee in writing on the title or on the document used to reassign the title. This written disclosure must be signed by the transferor, including the printed name, and shall contain the following information:

- (1) The odometer reading at the time of the transfer (not to include tenths of miles);
- (2) The date of the transfer;
- (3) The transferor's name and current address;
- (3a) The transferee's printed name, signature and current address;
- (4) The identity of the vehicle, including its make, model, body type, and vehicle identification number, and the license plate number most recently used on the vehicle; and
- (5) Certification by the transferor that to the best of his knowledge the odometer ~~reading;~~ reading
  - a. Reflects the actual mileage; or
  - b. Reflects the amount of mileage in excess of the designed mechanical odometer limit; or
  - c. Does not reflect the actual mileage and should not be relied on.
- (6) Repealed by Session Laws 1989, c. 482, s. 2.
- (7) Repealed by Session Laws 1989, c. 482, s. 2."

Sec. 12. G.S. 22B-1 reads as rewritten:

**"§ 22B-1. Construction indemnity agreements invalid.**

Any promise or agreement in, or in connection with, a contract or agreement relative to the design, planning, construction, alteration, repair or maintenance of a building, structure, highway, road, appurtenance or appliance, including moving, demolition and excavating connected therewith, purporting to indemnify or hold harmless the promisee, the promisee's independent contractors, agents, employees, or indemnitees against liability for damages arising out of bodily injury to persons or damage to property

proximately caused by or resulting from the negligence, in whole or in part, of the promisee, its independent contractors, agents, employees, or indemnitees, is against public policy and is void and unenforceable. Nothing contained in this section shall prevent or prohibit a contract, promise or agreement whereby a promisor shall indemnify or hold harmless any promisee or the promisee's independent contractors, agents, employees or indemnitees against liability for damages resulting from the sole negligence of the promisor, its agents or employees. This section shall not affect an insurance contract, worker's compensation, or any other agreement issued by an ~~insurer,~~ insurer, nor shall this section apply to promises or agreements under which a public utility as defined in G.S. 62-3(23) including a railroad corporation as an indemnitee. This section shall not apply to contracts entered into by the Department of Transportation pursuant to G.S. 136-28.1."

Sec. 13. G.S. 44A-23(b)(1)i. reads as rewritten:

"i. The contractor, within 30 days following the date ~~of~~ the building permit is issued for the improvement of the real property involved, posts on the property in a visible location adjacent to the posted building permit and files in the office of the Clerk of Superior Court in each county wherein the real property to be improved is located, a completed and signed Notice of Contract form and the second or third tier subcontractor fails to serve upon the contractor a completed and signed Notice of Subcontract form by the same means of service as described in G.S. 44A-19(d); or".

Sec. 14. G.S. 48-36(f) reads as rewritten:

"(f) Within 10 days after the order of adoption is entered, the clerk must file with the Department of ~~Environment, Health, and Natural~~ Human Resources a copy of the petition giving the date of the filing of the original petition, the consent of the person sought to be adopted, and the order of adoption, and the Department of ~~Environment, Health, and Natural~~ Human Resources must cause all papers pertaining to the proceeding to be permanently registered and filed."

Sec. 15. G.S. 54-67(a) reads as rewritten:

"(a) Notice of redemption of bonds may on no account be given on the part of the holder thereof, but may be given by the association only for the purpose of ~~effecting~~ effecting redemption in accordance with the conditions of the bonds and as provided by law and the bylaws."

Sec. 16. G.S. 58-19-15(e) reads as rewritten:

"(e) The public hearing referred to in subsection (d) of this section shall be held within 120 days after the statement required by subsection (a) of this section is filed, and the Commissioner shall give at least 30 days notice of the hearing to the person filing the statement, to the insurer, and to such other persons as may be designated by the Commissioner. The Commissioner shall make a determination as expeditiously as is reasonably practicable after the conclusion of the hearing. At the hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interest may be affected by the hearing shall have the right to

present evidence, examine and cross-examine witnesses, and offer oral or written arguments; and in connection therewith shall be entitled to conduct discovery proceedings at any time after the statement is filed with the Commissioner under this section and in the same manner as is presently allowed in the superior courts of this State. In connection with discovery proceedings authorized by this section, the Commissioner may issue such protective orders and other orders governing the timing and scheduling of discovery proceedings as might otherwise have been issued by a superior court of this State in connection with a civil proceeding. If any party fails to make reasonable and adequate response to discovery on a timely basis or fails to comply with any order of the Commissioner with respect to discovery, the Commissioner on the Commissioner's own motion or on motion of any other party or person may order that the hearing be postponed, recessed, convened, or reconvened, as the case may be, following proper completion of discovery and reasonable notice to the person filing the statement, to the insurer, and to such other persons as may be designated by the Commissioner."

Sec. 17. G.S. 58-51-15(f)(1) reads as rewritten:

"(1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this State, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of ~~this Subchapter~~ Articles 50 through 55 of this Chapter and which is prescribed or required by the law of the state under which the insurer is organized."

Sec. 18. G.S. 58-51-30 reads as rewritten:

**"§ 58-51-30. Policies to cover newborn infants and adopted children.**

Every policy of insurance and every hospital service or medical service plan as defined in Articles 65 and 66 of this Chapter, and any health care plan operated by a health maintenance organization as defined in Article 67 of this Chapter (regardless of whether any of such policies or plans shall be defined as individual, family, group, blanket, franchise, industrial or otherwise) that provides benefits on account of any sickness, illness, or disability of any minor child or that provides benefits on account of any medical treatment or service authorized or permitted to be furnished by a hospital under the laws of this State to any minor child shall provide the benefits for those occurrences beginning with the moment of the child's birth if the birth occurs while the policy, subscriber contract, or evidence of coverage with such a plan is in force. Adoptive children shall be treated the same as newborn infants and eligible for coverage on the same basis upon placement in the adoptive home, regardless of whether a final decree of adoption has been entered; provided that a petition for adoption has been duly filed and is pursued to a final ~~degree~~ decree of adoption.

Benefits in such insurance policies, plans, or evidence of coverage shall be the same for congenital defects or anomalies as are provided for most sicknesses or illnesses suffered by minor children which are covered by the policies, plans, or evidence of coverage. Benefits for congenital defects or anomalies shall specifically include, but not be limited to, all necessary treatment and care needed by individuals born with cleft lip or cleft palate.

No policy or plan subscriber contract or evidence of coverage shall be approved by the Commissioner of Insurance pursuant to the provisions of this Article or the provisions of Articles 65, 66, and 67 of this Chapter that does not comply with the provisions of this section.

The provisions of this section shall apply both to insurers governed by the provisions of Articles 1 through 64 of this Chapter and to corporations governed by the provisions of Articles 65, 66, and 67 of this Chapter."

Sec. 19. G.S. 58-54-1(5) reads as rewritten:

"(5) 'Policy' means a Medicare supplement policy, which is a group or individual policy of accident and health insurance under Articles 1 through 64 of this Chapter, a subscriber contract under Articles 65 and 66 of this Chapter, or an evidence of coverage under Article 67 of this Chapter, other than a policy issued pursuant to a contract under section 1876 or section 1833 of the federal Social Security Act (~~42~~ 42 U.S.C. § 1395 **et seq.**), or an issued policy under a demonstration project authorized pursuant to amendments to the federal Social Security Act, that is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare."

Sec. 20. G.S. 58-55-30(a) reads as rewritten:

"(a) The Commissioner may adopt rules that ~~includes~~ include standards for full and fair disclosure setting forth the manner, content, and required disclosures for the sale of long-term care insurance policies, terms of renewability, initial and subsequent conditions of eligibility, nonduplication of coverage provisions, coverage of dependents, pre-existing conditions, termination of insurance, probationary periods, limitations, exceptions, reductions, elimination periods, requirements for replacement, recurrent conditions, and definitions of terms."

Sec. 21. G.S. 58-60-15(c) reads as rewritten:

"(c) In the case of policies whose Equivalent Level Death Benefit does not exceed five thousand dollars (\$5,000), the requirement for providing a Policy Summary will be satisfied by delivery of a written statement containing the information described in G.S. ~~58-60-10, paragraphs 58-60-10(7), subdivisions b, c, d, e1, e2, e3, f, g, j, and k.~~"

Sec. 22. G.S. 58-70-15(8) reads as rewritten:

"(8) ~~Attorney[s]-at-law~~ Attorneys-at-law handling claims and collections in their own name and not operating a collection agency under the management of a layman;"

Sec. 23. G.S. 63A-11(c) reads as rewritten:

"(c) Bonds and notes issued under this section may be secured by one or more agreements, including ~~forecloseable~~ foreclosable deeds of trust and other trust instruments. An agreement may pledge and assign to the trustee or the holders of its obligations the assets, revenues, and income provided for the security of the bonds or notes, including proceeds from the sale of any special user project or part thereof, insurance proceeds, condemnation awards, and third-party agreements, and may convey or mortgage the project and other property and collateral to secure a bond issue.

The Authority may subordinate the bonds or notes or its rights, assets, revenues, and income derived from any special user project to any prior, contemporaneous, or future securities or obligations or lien, mortgage, or other security interest."

Sec. 24. G.S. 65-43(2) reads as rewritten:

"(2) A 'legal resident' of a state means a person whose ~~principle~~-principal residence or abode is in that state, who uses that state to establish his right to vote and other rights in a state, and who intends to live in that state, to the exclusion of maintaining a legal residence in any other state."

Sec. 25. G.S. 75E-1(4) reads as rewritten:

"(4) 'Person' includes 'entity' (as that term is defined in G.S. ~~55-1-40(9)~~, 55-1-40(9)), 'individual' (as that term is defined in G.S. 55-1-40(13)) and, without limiting the generality of the foregoing, 'other entity' (as that term is defined in G.S. 55-9-01(b)(6))."

Sec. 26. G.S. 87-10(1a) reads as rewritten:

"(1a) Residential contractor, which shall include any general contractor constructing only residences which are required to conform to the ~~North Carolina Uniform Residential Building Code (Vol. 1-B); residential building code adopted by the Building Code Council pursuant to G.S. 143-138;~~"

Sec. 27. G.S. 90-210.60(3) reads as rewritten:

"(3) 'Insurance company' means any corporation, association, partnership, society, order, individual or aggregation of individuals engaging in or proposing or attempting to engage as principals in any kind of insurance business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and ~~corporations~~-corporations;"

Sec. 28. G.S. 90-321(b)(1) reads as rewritten:

"(1) It is determined by the attending physician that the declarant's present condition is  
a. ~~Terminal; and~~ Terminal and incurable; or  
b. ~~Incurable; or~~  
c. Diagnosed as a persistent vegetative state; and"

Sec. 29. G.S. 90-322(a)(1) reads as rewritten:

"(1) It is determined by the attending physician that the person's present condition is:  
a. ~~Terminal; and~~ Terminal and incurable; or  
b. ~~Incurable; or~~  
c. Diagnosed as a persistent vegetative state; and"

Sec. 29.1. Effective at the same time that Section 11 of Chapter 419 of the 1993 Session Laws becomes effective, G.S. 93A-32(2) as rewritten by Section 11 of Chapter 419 of the 1993 Session Laws reads as rewritten:

"(2) 'Private real estate school' means any real estate educational entity which is privately owned and operated by an individual, partnership,



corporation or association, and which conducts, for a profit or tuition charge, real estate salesman or broker prelicensing courses prescribed by G.S. 93A-4(a), provided that a ~~private-proprietary~~ business or trade school licensed by the State Board of Community Colleges under G.S. 115D-90 to conduct courses other than those real estate courses described herein shall not be considered to be a private real estate school."

Sec. 30. G.S. 96-8(13)a. reads as rewritten:

"a. 'Wages' shall include commissions, bonuses, any sums paid to an employee by an employer pursuant to an order of any court, the National Labor Relations Board, or any other lawfully constituted adjudicative agency or by private agreement, consent, or arbitration for loss of pay by reason of discharge, and the cash value of all remuneration in any medium other than cash. The reasonable cash value of ~~remuneration~~ remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the Commission; provided, if the remuneration of an individual is not based upon a fixed period or duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week or for any calendar quarter for the purpose of computing an individual's right to unemployment benefits only shall be determined in such manner as may by authorized regulations be prescribed. The regulations shall, so far as possible, secure results reasonably similar to those that would prevail if the individual were paid his wages at regular intervals. The term 'wages' shall not include the amount of any payment with respect to services to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment), on account of (i) retirement, or (ii) sickness or accident disability, or (iii) medical and hospitalization expenses in connection with sickness or accident disability or (iv) death. However, in the case of payments made to an employee or any of his dependents on account of sickness or accident disability, only payments which are received under a worker's compensation law shall be excluded from the term 'wages'. Furthermore, the term 'wages' shall not include payment by an employer without deduction from the

remuneration of the employee of the tax imposed upon an employee under the Federal Insurance Contributions Act."

Sec. 31. G.S. 108A-14(a)(8) reads as rewritten:

"(8) To supervise domiciliary homes for aged or disabled persons under the rules and regulations of the Social Services ~~Commission~~  
Commission."

Sec. 32. G.S. 110-91(11) reads as rewritten:

"(11) Staff Development. – The Commission shall adopt minimum standards for ongoing staff development for facilities. These standards shall include requirements for ongoing ~~inservice~~in-service training for all staff."

Sec. 32.1. G.S. 113-270.4(a) reads as rewritten:

"(a) No one may serve for hire as a hunting or fishing guide without having first procured a current and valid hunting and fishing guide license. This license is valid only for use by an individual meeting the criteria set by the Wildlife Resources Commission for issuance of the license subject to the limitations set forth in this ~~subdivision~~section. Possession of the hunting and fishing guide license does not relieve the guide from meeting other applicable license requirements. A nonresident may be licensed pursuant to this section only upon the same or similar terms that a North Carolina resident may be licensed in the nonresident's state of residence. The Wildlife Resources Commission may enter into such reciprocal agreements with other states as are necessary to obtain a hunting and fishing guide license in North Carolina subject to the foregoing provisions."

Sec. 32.2. G.S. 115D-87(3) reads as rewritten:

"(3) 'Proprietary business school' or 'business school' means an educational institution that (i) is privately owned and operated by an owner, partnership or corporation, and (ii) offers business and office related courses for which tuition is charged, in ~~and other related~~ business or office related subjects or subjects of general education when they contribute value to the objective of the course of study. If a school offers classes in more than one county, the school's operations in each such county shall constitute a separate school, as defined in this subdivision."

Sec. 33. G.S. 116-40.2 reads as rewritten:

**"§ 116-40.2. Authorization to purchase insurance in connection with construction and operation of nuclear reactors.**

In connection with the construction of, assembling of, use and operation of, any nuclear reactor now owned or hereafter acquired by it, North Carolina State University is hereby authorized and empowered to procure proper insurance against the hazards of explosion, implosion, radiation and any other special hazards unique to nuclear reactors, including nuclear fuel and all other components thereto. Further, North Carolina State University is authorized to enter into agreements with the United States Atomic Energy Commission prerequisite to licensing by that agency of nuclear reactors and to maintain as a part of such agreement or agreements appropriate insurance in amounts required by the Atomic Energy Commission of nuclear reactor licenses.

To the extent that North Carolina State University shall obtain insurance under the provisions of this section, it is hereby authorized and empowered to waive its governmental immunity from liability for damage to property or injury to ~~or~~ or death to persons arising from the assembling, construction of, use and operation of nuclear reactors. Such immunity shall be deemed to have been waived by the act of obtaining such insurance, but only to the extent that North Carolina State University is indemnified by such insurance.

Any contract of insurance purchased pursuant to this section must be issued by a company or corporation duly licensed and authorized to do a business of insurance in this State except to the extent that such insurance may be furnished by or through a governmental agency created for the purpose of insuring against such hazards or through reinsurance pools or associations established to insure against such hazards.

Any person sustaining property damage or personal injury may sue North Carolina State University for damages for injury arising out of the construction, assembly, use or operation of a nuclear reactor on the campus of the University in the Superior Court of Wake County, and to the extent that the University is indemnified by insurance, it shall be no defense to any such action that the University was engaged in the performance of a governmental or discretionary function of the University. In the case of death alleged to have been caused by the assembly, construction, use or operation of such nuclear reactor, the personal representative of the deceased person may bring such action.

Nothing in this section shall in any way affect any other actions which have been or may hereafter be brought under the Tort Claims Act against North Carolina State University, nor shall the provisions of this section in any way abrogate or replace the provisions of the Workers' Compensation Act."

Sec. 34. The second G.S. 120-2(c)(4) reads as rewritten:

"(4) Mecklenburg County Tract 0044 Block 906F is shown on the computer database as part of OAK when it is in fact correctly shown on the Board of Elections map as part of Charlotte Pct. 16;"

Sec. 35. The title of Article 15 of Chapter 120 reads as rewritten:

"ARTICLE 15.

~~Retirement Systems~~ Legislative Actuarial Note Act."

Sec. 36. G.S. 122C-146 reads as rewritten:

**"§ 122C-146. Fee for service.**

The area authority and its contractual agencies shall prepare fee schedules for services and shall make every reasonable effort to collect appropriate reimbursement for costs in providing these services from individuals or entities able to pay, including insurance and third-party payment, except that individuals may not be charged for services involving multidisciplinary evaluations, intervention plan development, and case management services provided to eligible infants and toddlers and their families. This exemption from charges does not exempt ~~insurers~~ insurers or other third-party payors from being charged for payment for these services. However, no individual may be refused services because of an inability to pay. All funds collected from fees from area authority operated services shall be used for the fiscal operation or capital improvements of the area authority's programs. The collection of fees by an area

authority may not be used as justification for reduction or replacement of the budgeted commitment of local tax revenue."

Sec. 37. G.S. 122D-6(11) reads as rewritten:

"(11) Accept federal, State or private financial or technical assistance and comply with any conditions for such assistance, ~~proved~~provided such conditions are not in conflict with the intent of this Chapter;"

Sec. 38. G.S. 122D-6(20) reads as rewritten:

"(20) Purchase or participate in the purchase and enter into commitments by itself or together with others for the purchase of federally ~~issued~~issued securities; provided that the proceeds of such securities will be utilized in accordance with the provisions of this Chapter."

Sec. 39. G.S. 126-5(c)(1)b. reads as rewritten:

"b. Is in a secondary level or professional position and has not been continuously employed by the State of North Carolina for the immediate 24 preceding months; or "

Sec. 40. G.S. 126-5(c1)(9) reads as rewritten:

"(9) Employees whose salaries are fixed under the authority vested in the Board of Governors of The University of North Carolina by the provisions of G.S. 116-11(4), ~~116-1(5)~~, 116-11(5), and 116-14."

Sec. 40.1. G.S. 130A-14(a) reads as rewritten:

"(a) The Secretary may allow employees of the Department to assist any private nonprofit foundation that works directly with services or programs of the Department and whose sole purpose is to support the services and programs of the Department, and may provide other appropriate services to any such foundation. No employee of the Department may work with a foundation for more than 20 hours in any one month. Chapter 150B of the General Statutes does not apply to any assistance ~~of~~or services provided to a private nonprofit foundation pursuant to this section."

Sec. 41. G.S. 130A-295.02(i) reads as rewritten:

"(i) A resident inspector shall be assigned to a commercial hazardous waste facility for a maximum of 12 consecutive months or 18 months in a 24-month period. A resident inspector who has been assigned to a commercial hazardous waste facility for the maximum period allowed by this subsection shall not be reassigned to that facility within 12 months of the time he was previously assigned to that facility. For purposes of this subsection, 'commercial hazardous waste facility' means that facility and any other commercial hazardous waste facility ~~which~~that is operated by the same business entity or by a parent, subsidiary, or affiliate of that business entity. As used in this subsection, the words 'affiliate,' 'parent,' and 'subsidiary' have the same meaning as in 17 Code of Federal Regulations § 240.12b-2 (1 April 1990 Edition)."

Sec. 42. G.S. 131A-2 reads as rewritten:

**"§ 131A-2. Legislative findings.**

It is hereby declared to be the policy of the State of North Carolina to promote the public health and welfare by providing means for financing, refinancing, acquiring, constructing, equipping and providing of health care facilities to serve the people of the State and to make accessible to them modern and efficient health care facilities.

The General Assembly hereby finds and declares that:

- (1) There is a need to overcome existing and anticipated physical and technical obsolescence of existing health care facilities and to provide additional modern and efficient health care facilities in the State; and
- (2) Unless measures are adopted to alleviate such need, the shortage of such facilities will become increasingly more urgent and serious; and
- (3) In order to meet such shortage and thereby promote the public health and welfare of the people of the State, it is necessary for the State to assist in the providing of adequate modern and efficient health care facilities in the State so that health and hospital care and services may be expanded, improved and fostered to the fullest extent practicable.

The General Assembly hereby further finds and declares that the financing, refinancing, acquiring, constructing, equipping and providing of health care facilities are public uses and public purposes and that enactment of this ~~Part~~ Chapter is necessary and proper for effectuating the purposes hereof."

Sec. 43. G.S. 131C-11 reads as rewritten:

**"§ 131C-11. Denial and revocation of license.**

(a) The Department shall deny a license applied for under G.S. 131C-4 or 131C-6 or revoke a license after issuance for the following reasons:

- (1) The application is incomplete.
- (2) The application fee has not been paid.
- (3) The application contains one or more false statements.
- (4) The charitable contributions have or are not being applied for the purpose or purposes stated in the application.
- (5) The applicant or licensee has failed to comply with any provisions ~~of~~ of this Chapter or any rule adopted pursuant to the Chapter.

(b) The Department shall notify the applicant or licensee of its intent to deny or revoke a license. The notification shall contain the reasons for the action and shall inform him of his right to correct the matter or to request an administrative hearing within 10 days of the receipt of the notification. The denial or revocation shall become effective 10 days after receipt of the notification unless the matter is corrected or a request for an administrative hearing is received by the Department before the expiration of the 10 days. If a hearing is requested and the denial or revocation is upheld, the denial or revocation shall become effective upon the service of the final administrative decision on the applicant ~~of~~ or licensee."

Sec. 44. G.S. 131D-3(a) reads as rewritten:

"(a) The Department of Human Resources, Division of Social Services, by January 1, 1982, shall develop a cost and revenue reporting form for use by all domiciliary care facilities. This form shall be based on the uniform chart of accounts required in G.S. 131D-4. All facilities that receive funds under the State-County Special Assistance for Adults Program shall report total costs and revenues to the Department of Human Resources by March 1 of each year. Facilities licensed under the provisions of G.S. 131D-2(a)(5) shall report total costs and revenues beginning with a report that covers the ~~twelve-month~~ twelve-month period beginning January 1, 1993. Facilities

operated by or under contract with Area Mental Health, Developmental Disabilities, and Substance Abuse Authorities shall report total costs and revenues beginning with a report that covers the ~~twelve-month~~ twelve-month period beginning July 1, 1992. Combination facilities providing either intermediate or skilled care in addition to domiciliary care shall report total costs and revenues beginning with a report that covers the ~~twelve-month~~ twelve-month period beginning October 1, 1992. All facilities shall be required to permit access to any requested financial records by representatives of the Department of Human Resources for audit purposes effective July 1, 1981."

Sec. 45. G.S. 131D-4 reads as rewritten:

**"§ 131D-4. Domiciliary care facilities; uniform chart of accounts.**

The Department of Human Resources, Division of Social Services, by January 1, 1982, shall develop a uniform chart of accounts for use by all domiciliary care facilities funded totally or in part through the State-County Special Assistance for Adults Program. The Division shall consult with representatives from the domiciliary care industry in developing the new accounting system. The Division shall require domiciliary care facilities covered by this section to implement this chart of accounts by January 1, 1983, unless otherwise provided by this section. Facilities licensed under the provisions of G.S. 131D-2(a)(5) shall implement this chart of accounts beginning with the ~~twelve-month~~ twelve-month period beginning January 1, 1993. Facilities operated by or under contract with Area Mental Health, Developmental Disabilities, and Substance Abuse Authorities shall implement this chart of accounts beginning with the ~~twelve-month~~ twelve-month period beginning July 1, 1992. Combination facilities providing either intermediate or skilled care in addition to domiciliary care shall implement this chart of accounts beginning with the ~~twelve-month~~ twelve-month period beginning October 1, 1992.

The Department may take either or both of the following actions to enforce compliance by a facility with this section or to punish noncompliance:

- (1) Seek a court order to enforce compliance;
- (2) Suspend or revoke the facility's license, subject to the provisions of Chapter 150B."

Sec. 46. G.S. 143B-153(3)b. reads as rewritten:

"b. For the inspection and licensing of ~~domiciliary~~ domiciliary homes for aged or disabled persons as provided by G.S. 131D-2(b) and for personnel requirements of staff employed in domiciliary homes. Any proposed personnel requirements that would impose additional costs on owners of domiciliary homes shall be reviewed by the Joint Legislative Commission on Governmental Operations before they are adopted;".

Sec. 47. G.S. 143B-399(4a) reads as rewritten:

"(4a) To promulgate rules concerning the awarding of the North Carolina Services Medal to all veterans who have served in any period of war as defined in 38 ~~U.S.C. ' 101.~~ U.S.C. § 101. The award shall be self-financing; those who wish to be awarded the medal shall pay a fee to cover the expenses of producing the medal and awarding the medal.

All rules adopted by the Commission with respect to the North Carolina Services Medal shall be implemented and enforced by the Division of Veterans' Affairs; and".

Sec. 48. G.S. 143B-472.3, Article 11 reads as rewritten:

"Article 11. Assessments shall be made as provided in ~~G.S. 143-472.18~~. G.S. 143B-472.18. Whenever possible, assessments will be made at definitely stated intervals so as to reduce the cost of collection and to prevent lapse."

Sec. 49. G.S. 143B-472.3, Article 12 reads as rewritten:

"Article 12. In the event the proceeds of the annual assessments imposed on the entire membership for one year, as provided in ~~G.S. 143-472.18~~, G.S. 143B-472.18, do not prove sufficient at any time to yield the benefit provided for in these bylaws, then the secretary-treasurer shall notify the North Carolina Burial Association Administrator who shall be authorized, unless the membership is increased to that point where such assessments are sufficient, to cause liquidation of said association, and may transfer all members in good standing to a like organization or association."

Sec. 50. G.S. 143B-472.35(1)(1) reads as rewritten:

"(1) The total amount of private funds that ~~were~~was committed and the amount that ~~were~~was invested in the designated downtown area during the preceding fiscal year;"

Sec. 51. G.S. 143B-472.35(1)(2) reads as rewritten:

"(2) The total amount of local public matching funds that ~~were~~was raised, if required by subdivision (g)(2) of this section;"

Sec. 52. G.S. 146-15 reads as rewritten:

**"§ 146-15. Definition of net proceeds.**

For the purposes of this Subchapter, the term "net proceeds" means the gross amount received from the sale, lease, rental, or other disposition of any State lands, less

- (1) Such expenses incurred incident to that sale, lease, rental, or other disposition as may be allowed under rules and regulations adopted by the Governor and approved by the Council of State; and
- (2) ~~Amounts paid pursuant to G.S. 105-296.1 if any; and~~
- (3) A service charge to be paid into the State Land Fund.

The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this Subchapter, no service charge shall be paid into the State Land Fund from proceeds derived from the sale of land or products of land owned or held for the use of the Wildlife Resources Commission, or purchased or acquired with funds of the Wildlife Resources Commission."

Sec. 52.1. G.S. 146-26.1 reads as rewritten:

**"§ 146-26.1. Relocation assistance.**

In the acquisition of any real property by the Department of Administration for a public use, the Department of Administration shall be vested with the ~~same~~ authority as

~~is given the Department of Transportation in Article 13 of Chapter 136 set forth in Article 2 of Chapter 133 of the General Statutes."~~

Sec. 52.2. G.S. 146-30 reads as rewritten:

**"§ 146-30. Application of net proceeds.**

The net proceeds of any disposition made in accordance with this Subchapter shall be handled in accordance with the following priority: First, in accordance with the provisions of any trust or other instrument of title whereby title to such real property was heretofore acquired or is hereafter acquired; second, as provided by any other act of the General Assembly; third, the net proceeds shall be deposited with the State Treasurer. Provided, however, nothing herein shall be construed as prohibiting the disposition of any State lands by exchange for other lands, but if the appraised value in fee simple of any property involved in the exchange is at least twenty-five thousand dollars (\$25,000), then such exchange may not be made without consultation with the Joint Legislative Commission on Governmental Operations.

For the purposes of this Subchapter, the term 'net proceeds' means the gross amount received from the sale, lease, rental, or other disposition of any State lands, less

- (1) Such expenses incurred incident to that sale, lease, rental, or other disposition as may be allowed under rules and regulations adopted by the Governor and approved by the Council of State;
- (2) ~~Amounts paid pursuant to G.S. 105-296.1, if any; and~~
- (3) A service charge to be paid into the State Land Fund.

The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this Subchapter, the net proceeds derived from the sale of land or products of land owned by or under the supervision and control of the Wildlife Resources Commission, or acquired or purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net proceeds derived from the sale of land or timber from land owned by or under the supervision and control of the Department of Agriculture shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture, to be used for such specific capital improvement projects or other purposes as are provided by transfer of funds from those accounts in the Current Operations Appropriations Act. Provided further, the net proceeds derived from the sale of park land owned by or under the supervision and control of the Department of Environment, Health, and Natural Resources shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Administration to be used for the purpose of park land acquisition as provided by transfer of funds from those accounts in the Current Operations Appropriations Act. In the Current Operations Appropriations Act, line items for purchase of park and agricultural lands will be established for use by the Departments of Administration and Agriculture. The use of such funds for any specific capital improvement project or land acquisition is subject to approval by the Director of the Budget. No other use may be made of funds in these line items without approval by



the General Assembly except for incidental expenses related to the project or land acquisition. Additionally with the approval of the Director of the Budget, either Department may request funds from the Contingency and Emergency Fund when the necessity of prompt purchase of available land can be demonstrated and funds in the capital improvement accounts are insufficient. Provided further, the net proceeds derived from the sale of any portion of the land in or around the unincorporated area known as Butner on or after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account to the credit of the Hospital to provide water and sewers and to bring those streets in the unincorporated area known as Butner not on the State highway system up to standards adequate for acceptance on the system, according to a plan adopted by the Department of Administration, and the Office of State Budget and Management, with the approval of the Board of County Commissioners of Granville County, to build industrial access roads to industries on the Butner lands, to construct new city streets on the Butner lands, extend water and sewer service on the Butner lands, and repair storm drains on the Butner lands."

Sec. 52.3. G.S. 146-65 reads as rewritten:

**"§ 146-65. Exemptions from Chapter.**

None of the provisions of Chapter 146 shall apply to:

- (1) The acquisition of highway rights-of-way, borrow pits, or other interests or estates in land acquired for the same or similar purposes, or to the disposition thereof, by the Board of Transportation; or
- (2) The North Carolina State Ports Authority, the authority and powers thereof set forth or provided for by ~~G.S. 143-216 through G.S. 143-228.1~~ G.S. 143B-452 through G.S. 143B-467 or to the exercise of all or any of such authority and powers,

Nor shall the provisions of Chapter 146 abrogate or alter any otherwise valid contract or agreement heretofore made and entered into by the State of North Carolina or by any of its subdivisions or agencies during the term or period of such contract or agreement."

Sec. 53. G.S. 147-45 is amended by deleting "The University North Carolina System" and substituting "The University of North Carolina System."

Sec. 54. G.S. 150B-21.1(a) reads as rewritten:

"(a) Adoption. – An agency may adopt a temporary rule without prior notice or hearing or upon any abbreviated notice or hearing the agency finds practical when it finds that adherence to the notice and hearing requirements of this Part would be contrary to the public interest and that the immediate adoption of the rule is required by one or more of the following:

- (1) A serious and unforeseen threat to the public health, safety, or welfare.
- (2) The effective date of a recent act of the General Assembly or the United States Congress.
- (3) A recent change in federal or State budgetary policy.
- (4) A federal regulation.
- (5) A court order.

An agency must prepare a written statement of its findings of need for a temporary rule. The statement must be signed by the head of the agency adopting the rule.

An agency must begin rule-making proceedings for a permanent rule by the day it adopts a temporary rule. An agency begins rule-making proceedings for a permanent rule by submitting to the ~~codifier~~ Codifier of Rules written notice of its intent to adopt a permanent rule."

Sec. 55. G.S. 159-30(b) reads as rewritten:

"(b) Moneys may be deposited at interest in any bank, savings and loan association, or trust company in this State in the form of certificates of deposit or such other forms of time deposit as the Commission may approve. Investment deposits, including investment deposits of ~~the~~ a mutual fund for local government investment created by G.S. 159-30(e)(6a), established under subdivision (c)(8) of this section, shall be secured as provided in G.S. 159-31(b)."

Sec. 56. G.S. 159G-8(a) reads as rewritten:

"(a) Application. – All applications for revolving loans and grants for water supply systems shall be filed with the Division of Environmental Health and all applications for revolving loans and grants for wastewater treatment works or wastewater collection systems shall be filed with the Environmental Management Commission. Any application may be filed in as many categories as it is eligible for consideration under this Chapter. Applications for revolving construction loans or grants for wastewater treatment works and wastewater collection systems, except applications for emergency wastewater loans, shall first be submitted for a loan or grant from the Water Pollution Control Revolving Fund established by G.S. 159G-5(c). If the application is denied, the application shall then be considered for a revolving loan or a grant from the General Wastewater Revolving Loan and Grant account established under G.S. ~~159-6(b)(1)~~ 159G-6(b)(1).

The Department of Environment, Health, and Natural Resources, the Commission for Health Services, and the Environmental Management Commission may develop jointly and adopt a standard form of application under this Chapter. Any application for construction grants under the Federal Water Pollution Control Act may be considered as an application for revolving construction loans or grants under G.S. 159G-5(c) and G.S. 159G-6(b)(1). The information required to be set forth in the application shall be sufficient to permit the respective agencies to determine the eligibility of the applicant and to establish the priority of the application, as set forth in this Chapter.

Any applicant shall furnish information in addition or supplemental to the information contained in its application upon request by the receiving agency."

Sec. 57. The catch line of G.S. 159I-29 reads as rewritten:

**"§ 159I-29. Annual reports to Joint Legislative Commission on Governmental Operations."**

Sec. 58. The catch line of G.S. 160A-443 reads as rewritten:

**"§ 160A-443. Ordinance authorized as to repair, ~~closing~~ closing, and demolition; order of public officer."**

Sec. 59. G.S. 160A-443(7) reads as rewritten:

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

Sec. 60. G.S. 163-112(c) reads as rewritten:

"(c) Vacancy in Group Offices within 30 Days after the Filing Period Closes. – If at the time the filing period closes more persons have filed notice of candidacy for nomination by a political party to an office constituting a group than there are positions to be filled, and a candidate or candidates ~~dies die~~ within 30 days after the filing period closes, and there remains only the number of candidates equal to or fewer than the number of positions to be filled, the appropriate board of elections shall reopen the filing period for that party contest, for three days for that office. Should no persons file during the three-day period, then those candidates already filed shall be certified as the party nominees for that office."

Sec. 61. G.S. 163-138 reads as rewritten:

**"§ 163-138. Instructions for printing names on primary and election ballots.**

In preparing primary, general, and special election ballots, the legal name of a candidate (together with his nickname in the situation outlined below) shall be printed precisely as it appears on the notice of candidacy form filed in accordance with G.S. 163-106 or in petition forms filed in accordance with G.S. 163-122. If the candidate has

inserted a nickname on the notice of candidacy or in the petition, it shall be printed on the ballot immediately before the candidate's surname and shall be enclosed by ~~parenthesis.~~ parentheses. Notwithstanding the previous sentence, if the candidate has used his nickname in lieu of first and middle names as permitted by G.S. 163-106(a), unless another candidate for the same office who files a notice of candidacy has the same last name, the nickname shall be printed on the ballot immediately before the candidate's surname but shall not be enclosed by parentheses. If another candidate for the same office who filed a notice of candidacy has the same last name, then the candidate's name shall be printed on the ballot in accordance with the alternate indicated by the candidate on his affidavit under G.S. 163-106(a). No title, appendage, or appellation indicating rank, status, or position, shall be printed before or following or as a nickname or in connection with the name of any candidate on any ballot. Nevertheless, a candidate who is a married woman may use the prefix 'Mrs.' and a candidate who is a single woman may use the prefix 'Miss' before her name if she so elects."

Sec. 62. G.S. 163-140(b)(4)c. reads as rewritten:

"c. You ~~make~~ may also vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of any candidate you choose of a different party. In any multi-seat race where a party circle is marked and you vote for candidates of another party, you must also make a cross (X) mark opposite the name of any candidate you choose of the party for which you marked the party circle to assure your vote will count."

Sec. 63. G.S. 163-140(b)(5)c. reads as rewritten:

"c. You ~~make~~ may also vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of any candidate you choose of a different party. In any multi-seat race where a party circle is marked and you vote for candidates of another party, you must also make a cross (X) mark opposite the name of any candidate you choose of the party for which you marked the party circle to assure your vote will count."

Sec. 64. G.S. 163-170(4) reads as rewritten:

"(4) When Voter Has Affixed Sticker, etc., or Otherwise Improperly Treated ~~Property~~ Properly Marked Ballot. – If a voter has properly marked the voting square with pen or pencil, and also has affixed a sticker to a ballot, or marked a ballot with a rubber stamp, attached anything to a ballot, wrapped or folded anything in a ballot, or done anything to a ballot other than mark it properly with pen or pencil, it shall be counted unless such action by the voter makes it impossible to determine the voter's choice."

Sec. 65. G.S. 163-192(b)(4) reads as rewritten:

"(4) For district court judges for the several district court ~~district~~ districts as defined in G.S. 7A-133 in the State."

Sec. 66. G.S. 163-201(c1)(4) reads as rewritten:

"(4) Mecklenburg County Tract 0044 Block 906F is shown on the computer database as part of OAK when it is in fact correctly shown on the Board of Elections map as part of Charlotte Pct. 16;"

Sec. 67. G.S. 163-230.1(a)(3) reads as rewritten:

"(3) A large envelope (similar to a No. 14 or larger manila envelope) in which the container-return envelope with the ballots may be returned and on which the affidavit provided by G.S. 163-229(b) shall be printed; and"

Sec. 67.1. Section 6 of Chapter 517 of the 1993 Session Laws is amended by deleting '50-13.9(a)', and substituting 'G.S. 50-13.9(a)'.

Sec. 67.2. Sections 4 and 5 of Chapter 521 of the 1993 Session Laws are amended by deleting '1993 Session Laws', and substituting '1991 Session Laws'.

Sec. 68. G.S. 163-275(17) reads as rewritten:

"(17) For any person, directly or indirectly, to misrepresent the law to the public through mass mailing or any other means of communication where the intent and the effect is to intimidate or ~~discourages~~ discourage potential voters from exercising their lawful right to vote."

Sec. 69. G.S. 163-278.19(e) reads as rewritten:

"(e) Notwithstanding the prohibitions specified in this Article and Article 22 of this Chapter, a political committee organized under provisions of this Article shall be entitled to receive and the corporation, business entity, labor union, professional association, or insurance company designated on the committee's organizational report as the parent entity of the employees or members who organized the committee is authorized to give reasonable administrative support that shall include, but not be limited to, record keeping, computer services, billings, mailings to members of the committee, and such other support as is reasonably necessary for the administration of the committee.

The approximate cost of any record keeping, computer services, billings, mailings, office supplies, and office space provided on a continuing basis shall be submitted to the committee, in writing, and the committee shall include that cost on the annual report required by G.S. ~~163-278.9(a)~~ ~~(e)~~. 163-278.9(a)(6). Also included in the report shall be the approximate allocable portion of the compensation of any officer or employee of the corporation, business entity, labor union, professional association, or insurance company who has devoted more than thirty-five percent (35%) of his time during normal business hours of the corporation, business entity, labor union, professional association, or insurance company during the period covered by the required report. The approximate cost submitted by the parent corporation, business entity, labor union, professional association, or insurance company shall be entered on the committee's annual report as the final entry on its list of 'contributions' and a copy of the written approximate cost received by it shall be attached.

The administrative support given by a corporation, business entity, labor union, professional association, or insurance company shall be designated on the books of the corporation, business entity, labor union, professional association, or insurance company as such and may not be treated by it as a business deduction for State income tax purposes."

Sec. 70. G.S. 163-278.42(e)(1) reads as rewritten:

"(1) Radio, television, newspaper, and billboard advertising for and on behalf of a political party or ~~candidate~~:candidate."

Sec. 71. The first line of Section 1 of Chapter 267 of the 1991 Session Laws is amended by deleting the phrase "18B-1114.1(a)" and substituting the phrase "18B-1114.1".

Sec. 72. The second line of Section 1 of Chapter 88 of the 1993 Session Laws is amended by inserting the phrase "of Section 22" between "Subsection (e)" and "of Chapter 900".

Sec. 73. (a) Section 2 of Chapter 107 of the 1993 Session Laws reads as rewritten:

"Sec. 2. This act becomes effective October 1, 1993, and applies to claims filed ~~for~~ ~~causes of action arising~~ on or after that date."

(b) G.S. 7A-219 reads as rewritten:

**"§ 7A-219. Certain counterclaims; cross claims; third-party claims not permissible.**

No counterclaim, cross claim or third-party claim which would make the amount in controversy exceed ~~two thousand dollars (\$2,000)~~ the jurisdictional amount established by G.S. 7A-210(1) is permissible in a small claim action assigned to a magistrate. No determination of fact or law in an assigned small claim action estops a party thereto in any subsequent action which, except for this section, might have been asserted under the Code of Civil Procedure as a counterclaim in the small claim action."

(c) G.S. 42-28 reads as rewritten:

**"§ 42-28. Summons issued by clerk.**

When the lessor or his assignee files a complaint pursuant to G.S. 42-26 or 42-27, and asks to be put in possession of the leased premises, the clerk of superior court shall issue a summons requiring the defendant to appear at a certain time and place not to exceed 10 days from the issuance of the summons to answer the complaint. The plaintiff may claim rent in arrears, and damages for the occupation of the premises since the cessation of the estate of the lessee, not to exceed ~~two thousand dollars (\$2,000)~~, the jurisdictional amount established by G.S. 7A-210(1), but if he omits to make such claim, he shall not be prejudiced thereby in any other action for their recovery."

(d) G.S. 42-30 reads as rewritten:

**"§ 42-30. Judgment by confession or where plaintiff has proved case.**

The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if the plaintiff proves his case by a preponderance of the evidence, or the defendant admits the allegations of the complaint, the magistrate shall give judgment that the defendant be removed from, and the plaintiff be put in possession of, the demised premises; and if any rent or damages for the occupation of the premises after the cessation of the estate of the lessee, not exceeding ~~two thousand~~

dollars (\$2,000), the jurisdictional amount established by G.S. 7A-210(1), be claimed in the oath of the plaintiff as due and unpaid, the magistrate shall inquire thereof, and give judgment as he may find the fact to be."

(e) Subsections (b) through (d) of this section become effective at the same time that Chapter 107 of the 1993 Session Laws becomes effective.

Sec. 74. Section 1 of Chapter 197, Session Laws of 1993, is amended by deleting "adding two new subsections", and substituting "adding a new subsection".

Sec. 75. Section 3 of Chapter 226 of the 1993 Session Laws is amended by deleting:

"Sec. 3. G.S. 58-57-15 reads as rewritten:

'(a) Credit Life Insurance. – "and substituting:

"Sec. 3. G.S. 58-57-15 reads as rewritten:

**'§ 58-57-15. Amount.**

(a) Credit Life Insurance. – "".

Sec. 76. Section 2 of Chapter 277 of the 1993 Session Laws is amended by deleting "subdivsion", and substituting "subdivision".

Sec. 77. Section 3 of Chapter 368 of the 1993 Session Laws is amended by deleting "20-37.7(d)", and substituting "G.S. 20-37.7(d)".

Sec. 78. The catch line of G.S. 8-53.3, as amended by Section 2 of Chapter 375 of the 1993 Session Laws is amended by removing the underlining of the period.

Sec. 79. If House Bill 297, 1993 Session, is enacted, G.S. 113-154.1(j) as enacted by that act is amended by deleting "G.S. 113-52", and substituting "G.S. 113-152".

Sec. 79.1. If Senate Bill 14, 1993 Session, is enacted, Section 5(d) of that act is amended by deleting the phrase "for land acquisition" the first time that phrase appears.

Sec. 80. G.S. 143-215.31, as amended by Section 6 of Chapter 394 of the 1993 Session Laws is amended by:

- (1) Deleting "stream flows" and substituting "streamflows";
- (2) Deleting "stream flow" and substituting "streamflow"; and
- (3) Deleting "stream bed" and substituting "streambed".

Sec. 80.1. Section 12 of Chapter 485 of the 1993 Session Laws is amended by deleting 'Senate Bill 1141, Chapter \_\_\_\_\_ of the 1993 Session Laws', and substituting "Chapter 443 of the 1993 Session Laws".

Sec. 81. G.S. 143-215.22H as rewritten by Section 1 of Chapter 344 of the 1993 Session Laws is amended by deleting "ground waters", and substituting "groundwaters".

Sec. 82. Section 1(5a) of Chapter 131 of the 1993 Session Laws is amended by changing the period at the end to a semicolon.

Sec. 83. (a) G.S. 55A-11-02, as added by Chapter 398 of the 1993 Session Laws, is amended by deleting "wholly-owned", and substituting "wholly owned".

(b) Section 1 of Chapter 398 of the 1993 Session Laws is amended by deleting the quotation marks at the end of G.S. 55A-15-32.

Sec. 83.1. Section 13 of Chapter 405 of the 1993 Session Laws reads as rewritten:

"Sec. 13. Tony Copeland of Wake County is appointed to the North Carolina Medical Database Commission for a term to expire June 30, ~~1993~~-1996. This is the categorical appointment for a representative of an employer of less than 200 employees in a business unrelated to health care."

Sec. 83.2. (a) Section 86(a)(2) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(2) How to incorporate all or part of the Principal's Executive Program into the ~~Educational-School~~ Leadership Academy."

(b) Section 86(a)(3) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(3) A design for a governing board for the ~~Educational-School~~ Leadership Academy composed of persons who have demonstrated a commitment to improving educational leadership in the State including practicing school administrators and professors of schools of education."

(c) Section 86(a)(4) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(4) A charge to the governing board that ensures coordination between the ~~Educational-School~~ Leadership Academy and the initial preparation programs."

(d) Section 86(a)(5) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(5) How the State Board of Education shall ensure that all school administrators be required to complete at least five of their 15 continuing education units for continued practice in the profession in ~~Educational-School~~ Leadership Academy programs or in programs endorsed by the ~~Educational-School~~ Leadership Academy's governing board."

Sec. 83.3. Section 141.(a) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 141. (a) There is created in the Department of Public Instruction the Task Force on Teacher Staff Development. The purpose of the Task Force shall be to develop a Teacher Academy Plan. The Task Force shall consist of ~~20~~-21 members appointed as follows:

- (1) The Superintendent of Public Instruction or the Superintendent's designee, who shall serve as Chair;
- (2) One member of the State Board of Education appointed by the Chair of the State Board;
- (3) One member of the Board of Governors of The University of North Carolina appointed by the Chair of the Board of Governors;
- (4) The Director of the North Carolina Center for the Advancement of Teaching;



- (5) Two deans of Schools of Education appointed by the President of The University of North Carolina;
- (6) Four public school teachers appointed by the Speaker of the House of Representatives, one of whom teaches in preschool through grade 2, one of whom teaches in grades 3 through 5, one of whom teaches in grades 6 through 8, and one of whom teaches in grades 9 through 12;
- (7) Four public school teachers appointed by the President Pro Tempore of the Senate, one of whom teaches in preschool through grade 2, one of whom teaches in grades 3 through 5, one of whom teaches in grades 6 through 8, and one of whom teaches in grades 9 through 12;
- (7a) Two public school teachers appointed by the Governor;
- (8) One superintendent of a local school administrative unit appointed by the Governor;
- (9) Two public school principals appointed by the Governor; and
- (10) One member of the Teacher Training Task Force appointed by the Chair of the State Board of Education.
- (11) The President of the North Carolina Association of Independent Colleges and Universities, or a designee."

Sec. 84. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of July, 1993.

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Marc Basnight  
President Pro Tempore of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives