

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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SENATE BILL 286

Short Title: GPAC/Eliminate Dept. of CCPS.

(Public)

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Sponsors: Senator Martin of Guilford.

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Referred to: Government Performance Audit.

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February 19, 1993

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT  
2 PERFORMANCE AUDIT COMMITTEE TO ELIMINATE THE DEPARTMENT  
3 OF CRIME CONTROL AND PUBLIC SAFETY AND PLACE ITS DIVISIONS  
4 WITHIN THE APPROPRIATE DEPARTMENTS.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. The General Assembly finds that the Department of Crime  
8 Control and Public Safety is a diverse grouping of law enforcement and emergency  
9 service functions that overlap significantly with the missions of several other State  
10 departments. The Department of Crime Control and Public Safety should be eliminated  
11 and its divisions placed within the appropriate departments.

12 Sec. 2. The statutory authority, powers, duties, and functions, records,  
13 personnel, property, unexpended balances of appropriations, allocations or other funds,  
14 including the functions of budgeting and purchasing, of the Crime Prevention Division  
15 of the Department of Crime Control and Public Safety are transferred to the Department  
16 of Justice.

17 Sec. 3. The statutory authority, powers, duties, and functions, records,  
18 personnel, property, unexpended balances of appropriations, allocations or other funds,  
19 including the functions of budgeting and purchasing, of the Highway Patrol Division of  
20 the Department of Crime Control and Public Safety are transferred to the Department of  
21 Transportation.

22 Sec. 4. The statutory authority, powers, duties, and functions, records,  
23 personnel, property, unexpended balances of appropriations, allocations or other funds,  
24 including the functions of budgeting and purchasing, of the Department of Crime

1 Control and Public Safety, Division of Victim and Justice Services, to conduct the  
2 Community Service Work Program, are transferred to the Department of Correction,  
3 Division of Adult Probation and Parole.

4 Sec. 5. The statutory authority, powers, duties, and functions, records,  
5 personnel, property, unexpended balances of appropriations, allocations or other funds,  
6 including the functions of budgeting and purchasing, of the Department of Crime  
7 Control and Public Safety, Division of Victim and Justice Services, to conduct the  
8 Crime Victims Compensation Program, are transferred to the Administrative Office of  
9 the Courts.

10 Sec. 6. The statutory authority, powers, duties, and functions, records,  
11 personnel, property, unexpended balances of appropriations, allocations or other funds,  
12 including the functions of budgeting and purchasing, of the Alcohol Law Enforcement  
13 Division of the Department of Crime Control and Public Safety are transferred to the  
14 Alcoholic Beverage Control Commission.

15 Sec. 7. The statutory authority, powers, duties, and functions, records,  
16 personnel, property, unexpended balances of appropriations, allocations or other funds,  
17 including the functions of budgeting and purchasing, of the Emergency Management  
18 Division of the Department of Crime Control and Public Safety are transferred to the  
19 Office of the Governor.

20 Sec. 8. The statutory authority, powers, duties, and functions, records,  
21 personnel, property, unexpended balances of appropriations, allocations or other funds,  
22 including the functions of budgeting and purchasing, of the National Guard Division of  
23 the Department of Crime Control and Public Safety are transferred to the Office of the  
24 Governor.

25 Sec. 9. The statutory authority, powers, duties, and functions, records,  
26 personnel, property, unexpended balances of appropriations, allocations or other funds,  
27 including the functions of budgeting and purchasing, of the Civil Air Patrol Division of  
28 the Department of Crime Control and Public Safety are transferred to the Office of the  
29 Governor.

30 Sec. 10. The statutory authority, powers, duties, and functions, records,  
31 personnel, property, unexpended balances of appropriations, allocations or other funds,  
32 including the functions of budgeting and purchasing, of the Governor's Crime  
33 Commission of the Department of Crime Control and Public Safety are transferred to  
34 the Office of the Governor.

35 Sec. 11. The statutory authority, powers, duties, and functions, records,  
36 personnel, property, unexpended balances of appropriations, allocations or other funds,  
37 including the functions of budgeting and purchasing, of the Butner Public Safety  
38 Division of the Department of Crime Control and Public Safety are transferred to the  
39 Department of Human Resources.

40 Sec. 12. G.S. 143B-475.1 is recodified as G.S. 143B-264.1. The Revisor of  
41 Statutes shall change any reference in that section to "Crime Control and Public Safety"  
42 to "Correction".

43 Sec. 13. Part 3A of Article 11 of Chapter 143B of the General Statutes, G.S.  
44 143B-480.1 through G.S. 143B-480.3, is recodified as Subchapter XIV, Article 62 of

1 Chapter 7A of the General Statutes, G.S. 7A-778 through G.S. 7A-780. The Revisor of  
2 Statutes shall change any reference to "Department of Crime Control and Public Safety"  
3 to "Administrative Office of the Courts" and any reference to "Secretary" to "Director of  
4 the Administrative Office of the Courts".

5 Sec. 14. Chapter 147 of the General Statutes is amended by adding a new  
6 Article 3C to be entitled "Office of the Governor".

7 Sec. 15. Part 5A of Article 11 of Chapter 143B of the General Statutes, G.S.  
8 143B-495 through G.S. 143B-499.6, is recodified as Part 1 of Article 3C of Chapter 147  
9 of the General Statutes, G.S. 147-33.30 through G.S. 147-33.40. The Revisor of  
10 Statutes shall change any reference to "Department of Crime Control and Public Safety"  
11 to "Office of the Governor" and shall change any reference to "Secretary" or "Secretary  
12 of Crime Control and Public Safety" to "Governor".

13 Sec. 16. Part 5 of Article 11 of Chapter 143B of the General Statutes, G.S.  
14 143B-490 through G.S. 143B-492, is recodified as Part 2 of Article 3C of Chapter 147  
15 of the General Statutes, G.S. 147-33.45 through G.S. 147-33.47. The Revisor of  
16 Statutes shall change any reference to "Department of Crime Control and Public Safety"  
17 to "Office of the Governor" and shall change any reference to "Secretary" to  
18 "Governor".

19 Sec. 17. Part 3 of Article 11 of Chapter 143B of the General Statutes, G.S.  
20 143B-478 through G.S. 143B-480, is recodified as Part 3 of Article 3C of Chapter 147  
21 of the General Statutes, G.S. 147-33.50 through G.S. 147-33.52.

22 Sec. 18. Article 11 of Chapter 143B is repealed, and the Department of  
23 Crime Control and Public Safety is abolished.

24 Sec. 19. G.S. 143B-478, as recodified as G.S. 147-33.50 by Section 17 of  
25 this act, reads as rewritten:

26 **~~§ 143B~~ creation; composition; terms; meetings, etc.**

27 (a) There is hereby created the Governor's Crime Commission of the ~~Department~~  
28 ~~of Crime Control and Public Safety~~. Office of the Governor. The Commission shall  
29 consist of 34 voting members and six nonvoting members. The composition of the  
30 Commission shall be as follows:

31 (1) The voting members shall be:

- 32 a. The Governor, the Chief Justice of the Supreme Court of North  
33 Carolina (or his alternate), the Attorney General, the Director of  
34 the Administrative Office of the Courts, the Secretary of the  
35 Department of Human Resources, the Secretary of the  
36 Department of Correction, and the Superintendent of Public  
37 Instruction;
- 38 b. A judge of superior court, a judge of district court specializing  
39 in juvenile matters, a chief district court judge, and a district  
40 attorney;
- 41 c. A defense attorney, three sheriffs (one of whom shall be from a  
42 'high crime area'), three police executives (one of whom shall  
43 be from a 'high crime area'), six citizens (two with knowledge  
44 of juvenile delinquency and the public school system, two of

- 1                   whom shall be under the age of 21 at the time of their  
2                   appointment, one representative of a 'private juvenile  
3                   delinquency program,' and one in the discretion of the  
4                   Governor), three county commissioners or county officials, and  
5                   three mayors or municipal officials;
- 6                   d.       Two members of the North Carolina House of Representatives  
7                   and two members of the North Carolina Senate.
- 8                   (2)       The nonvoting members shall be the Director of the State Bureau of  
9                   Investigation, ~~the Secretary of the Department of Crime Control and Public~~  
10                  ~~Safety,~~ the Director of the Division of Youth Services of the  
11                  Department of Human Resources, the Administrator for Juvenile  
12                  Services of the Administrative Office of the Courts, the Director of the  
13                  Division of Prisons and the Director of the Division of Adult Probation  
14                  and Paroles.
- 15                  (b)       The membership of the Commission shall be selected as follows:
- 16                  (1)       The following members shall serve by virtue of their office: the  
17                  Governor, the Chief Justice of the Supreme Court, the Attorney  
18                  General, the Director of the Administrative Office of the Courts, the  
19                  Secretary of the Department of Human Resources, the Secretary of the  
20                  Department of Correction, the Director of the State Bureau of  
21                  Investigation, ~~the Secretary of the Department of Crime Control and Public~~  
22                  ~~Safety,~~ the Director of the Division of Prisons, the Director of the  
23                  Division of Adult Probation and Paroles, the Director of the Division  
24                  of Youth Services, the Administrator for Juvenile Services of the  
25                  Administrative Office of the Courts, and the Superintendent of Public  
26                  Instruction. Should the Chief Justice of the Supreme Court choose not  
27                  to serve, his alternate shall be selected by the Governor from a list  
28                  submitted by the Chief Justice which list must contain no less than  
29                  three nominees from the membership of the Supreme Court.
- 30                  (2)       The following members shall be appointed by the Governor: the  
31                  district attorney, the defense attorney, the three sheriffs, the three  
32                  police executives, the six citizens, the three county commissioners or  
33                  county officials, the three mayors or municipal officials.
- 34                  (3)       The following members shall be appointed by the Governor from a list  
35                  submitted by the Chief Justice of the Supreme Court, which list shall  
36                  contain no less than three nominees for each position and which list  
37                  must be submitted within 30 days after the occurrence of any vacancy  
38                  in the judicial membership: the judge of superior court, the judge of  
39                  district court specializing in juvenile matters, and the chief district  
40                  court judge.
- 41                  (4)       The two members of the House of Representatives provided by  
42                  subdivision (a)(1)d. of this section shall be appointed by the Speaker  
43                  of the House of Representatives and the two members of the Senate  
44                  provided by subdivision (a)(1)d. of this section shall be appointed by

1 the President Pro Tempore of the Senate. These members shall  
2 perform the advisory review of the State plan for the General  
3 Assembly as permitted by section 206 of the Crime Control Act of  
4 1976 (Public Law 94-503).

5 (5) The Governor may serve as chairman, designating a vice-chairman to  
6 serve at his pleasure, or he may designate a chairman and vice-  
7 chairman both of whom shall serve at his pleasure.

8 (c) The initial members of the Commission shall be those appointed pursuant to  
9 subsection (b) above, which appointments shall be made by March 1, 1977. The terms  
10 of the present members of the Governor's Commission on Law and Order shall expire  
11 on February 28, 1977. Effective March 1, 1977, the Governor shall appoint members,  
12 other than those serving by virtue of their office, to serve staggered terms; seven shall  
13 be appointed for one-year terms, seven for two-year terms, and seven for three-year  
14 terms. At the end of their respective terms of office their successors shall be appointed  
15 for terms of three years and until their successors are appointed and qualified. The  
16 Commission members from the House and Senate shall serve two-year terms effective  
17 March 1, of each odd-numbered year; and they shall not be disqualified from  
18 Commission membership because of failure to seek or attain reelection to the General  
19 Assembly, but resignation or removal from office as a member of the General Assembly  
20 shall constitute resignation or removal from the Commission. Any other Commission  
21 member no longer serving in the office from which he qualified for appointment shall  
22 be disqualified from membership on the Commission. Any appointment to fill a  
23 vacancy on the Commission created by the resignation, dismissal, death, disability, or  
24 disqualification of a member shall be for the balance of the unexpired term.

25 (d) The Governor shall have the power to remove any member from the  
26 Commission for misfeasance, malfeasance or nonfeasance.

27 (e) The Commission shall meet quarterly and at other times at the call of the  
28 chairman or upon written request of at least eight of the members. A majority of the  
29 voting members shall constitute a quorum for the transaction of business."

30 Sec. 20. G.S. 143B-479, as recodified as G.S.147-33.51 by Section 17 of this  
31 act, reads as rewritten:

32 "~~§ 143B~~and duties.

33 (a) The Governor's Crime Commission shall have the following powers and  
34 duties:

35 (1) To serve, along with its adjunct committees, as the chief advisory  
36 board to the Governor ~~and to the Secretary of the Department of Crime~~  
37 ~~Control and Public Safety~~ on matters pertaining to the criminal justice  
38 system.

39 (2) To recommend a comprehensive statewide plan for the improvement  
40 of criminal justice throughout the State which is consistent with and  
41 serves to foster the following established goals of the criminal justice  
42 system:

- 43 a. To reduce crime,  
44 b. To protect individual rights,

- 1 c. To achieve justice,  
2 d. To increase efficiency in the criminal justice system,  
3 e. To promote public safety,  
4 f. To provide for the administration of a fair and humane system  
5 which offers reasonable opportunities for adjudicated offenders  
6 to develop progressively responsible behavior, and  
7 g. To increase professional skills of criminal justice officers.
- 8 (3) To advise State and local law-enforcement agencies in improving law  
9 enforcement and the administration of criminal justice;  
10 (4) To make studies and recommendations for the improvement of law  
11 enforcement and the administration of criminal justice;  
12 (5) To encourage public support and respect for the criminal justice  
13 system in North Carolina;  
14 (6) To seek ways to continue to make North Carolina a safe and secure  
15 State for its citizens;  
16 (7) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s.  
17 15.  
18 (8) To recommend objectives and priorities for the improvement of law  
19 enforcement and criminal justice throughout the State;  
20 (9) To recommend recipients of grants for use in pursuing its objectives,  
21 under such conditions as are deemed to be necessary;  
22 (9a) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s.  
23 15.  
24 (10) To serve as a coordinating committee and forum for discussion of  
25 recommendations from its adjunct committees formed pursuant to G.S.  
26 143B-480; and  
27 (11) To serve as the primary channel through which local law-enforcement  
28 departments and citizens can lend their advice, and state their needs, to  
29 the ~~Department of Crime Control and Public Safety.~~ Office of the  
30 Governor.
- 31 (b) All directives of the Governor's Crime Commission shall be administered by  
32 the ~~Director, Crime Control Division of the Department of Crime Control and Public Safety.~~  
33 Office of the Governor."
- 34 Sec. 21. The Revisor of Statutes shall change any reference to "Department  
35 of Crime Control and Public Safety" to "Alcoholic Beverage Control Commission" and  
36 any references to "Secretary of Crime Control and Public Safety" to "Chairman of  
37 Alcoholic Beverage Control Commission" whenever they appear in each of the  
38 following sections of the General Statutes:
- 39 (1) G.S. 18B-101. Definitions.  
40 (2) G.S. 18B-500. Alcohol law-enforcement agents.  
41 (3) G.S. 20-39. Administering and enforcing law; rules and regulations;  
42 agents, etc.; seal; fees; licenses and plates for undercover officers.

1           Sec. 22. The Revisor of Statutes shall change any references to "Crime  
2 Control and Public Safety" to "Transportation" whenever they appear in each of the  
3 following sections of the General Statutes:

- 4           (1) G.S. 8-50.2. Results of speed-measuring instruments; admissibility.
- 5           (2) G.S. 17C-6. Powers of Commission.
- 6           (3) G.S. 20-184. Patrol under supervision of Department of Crime Control  
7 and Public Safety.
- 8           (4) G.S. 20-185. Personnel; appointment; salaries.
- 9           (5) G.S. 20-186. Oath of office.
- 10          (6) G.S. 20-187. Orders and rules for organization and conduct.
- 11          (7) G.S. 20-187.1. Awards.
- 12          (8) G.S. 20-187.3. Quotas prohibited.
- 13          (9) G.S. 20-188. Duties of Highway Patrol.
- 14          (10) G.S. 20-189. Patrolmen assigned to Governor's office.
- 15          (11) G.S. 20-190. Uniforms; motor vehicles and arms; expense incurred;  
16 color of vehicle.
- 17          (12) G.S. 20-192. Shifting of patrolmen from one district to another.
- 18          (13) G.S. 20-195. Cooperation between patrol and local officers.
- 19          (14) G.S. 20-196. Statewide radio system authorized; use of telephone lines  
20 in emergencies.
- 21          (15) G.S. 20-196.3. Who may hold supervisory positions over uniformed  
22 personnel.

23           Sec. 23. The Revisor of Statutes shall change any references to "Secretary of  
24 Crime Control and Public Safety", "Department of Crime Control and Public Safety",  
25 "Department", or "Secretary" to "Office of the Governor" whenever they appear in each  
26 of the following sections of the General Statutes:

- 27          (1) G.S. 104E-8. Radiation Protection Commission – Members;  
28 selections; removal; compensation; quorum; services.
- 29          (2) G.S. 127A-17.1. Confidentiality of national guard records.
- 30          (3) G.S. 127A-80. Authority to organize and maintain State defense  
31 militia of North Carolina.
- 32          (4) G.S. 127A-81. State defense militia cadre.
- 33          (5) G.S. 127A-107. Rate of pay for other service.
- 34          (6) G.S. 127A-139. Allowance made to different organizations and  
35 personnel.
- 36          (7) G.S. 127A-162. Authority to foster development of armories and  
37 facilities.
- 38          (8) G.S. 127A-163. Powers of Department specified.
- 39          (9) G.S. 127A-164. Power to acquire land, make contracts, etc.
- 40          (10) G.S. 166A-6. State of disaster.
- 41          (11) G.S. 166A-6.1. Emergency planning; charge.

42           Sec. 24. The Revisor of Statutes shall delete any references to "the Secretary  
43 of Crime Control and Public Safety", "Secretary of the Department of Crime Control  
44 and Public Safety" or "Crime Control and Public Safety", and delete any extraneous

1 punctuation, whenever these references appear in the following sections of the General  
 2 Statutes:

- 3 (1) G.S. 58-78-1. State Fire and Rescue Commission created:
- 4 membership.
- 5 (2) G.S. 126-5. Employees subject to Chapter; exemptions.
- 6 (3) G.S. 127A-35. Elimination and disposition of officers; efficiency
- 7 board; transfer to inactive status.
- 8 (4) G.S. 127A-42. Distinguished Service Medal by Governor of North
- 9 Carolina.
- 10 (5) G.S. 143-341. Powers and duties of Department.
- 11 (6) G.S. 143B-2. Interim applicability of the Executive Organization Act
- 12 of 1973.
- 13 (7) G.S. 143B-417. North Carolina Internship Council – creation; powers
- 14 and duties.
- 15 (8) G.S. 143B-426.22. Governor's Management Council.
- 16 Sec. 25. G.S. 7A-343.1 reads as rewritten:

17 **"§ 7A-343.1. Distribution of copies of the appellate division reports.**

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

21 Governor, Office of the	1
22 Lieutenant Governor, Office of the	1
23 Secretary of State, Department of the	2
24 Treasurer, Department of the State	1
25 Superintendent of Public Instruction	1
26 Office of the Attorney General	1
27	1
28 1	
29 State Bureau of Investigation	1
30 Agriculture, Department of	1
31 Labor, Department of	1
32 Insurance, Department of	1
33 Budget Bureau, Department of Administration	1
34 Property Control, Department of Administration	1
35 State Planning, Department of Administration	1
36 Board of Environment, Health, and Natural Resources	1
37 Revenue, Department of	1
38 Board of Human Resources	1
39 Commission for the Blind	1
40 Board of Transportation	1
41 Motor Vehicles, Division of	1
42 Utilities Commission	8



1	Industrial			Commission
2				1
3	1			
4	Office of Administrative Hearings			2
5	Community	Colleges,	Department	of
6				3
7	8			
8	Employment Security Commission			1
9	Commission of Correction			1
10	Parole Commission			1
11	Archives and History, Division of			1
12	<del>Crime Control and Public Safety, Department of</del>			2
13	Department of Cultural Resources			3
14	Legislative Building Library			2
15	Justices of the Supreme Court			1
16	ea.			
17	Judges of the Court of Appeals			1
18	ea.			
19	Judges of the Superior Court			1
20	ea.			
21	Clerks of the Superior Court			1
22	ea.			
23	District Attorneys			1
24	ea.			
25	Emergency and Special Judges of the Superior Court			1
26	ea.			
27	Supreme	Court		Library
28				
29	AS MANY AS REQUESTED			
30	Appellate Division Reporter			1
31	University	of	North Carolina,	Chapel Hill
32				7
33	1			
34	University of North Carolina, Charlotte			1
35	University of North Carolina, Greensboro			1
36	University of North Carolina, Asheville			1
37	North Carolina State University, Raleigh			1
38	Appalachian State University			1
39	East Carolina University			1
40	Fayetteville State University			1
41	North	Carolina	Central	University
42				1
43	7			
44	Western Carolina University			1

1	Duke	University
2		1
3	7	
4	Davidson College	2
5	Wake	University
6	Forest	2
7	5	
8	Lenoir Rhyne College	1
9	Elon College	1
10	Campbell	College
11		2
12	5	
13	Federal, Out-of-State and Foreign	
14	Secretary of State	1
15	Secretary of Defense	1
16	Secretary of Health, Education and Welfare	1
17	Secretary of Housing and Urban Development	1
18	Secretary of Transportation	1
19	Attorney General	1
20	Department of Justice	1
21	Internal Revenue Service	1
22	Veterans' Administration	1
23	Library of Congress	5
24	Federal Judges resident in North Carolina	1
25	ea.	
26	Marshal of the United States Supreme Court	1
27	Federal District Attorneys resident in North Carolina	1
28	ea.	
29	Federal Clerks of Court resident in North Carolina	1
30	ea.	
31	Supreme Court Library exchange list	1

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

36 Sec. 26. G.S. 14-86.1 reads as rewritten:

37 **"§ 14-86.1. Seizure and forfeiture of conveyances used in committing larceny and**  
38 **similar crimes.**

39 (a) All conveyances, including vehicles, watercraft or aircraft, used to unlawfully  
40 conceal, convey or transport property in violation of G.S. 14-71, 14-71.1, or 20-106, or  
41 used by any person in the commission of armed or common-law robbery, or used by any  
42 person in the commission of any larceny when the value of the property taken is more  
43 than two thousand dollars (\$2,000) shall be subject to forfeiture as provided herein,  
44 except that:

- 1 (1) No conveyance used by any person as a common carrier in the  
2 transaction of the business of the common carrier shall be forfeited  
3 under the provisions of this section unless it shall appear that the  
4 owner or other person in custody or control of such conveyance was a  
5 consenting party or privy to a violation that may subject the  
6 conveyance to forfeiture under this section;
- 7 (2) No conveyance shall be forfeited under the provisions of this section  
8 by reason of any act or omission committed or omitted while such  
9 conveyance was unlawfully in the possession of a person other than  
10 the owner in violation of the criminal laws of the United States, or any  
11 state;
- 12 (3) No conveyance shall be forfeited pursuant to this section unless the  
13 violation involved is a felony;
- 14 (4) A forfeiture of a conveyance encumbered by a bona fide security  
15 interest is subject to the interest of the secured party who neither had  
16 knowledge of nor consented to the act or omission;
- 17 (5) No conveyance shall be forfeited under the provisions of this section  
18 unless the owner knew or had reason to believe the vehicle was being  
19 used in the commission of any violation that may subject the  
20 conveyance to forfeiture under this section;
- 21 (6) The trial judge in the criminal proceeding which may subject the  
22 conveyance to forfeiture may order the seized conveyance returned to  
23 the owner if he finds forfeiture inappropriate. If the conveyance is not  
24 returned to the owner the procedures provided in subsection (e) shall  
25 apply.
- 26 (b) Any conveyance subject to forfeiture under this section may be seized by any  
27 law-enforcement officer upon process issued by any district or superior court having  
28 original jurisdiction over the offense except that seizure without such process may be  
29 made when:
- 30 (1) The seizure is incident to an arrest or subject to a search under a search  
31 warrant; or
- 32 (2) The property subject to seizure has been the subject of a prior  
33 judgment in favor of the State in a criminal injunction or forfeiture  
34 proceeding under this section.
- 35 (c) The conveyance shall be deemed to be in custody of the law-enforcement  
36 agency seizing it. The law-enforcement agency may remove the property to a place  
37 designated by it or request that the North Carolina Department of Justice ~~or Department~~  
38 ~~of Crime Control and Public Safety~~ take custody of the property and remove it to an  
39 appropriate location for disposition in accordance with law; provided, the conveyance  
40 shall be returned to the owner upon execution by him of a good and valid bond, with  
41 sufficient sureties, in a sum double the value of the property, which said bond shall be  
42 approved by an officer of the agency seizing the conveyance and shall be conditioned  
43 upon the return of said property to the custody of said officer on the day of trial to abide  
44 the judgment of the court.

1 (d) Whenever a conveyance is forfeited under this section, the law-enforcement  
2 agency having custody of it may:

3 (1) Retain the conveyance for official use; or

4 (2) Transfer the conveyance which was forfeited under the provisions of  
5 this section to the North Carolina Department of Justice ~~or to the North~~  
6 ~~Carolina Department of Crime Control and Public Safety~~ when, in the  
7 discretion of the presiding judge and upon application of the North  
8 Carolina Department of Justice ~~or the North Carolina Department of~~  
9 ~~Crime Control and Public Safety~~, Justice, said conveyance may be of  
10 official use to the North Carolina Department of Justice ~~Justice~~; ~~or the~~  
11 ~~North Carolina Department of Crime Control and Public Safety~~; or

12 (3) Upon determination by the director of any law-enforcement agency  
13 that a conveyance transferred pursuant to the provisions of this section  
14 is of no further use to said agency, such conveyance may be sold as  
15 surplus property in the same manner as other conveyances owned by  
16 the law-enforcement agency. The proceeds from such sale, after  
17 deducting the cost thereof, shall be paid to the school fund of the  
18 county in which said conveyance was seized. Any conveyance  
19 transferred to any law-enforcement agency under the provisions of this  
20 section which has been modified or especially equipped from its  
21 original manufactured condition so as to increase its speed shall be  
22 used in the performance of official duties only. Such conveyance shall  
23 not be resold, transferred or disposed of other than as junk unless the  
24 special equipment or modification has been removed and destroyed,  
25 and the vehicle restored to its original manufactured condition.

26 (e) All conveyances subject to forfeiture under the provisions of this section shall  
27 be forfeited pursuant to the procedures for forfeiture of conveyances used to conceal,  
28 convey, or transport intoxicating beverages found in G.S. 18B-504. Provided, nothing  
29 in this section or G.S. 18B-504 shall be construed to require a conveyance to be sold  
30 when it can be used in the performance of official duties of the law-enforcement  
31 agency."

32 Sec. 27. G.S. 15B-3 reads as rewritten:

33 **"§ 15B-3. Crime Victims Compensation Commission.**

34 (a) There is established the Crime Victims Compensation Commission of the  
35 ~~Department of Crime Control and Public Safety~~, Administrative Office of the Courts,  
36 consisting of five members as follows:

37 (1) One member to be appointed by the Governor;

38 (2) One member to be appointed by the General Assembly upon the  
39 recommendation of the President of the Senate under G.S. 120-121;

40 (3) One member to be appointed by the General Assembly upon the  
41 recommendation of the Speaker of the House of Representatives under  
42 G.S. 120-121;

43 (4) The Attorney General or his designee; and

1           (5) ~~The Secretary of the Department of Crime Control and Public Safety~~  
2           Director of the Administrative Office of the Courts or his designee.

3           (b) Members shall serve terms of four years. A member shall continue to serve  
4 until his successor is duly appointed, but a holdover under this provision does not affect  
5 the expiration date of the succeeding term.

6           (c) In case of a vacancy on the Commission before the expiration of a member's  
7 term, a successor shall be appointed within 30 days of the vacancy for the remainder of  
8 the unexpired term by the appropriate official pursuant to subsection (a). Vacancies in  
9 legislative appointments shall be filled under G.S. 120-122.

10          (d) The Commission shall elect one of its members as chairman to serve until the  
11 expiration of his term.

12          (e) A majority of the Commission constitutes a quorum to transact business.

13          (f) Members shall receive compensation and reimbursement for expenses as  
14 provided in G.S. 138-5.

15          (g) The Commission shall name a Director upon the recommendation of the  
16 ~~Secretary of Crime Control and Public Safety.~~ Director of the Administrative Office of the  
17 Courts. The Director shall serve at the pleasure of the Commission. The ~~Department of~~  
18 ~~Crime Control and Public Safety~~ Administrative Office of the Courts shall provide for the  
19 compensation of the Director and shall provide professional and clerical staff necessary  
20 for the work of the Commission."

21           Sec. 28. G.S.15B-6 reads as rewritten:

22 **"§ 15B-6. Powers of the Commission and Director.**

23          (a) In addition to powers authorized by this Chapter and Chapter 150B, the  
24 Commission may:

25           (1) Adopt rules in accordance with Part 3, Article 1 of Chapter 143B and  
26 Article 2 of Chapter 150B of the General Statutes necessary to carry  
27 out the purposes of this Chapter;

28           (2) Establish general policies and guidelines for awarding compensation  
29 and provide guidance to the staff assigned by the ~~Secretary of the~~  
30 ~~Department of Crime Control and Public Safety~~ Director of the  
31 Administrative Office of the Courts to administer the program;

32           (3) Accept for any lawful purpose and functions under this Chapter any  
33 and all donations, both real and personal, and grants of money from  
34 any governmental unit or public agency, or from any institution,  
35 person, firm, or corporation, and may deposit the same to the Crime  
36 Victims Compensation Fund.

37          (b) The Director shall have the following authority:

38           (1) With the consent of the district attorney, to request that law  
39 enforcement officers employed by the State or any political  
40 subdivision provide copies of any information or data gathered in the  
41 investigation of criminally injurious conduct that is the basis of any  
42 claim to enable the Director or Commission to determine whether, and  
43 the extent to which, a claimant qualifies for an award of compensation;

- 1 (2) With the consent of the district attorney, to request that prosecuting  
2 attorneys, law enforcement officers, and State agencies conduct  
3 investigations and provide information necessary to enable the  
4 Director or Commission to determine whether, and the extent to  
5 which, a claimant qualifies for an award of compensation; and  
6 (3) To require the claimant to supplement the application for an award of  
7 compensation with any reasonably available medical or psychological  
8 reports pertaining to the injury for which the award of compensation is  
9 claimed.

10 Information obtained pursuant to this subsection is subject to the same privilege against  
11 public disclosure that may be asserted by the providing source."

12 Sec. 29. G.S. 17C-3 reads as rewritten:

13 **"§ 17C-3. North Carolina Criminal Justice Education and Training Standards**  
14 **Commission established; members; terms; vacancies.**

15 (a) There is established the North Carolina Criminal Justice Education and  
16 Training Standards Commission, hereinafter called 'the Commission,' in the Department  
17 of Justice. The Commission shall be composed of ~~26~~25 members as follows:

- 18 (1) Police Chiefs. – Three police chiefs selected by the North Carolina  
19 Association of Chiefs of Police and one police chief appointed by the  
20 Governor.  
21 (2) Police Officers. – Three police officials appointed by the North  
22 Carolina Police Executives Association and two criminal justice  
23 officers certified by the Commission as selected by the North Carolina  
24 Law-Enforcement Officers' Association.  
25 (3) Departments. – The Attorney General of the State of North Carolina;  
26 ~~the Secretary of the Department of Crime Control and Public Safety; the~~  
27 Secretary of the Department of Human Resources; the Secretary of the  
28 Department of Correction; the President of the Department of  
29 Community Colleges.  
30 (4) At-large Groups. – One individual representing and appointed by each  
31 of the following organizations: one mayor selected by the League of  
32 Municipalities; one law-enforcement training officer selected by the  
33 North Carolina Law-Enforcement Training Officers' Association; one  
34 criminal justice professional selected by the North Carolina Criminal  
35 Justice Association; one sworn law-enforcement officer selected by the  
36 North State Law-Enforcement Officers' Association; one member  
37 selected by the North Carolina Law-Enforcement Women's  
38 Association; and one District Attorney selected by the North Carolina  
39 Association of District Attorneys.  
40 (5) Citizens and Others. – The President of The University of North  
41 Carolina; the Director of the Institute of Government; and two citizens,  
42 one of whom shall be selected by the Governor and one of whom shall  
43 be selected by the Attorney General. The General Assembly shall  
44 appoint two persons, one upon the recommendation of the Speaker of

1 the House of Representatives and one upon the recommendation of the  
2 President of the Senate. Appointments by the General Assembly shall  
3 be made in accordance with G.S. 120-122. Appointments by the  
4 General Assembly shall serve two-year terms to conclude on June 30th  
5 in odd-numbered years.

6 (b) The members shall be appointed for staggered terms. The initial appointments  
7 shall be made prior to September 1, 1983, and the appointees shall hold office until July  
8 1 of the year in which their respective terms expire and until their successors are  
9 appointed and qualified as provided hereafter:

10 For the terms of one year: one member from subdivision (1) of subsection (a),  
11 serving as a police chief; three members from subdivision (2) of subsection (a), one  
12 serving as a police official, and two criminal justice officers; one member from  
13 subdivision (4) of subsection (a), appointed by the North Carolina Law-Enforcement  
14 Training Officers' Association; and two members from subdivision (5) of subsection (a),  
15 one appointed by the Governor and one appointed by the Attorney General.

16 For the terms of two years: one member from subdivision (1) of subsection (a),  
17 serving as a police chief; one member from subdivision (2) of subsection (a), serving as  
18 a police official; and two members from subdivision (4) of subsection (a), one appointed  
19 by the League of Municipalities and one appointed by the North Carolina Association of  
20 District Attorneys.

21 For the terms of three years: two members from subdivision (1) of subsection (a),  
22 one police chief appointed by the North Carolina Association of Chiefs of Police and  
23 one police chief appointed by the Governor; one member from subdivision (2) of  
24 subsection (a), serving as a police official; and three members from subdivision (4) of  
25 subsection (a), one appointed by the North Carolina Law-Enforcement Women's  
26 Association, one appointed by the North Carolina Criminal Justice Association, and one  
27 appointed by the North State Law-Enforcement Officers' Association.

28 Thereafter, as the term of each member expires, his successor shall be appointed for  
29 a term of three years. Notwithstanding the appointments for a term of years, each  
30 member shall serve at the will of the appointing authority.

31 The Attorney General, ~~the Secretary of the Department of Crime Control and Public~~  
32 ~~Safety,~~ the Secretary of the Department of Human Resources, the Secretary of the  
33 Department of Correction, the President of The University of North Carolina, the  
34 Director of the Institute of Government, and the President of the Department of  
35 Community Colleges shall be continuing members of the Commission during their  
36 tenure. These members of the Commission shall serve ex officio and shall perform their  
37 duties on the Commission in addition to the other duties of their offices. The ex officio  
38 members may elect to serve personally at any or all meetings of the Commission or may  
39 designate, in writing, one member of their respective office, department, university or  
40 agency to represent and vote for them on the Commission at all meetings the ex officio  
41 members are unable to attend.

42 Vacancies in the Commission occurring for any reason shall be filled, for the  
43 unexpired term, by the authority making the original appointment of the person causing  
44 the vacancy. A vacancy may be created by removal of a Commission member by

1 majority vote of the Commission for misconduct, incompetence, or neglect of duty. A  
 2 Commission member may be removed only pursuant to a hearing, after notice, at which  
 3 the member subject to removal has an opportunity to be heard."

4 Sec. 30. G.S. 18B-110 reads as rewritten:

5 **"§ 18B-110. Emergency.**

6 When the Governor finds that a 'state of emergency,' as defined in G.S. 14-288.1,  
 7 exists anywhere in this State, he may

8 (1) Order the closing of all ABC stores, and

9 (2) Order the cessation of all sales, transportation, manufacture, and  
 10 bottling of alcoholic beverages.

11 The Governor's order shall apply in those portions of the State designated in the  
 12 order, for the duration of the state of emergency. Any order by the Governor under this  
 13 section shall be directed to the Chairman of the ~~Commission~~ Commission, and to the  
 14 ~~Secretary of Crime Control and Public Safety.~~"

15 Sec. 31. G.S. 20-79.5(a) reads as rewritten:

16 "(a) Plates. – The State government officials listed in this section are  
 17 eligible for a special registration plate under G.S. 20-79.4. The plate shall bear the  
 18 number designated in the following table for the position held by the official.

19	Position	Number on Plate
20		
21	Governor	1
22	Lieutenant Governor	2
23	Speaker of the House of Representatives	3
24	President Pro Tempore of the Senate	4
25	Secretary of State	5
26	State Auditor	6
27	State Treasurer	7
28	Superintendent of Public Instruction	8
29	Attorney General	9
30	Commissioner of Agriculture	1
31		
32	0	
33	Commissioner of Labor	1
34		
35	1	
36	Commissioner of Insurance	1
37		
38	2	
39	Speaker Pro Tempore of the House	1
40		
41	3	
42	Legislative Administrative Officer	1
43		
44	4	



1	Secretary		of			Administration	
2							1
3	5						
4	Secretary	of	Environment,	Health,	and	Natural Resources	
5							1
6	6						
7	Secretary			of		Revenue	
8							1
9	7						
10	Secretary		of		Human	Resources	
11							1
12	8						
13	Secretary			of		Commerce	
14							1
15	9						
16	Secretary			of		Correction	
17							2
18	0						
19	Secretary		of		Cultural	Resources	
20							2
21	1						
22	<del>Secretary</del>	<del>of</del>	<del>Crime</del>	<del>Control</del>	<del>and</del>	<del>Public</del>	<del>Safety</del>
23							<del>2</del>
24	2						
25	Governor's					Staff	
26							2
27	3-29						
28	State			Budget		Officer	
29							3
30	0						
31	State			Personnel		Director	
32							3
33	1						
34	Advisory	Budget		Commission	Nonlegislative	Member	
35							3
36	2-41						
37	Chair	of	the	State	Board	of	Education
38							4
39	2						
40	President		of	the	U.N.C.	System	
41							4
42	3						

1	Alcoholic	Beverage	Control	Commission	
2					4
3	4-46				
4	Assistant	Commissioners	of	Agriculture	
5					4
6	7-48				
7	Deputy	Secretary	of	State	
8					4
9	9				
10	Deputy		State	Treasurer	
11					5
12	0				
13	Assistant		State	Treasurer	
14					5
15	1				
16	Deputy	Commissioner	for the	Department of	Labor
17					5
18	2				
19	Chief	Deputy	for the	Department of	Insurance
20					5
21	3				
22	Assistant	Commissioner	of	Insurance	
23					5
24	4				
25	Deputies	and	Assistant to	the Attorney	General
26					5
27	5-65				
28	Board	of	Economic Development	Nonlegislative	Member
29					6
30	6-88				
31	State	Ports	Authority	Nonlegislative	Member
32					8
33	9-96				
34	Utilities		Commission		Member
35					9
36	7-104				
37	Parole		Commission		Member
38					1
39	05-109				
40	State	Board	Member,	Commission	Member, or
41					State Employee
42	10-200".				1
43	Not Named in List				
44	Sec. 32. G.S. 20-125(b) reads as rewritten:				

1       "(b) Every vehicle owned and operated by a police ~~department~~department, or by  
2 ~~the Department of Crime Control and Public Safety including the State Highway Patrol or by~~  
3 ~~Patrol, the Alcohol Beverage Control Commission, the Butner Public Safety Division of~~  
4 ~~the Department of Human Resources, the Wildlife Resources Commission~~Commission,  
5 or the Division of Marine Fisheries and used exclusively for law enforcement purposes,  
6 or by a fire department, either municipal or rural, or by a fire patrol, whether such fire  
7 department or patrol be a paid organization or a voluntary association, vehicles used by  
8 an organ procurement organization or agency for the recovery and transportation of  
9 human tissues and organs for transplantation, and every ambulance or emergency  
10 medical service emergency support vehicle used for answering emergency calls, shall be  
11 equipped with special lights, bells, sirens, horns or exhaust whistles of a type approved  
12 by the Commissioner of Motor Vehicles.

13       The operators of all such vehicles so equipped are hereby authorized to use such  
14 equipment at all times while engaged in the performance of their duties and services,  
15 both within their respective corporate limits and beyond.

16       In addition to the use of special equipment authorized and required by this  
17 subsection, the chief and assistant chiefs of any police department or of any fire  
18 department, whether the same be municipal or rural, paid or voluntary, county fire  
19 marshals, assistant fire marshals, transplant coordinators, and emergency management  
20 coordinators, are hereby authorized to use such special equipment on privately owned  
21 vehicles operated by them while actually engaged in the performance of their official or  
22 semiofficial duties or services either within or beyond their respective corporate limits.

23       And vehicles driven by law enforcement officers of the North Carolina Division of  
24 Motor Vehicles shall be equipped with a bell, siren, or exhaust whistle of a type  
25 approved by the Commissioner, and all vehicles owned and operated by the State  
26 Bureau of Investigation for the use of its agents and officers in the performance of their  
27 official duties may be equipped with special lights, bells, sirens, horns or exhaust  
28 whistles of a type approved by the Commissioner of Motor Vehicles.

29       Every vehicle used or operated for law enforcement purposes by the sheriff or any  
30 salaried deputy sheriff or salaried rural policeman of any county, whether owned by the  
31 county or not, may be, but is not required to be, equipped with special lights, bells,  
32 sirens, horns or exhaust whistles of a type approved by the Commissioner of Motor  
33 Vehicles. Such special equipment shall not be operated or activated by any person  
34 except by a law enforcement officer while actively engaged in performing law  
35 enforcement duties.

36       In addition to the use of special equipment authorized and required by this  
37 subsection, the chief and assistant chiefs of each emergency rescue squad which is  
38 recognized or sponsored by any municipality or civil preparedness agency, are hereby  
39 authorized to use such special equipment on privately owned vehicles operated by them  
40 while actually engaged in their official or semiofficial duties or services either within or  
41 beyond the corporate limits of the municipality which recognizes or sponsors such  
42 organization."

43       Sec. 33. G.S. 20-179.4 reads as rewritten:

1 **"§ 20-179.4. Community service alternative punishment; responsibilities of the**  
2 **Department of ~~Crime Control and Public Safety~~; Correction; fee.**

3 (a) The Department of ~~Crime Control and Public Safety~~ Correction must conduct a  
4 community service alternative punishment program for persons sentenced under G.S.  
5 20-179(i), (j) or (k).

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

14 (c) A fee of one hundred dollars (\$100.00) must be paid by all persons serving a  
15 community service sentence. That fee must be paid to the clerk of court in the county in  
16 which the person is convicted. The fee must be paid in full within two weeks unless the  
17 court, upon a showing of hardship by the person, allows him additional time to pay the  
18 fee. The person may not be required to pay the fee before he begins the community  
19 service unless the court specifically orders that he do so. If the person is also ordered to  
20 attend an Alcohol and Drug Education Traffic School established pursuant to G.S. 20-  
21 179.2, the fee for supervision of community service punishment is fifty dollars (\$50.00).

22 (d) Fees collected under this section must be deposited in the general fund.

23 (e) The coordinator must report to the court in which the community service was  
24 ordered a significant violation of the terms of the probation judgment related to  
25 community service. In such cases, the court must conduct a hearing to determine if there  
26 is a willful failure to comply. If the court determines there is a willful failure to pay the  
27 prescribed fee or to complete the work as ordered by the coordinator within the  
28 applicable time limits, the court must revoke any limited driving privilege issued in the  
29 impaired driving case, and in addition may take any further action authorized by Article  
30 82 of General Statutes Chapter 15A for violation of a condition of probation."

31 Sec. 34. G.S. 20-191 is repealed.

32 Sec. 35. G.S. 58-32-1 reads as rewritten:

33 **"§ 58-32-1. Commission created; membership.**

34 There is hereby created within the Department a Public Officers and Employees  
35 Liability Insurance Commission. The Commission shall consist of ~~11~~ 10 members who  
36 shall be appointed as follows: the Commissioner shall appoint six members as follows:  
37 two members who are members of the insurance industry who may be chosen from a  
38 list of three nominees submitted to the Commissioner by the Independent Insurance  
39 Agents of North Carolina, Inc., and a list of three nominees submitted by the Carolinas  
40 Association of Professional Insurance Agents, North Carolina Division; one member  
41 who is employed by a police department who may be chosen from a list of three  
42 nominees submitted to the Commissioner jointly by the North Carolina Police Chiefs  
43 Association and North Carolina Police Executives Association, and one member who is  
44 employed by a sheriff's department who may be chosen from a list of three nominees

1 submitted to the Commissioner by the North Carolina Sheriff's Association; one  
2 member representing city government who may be chosen from a list of three nominees  
3 submitted to the Commissioner by the North Carolina League of Municipalities; and  
4 one member representing county government who may be chosen from a list of three  
5 nominees submitted to the Commissioner by the North Carolina Association of County  
6 Commissioners; and the General Assembly shall appoint two persons, one upon the  
7 recommendation of the Speaker of the House of Representatives, and one upon the  
8 recommendation of the President of the Senate. The Commissioner or his designate  
9 shall be an ex officio member. Appointments by the General Assembly shall be made  
10 in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in  
11 accordance with G.S. 120-122. The terms of the initial appointees by the General  
12 Assembly shall expire on June 30, 1983. ~~The Secretary of the Department of Crime Control~~  
13 ~~and Public Safety or his designate shall be an ex officio member.~~—The Attorney General or  
14 his designate shall be an ex officio member. One insurance industry member appointed  
15 by the Commissioner shall be appointed to a term of two years and one insurance  
16 industry member shall be appointed to a term of four years. The police department  
17 member shall be appointed to a term of two years and the sheriff's department member  
18 shall be appointed to a term of four years. The representative of county government  
19 shall be appointed to a term of two years and the representative of city government to a  
20 term of four years. Beginning July 1, 1983, the appointment made by the General  
21 Assembly upon the recommendation of the Speaker shall be for two years, and the  
22 appointment made by the General Assembly upon the recommendation of the President  
23 of the Senate shall be for four years. Except as provided in this section, if any vacancy  
24 occurs in the membership of the Commission, the appointing authority shall appoint  
25 another person to fill the unexpired term of the vacating member. After the initial terms  
26 established herein have expired, all appointees to the Commission shall be appointed to  
27 terms of four years.

28 The Commission members shall elect the chairman and vice-chairman of the  
29 Commission. The Commission may, by majority vote, remove any member of the  
30 Commission for chronic absenteeism, misfeasance, malfeasance or other good cause."

31 Sec. 36. G.S. 66-165 reads as rewritten:

32 "**§ 66-165. Permits required.**

33 (a) Except as provided in subsection (c), it shall be unlawful for any person to  
34 engage as a dealer in the business of purchasing precious metals either as a separate  
35 business or in connection with other business operations without first obtaining a permit  
36 for the business from the local law-enforcement agency. The form of the permit and  
37 application therefor shall be as approved by the ~~Department of Crime Control and Public~~  
38 ~~Safety—State Bureau of Investigation.~~ The application shall be given under oath and  
39 shall be notarized. A 30-day waiting period from the date of filing of the application is  
40 required prior to initial issuance of a permit. A separate permit shall be issued for each  
41 location, place, or premises within the jurisdiction of the local law-enforcement agency  
42 which is used for the conduction of a precious metals business, and each permit shall  
43 designate the location, place or premises to which it applies. Such business shall not be  
44 conducted in any other place than that designated in the permit, and no business shall be

1 conducted in a mobile home, trailer, camper, or other vehicle, or structure not  
2 permanently affixed to the ground or in any room customarily used for lodging in any  
3 hotel, motel, tourist court, or tourist home as defined in G.S. 105-61. The permit shall  
4 be posted in a prominent place on the designated premises. Permits shall be valid for a  
5 period of 12 months from the date issued and may be renewed without a waiting period  
6 upon filing of an application and payment of the annual fee. The annual fee for each  
7 dealer's permits within each jurisdiction shall be ten dollars (\$10.00) to provide for the  
8 administrative costs of the local law-enforcement agency, including purchase of  
9 required forms. The fee shall not be refundable even if the permits are denied or later  
10 suspended or revoked. Such permits shall be in addition to and not in lieu of other  
11 business licenses and are not transferable.

12 Any dealer applying to the local law-enforcement agency for a permit shall furnish  
13 the local law-enforcement agency with the following information:

- 14 (1) His full name, and any other names used by the applicant during the  
15 preceding five years. In the case of a partnership, association, or  
16 corporation, the applicant shall list any partnership, association, or  
17 corporate names used during the preceding five years;
- 18 (2) Current address, and all addresses used by the applicant during the  
19 preceding five years;
- 20 (3) Physical description;
- 21 (4) Age;
- 22 (5) Driver's license number, if any, and state of issuance;
- 23 (6) Recent photograph;
- 24 (7) Record of felony convictions; and
- 25 (8) Record of other convictions during the preceding five years.

26 If the applicant for a dealer's permit is a partnership or association, all persons  
27 owning a ten percent (10%) or more interest in the partnership or association shall  
28 comply with the provisions of this subsection. Any such permits shall be issued in the  
29 name of the partnership or association.

30 If the applicant for a dealer's permit is a corporation, each officer, director and  
31 stockholder owning ten percent (10%) or more of the corporation's stock, of any class,  
32 shall comply with the provisions of this subsection. Any such permits shall be issued in  
33 the name of the corporation.

34 No permit shall be issued to an applicant who, within five years prior to the date of  
35 application, has been convicted of a felony involving a crime of moral turpitude, or  
36 larceny, or receiving stolen goods or of similar charges in any federal court or a court  
37 of this or any other state. In the case of a partnership, association, or corporation, no  
38 permit shall be issued to any applicant with an officer, partner, or director who has,  
39 within five years prior to the date of application, been convicted of a felony involving a  
40 crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in  
41 any federal court or a court of this or any other state.

42 (b) Every employee engaged in the precious metal business shall, within two  
43 days of being so engaged, register his name and address with the local law-enforcement  
44 agency and have his photograph taken by the agency. The agency shall issue to him a

1 certificate of compliance with this section upon the applicant's payment of the sum of  
2 three dollars (\$3.00) to the agency. The permit shall be posted in the work area of the  
3 permit holder.

4 (c) A special occasion permit authorizes the permittee to purchase precious  
5 metals as a dealer participating in any trade shows, antique shows, and crafts shows  
6 conducted within the State. A special occasion permit shall be issued by any local law-  
7 enforcement agency; provided, however, that a permittee under subsection (a) shall  
8 apply for a special occasion permit with the local law-enforcement agency which issued  
9 such dealer's permit. An application for a permit shall be on a form as approved by the  
10 ~~Department of Crime Control and Public Safety~~ State Bureau of Investigation and shall be  
11 given under oath and notarized. A 30-day waiting period from the date of filing of the  
12 application is required prior to initial issuance of a permit.

13 Any dealer applying to a local law-enforcement agency for a special occasion permit  
14 shall furnish the local law-enforcement agency with the information required in an  
15 application for a dealer's permit as set forth in (a).

16 If the applicant for a special occasion permit is a partnership or association, all  
17 persons owning a ten percent (10%) or more interest in the partnership or association  
18 shall comply with the provisions of this subsection. Any such permits shall be issued in  
19 the name of the partnership or association.

20 If the applicant for a special occasion permit is a corporation, each officer, director  
21 and stockholder owning ten percent (10%) or more of the corporation's stock, of any  
22 class, shall comply with the provisions of this subsection. Any such permits shall be  
23 issued in the name of the corporation.

24 No permit shall be issued to an applicant who, within five years prior to the date of  
25 application, has been convicted of a felony involving a crime of moral turpitude, or  
26 larceny, or receiving stolen goods or of similar charges in any federal court or a court  
27 of this or any other state. In the case of a partnership, association, or corporation, no  
28 permit shall be issued to any applicant with an officer, partner, or director who has,  
29 within five years prior to the date of application, been convicted of a felony involving a  
30 crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in  
31 any federal court or a court of this or any other state.

32 The fee for an application for a special occasion permit shall be ten dollars (\$10.00)  
33 to provide for the administrative cost of the local law-enforcement agency including  
34 purchase of required forms. The fee shall not be refundable even if the permit is denied  
35 or is later suspended or revoked. Such permits shall be in addition to and not in lieu of  
36 other business licenses and are not transferable.

37 A special occasion permit shall be valid for 12 months from the date issued, unless  
38 earlier surrendered, suspended, or revoked. Application for renewal of a permit for an  
39 additional 12 months shall be on a form as approved by the ~~Department of Crime Control~~  
40 ~~and Public Safety~~ State Bureau of Investigation and shall be accompanied by an  
41 application fee of ten dollars (\$10.00). A renewal fee shall not be refundable.

42 Each special occasion permit shall be posted in a prominent place on the premises of  
43 any show at which the permittee purchases precious metals."

44 Sec. 37. G.S. 66-166 reads as rewritten:

1 **"§ 66-166. Exemption from permits.**

2 Any merchant claiming an exemption from the requirements of G.S. 66-165, 66-168,  
3 and 66-170 due to the percentage of his total business which constitutes precious metals  
4 purchases shall file an application therefor with the local law-enforcement agency at the  
5 same time as applications for dealers' permits are required to be filed under the  
6 provisions of this Article. The application shall be upon a form approved by the  
7 ~~Department of Crime Control and Public Safety~~ State Bureau of Investigation and shall  
8 contain as a minimum the following information: the name, home address and business  
9 address of the applicant; the name and location of the business at its permanent address;  
10 the primary nature of the business both as to purchases and sales; the total dollar volume  
11 of purchases of precious metals during the 12-month period next preceding the date of  
12 application; the total dollar volume of all secondhand goods purchased during the same  
13 period by the business; the percentage of precious metals purchases or acquisitions to  
14 total purchases or acquisitions of secondhand goods; and the date when the merchant  
15 commenced the business under which the exemption is claimed. Such application shall  
16 be filed under the same oath as is required for a precious metals dealer permit, shall be  
17 notarized, and shall be accompanied by a fee of five dollars (\$5.00), which fee shall be  
18 retained by the local law-enforcement agency as cost for administering claims for  
19 exemptions.

20 The application for exemption, if granted, shall be valid for a period of 12 months.  
21 Thereafter, if the applicant seeks an exemption for the ensuing year he shall file an  
22 application for exemption 30 days before the expiration of the prior exemption.

23 If in any calendar month the percentage of precious metals purchased by an  
24 exempted merchant exceeds ten percent (10%) of his total purchases, he shall file notice  
25 thereof with the local law-enforcement agency."

26 Sec. 38. G.S. 66-168 reads as rewritten:

27 **"§ 66-168. Bond or trust account required.**

28 Before any permit shall be issued to a dealer pursuant to G.S. 66-165, the dealer  
29 shall execute a satisfactory cash or surety bond or establish a trust account with a  
30 licensed and insured bank or savings institution located in the State of North Carolina in  
31 the sum of ten thousand dollars (\$10,000). The bond or trust account shall be in favor of  
32 the State of North Carolina. A surety bond is to be executed by the dealer and by two  
33 responsible sureties or a surety company licensed to do business in the State of North  
34 Carolina and shall be on a form approved by the ~~Department of Crime Control and Public~~  
35 ~~Safety~~ State Bureau of Investigation. Any bond shall be kept in full force and effect and  
36 shall be delivered to the law-enforcement agency which first issued a current permit to  
37 the dealer. A bond or trust account shall be for the faithful performance of the  
38 requirements and obligations of the dealer's business in conformity with this Article.  
39 Any law-enforcement agency shall have full power and authority to revoke the permit  
40 and sue for forfeiture of the bond or trust account upon a breach thereof. Any person  
41 who shall have suffered any loss or damage by any act of the permittee that constitutes a  
42 violation of this Article shall have the right to institute an action to recover against such  
43 permittee and the surety or trust account. Upon termination of the bond or trust account  
44 the permit shall become void."



1 Sec. 39. G.S. 122C-408(a) reads as rewritten:

2 **"§ 122C-408. Butner Public Safety Division of the Department of ~~Crime Control~~**  
3 **~~and Public Safety;~~ Human Resources; jurisdiction; fire and police district.**

4 (a) The Secretary of ~~Crime Control and Public Safety~~ Human Resources may  
5 employ special police officers for the territory of the Camp Butner reservation. The  
6 territorial jurisdiction of these special police officers shall include: (i) the Camp Butner  
7 reservation; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville  
8 County adjoining the Butner reservation and the Lyons Station Sanitary District situated  
9 north and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by  
10 those roads and the boundaries of the reservation and the sanitary district. The Secretary  
11 of ~~Crime Control and Public Safety~~ Human Resources may organize these special police  
12 officers into a public safety department for that territory and may establish it as a  
13 division within that principal department as permitted by Chapter 143B of the General  
14 Statutes."

15 Sec. 40. G.S. 122C-409 reads as rewritten:

16 **"§ 122C-409. Community of Butner comprehensive emergency management plan.**

17 The ~~Department of Crime Control and Public Safety~~ Department of Human Resources  
18 shall establish an emergency management agency as defined in G.S. 166A-4(2) for  
19 the Community of Butner and the Camp Butner reservation."

20 Sec. 41. G.S. 122C-411 reads as rewritten:

21 **"§ 122C-411. Fire protection contracts.**

22 The ~~Department of Crime Control and Public Safety~~ Department of Human Resources  
23 may contract with industries in the vicinity of Butner to provide fire protection to those  
24 industries. Those contracts shall provide for a payment by any contracting industry  
25 calculated on the basis of twenty cents (20¢) per one hundred dollars (\$100.00) of  
26 assessed valuation."

27 Sec. 42. G.S. 127A-19 reads as rewritten:

28 **"§ 127A-19. Adjutant General.**

29 The military head of the militia shall be the Adjutant General who shall hold the  
30 rank of major general. The Adjutant General shall be appointed by the Governor in his  
31 capacity as commander in chief of the ~~militia, in consultation with the Secretary of Crime~~  
32 ~~Control and Public Safety,~~ militia and shall serve at the pleasure of the Governor. No  
33 person shall be appointed as Adjutant General who has less than five years'  
34 commissioned service in an active status in any component of the armed forces of the  
35 United States. The Adjutant General, while holding such office, may be a member of  
36 the active national guard or naval militia.

37 Subject to the approval of the ~~Governor~~ Governor, ~~and in consultation with the~~  
38 ~~Secretary, Department of Crime Control and Public Safety,~~ the Adjutant General may  
39 appoint a deputy adjutant general for army national guard and an assistant adjutant  
40 general for air national guard, both of whom may hold the rank of brigadier general and  
41 who shall serve at the pleasure of the Governor. The Adjutant General may also employ  
42 such staff members and other personnel as may be authorized by the Secretary and  
43 funded."

44 Sec. 43. G.S. 127A-20 reads as rewritten:

1 **"§ 127A-20. Administrative and operational relationships of the Adjutant General.**

2 In all administrative and operational matters affecting the militia while under State  
3 control, the Adjutant General shall be responsible to and subject to the direction and  
4 supervision of the ~~Secretary of Crime Control and Public Safety~~. Governor."

5 Sec. 44. G.S. 127A-21(a) reads as rewritten:

6 "(a) The Governor of the State, ~~State in consultation with the Secretary of Crime~~  
7 ~~Control and Public Safety~~, shall appoint, designate, or detail, subject to the approval of the  
8 Secretary of the Army and the Secretary of the Air Force, a qualified commissioned  
9 officer of the North Carolina national guard who is also a commissioned officer of the  
10 army national guard of the United States or the air national guard of the United States,  
11 as the case may be, to be the United States property and fiscal officer for North  
12 Carolina. If the officer is not on active duty, the President may order him to active duty,  
13 with his consent, to serve as a property and fiscal officer."

14 Sec. 45. G.S. 127A-22 reads as rewritten:

15 **"§ 127A-22. North Carolina property and fiscal officer.**

16 (a) Upon full mobilization of the North Carolina national guard into federal  
17 service to the extent that the functions of a United States property and fiscal officer no  
18 longer exist or are authorized under federal statutes, the Governor of the State, ~~State in~~  
19 ~~consultation with the Secretary of Crime Control and Public Safety~~, may appoint, designate  
20 or detail a qualified individual to serve at the pleasure of the Governor as the North  
21 Carolina property and fiscal officer for any composition of a nonfederally recognized  
22 State national guard or State defense militia organized under the provisions of G.S.  
23 127A-1 et seq.

24 (b) In consideration of his services for the responsibility, care, utilization, and  
25 issue of State or federal facilities and property, under the jurisdiction of the State of  
26 North Carolina, the North Carolina property and fiscal officer shall receive from the  
27 State such salary as the Governor may authorize to be just and proper; the salary to  
28 constitute a charge upon appropriations made to the ~~Department of Crime Control and~~  
29 ~~Public Safety~~. Office of the Governor.

30 (c) The property and fiscal officer for North Carolina shall be an employee of the  
31 ~~Department of Crime Control and Public Safety~~. Office of the Governor. He shall be  
32 required to give good and sufficient bond to the State, the amount thereof to be  
33 determined by the Governor, for the faithful performance of his duties and for the  
34 safekeeping and proper distribution of such funds and property entrusted to his care. He  
35 shall receipt for and account for all funds and property allotted to his custody from the  
36 appropriation for military purposes by State and federal agencies, and shall make such  
37 returns and reports through the ~~Secretary of Crime Control and Public Safety~~ Office of the  
38 Governor concerning same as may be required by the Governor or State laws."

39 Sec. 46. G.S. 127A-40(f) reads as rewritten:

40 "(f) The ~~Secretary of Crime Control and Public Safety~~ Governor shall determine the  
41 eligibility of guard members for the benefits herein provided and shall certify those  
42 eligible to the State Treasurer. In addition, the ~~Department of Crime Control and Public~~  
43 ~~Safety~~ Office of the Governor shall, on and after July 1, ~~1983~~, 1993, provide the  
44 Department of State Treasurer with an annual census population, by age and the number

1 of years of creditable service, for all former members of the National Guard in receipt of  
2 a pension as well as for all active members of the National Guard who are not in receipt  
3 of a pension and who have seven and more years of creditable service. The ~~Department~~  
4 ~~of Crime Control and Public Safety~~ Office of the Governor shall also provide the State  
5 Treasurer a census population of all former members of the National Guard who are not  
6 in receipt of a pension and who have 15 and more years of creditable service. The  
7 Department of State Treasurer shall make pension payments to those persons certified  
8 from the North Carolina National Guard Pension Fund, which shall include general fund  
9 appropriations made to and transferred from the ~~Department of Crime Control and Public~~  
10 ~~Safety~~ Office of the Governor. The Department of State Treasurer shall have performed  
11 an annual actuarial valuation of the fund and shall have the financial responsibility for  
12 maintaining the fund on a generally accepted actuarial basis. The ~~Department of Crime~~  
13 ~~Control and Public Safety~~ Office of the Governor shall provide the Department of State  
14 Treasurer with whatever assistance is required by the State Treasurer in carrying out his  
15 financial responsibilities."

16 Sec. 47. G.S. 127A-43 reads as rewritten:

17 "**§ 127A-43. North Carolina National Guard Meritorious Service Medal.**

18 There is hereby created the North Carolina National Guard Meritorious Service  
19 Medal which shall be of appropriate design, and a ribbon, together with a rosette or  
20 other device to be worn in lieu thereof. This medal and appurtenances thereto shall be of  
21 a design approved by the Governor or his designated representative. The Governor or  
22 his designated representative is authorized to award this medal upon the  
23 recommendation of the ~~Secretary of Crime Control and Public Safety in consultation with the~~  
24 Adjutant General and a board of officers appointed by the Adjutant General. Any  
25 member or former member of the armed forces discharged under honorable conditions,  
26 who has distinguished himself by heroism, meritorious achievement, or meritorious  
27 service to the North Carolina national guard, is eligible for this award. The Governor,  
28 on his own authority, may award such medal to ~~the Secretary of Crime Control and Public~~  
29 ~~Safety~~, the Adjutant General or any other active or inactive general officer of the armed  
30 forces who has distinguished himself by heroism, meritorious achievement, or  
31 meritorious service to the North Carolina national guard. The required heroism,  
32 achievement, or service, while of a lesser degree than that required for awarding of the  
33 North Carolina Distinguished Service Medal, must nevertheless be accomplished with  
34 distinction."

35 Sec. 48. G.S. 127A-161 reads as rewritten:

36 "**§ 127A-161. Definitions.**

37 As used in this Article, the following terms mean:

- 38 (1) Armory: Any building or building complex and related facilities,  
39 including the lands for them, which are intended to be utilized by the  
40 militia for training, administration, storage, and the maintenance and  
41 servicing of equipment.
- 42 (2) Armory site: That land, meeting federal and State specifications, upon  
43 which an armory may be constructed.

1           (3) ~~Department: The North Carolina Department of Crime Control and~~  
2           ~~Public Safety.~~

3           (4) Facilities: Those adjuncts to an armory, including but not limited to  
4           yards, storage buildings, sheds, ramps, racks, target ranges, furniture,  
5           fixtures and other equipment and installations.

6           (5) Funds: Any moneys appropriated by any municipality, county, the  
7           State or the United States government and made available for the  
8           purpose of acquiring armory sites or constructing or repairing any  
9           armory, warehouse, or other facility for the use of any unit or for any  
10          other purpose in connection with the housing, training, instruction or  
11          promotion of the interest of any unit.

12          (6) Municipality: Any incorporated city, town or village.

13          (7) Unit: Any organizational entity of the militia."

14          Sec. 49. G.S. 127A-192(c) is repealed.

15          Sec. 50. G.S. 127A-195 reads as rewritten:

16   **"§ 127A-195. Administration and funding.**

17          (a) ~~The Secretary of Crime Control and Public Safety Office of the Governor is~~  
18          charged with the administration of the tuition assistance program under this Article. ~~He~~  
19          ~~may delegate administrative tasks to other persons within the Department of Crime~~  
20          ~~Control and Public Safety as he deems best for the orderly administration of this~~  
21          ~~program.~~

22          (b) ~~The Secretary Office of the Governor~~ shall determine the eligibility of  
23          applicants, select the benefit recipients, establish the effective date of the benefit, and  
24          may suspend or revoke the benefit if ~~he-it~~ finds that the recipient does not maintain an  
25          adequate academic status, or if the recipient engages in riots, unlawful demonstrations,  
26          the seizure of educational buildings, or otherwise engages in disorderly conduct,  
27          breaches of the peace, or unlawful assemblies. ~~The Secretary Office of the Governor~~  
28          shall maintain such records and shall promulgate such rules and regulations as he deems  
29          necessary for the orderly administration of this program. ~~The Secretary Office of the~~  
30          Governor may require of business or trade schools or State or private educational  
31          institutions such reports and other information as ~~he-it~~ may need to carry out the  
32          provisions of this Article and ~~he-it~~ shall disburse benefit payments for recipients upon  
33          certification of enrollment by the enrolling institutions.

34          (c) All benefit disbursements shall be made to the business or trade school or  
35          State or private educational institution concerned, for credit to the tuition account of  
36          each recipient.

37          (d) The participation by any business or trade school or private educational  
38          institution in this program shall be subject to the applicable provisions of this Article  
39          and to examination by the State Auditor of the accounts of the benefit recipients  
40          attending or having attended such private schools or institutions. ~~The Secretary Office of~~  
41          the Governor may defer making an award or may suspend an award in any business or  
42          trade school or private educational institution which does not comply with the  
43          provisions of this Article relating to said institutions. The manner of payment to any

1 business or trade school or private educational institution shall be as prescribed by the  
2 ~~Secretary~~. Office of the Governor.

3 (e) Irrespective of other provisions of this Article, the ~~Secretary~~ Office of the  
4 Governor may prescribe special procedures for adjusting the accounts of benefit  
5 recipients who, for reasons of illness, physical inability to attend classes or for other  
6 valid reason satisfactory to the ~~Secretary~~, Office of the Governor, may withdraw from  
7 any business or trade school or State or private educational institution prior to the  
8 completion of the term, semester, quarter or other academic period being attended at the  
9 time of withdrawal."

10 Sec. 51. G.S. 143-166.13 reads as rewritten:

11 "**§ 143-166.13. Persons entitled to benefits under Article.**

12 (a) The following persons who are subject to the Criminal Justice Training and  
13 Standards Act are entitled to benefits under this Article:

- 14 (1) State Government Security Officers, Department of Administration;
- 15 (2) State Correctional Officers, Department of ~~Corrections~~; Correction;
- 16 (3) State Probation and Parole Officers, Department of ~~Corrections~~;  
17 Correction;
- 18 (4) Sworn State Law-Enforcement Officers with the power of arrest,  
19 Department of ~~Corrections~~; Correction;
- 20 (5) Alcohol Law-Enforcement Agents, ~~Department of Crime Control and~~  
21 ~~Public Safety~~; Alcoholic Beverage Commission;
- 22 (6) State Highway Patrol Officers, Department of ~~Crime Control and Public~~  
23 ~~Safety~~; Transportation;
- 24 (7) State Legislative Building Special Police, General Assembly;
- 25 (8) Sworn State Law-Enforcement Officers with the power of arrest,  
26 Department of Human Resources;
- 27 (9) Youth Correctional Officers, Department of Human Resources;
- 28 (10) Insurance Investigators, Department of Insurance;
- 29 (11) State Bureau of Investigation Officers and Agents, Department of  
30 Justice;
- 31 (12) Director and Assistant Director, License and Theft Enforcement  
32 Section, Division of Motor Vehicles, Department of Transportation;
- 33 (13) Members of License and Theft Enforcement Section, Division of  
34 Motor Vehicles, Department of Transportation, designated by the  
35 Commissioner of Motor Vehicles as either 'inspectors' or uniformed  
36 weigh station personnel;
- 37 (14) Utilities Commission Transportation Inspectors and Special  
38 Investigators;
- 39 (15) North Carolina Ports Authority Police, Department of Commerce;
- 40 (16) Sworn State Law-Enforcement Officers with the power of arrest,  
41 Department of Environment, Health, and Natural Resources;
- 42 (17) Sworn State Law-Enforcement Officers with the power of arrest,  
43 ~~Department of Crime Control and Public Safety~~. Butner Public Safety  
44 Division, Department of Human Resources."

1           Sec. 52. G.S. 143-215.93A(a) reads as rewritten:

2           "(a) Except as provided in subsection (b) of this section, a person is not liable  
3 under this Part, Part 2C of this Article, Articles 21 and 21B of this Chapter, other  
4 provisions of the General Statutes relating to protection of the environment or public  
5 health, Chapter 1B of the General Statutes, or common law causes of action in tort for  
6 removal costs or damages which result from, arise out of, or are related to the discharge  
7 or threatened discharge of oil, when such removal costs or damages result from acts or  
8 omissions in the course of rendering care, assistance, or advice consistent with the  
9 National Contingency Plan or as otherwise directed by the President of the United  
10 States, the Federal On-Scene Coordinator, the Governor, the Secretary, ~~the Secretary of~~  
11 ~~Crime Control and Public Safety~~, or any person designated to direct oil discharge removal  
12 activities by the President of the United States, the Governor, ~~the Secretary~~, or ~~the~~  
13 ~~Secretary of Crime Control and Public Safety~~ or the Secretary."

14           Sec. 53. Article 19 of Chapter 143A of the General Statutes is repealed.

15           Sec. 54. G.S. 143B-6 reads as rewritten:

16       **"§ 143B-6. Principal departments.**

17           In addition to the principal departments enumerated in the Executive Organization  
18 Act of 1971, all executive and administrative powers, duties, and functions not  
19 including those of the General Assembly and its agencies, the General Court of Justice  
20 and the administrative agencies created pursuant to Article IV of the Constitution of  
21 North Carolina, and higher education previously vested by law in the several State  
22 agencies, are vested in the following principal departments:

- 23           (1) Department of Cultural Resources
- 24           (2) Department of Human Resources
- 25           (3) Department of Revenue
- 26           (4) ~~Department of Crime Control and Public Safety~~
- 27           (5) Department of Correction
- 28           (6) Department of Environment, Health, and Natural Resources
- 29           (7) Department of Transportation
- 30           (8) Department of Administration
- 31           (9) Department of Commerce
- 32           (10) Department of Community Colleges."

33           Sec. 55. G.S. 143B-181 reads as rewritten:

34       **"§ 143B-181. Governor's Advisory Council on Aging – members; selection;  
35       quorum; compensation.**

36           The Governor's Advisory Council on Aging of the Department of Human Resources  
37 shall consist of ~~33~~32 members, ~~29~~28 members to be appointed by the Governor, two  
38 members to be appointed by the Lieutenant Governor, and two members to be appointed  
39 by the Speaker of the House of Representatives. The composition of the Council shall  
40 be as follows: one representative of the Department of Administration; one  
41 representative of the Department of Cultural Resources; one representative of the  
42 Employment Security Commission; one representative of the Teachers' and State  
43 Employees' Retirement System; one representative of the Commissioner of Labor; one  
44 representative of the Department of Public Education; one representative of the

1 Department of Environment, Health, and Natural Resources; one representative of the  
2 Department of Insurance; ~~one representative of the Department of Crime Control and Public~~  
3 ~~Safety~~; one representative of the Department of Community Colleges; one representative  
4 of the School of Public Health of The University of North Carolina; one representative  
5 of the School of Social Work of The University of North Carolina; one representative of  
6 the Agricultural Extension Service of North Carolina State University; one  
7 representative of the collective body of the Medical Society of North Carolina; and 19  
8 members at large. The at large members shall be citizens who are knowledgeable about  
9 services supported through the Older Americans Act of 1965, as amended, and shall  
10 include persons with greatest economic or social need, minority older persons, and  
11 participants in programs under the Older Americans Act of 1965, as amended. The  
12 Governor shall appoint 15 members at large who meet these qualifications and are 60  
13 years of age or older. The four remaining members at large, two of whom shall be  
14 appointed by the Lieutenant Governor and two of whom shall be appointed by the  
15 Speaker of the House of Representatives, shall be broadly representative of the major  
16 private agencies and organizations in the State who are experienced in or have  
17 demonstrated particular interest in the special concerns of older persons. At least one of  
18 each of the at-large appointments of the Lieutenant Governor and the Speaker of the  
19 House of Representatives shall be persons 60 years of age or older. The Council shall  
20 meet at least quarterly.

21 Members at large shall be appointed for four-year terms and until their successors  
22 are appointed and qualify. **Ad interim** appointments shall be for the balance of the  
23 unexpired term.

24 The Governor shall have the power to remove any member of the Council from  
25 office in accordance with the provisions of G.S. 143B-16 of the Executive Organization  
26 Act of 1973.

27 The Governor shall designate one member of the Council as chairman to serve in  
28 such capacity at his pleasure.

29 Members of the Council shall receive per diem and necessary travel and subsistence  
30 expenses in accordance with the provisions of G.S. 138-5.

31 A majority of the Council shall constitute a quorum for the transaction of business.

32 All clerical and other services required by the Council shall be supplied by the  
33 Secretary of Human Resources."

34 Sec. 56. G.S. 143B-285.12(a) reads as rewritten:

35 "(a) There is hereby created the Governor's Waste Management Board to be  
36 located in the Department of Environment, Health, and Natural Resources. The  
37 composition of the Board shall be as follows:

38 (1) ~~Four~~ Three members from State government: the Secretary or  
39 Commissioner of Environment, Health, and Natural Resources,  
40 Commerce, ~~Agriculture, and Crime Control and Public Safety.~~ and  
41 Agriculture. At the request of such Secretary or Commissioner, the  
42 Governor may appoint another official from the same department to  
43 serve in his stead.

(2) Nine members appointed by the Governor from the following categories: one from county government, one from municipal government, two from private industry, two from the field of higher education, research or technology, one who shall be a physician licensed to practice medicine, and two from the public at large interested in environmental matters.

(3) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate in accordance with G.S. 120-121."

Sec. 57. G.S. 147-45 reads as rewritten:

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

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

<u>Agency or Institution</u>	<u>Laws</u>	<u>Journals</u>	Session	Assembly
Governor, Office of the			3	2
<u>North Carolina Crime Commission</u>			<u>1</u>	<u>0</u>
<u>Adjutant General</u>			<u>2</u>	<u>0</u>
Lieutenant Governor, Office of the			1	1
Secretary of State, Department of the			3	3
Auditor, Department of the State			3	1
Treasurer, Department of the State			3	1
Local Government Commission			2	0
Public Education, Department of			1	0
Superintendent of Public Instruction			3	1
Controller			1	0
Division of Community Colleges			3	1
Regional Service Centers			1 ea.	0
Justice, Department of				
Office of the Attorney General			25	3
Budget Bureau (Administration)			1	0
Property Control (Administration)			1	1
State Bureau of Investigation			1	0
Agriculture, Department of			3	1
Labor, Department of			5	1
Insurance, Department of			5	1
Administration, Department of			1	1
Budget Bureau			2	1
Controller			1	0
Property Control			1	0



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

1	<del>Crime Control and Public Safety, Department of</del>		2	4
2	<del>North Carolina Crime Commission</del>	4	0	
3	<del>Adjutant General</del>	2	0	
4	Elections, State Board of	2	0	
5	Office of Administrative Hearings	2	0	
6	Legislative Branch			
7	State Senators	1 ea.	1 ea.	
8	State Representatives	1 ea.	1 ea.	
9	Principal Clerk – Senate	1	1	
10	Principal Clerk – House	1	1	
11	Reading Clerk – Senate	1	1	
12	Reading Clerk – House	1	1	
13	Sergeant at Arms – House	1	1	
14	Sergeant at Arms – Senate	1	1	
15	Enrolling Clerk	1	0	
16	Engrossing Clerk	1	0	
17	Indexer of the Laws	1	0	
18	Legislative Building Library	35	15	
19	Judicial System			
20	Justices of the Supreme Court	1 ea.	1 ea.	
21	Judges of the Court of Appeals	1 ea.	1 ea.	
22	Judges of the Superior Court	1 ea.	0	
23	Emergency and Special Judges of the			
24	Superior Court	1 ea.	0	
25	District Court Judges	1 ea.	0	
26	District Attorneys	1 ea.	0	
27	Clerk of the Supreme Court	1	1	
28	Clerk of the Court of Appeals	1	1	
29	Administrative Office of the Courts	4	1	
30	Supreme Court Library	AS MANY AS REQUESTED		
31	Colleges and Universities			
32	The University North Carolina System			
33	Administrative Offices	3	0	
34	University of North Carolina, Chapel Hill	65	25	
35	University of North Carolina, Charlotte	3	1	
36	University of North Carolina, Greensboro	3	1	
37	University of North Carolina, Asheville	2	1	
38	University of North Carolina, Wilmington	2	1	
39	North Carolina State University, Raleigh	5	3	
40	Appalachian State University	2	1	
41	East Carolina University	3	2	
42	Elizabeth City State University	2	1	
43	Fayetteville State University	2	1	
44	North Carolina Agricultural and			

1	Technical University	2	1		
2	North Carolina Central University	5	5		
3	Western Carolina University	2	1		
4	Pembroke State University	2	1		
5	Winston-Salem State University	2	1		
6	North Carolina School of the Arts	1	1		
7	Private Institutions				
8	Duke University	6			
9	Davidson College	3	2		
10	Wake Forest University	5	5		
11	Lenoir Rhyne College	1	1		
12	Elon College			1	1
13	Guilford College			1	1
14	Campbell College			5	5
15	Wingate College			1	1
16	Pfeiffer College			1	1
17	Barber Scotia College			1	1
18	Atlantic Christian College			1	1
19	Shaw University			1	1
20	St. Augustine's College			1	1
21	J.C. Smith University			1	1
22	Belmont Abbey College			1	1
23	Bennett College			1	1
24	Catawba College			1	1
25	Gardner-Webb College			1	1
26	Greensboro College			1	1
27	High Point College			1	1
28	Livingstone College			1	1
29	Mars Hill College			1	1
30	Meredith College			1	1
31	Methodist College			1	1
32	North Carolina Wesleyan College			1	1
33	Queens College			1	1
34	Sacred Heart College			1	1
35	St. Andrews Presbyterian College			1	1
36	Salem College			1	1
37	Warren Wilson College			1	1
38	County and Local Officials				
39	Clerks of the Superior Court			1 ea.	1 ea.
40	Register of Deeds			1 ea.	1 ea.
41	Federal, Out-of-State and Foreign				
42	Secretary to the President			1	0
43	Secretary of State			1	1
44	Secretary of Defense			1	0

1	Secretary of Agriculture	1	0	
2	Secretary of the Interior	1	0	
3	Secretary of Labor	1	1	
4	Secretary of Commerce	1	1	
5	Secretary of the Treasury	1	0	
6	Secretary of Health, Education and Welfare		1	0
7	Secretary of Housing and Urban Development		1	0
8	Secretary of Transportation	1	0	
9	Attorney General	1	0	
10	Postmaster General	1	0	
11	Bureau of Census	1	0	
12	Bureau of Public Roads	1	0	
13	Department of Justice	1	0	
14	Department of Internal Revenue	1	0	
15	Veterans' Administration	1	0	
16	Farm Credit Administration	1	0	
17	Securities and Exchange Commission	1	0	
18	Social Security Board	1	0	
19	Environmental Protection Agency	1	0	
20	Library of Congress	8	2	
21	Federal Judges resident in North Carolina	1 ea.	0	
22	Federal District Attorneys resident in			
23	North Carolina	1 ea.	0	
24	Marshal of the United States Supreme Court		1	0
25	Federal Clerks of Court resident in North Carolina		1 ea.	0
26	Supreme Court Library exchange list	1 ea.	0	

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

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

34 Sec. 58. G.S. 164-37 reads as rewritten:

35 **"§ 164-37. Membership; chairman; meetings; quorum.**

36 The Commission shall consist of ~~27~~26 members as follows:

- 37 (1) The Chief Justice of the North Carolina Supreme Court shall appoint a  
38 sitting or former Justice or judge of the General Court of Justice, who  
39 shall serve as Chairman of the Commission;
- 40 (2) The Chief Judge of the North Carolina Court of Appeals, or another  
41 judge on the Court of Appeals, serving as his designee;
- 42 (3) The Secretary of Correction or his designee;
- 43 ~~(4) The Secretary of Crime Control and Public Safety or his designee;~~
- 44 (5) The Chairman of the Parole Commission, or his designee;

- 1 (6) The President of the Conference of Superior Court Judges or his  
2 designee;
- 3 (7) The President of the District Court Judges Association or his designee;
- 4 (8) The President of the North Carolina Sheriff's Association or his  
5 designee;
- 6 (9) The President of the North Carolina Association of Chiefs of Police or  
7 his designee;
- 8 (10) One member of the public at large, who is not currently licensed to  
9 practice law in North Carolina, to be appointed by the Governor;
- 10 (11) One member to be appointed by the Lieutenant Governor;
- 11 (12) Three members of the House of Representatives, to be appointed by  
12 the Speaker of the House;
- 13 (13) Three members of the Senate, to be appointed by the President Pro  
14 Tempore of the Senate;
- 15 (14) The President Pro Tempore of the Senate shall appoint the  
16 representative of the North Carolina Community Sentencing  
17 Association that is recommended by the President of that organization;
- 18 (15) The Speaker of the House of Representatives shall appoint the member  
19 of the business community that is recommended by the President of  
20 the North Carolina Retail Merchants Association;
- 21 (16) The Chief Justice of the North Carolina Supreme Court shall appoint  
22 the criminal defense attorney that is recommended by the President of  
23 the North Carolina Academy of Trial Lawyers;
- 24 (17) The President of the Conference of District Attorneys or his designee;
- 25 (18) The Lieutenant Governor shall appoint the member of the North  
26 Carolina Victim Assistance Network that is recommended by the  
27 President of that organization;
- 28 (19) A rehabilitated former prison inmate, to be appointed by the Chairman  
29 of the Commission;
- 30 (20) The President of the North Carolina Association of County  
31 Commissioners or his designee;
- 32 (21) The Governor shall appoint the member of the academic community,  
33 with a background in criminal justice or corrections policy, that is  
34 recommended by the President of The University of North Carolina;
- 35 (22) The Attorney General, or a member of his staff, to be appointed by the  
36 Attorney General;
- 37 (23) The Governor shall appoint the member of the North Carolina Bar  
38 Association that is recommended by the President of that organization.

39 The Commission shall have its initial meeting no later than September 1, 1990, at  
40 the call of the Chairman. The Commission shall meet a minimum of four regular  
41 meetings each year. The Commission may also hold special meetings at the call of the  
42 Chairman, or by any four members of the Commission, upon such notice and in such  
43 manner as may be fixed by the rules of the Commission. A majority of the members of  
44 the Commission shall constitute a quorum."

- 1           Sec. 59. G.S. 166A-5(2) is repealed.
- 2           Sec. 60. This act becomes effective July 1, 1993.