

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

**S**

**1**

**SENATE BILL 1033**

Short Title: Eliminate Dept. of CCPS.

(Public)

---

Sponsors: Senator Ballance.

---

Referred to: Appropriations

---

May 4, 1995

**A BILL TO BE ENTITLED**

1  
2 **AN ACT TO ELIMINATE THE DEPARTMENT OF CRIME CONTROL AND**  
3 **PUBLIC SAFETY AND PLACE ITS DIVISIONS WITHIN THE APPROPRIATE**  
4 **DEPARTMENTS AND TO APPROPRIATE FUNDS FOR THOSE RELOCATED**  
5 **DIVISIONS.**

6 The General Assembly of North Carolina enacts:

7       Section 1. There is established within the Office of the Governor the Office of  
8 Public Safety.

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

14       Sec. 3. The statutory authority, powers, duties, and functions, records,  
15 personnel, property, unexpended balances of appropriations, allocations or other funds,  
16 including the functions of budgeting and purchasing, of the Highway Patrol Division of  
17 the Department of Crime Control and Public Safety are transferred to the Office of Public  
18 Safety in the Office of the Governor.

19       Sec. 4. The statutory authority, powers, duties, and functions, records,  
20 personnel, property, unexpended balances of appropriations, allocations or other funds,

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

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

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 Public Safety in the 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 Public  
24 Safety in the Office of the 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 Public  
29 Safety in the Office of the 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 the  
34 Office of Public Safety in 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 Division  
38 of the Department of Crime Control and Public Safety are transferred to the Office of  
39 Public Safety in the Office of the Governor.

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".

1           Sec. 13. Part 3A of Article 11 of Chapter 143B of the General Statutes, G.S.  
2 143B-480.1 through G.S. 143B-480.3, is recodified as Subchapter XIV, Article 62 of  
3 Chapter 7A of the General Statutes, G.S. 7A-778 through G.S. 7A-780. The Revisor of  
4 Statutes shall change any reference to "Department of Crime Control and Public Safety"  
5 to "Administrative Office of the Courts" and any reference to "Secretary" to "Director of  
6 the Administrative Office of the Courts".

7           Sec. 14. Chapter 147 of the General Statutes is amended by adding a new  
8 Article 3C to be entitled "Office of Public Safety".

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

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

21           Sec. 17. Part 3 of Article 11 of Chapter 143B of the General Statutes, G.S.  
22 143B-478 through G.S. 143B-480, is recodified as Part 3 of Article 3C of Chapter 147 of  
23 the General Statutes, G.S. 147-33.50 through G.S. 147-33.52.

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

26           Sec. 19. The Revisor of Statutes shall change any reference to "Department of  
27 Crime Control and Public Safety" to "Department of Justice" and any references to  
28 "Secretary of Crime Control and Public Safety" to "Attorney General" whenever they  
29 appear in each of the following sections of the General Statutes:

- 30           (1) G.S. 18B-101. Definitions.
- 31           (2) G.S. 18B-500. Alcohol law-enforcement agents.
- 32           (3) G.S. 20-39. Administering and enforcing law; rules and regulations;  
33 agents, etc.; seal; fees; licenses and plates for undercover officers.
- 34           (4) G.S. 105-259. Secrecy required of officials; penalty for violation.

35           Sec. 20. The Revisor of Statutes shall change any references to "Crime  
36 Control and Public Safety", "Department of Crime Control and Public Safety", or  
37 "Department" to "Office of Public Safety" and any references to "Secretary" or "Secretary  
38 of Crime Control and Public Safety" to "Director of the Office of Public Safety" whenever  
39 they appear in each of the following sections of the General Statutes:

- 40           (1) G.S. 7A-289.13. Legislative intent.
- 41           (2) G.S. 8-50.2. Results of speed-measuring instruments; admissibility.
- 42           (3) G.S. 17C-6. Powers of Commission.

- 1 (4) G.S. 20-184. Patrol under supervision of Department of Crime Control  
2 and Public Safety.
- 3 (5) G.S. 20-185. Personnel; appointment; salaries.
- 4 (6) G.S. 20-186. Oath of office.
- 5 (7) G.S. 20-187. Orders and rules for organization and conduct.
- 6 (8) G.S. 20-187.1. Awards.
- 7 (9) G.S. 20-187.3. Quotas prohibited.
- 8 (10) G.S. 20-188. Duties of Highway Patrol.
- 9 (11) G.S. 20-189. Patrolmen assigned to Governor's office.
- 10 (12) G.S. 20-190. Uniforms; motor vehicles and arms; expense incurred;  
11 color of vehicle.
- 12 (13) G.S. 20-191. Use of facilities.
- 13 (14) G.S. 20-192. Shifting of patrolmen from one district to another.
- 14 (15) G.S. 20-195. Cooperation between patrol and local officers.
- 15 (16) G.S. 20-196. Statewide radio system authorized; use of telephone lines  
16 in emergencies.
- 17 (17) G.S. 20-196.3. Who may hold supervisory positions over uniformed  
18 personnel.
- 19 (18) G.S. 66-165. Permits required.
- 20 (19) G.S. 66-166. Exemption from permits.
- 21 (20) G.S. 66-168. Bond or trust account required.
- 22 (21) G.S. 104E-8. Radiation Protection Commission – Members; selections;  
23 removal; compensation; quorum; services.
- 24 (22) G.S. 122C-408. Butner Public Safety Division of the Department of  
25 Crime Control and Public Safety; jurisdiction; fire and police district.
- 26 (23) G.S. 122C-409. Community of Butner comprehensive emergency  
27 management plan.
- 28 (24) G.S. 122C-411. Fire protection contracts.
- 29 (25) G.S. 127A-17.1. Confidentiality of national guard records.
- 30 (26) G.S. 127A-20. Administrative and operational relationships of the  
31 Adjutant General.
- 32 (27) G.S. 127A-80. Authority to organize and maintain State defense militia  
33 of North Carolina.
- 34 (28) G.S. 127A-81. State defense militia cadre.
- 35 (29) G.S. 127A-107. Rate of pay for other service.
- 36 (30) G.S. 127A-139. Allowance made to different organizations and  
37 personnel.
- 38 (31) G.S. 127A-162. Authority to foster development of armories and  
39 facilities.
- 40 (32) G.S. 127A-163. Powers of Department specified.
- 41 (33) G.S. 127A-164. Power to acquire land, make contracts, etc.
- 42 (34) G.S. 143B-181. Governor's Advisory Council on Aging – members;  
43 selection; quorum; compensation.

- 1 (35) G.S 143B-478, as recodified as G.S. 147-33.50 by Section 17 of this act.
- 2 Governor's Crime Commission – creation; composition; terms;
- 3 meetings, etc.
- 4 (36) G.S. 143B-479, as recodified as G.S. 147-33.51 by Section 17 of this
- 5 act. Governor's Crime commission – powers and duties.
- 6 (37) G.S. 164-37. Membership; chairman; meetings; quorum.
- 7 (38) G.S. 166A-6. State of disaster.
- 8 (39) G.S. 166A-6.1. Emergency planning; charge.
- 9 (40) G.S. 166A-21. Definitions.
- 10 (41) G.S. 166A-22. Hazardous materials emergency response program.
- 11 (42) G.S. 166A-23. Contracts; equipment loans.
- 12 (43) G.S. 166A-26. Regional Response Team Advisory Committee.
- 13 (44) G.S. 166A-27. Action for the recovery of costs of hazardous materials
- 14 emergency response.
- 15 (45) G.S. 166A-28. Hazardous Materials Emergency Response Fund.

16 Sec. 21. The Revisor of Statutes shall delete any references to "the Secretary  
 17 of Crime Control and Public Safety", "Secretary of the Department of Crime Control and  
 18 Public Safety", "Department of Crime Control and Public Safety", or "Crime Control and  
 19 Public Safety", and delete any extraneous punctuation, whenever these references appear  
 20 in the following sections of the General Statutes:

- 21 (1) G.S. 58-78-1. State Fire and Rescue Commission created: membership.
- 22 (2) G.S. 126-5. Employees subject to Chapter; exemptions.
- 23 (3) G.S. 127A-35. Elimination and disposition of officers; efficiency board;
- 24 transfer to inactive status.
- 25 (4) G.S. 127A-42. Distinguished Service Medal by Governor of North
- 26 Carolina.
- 27 (5) G.S. 143-341. Powers and duties of Department.
- 28 (6) G.S. 143B-2. Interim applicability of the Executive Organization Act of
- 29 1973.
- 30 (7) G.S. 143B-417. North Carolina Internship Council – creation; powers
- 31 and duties.
- 32 (8) G.S. 143B-426.22. Governor's Management Council.

33 Sec. 22. G.S. 7A-343.1 reads as rewritten:

34 **"§ 7A-343.1. Distribution of copies of the appellate division reports.**

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

38 Governor, Office of the	1
39 Lieutenant Governor, Office of the	1
40 Secretary of State, Department of the	2
41 State Auditor, Department of the	1
42 Treasurer, Department of the State	1
43 Superintendent of Public Instruction	1

1	Office of the Attorney General	11
2	State Bureau of Investigation	1
3	Agriculture, Department of	1
4	Labor, Department of	1
5	Insurance, Department of	1
6	Budget Bureau, Department of Administration	1
7	Property Control, Department of Administration	1
8	State Planning, Department of Administration	1
9	Board of Environment, Health, and Natural Resources	1
10	Revenue, Department of	1
11	Board of Human Resources	1
12	Commission for the Blind	1
13	Board of Transportation	1
14	Motor Vehicles, Division of	1
15	Utilities Commission	8
16	Industrial Commission	11
17	Office of Administrative Hearings	2
18	Community Colleges, Department of	38
19	Employment Security Commission	1
20	Commission of Correction	1
21	Parole Commission	1
22	Archives and History, Division of	1
23	<del>Crime Control and Public Safety, Department of</del>	<del>2</del>
24	Department of Cultural Resources	3
25	Legislative Building Library	2
26	Justices of the Supreme Court	1
27	ea.	
28	Judges of the Court of Appeals	1
29	ea.	
30	Judges of the Superior Court	1
31	ea.	
32	Clerks of the Superior Court	1
33	ea.	
34	District Attorneys	1
35	ea.	
36	Emergency and Special Judges of the Superior Court	1
37	ea.	
38	Supreme Court	Library
39		A
40	S MANY AS REQUESTED	
41	Appellate Division Reporter	1
42	University of North Carolina, Chapel Hill	71
43	University of North Carolina, Charlotte	1

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

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

37 Sec. 23. G.S. 14-86.1 reads as rewritten:

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

40 (a) All conveyances, including vehicles, watercraft or aircraft, used to unlawfully  
41 conceal, convey or transport property in violation of G.S. 14-71, 14-71.1, or 20-106, or  
42 used by any person in the commission of armed or common-law robbery, or used by any  
43 person in the commission of any larceny when the value of the property taken is more

1 than two thousand dollars (\$2,000) shall be subject to forfeiture as provided herein,  
2 except that:

- 3 (1) No conveyance used by any person as a common carrier in the  
4 transaction of the business of the common carrier shall be forfeited  
5 under the provisions of this section unless it shall appear that the owner  
6 or other person in custody or control of such conveyance was a  
7 consenting party or privy to a violation that may subject the conveyance  
8 to forfeiture under this section;
- 9 (2) No conveyance shall be forfeited under the provisions of this section by  
10 reason of any act or omission committed or omitted while such  
11 conveyance was unlawfully in the possession of a person other than the  
12 owner in violation of the criminal laws of the United States, or any  
13 state;
- 14 (3) No conveyance shall be forfeited pursuant to this section unless the  
15 violation involved is a felony;
- 16 (4) A forfeiture of a conveyance encumbered by a bona fide security  
17 interest is subject to the interest of the secured party who neither had  
18 knowledge of nor consented to the act or omission;
- 19 (5) No conveyance shall be forfeited under the provisions of this section  
20 unless the owner knew or had reason to believe the vehicle was being  
21 used in the commission of any violation that may subject the  
22 conveyance to forfeiture under this section;
- 23 (6) The trial judge in the criminal proceeding which may subject the  
24 conveyance to forfeiture may order the seized conveyance returned to  
25 the owner if he finds forfeiture inappropriate. If the conveyance is not  
26 returned to the owner the procedures provided in subsection (e) shall  
27 apply.

28 (b) Any conveyance subject to forfeiture under this section may be seized by any  
29 law-enforcement officer upon process issued by any district or superior court having  
30 original jurisdiction over the offense except that seizure without such process may be  
31 made when:

- 32 (1) The seizure is incident to an arrest or subject to a search under a search  
33 warrant; or
- 34 (2) The property subject to seizure has been the subject of a prior judgment  
35 in favor of the State in a criminal injunction or forfeiture proceeding  
36 under this section.

37 (c) The conveyance shall be deemed to be in custody of the law-enforcement  
38 agency seizing it. The law-enforcement agency may remove the property to a place  
39 designated by it or request that the North Carolina Department of Justice ~~or Department of~~  
40 ~~Crime Control and Public Safety~~ take custody of the property and remove it to an  
41 appropriate location for disposition in accordance with law; provided, the conveyance  
42 shall be returned to the owner upon execution by him of a good and valid bond, with  
43 sufficient sureties, in a sum double the value of the property, which said bond shall be



1 approved by an officer of the agency seizing the conveyance and shall be conditioned  
2 upon the return of said property to the custody of said officer on the day of trial to abide  
3 the judgment of the court.

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

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

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

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

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

34 Sec. 24. G.S. 15B-3 reads as rewritten:

35 "**§ 15B-3. Crime Victims Compensation Commission.**

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

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

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

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

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

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

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

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

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

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

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

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

25 Sec. 25. G.S. 15B-6 reads as rewritten:

26 "**§ 15B-6. Powers of the Commission and Director.**

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

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

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

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

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

42 (1) With the consent of the district attorney, to request that law enforcement  
43 officers employed by the State or any political subdivision provide

1 copies of any information or data gathered in the investigation of  
2 criminally injurious conduct that is the basis of any claim to enable the  
3 Director or Commission to determine whether, and the extent to which,  
4 a claimant qualifies for an award of compensation;

5 (2) With the consent of the district attorney, to request that prosecuting  
6 attorneys, law enforcement officers, and State agencies conduct  
7 investigations and provide information necessary to enable the Director  
8 or Commission to determine whether, and the extent to which, a  
9 claimant qualifies for an award of compensation; and

10 (3) To require the claimant to supplement the application for an award of  
11 compensation with any reasonably available medical or psychological  
12 reports pertaining to the injury for which the award of compensation is  
13 claimed.

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

16 Sec. 26. G.S. 17C-3 reads as rewritten:

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

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

22 (1) Police Chiefs. – Three police chiefs selected by the North Carolina  
23 Association of Chiefs of Police and one police chief appointed by the  
24 Governor.

25 (2) Police Officers. – Three police officials appointed by the North Carolina  
26 Police Executives Association and two criminal justice officers certified  
27 by the Commission as selected by the North Carolina Law-Enforcement  
28 Officers' Association.

29 (3) Departments. – The Attorney General of the State of North Carolina; ~~the~~  
30 ~~Secretary of the Department of Crime Control and Public Safety;~~ the  
31 Secretary of the Department of Human Resources; the Secretary of the  
32 Department of Correction; the President of the Department of  
33 Community Colleges.

34 (4) At-large Groups. – One individual representing and appointed by each  
35 of the following organizations: one mayor selected by the League of  
36 Municipalities; one law-enforcement training officer selected by the  
37 North Carolina Law-Enforcement Training Officers' Association; one  
38 criminal justice professional selected by the North Carolina Criminal  
39 Justice Association; one sworn law-enforcement officer selected by the  
40 North State Law-Enforcement Officers' Association; one member  
41 selected by the North Carolina Law-Enforcement Women's Association;  
42 and one District Attorney selected by the North Carolina Association of  
43 District Attorneys.

1           (5) Citizens and Others. – The President of The University of North  
2 Carolina; the Director of the Institute of Government; and two citizens,  
3 one of whom shall be selected by the Governor and one of whom shall  
4 be selected by the Attorney General. The General Assembly shall  
5 appoint two persons, one upon the recommendation of the Speaker of  
6 the House of Representatives and one upon the recommendation of the  
7 President of the Senate. Appointments by the General Assembly shall  
8 be made in accordance with G.S. 120-122. Appointments by the General  
9 Assembly shall serve two-year terms to conclude on June 30th in odd-  
10 numbered years.

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

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

21           For the terms of two years: one member from subdivision (1) of subsection (a),  
22 serving as a police chief; one member from subdivision (2) of subsection (a), serving as a  
23 police official; and two members from subdivision (4) of subsection (a), one appointed by  
24 the League of Municipalities and one appointed by the North Carolina Association of  
25 District Attorneys.

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

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

36           The Attorney General, ~~the Secretary of the Department of Crime Control and Public~~  
37 ~~Safety,~~ the Secretary of the Department of Human Resources, the Secretary of the  
38 Department of Correction, the President of The University of North Carolina, the  
39 Director of the Institute of Government, and the President of the Department of  
40 Community Colleges shall be continuing members of the Commission during their  
41 tenure. These members of the Commission shall serve ex officio and shall perform their  
42 duties on the Commission in addition to the other duties of their offices. The ex officio  
43 members may elect to serve personally at any or all meetings of the Commission or may

1 designate, in writing, one member of their respective office, department, university or  
 2 agency to represent and vote for them on the Commission at all meetings the ex officio  
 3 members are unable to attend.

4 Vacancies in the Commission occurring for any reason shall be filled, for the  
 5 unexpired term, by the authority making the original appointment of the person causing  
 6 the vacancy. A vacancy may be created by removal of a Commission member by  
 7 majority vote of the Commission for misconduct, incompetence, or neglect of duty. A  
 8 Commission member may be removed only pursuant to a hearing, after notice, at which  
 9 the member subject to removal has an opportunity to be heard."

10 Sec. 27. G.S. 18B-110 reads as rewritten:

11 **"§ 18B-110. Emergency.**

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

- 14 (1) Order the closing of all ABC stores, and
- 15 (2) Order the cessation of all sales, transportation, manufacture, and  
 16 bottling of alcoholic beverages.

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

21 Sec. 28. G.S. 20-79.5(a) reads as rewritten:

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

25	Position	Number on Plate
26	Governor	1
27	Lieutenant Governor	2
28	Speaker of the House of Representatives	3
29	President Pro Tempore of the Senate	4
30	Secretary of State	5
31	State Auditor	6
32	State Treasurer	7
33	Superintendent of Public Instruction	8
34	Attorney General	9
35	Commissioner of Agriculture	10
36	Commissioner of Labor	11
37	Commissioner of Insurance	12
38	Speaker Pro Tempore of the House	13
39	Legislative Administrative Officer	14
40	Secretary of Administration	15
41	Secretary of Environment, Health, and Natural Resources	16
42	Secretary of Revenue	17

1	Secretary of Human Resources	18
2	Secretary of Commerce	19
3	Secretary of Correction	20
4	Secretary of Cultural Resources	21
5	<del>Secretary of Crime Control and Public Safety</del>	<del>22</del>
6	Governor's	Staff
7		23
8	-29	
9	State Budget Officer	30
10	State Personnel Director	31
11	Advisory Budget Commission Nonlegislative	Member
12		32
13	-41	
14	Chair of the State Board of Education	42
15	President of the U.N.C. System	43
16	Alcoholic Beverage Control Commission	44
17		44
18	-46	
19	Assistant Commissioners of Agriculture	47
20		47
21	-48	
22	Deputy Secretary of State	49
23	Deputy State Treasurer	50
24	Assistant State Treasurer	51
25	Deputy Commissioner for the Department of Labor	52
26	Chief Deputy for the Department of Insurance	53
27	Assistant Commissioner of Insurance	54
28	Deputies and Assistant to the Attorney General	55
29		55
30	-65	
31	Board of Economic Development Nonlegislative	Member
32		66
33	-88	
34	State Ports Authority Nonlegislative	Member
35		89
36	-96	
37	Utilities Commission	Member
38		97
39	-104	
40	Parole Commission	Member
41		10
42	5-109	

1 State Board Member, Commission Member, or State Employee  
2 11  
3 0-200".

4 Not Named in List

5 Sec. 29. G.S. 20-125(b) reads as rewritten:

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

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

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

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

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

40 In addition to the use of special equipment authorized and required by this subsection,  
41 the chief and assistant chiefs of each emergency rescue squad which is recognized or  
42 sponsored by any municipality or civil preparedness agency, are hereby authorized to use  
43 such special equipment on privately owned vehicles operated by them while actually

1 engaged in their official or semiofficial duties or services either within or beyond the  
2 corporate limits of the municipality which recognizes or sponsors such organization."

3 Sec. 30. G.S. 20-179.4 reads as rewritten:

4 **"§ 20-179.4. Community service alternative punishment; responsibilities of the**  
5 **Department of ~~Crime Control and Public Safety~~; Correction; fee.**

6 (a) The Department of ~~Crime Control and Public Safety~~ Correction must conduct a  
7 community service alternative punishment program for persons sentenced under G.S. 20-  
8 179(i), (j) or (k).

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

17 (c) A fee of one hundred dollars (\$100.00) must be paid by all persons serving a  
18 community service sentence. That fee must be paid to the clerk of court in the county in  
19 which the person is convicted. The fee must be paid in full within two weeks unless the  
20 court, upon a showing of hardship by the person, allows him additional time to pay the  
21 fee. The person may not be required to pay the fee before he begins the community  
22 service unless the court specifically orders that he do so. If the person is also ordered to  
23 attend an Alcohol and Drug Education Traffic School established pursuant to G.S. 20-  
24 179.2, the fee for supervision of community service punishment is fifty dollars (\$50.00).

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

26 (e) The coordinator must report to the court in which the community service was  
27 ordered a significant violation of the terms of the probation judgment related to  
28 community service. In such cases, the court must conduct a hearing to determine if there  
29 is a willful failure to comply. If the court determines there is a willful failure to pay the  
30 prescribed fee or to complete the work as ordered by the coordinator within the  
31 applicable time limits, the court must revoke any limited driving privilege issued in the  
32 impaired driving case, and in addition may take any further action authorized by Article  
33 82 of General Statutes Chapter 15A for violation of a condition of probation."

34 Sec. 31. G.S. 58-32-1 reads as rewritten:

35 **"§ 58-32-1. Commission created; membership.**

36 There is hereby created within the Department a Public Officers and Employees  
37 Liability Insurance Commission. The Commission shall consist of ~~14~~ 10 members who  
38 shall be appointed as follows: the Commissioner shall appoint six members as follows:  
39 two members who are members of the insurance industry who may be chosen from a list  
40 of three nominees submitted to the Commissioner by the Independent Insurance Agents  
41 of North Carolina, Inc., and a list of three nominees submitted by the Carolinas  
42 Association of Professional Insurance Agents, North Carolina Division; one member who  
43 is employed by a police department who may be chosen from a list of three nominees



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

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

33 Sec. 32. G.S. 127A-19 reads as rewritten:

34 **"§ 127A-19. Adjutant General.**

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

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

7 Sec. 33. G.S. 127A-21(a) reads as rewritten:

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

16 Sec. 34. G.S. 127A-22 reads as rewritten:

17 "**§ 127A-22. North Carolina property and fiscal officer.**

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

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

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

41 Sec. 35. G.S. 127A-40(f) reads as rewritten:

42 "(f) The ~~Secretary of Crime Control and Public Safety~~ Director of the Office of Public  
43 Safety shall determine the eligibility of guard members for the benefits herein provided

1 and shall certify those eligible to the State Treasurer. In addition, the ~~Department of Crime~~  
2 ~~Control and Public Safety~~ Office of Public Safety shall, on and after July 1, 1983, 1995,  
3 provide the Department of State Treasurer with an annual census population, by age and  
4 the number of years of creditable service, for all former members of the National Guard  
5 in receipt of a pension as well as for all active members of the National Guard who are  
6 not in receipt of a pension and who have seven and more years of creditable service. The  
7 ~~Department of Crime Control and Public Safety~~ Office of Public Safety shall also provide the  
8 State Treasurer a census population of all former members of the National Guard who are  
9 not in receipt of a pension and who have 15 and more years of creditable service. The  
10 Department of State Treasurer shall make pension payments to those persons certified  
11 from the North Carolina National Guard Pension Fund, which shall include general fund  
12 appropriations made to and transferred from the ~~Department of Crime Control and Public~~  
13 ~~Safety~~ Office of Public Safety. The Department of State Treasurer shall have performed  
14 an annual actuarial valuation of the fund and shall have the financial responsibility for  
15 maintaining the fund on a generally accepted actuarial basis. The ~~Department of Crime~~  
16 ~~Control and Public Safety~~ Office of Public Safety shall provide the Department of State  
17 Treasurer with whatever assistance is required by the State Treasurer in carrying out his  
18 financial responsibilities."

19 Sec. 36. G.S. 127A-43 reads as rewritten:

20 **"§ 127A-43. North Carolina National Guard Meritorious Service Medal.**

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

37 Sec. 37. G.S. 127A-161 reads as rewritten:

38 **"§ 127A-161. Definitions.**

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

- 40 (1) Armory: Any building or building complex and related facilities,  
41 including the lands for them, which are intended to be utilized by the  
42 militia for training, administration, storage, and the maintenance and  
43 servicing of equipment.

1 (2) Armory site: That land, meeting federal and State specifications, upon  
2 which an armory may be constructed.

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

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

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

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

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

16 Sec. 38. G.S. 127A-192 reads as rewritten:

17 **"§ 127A-192. Definitions.**

18 (a) 'Business or Trade School'. – Any school within the State of North Carolina  
19 which is licensed by the State Board of Education and listed by that Board as an approved  
20 private business school or an approved private trade school.

21 (b) 'Private Educational Institutions'. – Any junior college, senior college or  
22 university which is operated and governed by private interests not under the control of the  
23 federal, State or any local government, which is located within and licensed by the State  
24 of North Carolina, which does not operate for profit, whose curriculum is primarily  
25 directed toward the awarding of associate, baccalaureate or graduate degrees, which  
26 agrees to the applicable administration and funding provisions of this Article.

27 ~~(c) 'Secretary'. The Secretary of Crime Control and Public Safety or his~~  
28 ~~designee.~~

29 (d) 'State Educational Institutions'. – Any of the constituent institutions of the  
30 University of North Carolina, or any community college operated under the provisions of  
31 Chapter 115D of the General Statutes of North Carolina.

32 (e) 'Academic Year'. – Any period of 365 days beginning with the first day of  
33 enrollment for a course of instruction."

34 Sec. 39. G.S. 127A-195 reads as rewritten:

35 **"§ 127A-195. Administration and funding.**

36 (a) ~~The Secretary of Crime Control and Public Safety~~ Director of the Office of Public  
37 Safety is charged with the administration of the tuition assistance program under this  
38 Article. ~~He may delegate administrative tasks to other persons within the Department of Crime~~  
39 ~~Control and Public Safety as he deems best for the orderly administration of this program.~~

40 (b) ~~The Secretary~~ Director of the Office of Public Safety shall determine the  
41 eligibility of applicants, select the benefit recipients, establish the effective date of the  
42 benefit, and may suspend or revoke the benefit if he finds that the recipient does not  
43 maintain an adequate academic status, or if the recipient engages in riots, unlawful

1 demonstrations, the seizure of educational buildings, or otherwise engages in disorderly  
2 conduct, breaches of the peace, or unlawful assemblies. The ~~Secretary~~ Director of the  
3 Office of Public Safety shall maintain such records and shall promulgate such rules and  
4 regulations as he deems necessary for the orderly administration of this program. The  
5 ~~Secretary~~ Director of the Office of Public Safety may require of business or trade schools  
6 or State or private educational institutions such reports and other information as he may  
7 need to carry out the provisions of this Article and he shall disburse benefit payments for  
8 recipients upon certification of enrollment by the enrolling institutions.

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

12 (d) The participation by any business or trade school or private educational  
13 institution in this program shall be subject to the applicable provisions of this Article and  
14 to examination by the State Auditor of the accounts of the benefit recipients attending or  
15 having attended such private schools or institutions. The ~~Secretary~~ Director of the Office  
16 of Public Safety may defer making an award or may suspend an award in any business or  
17 trade school or private educational institution which does not comply with the provisions  
18 of this Article relating to said institutions. The manner of payment to any business or  
19 trade school or private educational institution shall be as prescribed by the ~~Secretary~~ Director  
20 of the Office of Public Safety.

21 (e) Irrespective of other provisions of this Article, the ~~Secretary~~ Director of the  
22 Office of Public Safety may prescribe special procedures for adjusting the accounts of  
23 benefit recipients who, for reasons of illness, physical inability to attend classes or for  
24 other valid reason satisfactory to the ~~Secretary~~ Director of the Office of Public Safety,  
25 may withdraw from any business or trade school or State or private educational  
26 institution prior to the completion of the term, semester, quarter or other academic period  
27 being attended at the time of withdrawal."

28 Sec. 40. G.S. 143-166.13(a) reads as rewritten:

29 "**§ 143-166.13. Persons entitled to benefits under Article.**

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

- 32 (1) State Government Security Officers, Department of Administration;
- 33 (2) State Correctional Officers, Department of ~~Corrections~~; Correction;
- 34 (3) State Probation and Parole Officers, Department of ~~Corrections~~;  
35 Correction;
- 36 (4) Sworn State Law-Enforcement Officers with the power of arrest,  
37 Department of ~~Corrections~~; Correction;
- 38 (5) Alcohol Law-Enforcement Agents, ~~Department of Crime Control and~~  
39 ~~Public Safety~~; Department of Justice;
- 40 (6) State Highway Patrol Officers, ~~Department of Crime Control and Public~~  
41 ~~Safety~~; Office of Public Safety;
- 42 (7) State Legislative Building Special Police, General Assembly;

- 1 (8) Sworn State Law-Enforcement Officers with the power of arrest,  
2 Department of Human Resources;
- 3 (9) Youth Correctional Officers, Department of Human Resources;
- 4 (10) Insurance Investigators, Department of Insurance;
- 5 (11) State Bureau of Investigation Officers and Agents, Department of  
6 Justice;
- 7 (12) Director and Assistant Director, License and Theft Enforcement  
8 Section, Division of Motor Vehicles, Department of Transportation;
- 9 (13) Members of License and Theft Enforcement Section, Division of Motor  
10 Vehicles, Department of Transportation, designated by the  
11 Commissioner of Motor Vehicles as either 'inspectors' or uniformed  
12 weigh station personnel;
- 13 (14) Utilities Commission Transportation Inspectors and Special  
14 Investigators;
- 15 (15) North Carolina Ports Authority Police, Department of Commerce;
- 16 (16) Sworn State Law-Enforcement Officers with the power of arrest,  
17 Department of Environment, Health, and Natural Resources;
- 18 (17) Sworn State Law-Enforcement Officers with the power of arrest,  
19 ~~Department of Crime Control and Public Safety-Office of Public Safety.~~"

20 Sec. 41. G.S. 143-215.93A(a) reads as rewritten:

21 "(a) Except as provided in subsection (b) of this section, a person is not liable under  
22 this Part, Part 2C of this Article, Articles 21 and 21B of this Chapter, other provisions of  
23 the General Statutes relating to protection of the environment or public health, Chapter  
24 1B of the General Statutes, or common law causes of action in tort for removal costs or  
25 damages which result from, arise out of, or are related to the discharge or threatened  
26 discharge of oil, when such removal costs or damages result from acts or omissions in the  
27 course of rendering care, assistance, or advice consistent with the National Contingency  
28 Plan or as otherwise directed by the President of the United States, the Federal On-Scene  
29 Coordinator, the Governor, the Secretary, ~~the Secretary of Crime Control and Public Safety,~~  
30 or any person designated to direct oil discharge removal activities by the President of the  
31 United States, the Governor, ~~the Secretary, or the Secretary of Crime Control and Public~~  
32 ~~Safety, or the Secretary.~~"

33 Sec. 42. Article 19 of Chapter 143A of the General Statutes is repealed.

34 Sec. 43. G.S. 143B-6 reads as rewritten:

35 **"§ 143B-6. Principal departments.**

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

- 42 (1) Department of Cultural Resources
- 43 (2) Department of Human Resources

- 1 (3) Department of Revenue
- 2 ~~(4) Department of Crime Control and Public Safety~~
- 3 (5) Department of Correction
- 4 (6) Department of Environment, Health, and Natural Resources
- 5 (7) Department of Transportation
- 6 (8) Department of Administration
- 7 (9) Department of Commerce
- 8 (10) Department of Community Colleges."

9 Sec. 44. G.S. 147-45 reads as rewritten:

10 **"§ 147-45. Distribution of copies of State publications.**

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

	Session	Assembly
<u>Agency or Institution</u> <u>Laws</u> <u>Journals</u>		
16 Governor, Office of the	3	2
17 <u>North Carolina Crime Commission</u>	<u>1</u>	<u>0</u>
18 <u>Adjutant General</u>	<u>2</u>	<u>0</u>
19 Lieutenant Governor, Office of the	1	1
20 Secretary of State, Department of the	3	3
21 Auditor, Department of the State	3	1
22 Treasurer, Department of the State	3	1
23     Local Government Commission	2	0
24 State Board of Education	1	0
25 Department of Public Instruction	3	1
26     Controller	1	0
27     Technical Assistance Centers	1 ea.	0
28 Department of Community Colleges	3	1
29 Justice, Department of		
30     Office of the Attorney General	25	3
31     Budget Bureau (Administration)	1	0
32     Property Control (Administration)	1	1
33     State Bureau of Investigation	1	0
34 Agriculture, Department of	3	1
35 Labor, Department of	5	1
36 Insurance, Department of	5	1
37 Administration, Department of	1	1
38     Budget Bureau	2	1
39     Controller	1	0
40     Property Control	1	0
41     Purchase and Contract	2	0

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



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

1	Wilmington	2	1		
2	North Carolina State University,				
3	Raleigh	5	3		
4	Appalachian State University	2	1		
5	East Carolina University	3	2		
6	Elizabeth City State University	2	1		
7	Fayetteville State University	2	1		
8	North Carolina Agricultural and				
9	Technical University	2	1		
10	North Carolina Central University	5	5		
11	Western Carolina University	2	1		
12	Pembroke State University	2	1		
13	Winston-Salem State University	2	1		
14	North Carolina School of the Arts	1	1		
15	Private Institutions				
16	Duke University	6	6		
17	Davidson College	3	2		
18	Wake Forest University	5	5		
19	Lenoir Rhyne College	1	1		
20	Elon College			1	1
21	Guilford College			1	1
22	Campbell College			5	5
23	Wingate College			1	1
24	Pfeiffer College			1	1
25	Barber Scotia College			1	1
26	Atlantic Christian College			1	1
27	Shaw University			1	1
28	St. Augustine's College			1	1
29	J.C. Smith University			1	1
30	Belmont Abbey College			1	1
31	Bennett College			1	1
32	Catawba College			1	1
33	Gardner-Webb College			1	1
34	Greensboro College			1	1
35	High Point College			1	1
36	Livingstone College			1	1
37	Mars Hill College			1	1
38	Meredith College			1	1
39	Methodist College			1	1
40	North Carolina Wesleyan College			1	1
41	Queens College			1	1
42	Sacred Heart College			1	1
43	St. Andrews Presbyterian College			1	1

1	Salem College	1	1
2	Warren Wilson College	1	1
3	County and Local Officials		
4	Clerks of the Superior Court	1 ea.	1 ea.
5	Register of Deeds	1 ea.	1 ea.
6	Federal, Out-of-State and Foreign		
7	Secretary to the President	1	0
8	Secretary of State	1	1
9	Secretary of Defense	1	0
10	Secretary of Agriculture	1	0
11	Secretary of the Interior	1	0
12	Secretary of Labor	1	1
13	Secretary of Commerce	1	1
14	Secretary of the Treasury	1	0
15	Secretary of Health, Education		
16	and Welfare	1	0
17	Secretary of Housing and Urban		
18	Development	1	0
19	Secretary of Transportation	1	0
20	Attorney General	1	0
21	Postmaster General	1	0
22	Bureau of Census	1	0
23	Bureau of Public Roads	1	0
24	Department of Justice	1	0
25	Department of Internal Revenue	1	0
26	Veterans' Administration	1	0
27	Farm Credit Administration	1	0
28	Securities and Exchange Commission	1	0
29	Social Security Board	1	0
30	Environmental Protection Agency	1	0
31	Library of Congress	8	2
32	Federal Judges resident in North Carolina	1 ea.	0
33	Federal District Attorneys resident in		
34	North Carolina	1 ea.	0
35	Marshal of the United States		
36	Supreme Court	1	0
37	Federal Clerks of Court resident		
38	in North Carolina	1 ea.	0
39	Supreme Court Library exchange list	1 ea.	0
40	One copy of the Session Laws shall be furnished the head of any department of State		
41	government created in the future.		
42	State agencies, institutions, etc., not found in or covered by this list may, upon written		
43	request from their respective department head to the Secretary of State, and upon the		

1 discretion of the Secretary of State as to need, be issued copies of the Session Laws on a  
2 permanent loan basis with the understanding that should said copies be needed they will  
3 be recalled."

4 Sec. 45. G.S. 166A-5(2) is repealed.

5 Sec. 46. G.S. 166A-21(e) is repealed.

6 Sec. 47. There is appropriated from the General Fund to the Office of the  
7 Governor, Office of Public Safety, the sum of thirteen million three hundred sixty-five  
8 thousand thirty-two dollars (\$13,365,032) for the 1995-96 fiscal year and the sum of  
9 thirteen million four hundred fifty-four thousand four hundred fifty-seven dollars  
10 (\$13,454,457) for the 1996-97 fiscal year to implement the provisions of this act.

11 Sec. 48. There is appropriated from the Highway Fund to the Office of the  
12 Governor, Office of Public Safety, the sum of one hundred four million forty thousand  
13 nine hundred twenty-seven dollars (\$104,040,927) for the 1995-96 fiscal year and the  
14 sum of one hundred five million four hundred thirty-eight thousand three hundred  
15 twenty-two dollars (\$105,438,322) for the 1996-97 fiscal year to implement the  
16 provisions of this act.

17 Sec. 49. There is appropriated from the General Fund to the Department of  
18 Justice the sum of seven million four hundred fifty-nine thousand five hundred seventeen  
19 dollars (\$7,459,517) for the 1995-96 fiscal year and the sum of seven million ninety-six  
20 thousand two hundred fifty-seven dollars (\$7,096,257) for the 1996-97 fiscal year to  
21 implement the provisions of this act.

22 Sec. 50. There is appropriated from the General Fund to the Judicial  
23 Department the sum of two million four hundred sixty-nine thousand seven hundred  
24 twenty-nine dollars (\$2,469,729) for the 1995-96 fiscal year and the sum of two million  
25 four hundred seventy thousand five hundred forty-six dollars (\$2,470,546) for the 1996-  
26 97 fiscal year to implement the provisions of this act.

27 Sec. 51. There is appropriated from the General Fund to the Department of  
28 Correction the sum of six million three hundred twenty-one thousand four hundred forty-  
29 three dollars (\$6,321,443) for the 1995-96 fiscal year and the sum of six million three  
30 hundred thirty-six thousand nine hundred sixteen dollars (\$6,336,916) for the 1996-97  
31 fiscal year to implement the provisions of this act.

32 Sec. 52. This act becomes effective July 1, 1995.