

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH80412-LGz-207* (05/10)

Short Title: 2004 Technical Corrections Act.

(Public)

Sponsors: Representative Culpepper.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING
CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE
GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-402(c)(3) reads as rewritten:

"(c) The following definitions apply in this section:

...

(3) Crossbow. – A mechanical device consisting of, but not limited to, strings, cables, and prods transversely mounted on either a shoulder or hand-held stock. This ~~device~~ device is mechanically held at full or partial draw and released by a trigger or similar mechanism ~~which~~ that is incorporated into a stock or handle. When operated, the crossbow discharges a projectile known as a bolt.

..."

SECTION 2. G.S. 20-7(b1) reads as rewritten:

"(b1) Application. – To obtain ~~a~~ an identification card, learners permit, or drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

1 The application form shall request all of the following information, and it shall
2 contain the disclosures concerning the request for an applicant's social security number
3 required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- 4 (1) The applicant's full name.
- 5 (2) The applicant's mailing address and residence address.
- 6 (3) A physical description of the applicant, including the applicant's sex,
7 height, eye color, and hair color.
- 8 (4) The applicant's date of birth.
- 9 (5) The applicant's valid social security number.
- 10 (6) The applicant's signature.

11 If an applicant does not have a valid social security number and is ineligible to
12 obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In
13 such case, the applicant may provide a valid Individual Taxpayer Identification Number
14 issued by the Internal Revenue Service to that person.

15 The Division shall not issue an identification card, learners permit, or drivers license
16 to an applicant who fails to provide either the applicant's valid social security number or
17 the applicant's valid Individual Taxpayer Identification Number."

18 **SECTION 3.** G.S. 49-13.1 is repealed.

19 **SECTION 4.** G.S. 55B-2(6), as amended by Section 3 of S.L. 2003-117,
20 reads as rewritten:

21 "(6) The term "professional service" means any type of personal or
22 professional service of the public which requires as a condition
23 precedent to the rendering of such service the obtaining of a license
24 from a licensing board as herein defined, and pursuant to the following
25 provisions of the General Statutes: Chapter 83A, "Architects"; Chapter
26 84, "Attorneys-at-Law"; Chapter 93, "Public Accountants"; and the
27 following Articles in Chapter 90: Article 1, "Practice of Medicine,"
28 Article 2, "Dentistry," Article 6, "Optometry," Article 7, "Osteopathy,"
29 Article 8, "Chiropractic," Article 9A, "Nursing Practice Act," with
30 regard to registered nurses, Article 11, "Veterinarians," Article 12A,
31 "Podiatrists," Article 18A, "Practicing Psychologists," Article 18C,
32 "Marriage and Family Therapy Licensure," Article 18D, "Occupational
33 Therapy," and Article 24, "Licensed Professional Counselors"; Chapter
34 89C, "Engineering and Land Surveying"; Chapter 89A, "Landscape
35 Architects"; Chapter 90B, "Social Worker Certification and Licensure
36 Act" with regard to ~~Certified~~ Licensed Clinical Social Workers as
37 defined by G.S. 90B-3; Chapter 89E, "Geologists"; Chapter 89B,
38 "Foresters"; and Chapter 89F, "North Carolina Soil Scientist Licensing
39 Act."

40 **SECTION 5.(a)** G.S. 58-36-10(3) reads as rewritten:

41 **"§ 58-36-10. Method of rate making; factors considered.**

42 The following standards shall apply to the making and use of rates:

43 ...

1 (3) In the case of property insurance rates under this Article, consideration
 2 may be given to the experience of property insurance business during
 3 the most recent five-year period for which that experience is available.
 4 In the case of property insurance rates under this Article, consideration
 5 shall be given to the insurance public protection classifications of fire
 6 districts established by the Commissioner. The Commissioner shall
 7 establish and modify from time to time insurance public protection
 8 districts for all rural areas of the State and for cities with populations
 9 of 100,000 or fewer, according to the most recent annual population
 10 estimates certified by the State ~~Planning~~Budget Officer. In
 11 establishing and modifying these districts, the Commissioner shall use
 12 standards at least equivalent to those used by the Insurance Services
 13 Office, Inc., or any successor organization. The standards developed
 14 by the Commissioner are subject to Article 2A of Chapter 150B of the
 15 General Statutes. The insurance public protection classifications
 16 established by the Commissioner issued pursuant to the provisions of
 17 this Article shall be subject to appeal as provided in G.S. 58-2-75, et
 18 seq. The exceptions stated in G.S. 58-2-75(a) do not apply.

19 ..."

20 SECTION 5.(b) G.S. 58-40-25(4) reads as rewritten:

21 "§ 58-40-25. Rating methods.

22 In determining whether rates comply with the standards under G.S. 58-40-20, the
 23 following criteria shall be applied:

24 ...

25 (4) In the case of property insurance rates under this Article, consideration
 26 shall be given to the insurance public protection classifications of fire
 27 districts established by the Commissioner. The Commissioner shall
 28 establish and modify from time to time insurance public protection
 29 districts for all rural areas of the State and for cities with populations
 30 of 100,000 or fewer, according to the most recent annual population
 31 estimates certified by the State ~~Planning~~Budget Officer. In
 32 establishing and modifying these districts, the Commissioner shall use
 33 standards at least equivalent to those used by the Insurance Services
 34 Office, Inc., or any successor organization. The standards developed
 35 by the Commissioner are subject to Article 2A of Chapter 150B of the
 36 General Statutes. The insurance public protection classifications
 37 established by the Commissioner issued pursuant to the provisions of
 38 this Article shall be subject to appeal as provided in G.S. 58-2-75, et
 39 seq. The exceptions stated in G.S. 58-2-75(a) do not apply."

40 SECTION 5.(c) G.S. 58-87-1(b) reads as rewritten:

41 "(b) A fire department is eligible for a grant under this section if it meets all of the
 42 following conditions:

43 (1) It serves a response area of 6,000 or less in population.

1 (2) It consists entirely of volunteer members, with the exception that the
2 unit may have paid members to fill the equivalent of three full-time
3 paid positions.

4 (3) It has been certified by the Department of Insurance.

5 In making the population determination under subdivision (1) of this subsection, the
6 Department shall use the most recent annual population estimates certified by the State
7 ~~Planning-Budget Officer.~~"

8 **SECTION 5.(d)** G.S. 105-113.82(e) reads as rewritten:

9 "(e) Population Estimates. – To determine the population of a city or county for
10 purposes of the distribution required by this section, the Secretary shall use the most
11 recent annual estimate of population certified by the State ~~Planning-Budget Officer.~~"

12 **SECTION 5.(e)** G.S. 105-129.3(b1) reads as rewritten:

13 "(b1) Data. – In measuring rates of unemployment and per capita income, the
14 Secretary shall use the latest available data published by a State or federal agency
15 generally recognized as having expertise concerning the data. In measuring population
16 and population growth, the Secretary shall use the most recent estimates of population
17 certified by the State ~~Planning-Budget Officer.~~"

18 **SECTION 5.(f)** G.S. 105-129.3A(a) reads as rewritten:

19 "(a) Development Zone Defined. – A development zone is an area comprised of
20 one or more contiguous census tracts, census block groups, or both in the most recent
21 federal decennial census that meets all of the following conditions:

22 (1) Every census tract and census block group in the zone is located in
23 whole or in part within the primary corporate limits of a city with a
24 population of more than 5,000 according to the most recent annual
25 population estimates certified by the State ~~Planning-Budget Officer.~~

26 (2) It has a population of 1,000 or more according to the most recent
27 annual population estimates certified by the State ~~Planning-Budget~~
28 ~~Officer.~~

29 (3) More than twenty percent (20%) of its population is below the poverty
30 level according to the most recent federal decennial census.

31 (4) Every census tract and census block group in the zone meets at least
32 one of the following conditions:

33 a. More than ten percent (10%) of its population is below the
34 poverty level according to the most recent federal decennial
35 census.

36 b. It is immediately adjacent to another census tract or census
37 block group that is in the same zone and has more than twenty
38 percent (20%) of its population below the poverty level
39 according to the most recent federal decennial census.

40 (5) None of the census tracts or census block groups in the zone is located
41 in another development zone designated by the Secretary of
42 Commerce."

43 **SECTION 5.(g)** G.S. 105-164.44F(b) reads as rewritten:

1 "(b) Share of Cities Incorporated on or After January 1, 2001. – The share of a
2 city incorporated on or after January 1, 2001, is its per capita share of the amount to be
3 distributed to all cities incorporated on or after this date. This amount is the proportion
4 of the total to be distributed under this section that is the same as the proportion of the
5 population of cities incorporated on or after January 1, 2001, compared to the
6 population of all cities. In making the distribution under this subsection, the Secretary
7 must use the most recent annual population estimates certified to the Secretary by the
8 State ~~Planning~~Budget Officer."

9 **SECTION 5.(h)** G.S. 105-187.19(b) reads as rewritten:

10 "(b) Each quarter, the Secretary shall credit five percent (5%) of the net tax
11 proceeds to the Solid Waste Management Trust Fund and shall credit twenty-seven
12 percent (27%) of the net tax proceeds to the Scrap Tire Disposal Account. The Secretary
13 shall distribute the remaining sixty-eight percent (68%) of the net tax proceeds among
14 the counties on a per capita basis according to the most recent annual population
15 estimates certified to the Secretary by the State ~~Planning~~Budget Officer."

16 **SECTION 5.(i)** G.S. 105-187.24 reads as rewritten:

17 "**§ 105-187.24. Use of tax proceeds.**

18 The Secretary shall distribute the taxes collected under this Article, less the
19 Department of Revenue's allowance for administrative expenses, in accordance with this
20 section. The Secretary may retain the Department's cost of collection, not to exceed two
21 hundred twenty-five thousand dollars (\$225,000) a year, as reimbursement to the
22 Department.

23 Each quarter, the Secretary shall credit eight percent (8%) of the net tax proceeds to
24 the Solid Waste Management Trust Fund and shall credit twenty percent (20%) of the
25 net tax proceeds to the White Goods Management Account. The Secretary shall
26 distribute the remaining seventy-two percent (72%) of the net tax proceeds among the
27 counties on a per capita basis according to the most recent annual population estimates
28 certified to the Secretary by the State ~~Planning~~Budget Officer. The Department shall
29 not distribute the tax proceeds to a county when notified not to do so by the Department
30 of Environment and Natural Resources under G.S. 130A-309.87. If a county is not
31 entitled to a distribution, the proceeds allocated for that county will be credited to the
32 White Goods Management Account.

33 A county may use funds distributed to it under this section only as provided in
34 G.S. 130A-309.82. A county that receives funds under this section and that has an
35 interlocal agreement with another unit of local government under which the other unit
36 provides for the disposal of solid waste for the county must transfer the amount received
37 under this section to that other unit. A unit to which funds are transferred is subject to
38 the same restrictions on use of the funds as the county."

39 **SECTION 5.(j)** Effective July 1, 2003, G.S. 105-472(b) reads as rewritten:

40 "(b) Distribution Between Counties and Cities. – The Secretary shall divide the
41 amount allocated to each taxing county among the county and its municipalities in
42 accordance with the method determined by the county. The board of county
43 commissioners shall, by resolution, choose one of the following methods of distribution:

- 1 (1) Per Capita Method. – The net proceeds of the tax collected in a taxing
2 county shall be distributed to that county and to the municipalities in
3 the county on a per capita basis according to the total population of the
4 taxing county, plus the total population of the municipalities in the
5 county. In the case of a municipality located in more than one county,
6 only that part of its population living in the taxing county is considered
7 its "total population". In order to make the distribution, the Secretary
8 shall determine a per capita figure by dividing the amount allocated to
9 each taxing county by the total population of that county plus the total
10 population of all municipalities in the county. The Secretary shall then
11 multiply this per capita figure by the population of the taxing county
12 and by the population of each municipality in the county; each
13 respective product shall be the amount to be distributed to the county
14 and to each municipality in the county. To determine the population of
15 each county and each municipality, the Secretary shall use the most
16 recent annual estimate of population certified by the State Planning
17 Budget Officer.
- 18 (2) Ad Valorem Method. – The net proceeds of the tax collected in a
19 taxing county shall be distributed to that county and the municipalities
20 in the county in proportion to the total amount of ad valorem taxes
21 levied by each on property having a tax situs in the taxing county
22 during the fiscal year next preceding the distribution. For purposes of
23 this section, the amount of the ad valorem taxes levied by a county or
24 municipality includes ad valorem taxes levied by the county or
25 municipality in behalf of a taxing district and collected by the county
26 or municipality. In addition, the amount of taxes levied by a county
27 includes ad valorem taxes levied by a merged school administrative
28 unit described in G.S. 115C-513 in the part of the unit located in the
29 county. In computing the amount of tax proceeds to be distributed to
30 each county and municipality, the amount of any ad valorem taxes
31 levied but not substantially collected shall be ignored. Each county and
32 municipality receiving a distribution of the proceeds of the tax levied
33 under this Article shall in turn immediately share the proceeds with
34 each district in behalf of which the county or municipality levied ad
35 valorem taxes in the proportion that the district levy bears to the total
36 levy of the county or municipality. Any county or municipality that
37 fails to provide the Department of Revenue with information
38 concerning ad valorem taxes levied by it adequate to permit a timely
39 determination of its appropriate share of tax proceeds collected under
40 this Article may be excluded by the Secretary from each monthly
41 distribution with respect to which the information was not provided in
42 a timely manner, and those tax proceeds shall then be distributed only
43 to the remaining counties or municipalities, as appropriate. For the
44 purpose of computing the distribution of the tax under this subsection

1 to any county and the municipalities located in the county for any
2 month with respect to which the property valuation of a public service
3 company is the subject of an appeal and the Department of Revenue is
4 restrained by law from certifying the valuation to the county and the
5 municipalities in the county, the Department shall use the last property
6 valuation of the public service company that has been certified.

7 The board of county commissioners in each taxing county shall, by resolution
8 adopted during the month of April of each year, determine which of the two foregoing
9 methods of distribution shall be in effect in the county during the next succeeding fiscal
10 year. In order for the resolution to be effective, a certified copy of it must be delivered
11 to the Secretary in Raleigh within 15 calendar days after its adoption. If the board fails
12 to adopt a resolution choosing a method of distribution not then in effect in the county,
13 or if a certified copy of the resolution is not timely delivered to the Secretary, the
14 method of distribution then in effect in the county shall continue in effect for the
15 following fiscal year. The method of distribution in effect on the first of July of each
16 fiscal year shall apply to every distribution made during that fiscal year."

17 **SECTION 5.(k)** G.S. 136-202(c) reads as rewritten:

18 "(c) The Department, the metropolitan planning organizations, and the
19 Department of Environment and Natural Resources shall jointly evaluate and adjust the
20 regions defined in each regional travel demand model at least once every five years and
21 no later than October 1 of the year following each decennial federal census. The
22 evaluation and adjustment shall be based on decennial census data and the most recent
23 populations estimates certified by the State ~~Planning-Budget~~ Officer. The adjustment of
24 these boundaries shall reflect current and projected patterns of population, employment,
25 travel, congestion, commuting, and public transportation use and the effects of these
26 patterns on air quality."

27 **SECTION 5.(l)** G.S. 143-215.107A(d) reads as rewritten:

28 "(d) Additional Counties. – The Commission may require that motor vehicle
29 emissions inspections be performed in counties in addition to those set out in subsection
30 (c) of this section. In determining whether to require that motor vehicle emissions
31 inspections be performed in a county, the Commission may consider the population of,
32 and distribution of population in, the county; the projected change in population of, and
33 distribution of population in, the county; the number of vehicles registered in the
34 county; the projected change in the number of vehicles registered in the county; vehicle
35 miles traveled in the county; the projected change in vehicle miles traveled in the
36 county; current and projected commuting patterns in the county; and the current and
37 projected impact of these factors on attainment of air quality standards in the county and
38 in areas outside the county. The Commission may not require that motor vehicle
39 emissions inspections be performed in any county with a population of less than 40,000
40 based on the most recent population estimates prepared by the State ~~Planning-Budget~~
41 Officer. The Commission may not require that motor vehicle emissions inspections be
42 performed in any county in which the number of vehicle miles traveled per day is less
43 than 900,000, based on the most recent estimates prepared by the Department of
44 Transportation. In order to disapprove a rule that requires that motor vehicle emissions

1 inspections be performed in one or more additional counties, a bill introduced pursuant
2 to G.S. 150B-21.3(b) must amend subsection (c) of this section to add one or more other
3 counties in which the total population and vehicle miles traveled per day equal or
4 exceed the total population and vehicle miles traveled in the county or counties listed in
5 the rule that the bill would disapprove."

6 **SECTION 5.(m)** G.S. 160A-536(c) reads as rewritten:

7 "(c) Urban Area Revitalization Defined. – As used in this section, the term "urban
8 area revitalization projects" includes the provision within an urban area of any service
9 or facility that may be provided in a downtown area as a downtown revitalization
10 project under subdivision (a)(2) and subsection (b) of this section. As used in this
11 section, the term "urban area" means an area that (i) is located within a city whose
12 population exceeds 150,000 according to the most recent annual population statistics
13 certified by the State ~~Planning~~Budget Officer and (ii) meets one or more of the
14 following conditions:

- 15 (1) It is the central business district of the city.
- 16 (2) It consists primarily of existing or redeveloping concentrations of
17 industrial, retail, wholesale, office, or significant
18 employment-generating uses, or any combination of these uses.
- 19 (3) It is located in or along a major transportation corridor and does not
20 include any residential parcels that are not, at their closest point, within
21 150 feet of the major transportation corridor right-of-way or any
22 nonresidentially zoned parcels that are not, at their closest point,
23 within 1,500 feet of the major transportation corridor right-of-way.
- 24 (4) It has as its center and focus a major concentration of public or
25 institutional uses, such as airports, seaports, colleges or universities,
26 hospitals and health care facilities, or governmental facilities."

27 **SECTION 5.(n)** G.S. 162A-6(a)(14d) reads as rewritten:

28 "(a) Each authority created hereunder shall be deemed to be a public
29 instrumentality exercising public and essential governmental functions to provide for
30 the public health and welfare, and each authority is authorized and empowered:

- 31 ...
- 32 (14d) To require the owners of developed property on which there are
33 situated one or more residential dwelling units or commercial
34 establishments located within the jurisdiction of the authority and
35 within a reasonable distance of any waterline or sewer collection line
36 owned, leased as lessee, or operated by the authority to connect the
37 property with the waterline, sewer connection line, or both and fix
38 charges for the connections. The power granted by this subdivision
39 may be exercised by an authority only to the extent that the service,
40 whether water, sewer, or a combination thereof, to be provided by the
41 authority is not then being provided to the improved property by any
42 other political subdivision or by a public utility regulated by the North
43 Carolina Utilities Commission pursuant to Chapter 62 of the General
44 Statutes. In the case of improved property that would qualify for the

1 issuance of a building permit for the construction of one or more
2 residential dwelling units or commercial establishments and where the
3 authority has installed water or sewer lines or a combination thereof
4 directly available to the property, the authority may require payment of
5 a periodic availability charge, not to exceed the minimum periodic
6 service charge for properties that are connected. This subdivision
7 applies only to a water and sewer authority whose membership
8 includes part or all of a county that has a population of at least 40,000
9 according to the most recent annual population estimates certified by
10 the State ~~Planning~~Budget Officer.

11 ..."

12 **SECTION 6.** G.S. 78A-17 reads as rewritten:

13 **"§ 78A-17. Exempt transactions.**

14 Except as otherwise provided in this Chapter, the following transactions are
15 exempted from G.S. 78A-24 and G.S. 78A-49(d):

- 16 (1) Any isolated nonissuer transaction, whether effected through a dealer
17 or ~~not~~not.
- 18 (2) Any nonissuer distribution other than by a controlling person of an
19 outstanding security if
- 20 a. A recognized securities manual contains the names of the
21 issuer's officers and directors, a balance sheet of the issuer as of
22 a date within 18 months, and a profit and loss statement for
23 either the fiscal year preceding that date or the most recent year
24 of operations, or
- 25 b. A registered dealer files with the Administrator such
26 information relating to the issuer as the Administrator may by
27 rule or order require, or
- 28 c. The security has a fixed maturity or a fixed interest or dividend
29 provision and there has been no default during the current fiscal
30 year or within the three preceding fiscal years, or during the
31 existence of the issuer and any predecessors if less than three
32 years, in the payment of principal, interest, or dividends on the
33 ~~security~~security.
- 34 (3) Any nonissuer transaction effected by or through a registered dealer
35 pursuant to an unsolicited order or offer to buy; but the Administrator
36 may by rule require that the customer acknowledge upon a specified
37 form that the sale was unsolicited, and that a signed copy of each such
38 form be preserved by the dealer for a specified ~~period~~period.
- 39 (4) Any transaction between the issuer or other person on whose behalf
40 the offering is made and an underwriter, or among
41 ~~underwriters~~underwriters.
- 42 (5) Any transaction in a bond or other evidence of indebtedness secured
43 by a lien or security interest in real or personal property, or by an
44 agreement for the sale of real estate or chattels, if the entire security

- 1 interest or agreement, together with all the bonds or other evidences of
2 indebtedness secured thereby, is offered and sold as a ~~unit~~; unit.
- 3 (6) Any transaction by an executor, administrator, sheriff, marshal,
4 receiver, trustee in bankruptcy, guardian, or ~~conservator~~; conservator.
- 5 (7) Any transaction executed by a person holding a bona fide security
6 interest without any purpose of evading this ~~Chapter~~; Chapter.
- 7 (8) Any offer or sale to an entity which has a net worth in excess of one
8 million dollars (\$1,000,000) as determined by generally accepted
9 accounting principles, bank, savings institution, trust company,
10 insurance company, investment company as defined in the Investment
11 Company Act of 1940, pension or profit-sharing trust, or other
12 financial institution or institutional buyer, or to a dealer, whether the
13 purchaser is acting for itself or in some fiduciary ~~capacity~~; capacity.
- 14 (9) Any transaction pursuant to an offer directed by the offeror to not
15 more than 25 persons, other than those persons designated in
16 subdivision (8), in this State during any period of 12 consecutive
17 months, whether or not the offeror or any of the offerees is then
18 present in this State, if the seller reasonably believes that all the buyers
19 in this State are purchasing for investment. The Administrator may by
20 rule or order withdraw, amend, or further condition this exemption for
21 any security or security transaction. There is established a fee of one
22 hundred fifty dollars (\$150.00) to recover costs for any filing required.
- 23 (10) Any offer or sale of a preorganizational certificate or subscription if:
24 (i) no commission or other remuneration is paid or given directly or
25 indirectly for soliciting any prospective subscriber; (ii) no public
26 advertising or solicitation is used in connection with the offer or sale;
27 (iii) the number of subscribers does not exceed 10 and the number of
28 offerees does not exceed 25; and (iv) no payment is made by any
29 subscriber.
- 30 (11) Any transaction pursuant to an offer to existing security holders of the
31 issuer, including persons who at the time of the transaction are holders
32 of convertible securities, nontransferable warrants, or transferable
33 warrants exercisable within not more than 90 days of their issuance, if
34 (i) no commission or other remuneration (other than a standby
35 commission) is paid or given directly or indirectly for soliciting any
36 security holder in this State, or (ii) the issuer first files a notice
37 specifying the terms of the offer and the Administrator does not by
38 order disallow the exemption within the next 10 full business
39 ~~days~~; days.
- 40 (12) Any offer (but not a sale) of a security for which registration
41 statements have been filed under both this Chapter and the Securities
42 Act of 1933 if no stop order or refusal order is in effect and no public
43 proceeding or examination looking toward such an order is pending
44 under either ~~aet~~; act.

- 1 (13) Any offer or sale by a domestic entity of its own securities if (i) the
 2 entity was organized for the purpose of promoting community,
 3 agricultural or industrial development of the area in which the
 4 principal office is located, (ii) the offer or sale has been approved by
 5 resolution of the county commissioners of the county in which its
 6 principal office is located, and, if located in a municipality or within
 7 two miles of the boundaries thereof, by resolution of the governing
 8 body of such municipality, (iii) no commission or other remuneration
 9 is paid or given directly or indirectly for soliciting any prospective
 10 buyer in this State, and (iv) the ~~corporation~~ entity is both organized
 11 and operated principally to promote some community, industrial, or
 12 agricultural development that confers a public benefit rather than
 13 organized and operated principally to generate a pecuniary
 14 ~~profit~~ profit.
- 15 (14) Any offer, sale or issuance of securities pursuant to an employees'
 16 stock or equity purchase, option, savings, pension, profit-sharing, or
 17 other similar benefit plan that is exempt under the provisions of
 18 G.S. 78A-16(11);G.S. 78A-16(11).

19 ..."

20 **SECTION 7.** G.S. 90-210.69(c) reads as rewritten:

21 "(c) In accordance with the provisions of Chapter 150B of the General Statutes, if
 22 the Board finds that a licensee, an applicant for a license or an applicant for license
 23 renewal is guilty of one or more of the following, the Board may refuse to issue or
 24 renew a license or may suspend or revoke a license or place the holder thereof on
 25 probation upon conditions set by the Board, with revocation upon failure to comply with
 26 the conditions:

- 27 (1) Offering to engage or engaging in activities for which a license is
 28 required under this Article but without having obtained such a license.
- 29 (2) Aiding or abetting an unlicensed person, firm, partnership, association,
 30 corporation or other entity to offer to engage or engage in such
 31 activities.
- 32 (3) A crime involving fraud or moral turpitude by conviction thereof.
- 33 (4) Fraud or misrepresentation in obtaining or receiving a license or in
 34 preneed funeral planning.
- 35 (5) False or misleading advertising.
- 36 (6) Violating or cooperating with others to violate any provision of this
 37 Article, the rules and regulations of the Board, ~~adopted~~ or the
 38 standards set forth in Funeral Industry Practices, 16 C.F.R. 453 (1984),
 39 as amended from time to time.

40 In any case in which the Board is authorized to take any of the actions permitted
 41 under this subsection, the Board may instead accept an offer in compromise of the
 42 charges whereby the accused shall pay to the Board a penalty of not more than five
 43 thousand dollars (\$5,000). In any case in which the Board is entitled to place a licensee

1 on a term of probation, the Board may also impose a penalty of not more than five
2 thousand dollars (\$5,000) in conjunction with such probation."

3 **SECTION 8.** G.S. 96-4(t)(2) reads as rewritten:

4 "(t) Confidentiality of Records, Reports, and Information Obtained from
5 Claimants, Employers, and Units of Government.

6 ...

7 (2) Job Service Information. – (i) Except as hereinafter otherwise provided
8 it is unlawful for any person to disclose any information obtained by
9 the North Carolina State Employment Service Division from workers,
10 employers, applicants, or other persons or groups of persons in the
11 course of administering the State Public Employment Service
12 Program. Provided, however, that if all interested parties waive in
13 writing the right to hold such information confidential, the information
14 may be disclosed and used but only for those purposes that the parties
15 and the Commission have agreed upon in writing. (ii) The
16 Employment Service Division shall make public, through the
17 newspapers and any other suitable media, information as to job
18 openings and available applicants for the purpose of supplying the
19 demand for workers and employment. (iii) The Labor Market
20 Information Division shall collect, collate, and publish statistical and
21 other information relating to the work under the Commission's
22 jurisdiction; investigate economic developments, and the extent and
23 causes of unemployment and its remedies with the view of preparing
24 for the information of the General Assembly such facts as in the
25 Commission's opinion may make further legislation desirable. (iv)
26 Except as provided by Commission regulation, any information
27 published pursuant to this ~~subsection (H)~~ subdivision shall not be
28 published in any manner revealing the identity of the applicant or the
29 employing unit.

30 ..."

31 **SECTION 9.** G.S. 110-136.13(a) reads as rewritten:

32 "(a) For purposes of this section, G.S. 110-136.11, 110-136.12, and ~~110-14,~~
33 110-136.14, the term "employer" means employer as is defined at 29 U.S.C. § 203(d) in
34 the Fair Labor Standards Act."

35 **SECTION 10.** G.S. 113-307.1(b) reads as rewritten:

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

1 than the protection and propagation of game and wildlife in North Carolina and
2 administration of the laws enacted for such purposes, which laws are and shall be
3 administered by the Wildlife Resources Commission."

4 **SECTION 11.** G.S. 143-129.8(b) reads as rewritten:

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

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

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

13 **SECTION 12.** G.S. 147-69 reads as rewritten:

14 "**§ 147-69. Deposits of State funds in banks and savings and loan associations**
15 **regulated.**

16 Banks and savings and loan associations having State deposits shall furnish to the
17 Auditor of the State, upon ~~his~~the Auditor's request, a statement of the moneys which
18 have been received and paid by them on account of the treasury. The Treasurer shall
19 keep in ~~his~~the Treasurer's office a full account of all moneys deposited in and drawn
20 from all banks and savings and loan associations in which ~~he~~the Treasurer may deposit
21 or cause to be deposited any of the public funds, and ~~such~~these accounts shall be open
22 to the inspection of the Auditor. The Treasurer shall sign all checks, and no depository
23 bank or savings and loan association shall be authorized to pay checks not bearing ~~his~~
24 the Treasurer's official signature. The Treasurer is authorized to use a facsimile
25 signature machine or device in affixing ~~his~~the Treasurer's signature to warrants, checks
26 or any other instrument ~~he~~the Treasurer is required by law to sign. The Commissioner
27 of ~~Banks and Banks~~, the bank examiners, and ~~the Commissioner of Banks and~~
28 savings and loan examiners, when so required by the State Treasurer, shall keep the
29 State Treasurer fully informed at all times as to the condition of all ~~such~~these
30 depository banks and savings and loan associations, so as to fully protect the State from
31 loss. The State Treasurer shall, before making deposits in any bank or savings and loan
32 association, require ample security from the bank or savings and loan association for
33 ~~such deposit~~these deposits."

34 **SECTION 13.(a)** G.S. 163-278.39B is recodified as G.S. 163-278.38Z under
35 Part 1A of Article 22A of Chapter 163 of the General Statutes, so that the recodified
36 section appears as the first section in Part 1A.

37 **SECTION 13.(b)** G.S. 163-278.6 reads as rewritten:

38 "**§ 163-278.6. Definitions.**

39 When used in this Article:

40 ...

41 (2) The term "broadcasting station" means any commercial radio or
42 television station or community antenna radio or television station.
43 Special definitions of 'radio' and 'television' that apply only in Part 1A
44 of this Article are set forth in G.S. 163-278.38Z.

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- ...
- (4) The term "candidate" means any individual who, with respect to a public office listed in G.S. 163-278.6(18), has filed a notice of candidacy or a petition requesting to be a candidate, or has been certified as a nominee of a political party for a vacancy, has otherwise qualified as a candidate in a manner authorized by law, or has received funds or made payments or has given the consent for anyone else to receive funds or transfer anything of value for the purpose of exploring or bringing about that individual's nomination or election to office. Transferring anything of value includes incurring an obligation to transfer anything of value. Status as a candidate for the purpose of this Article continues if the individual is receiving contributions to repay loans or cover a deficit or is making expenditures to satisfy obligations from an election already held. Special definitions of 'candidate' and 'candidate campaign committee' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.
- (5) The term "communications media" or "media" means broadcasting stations, carrier current stations, newspapers, magazines, periodicals, outdoor advertising facilities, billboards, newspaper inserts, and any person or individual whose business is polling public opinion, analyzing or predicting voter behavior or voter preferences. Special definitions of 'print media,' 'radio,' and 'television' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.
- ...
- (14) The term "political committee" means a combination of two or more individuals, such as any person, committee, association, organization, or other entity that makes, or accepts anything of value to make, contributions or expenditures and has one or more of the following characteristics:
- a. Is controlled by a candidate;
 - b. Is a political party or executive committee of a political party or is controlled by a political party or executive committee of a political party;
 - c. Is created by a corporation, business entity, insurance company, labor union, or professional association pursuant to G.S. 163-278.19(b); or
 - d. Has as a major purpose to support or oppose the nomination or election of one or more clearly identified candidates.
- Supporting or opposing the election of clearly identified candidates includes supporting or opposing the candidates of a clearly identified political party.
- An entity is rebuttably presumed to have as a major purpose to support or oppose the nomination or election of one or more clearly identified candidates if it contributes or expends or both contributes

1 and expends during an election cycle more than three thousand dollars
2 (\$3,000). The presumption may be rebutted by showing that the
3 contributions and expenditures giving rise to the presumption were not
4 a major part of activities of the organization during the election cycle.
5 Contributions to referendum committees and expenditures to support
6 or oppose ballot issues shall not be facts considered to give rise to the
7 presumption or otherwise be used in determining whether an entity is a
8 political committee.

9 If the entity qualifies as a "political committee" under
10 sub-subdivision a., b., c., or d. of this subdivision, it continues to be a
11 political committee if it receives contributions or makes expenditures
12 or maintains assets or liabilities. A political committee ceases to exist
13 when it winds up its operations, disposes of its assets, and files its final
14 report.

15 Special definitions of 'political action committee' and 'candidate
16 campaign committee' that apply only in Part 1A of this Article are set
17 forth in G.S. 163-278.38Z.

- 18 (15) The term "political party" means any political party organized or
19 operating in this State, whether or not that party is recognized under
20 the provisions of G.S. 163-96. A special definition of 'political party
21 organization' that applies only in Part 1A of this Article is set forth in
22 G.S. 163-278.38Z.

23 ..."

24 **SECTION 14.(a)** Section 1 of S.L. 2001-37 is repealed.

25 **SECTION 14.(b)** S.L. 2001-37 is amended by adding a new section to read:

26 "SECTION 1.1. G.S. 160A 58.1(b)(5) does not apply to the Cities of Marion,
27 Oxford, and Rockingham and the Towns of Calabash, Catawba, Dallas, Godwin,
28 Louisburg, Mocksville, Pembroke, Rutherfordton, and Waynesville."

29 **SECTION 14.(c)** G.S. 160-58.1(b)(5) reads as rewritten:

30 "(5) The area within the proposed satellite corporate limits, when added to
31 the area within all other satellite corporate limits, may not exceed ten
32 percent (10%) of the area within the primary corporate limits of the
33 annexing city.

34 This subdivision does not apply to the Cities of Claremont,
35 Concord, Conover, Hickory, Marion, Mount Airy, New Bern, Newton,
36 Oxford, Rockingham, Sanford, Salisbury, Southport, and Statesville,
37 and the Towns of Calabash, Catawba, Dallas, Godwin, Kenly,
38 Louisburg, Maiden, Midland, Mocksville, Mooresville, Pembroke,
39 Rutherfordton, Swansboro, ~~and Warsaw~~, Warsaw, and Waynesville."

40 **SECTION 14.(d)** G.S. 160A-58.1(b1) is repealed.

41 **SECTION 15.** This act is effective when it becomes law.