GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

HOUSE BILL 1532*

Short Title: 2004 Technical Corrections Act. (Public)

Sponsors: Representative Culpepper.

Referred to: Rules, Calendar, and Operations of the House.

May 19, 2004

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 is mechanically held at full or
partial draw and released by a trigger or similar mechanism which
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 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.

The application form shall request all of the following information, and it shall
contain the disclosures concerning the request for an applicant's social security number
required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:
(1) The applicant's full name.
(2) The applicant's mailing address and residence address.
(3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.
(4) The applicant's date of birth.
(5) The applicant's valid social security number.
(6) The applicant's signature.

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

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

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 G.S. 49-13.1 is repealed.

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


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

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

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

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

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


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

…

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

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

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

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

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

(3) It has been certified by the Department of Insurance.
In making the population determination under subdivision (1) of this subsection, the Department shall use the most recent annual population estimates certified by the State Planning-Budget Officer."

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

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

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

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

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

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

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

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

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

4. Every census tract and census block group in the zone meets at least one of the following conditions:
   a. More than ten percent (10%) of its population is below the poverty level according to the most recent federal decennial census.
   b. It is immediately adjacent to another census tract or census block group that is in the same zone and has more than twenty percent (20%) of its population below the poverty level according to the most recent federal decennial census.

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

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

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

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

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

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

"§ 105-187.24. Use of tax proceeds.

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

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

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

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

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

(1) Per Capita Method. – The net proceeds of the tax collected in a taxing county shall be distributed to that county and to the municipalities in the county on a per capita basis according to the total population of the taxing county, plus the total population of the municipalities in the county. In the case of a municipality located in more than one county, only that part of its population living in the taxing county is considered
its "total population". In order to make the distribution, the Secretary shall determine a per capita figure by dividing the amount allocated to each taxing county by the total population of that county plus the total population of all municipalities in the county. The Secretary shall then multiply this per capita figure by the population of the taxing county and by the population of each municipality in the county; each respective product shall be the amount to be distributed to the county and to each municipality in the county. To determine the population of each county and each municipality, the Secretary shall use the most recent annual estimate of population certified by the State Planning Budget Officer.

(2) Ad Valorem Method. – The net proceeds of the tax collected in a taxing county shall be distributed to that county and the municipalities in the county in proportion to the total amount of ad valorem taxes levied by each on property having a tax situs in the taxing county during the fiscal year next preceding the distribution. For purposes of this section, the amount of the ad valorem taxes levied by a county or municipality includes ad valorem taxes levied by the county or municipality in behalf of a taxing district and collected by the county or municipality. In addition, the amount of taxes levied by a county includes ad valorem taxes levied by a merged school administrative unit described in G.S. 115C-513 in the part of the unit located in the county. In computing the amount of tax proceeds to be distributed to each county and municipality, the amount of any ad valorem taxes levied but not substantially collected shall be ignored. Each county and municipality receiving a distribution of the proceeds of the tax levied under this Article shall in turn immediately share the proceeds with each district in behalf of which the county or municipality levied ad valorem taxes in the proportion that the district levy bears to the total levy of the county or municipality. Any county or municipality that fails to provide the Department of Revenue with information concerning ad valorem taxes levied by it adequate to permit a timely determination of its appropriate share of tax proceeds collected under this Article may be excluded by the Secretary from each monthly distribution with respect to which the information was not provided in a timely manner, and those tax proceeds shall then be distributed only to the remaining counties or municipalities, as appropriate. For the purpose of computing the distribution of the tax under this subsection to any county and the municipalities located in the county for any month with respect to which the property valuation of a public service company is the subject of an appeal and the Department of Revenue is restrained by law from certifying the valuation to the county and the municipalities in the county, the Department shall use the last property valuation of the public service company that has been certified.
The board of county commissioners in each taxing county shall, by resolution adopted during the month of April of each year, determine which of the two foregoing methods of distribution shall be in effect in the county during the next succeeding fiscal year. In order for the resolution to be effective, a certified copy of it must be delivered to the Secretary in Raleigh within 15 calendar days after its adoption. If the board fails to adopt a resolution choosing a method of distribution not then in effect in the county, or if a certified copy of the resolution is not timely delivered to the Secretary, the method of distribution then in effect in the county shall continue in effect for the following fiscal year. The method of distribution in effect on the first of July of each fiscal year shall apply to every distribution made during that fiscal year.

SECTION 5.(k) G.S. 136-202(c) reads as rewritten:
"(c) The Department, the metropolitan planning organizations, and the Department of Environment and Natural Resources shall jointly evaluate and adjust the regions defined in each regional travel demand model at least once every five years and no later than October 1 of the year following each decennial federal census. The evaluation and adjustment shall be based on decennial census data and the most recent populations estimates certified by the State Planning Budget Officer. The adjustment of these boundaries shall reflect current and projected patterns of population, employment, travel, congestion, commuting, and public transportation use and the effects of these patterns on air quality."

SECTION 5.(l) G.S. 143-215.107A(d) reads as rewritten:
"(d) Additional Counties. – The Commission may require that motor vehicle emissions inspections be performed in counties in addition to those set out in subsection (c) of this section. In determining whether to require that motor vehicle emissions inspections be performed in a county, the Commission may consider the population of, and distribution of population in, the county; the projected change in population of, and distribution of population in, the county; the number of vehicles registered in the county; the projected change in the number of vehicles registered in the county; vehicle miles traveled in the county; the projected change in vehicle miles traveled in the county; current and projected commuting patterns in the county; and the current and projected impact of these factors on attainment of air quality standards in the county and in areas outside the county. The Commission may not require that motor vehicle emissions inspections be performed in any county with a population of less than 40,000 based on the most recent population estimates prepared by the State Planning Budget Officer. The Commission may not require that motor vehicle emissions inspections be performed in any county in which the number of vehicle miles traveled per day is less than 900,000, based on the most recent estimates prepared by the Department of Transportation. In order to disapprove a rule that requires that motor vehicle emissions inspections be performed in one or more additional counties, a bill introduced pursuant to G.S. 150B-21.3(b) must amend subsection (c) of this section to add one or more other counties in which the total population and vehicle miles traveled per day equal or exceed the total population and vehicle miles traveled in the county or counties listed in the rule that the bill would disapprove."

SECTION 5.(m) G.S. 160A-536(c) reads as rewritten:
"(c) Urban Area Revitalization Defined. – As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city whose population exceeds 150,000 according to the most recent annual population statistics certified by the State Planning Budget Officer and (ii) meets one or more of the following conditions:

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

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

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

(14d) To require the owners of developed property on which there are situated one or more residential dwelling units or commercial establishments located within the jurisdiction of the authority and within a reasonable distance of any waterline or sewer collection line owned, leased as lessee, or operated by the authority to connect the property with the waterline, sewer connection line, or both and fix charges for the connections. The power granted by this subdivision may be exercised by an authority only to the extent that the service, whether water, sewer, or a combination thereof, to be provided by the authority is not then being provided to the improved property by any other political subdivision or by a public utility regulated by the North Carolina Utilities Commission pursuant to Chapter 62 of the General Statutes. In the case of improved property that would qualify for the issuance of a building permit for the construction of one or more residential dwelling units or commercial establishments and where the authority has installed water or sewer lines or a combination thereof directly available to the property, the authority may require payment of a periodic availability charge, not to exceed the minimum periodic service charge for properties that are connected. This subdivision
applies only to a water and sewer authority whose membership
includes part or all of a county that has a population of at least 40,000
according to the most recent annual population estimates certified by
the State Planning-Budget Officer.

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

"§ 78A-17. Exempt transactions.
Except as otherwise provided in this Chapter, the following transactions are
exempted from G.S. 78A-24 and G.S. 78A-49(d):

(1) Any isolated nonissuer transaction, whether effected through a dealer
or not.

(2) Any nonissuer distribution other than by a controlling person of an
outstanding security if
a. A recognized securities manual contains the names of the
issuer's officers and directors, a balance sheet of the issuer as of
a date within 18 months, and a profit and loss statement for
either the fiscal year preceding that date or the most recent year
of operations, or

b. A registered dealer files with the Administrator such
information relating to the issuer as the Administrator may by
rule or order require, or

c. The security has a fixed maturity or a fixed interest or dividend
provision and there has been no default during the current fiscal
year or within the three preceding fiscal years, or during the
existence of the issuer and any predecessors if less than three
years, in the payment of principal, interest, or dividends on the
security.

(3) Any nonissuer transaction effected by or through a registered dealer
pursuant to an unsolicited order or offer to buy; but the Administrator
may by rule require that the customer acknowledge upon a specified
form that the sale was unsolicited, and that a signed copy of each such
form be preserved by the dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf
the offering is made and an underwriter, or among
underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured
by a lien or security interest in real or personal property, or by an
agreement for the sale of real estate or chattels, if the entire security
interest or agreement, together with all the bonds or other evidences of
indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal,
receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a person holding a bona fide security
interest without any purpose of evading this Chapter.
(8) Any offer or sale to an entity which has a net worth in excess of one million dollars ($1,000,000) as determined by generally accepted accounting principles, bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offer directed by the offeror to not more than 25 persons, other than those persons designated in subdivision (8), in this State during any period of 12 consecutive months, whether or not the offeror or any of the offerees is then present in this State, if the seller reasonably believes that all the buyers in this State are purchasing for investment. The Administrator may by rule or order withdraw, amend, or further condition this exemption for any security or security transaction. There is established a fee of one hundred fifty dollars ($150.00) to recover costs for any filing required.

(10) Any offer or sale of a preorganizational certificate or subscription if:

(i) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber;
(ii) no public advertising or solicitation is used in connection with the offer or sale;
(iii) the number of subscribers does not exceed 10 and the number of offerees does not exceed 25; and (iv) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than 90 days of their issuance, if

(i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this State, or (ii) the issuer first files a notice specifying the terms of the offer and the Administrator does not by order disallow the exemption within the next 10 full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this Chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) Any offer or sale by a domestic entity of its own securities if (i) the entity was organized for the purpose of promoting community, agricultural or industrial development of the area in which the principal office is located, (ii) the offer or sale has been approved by resolution of the county commissioners of the county in which its principal office is located, and, if located in a municipality or within
two miles of the boundaries thereof, by resolution of the governing
body of such municipality, (iii) no commission or other remuneration
is paid or given directly or indirectly for soliciting any prospective
buyer in this State, and (iv) the corporation entity is both organized
and operated principally to promote some community, industrial, or
agricultural development that confers a public benefit rather than
organized and operated principally to generate a pecuniary
profit.

(14) Any offer, sale or issuance of securities pursuant to an employees'
stock or equity purchase, option, savings, pension, profit-sharing, or
other similar benefit plan that is exempt under the provisions of
G.S.–78A–16(11); G.S. 78A–16(11).

"...

SECTION 7. G.S. 90-210.69(c) reads as rewritten:
"(c) In accordance with the provisions of Chapter 150B of the General Statutes, if
the Board finds that a licensee, an applicant for a license or an applicant for license
renewal is guilty of one or more of the following, the Board may refuse to issue or
renew a license or may suspend or revoke a license or place the holder thereof on
probation upon conditions set by the Board, with revocation upon failure to comply with
the conditions:

(1) Offering to engage or engaging in activities for which a license is
required under this Article but without having obtained such a license.

(2) Aiding or abetting an unlicensed person, firm, partnership, association,
corporation or other entity to offer to engage or engage in such
activities.

(3) A crime involving fraud or moral turpitude by conviction thereof.

(4) Fraud or misrepresentation in obtaining or receiving a license or in
preneed funeral planning.

(5) False or misleading advertising.

(6) Violating or cooperating with others to violate any provision of this
Article, the rules and regulations of the Board, adopted or the
as amended from time to time.

In any case in which the Board is authorized to take any of the actions permitted
under this subsection, the Board may instead accept an offer in compromise of the
charges whereby the accused shall pay to the Board a penalty of not more than five
thousand dollars ($5,000). In any case in which the Board is entitled to place a licensee
on a term of probation, the Board may also impose a penalty of not more than five
thousand dollars ($5,000) in conjunction with such probation."

SECTION 8. G.S. 96-4(t)(2) reads as rewritten:
"(t) Confidentiality of Records, Reports, and Information Obtained from
Claimants, Employers, and Units of Government.

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

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

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

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

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

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

"(b) Contracts for information technology may be entered into under a request for proposals procedure that satisfies the following minimum requirements:
(1) Notice of the request for proposals shall be given in accordance with G.S. 143-129(a) and G.S. 143-129(b).

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

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

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

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

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

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

§ 163-278.6. Definitions.

When used in this Article:

…

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

…

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

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

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

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

"...

SECTION 14.(a) Section 1 of S.L. 2001-37 is repealed.
SECTION 14.(b) S.L. 2001-37 is amended by adding a new section to read: "SECTION 1.1. G.S. 160A 58.1(b)(5) does not apply to the Cities of Marion, Oxford, and Rockingham and the Towns of Calabash, Catawba, Dallas, Godwin, Louisburg, Mocksville, Pembroke, Rutherfordton, and Waynesville."
SECTION 14.(c) G.S. 160-58.1(b)(5) reads as rewritten:
"(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Claremont, Concord, Conover, Hickory, Marion, Mount Airy, New Bern, Newton, Oxford, Rockingham, Sanford, Salisbury, Southport, and Statesville, and the Towns of Calabash, Catawba, Dallas, Godwin, Kenly, Louisburg, Maiden, Midland, Mocksville, Mooresville, Pembroke, Rutherfordton, Swansboro, and Warsaw. Warsaw, and Waynesville."
SECTION 14.(d) G.S. 160A-58.1(b1) is repealed.
SECTION 15. This act is effective when it becomes law.