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SESS I ON L A W S A ND R E S O L UT I O N S

PASSED BY T HE

1979 G ENERAL A SSEMBLY

AT I TS

SECON D S ESS IO N 1980*

HELD I N T HE C ITY O F RA L EIGH
BEGIN NING ON

THURSDAY, T HE F I FTH D AY O F J UNE, A.D. 1980

IS SUE D BY
SECRETARY O F S TATE T HAD EURE

P UBLISHED B Y A UTH OR I TY

*The 1979 General Assembly convened on January 10, 1979; adjourned on June 8, 1979, to reconvene on June 5, 1980; and adjourned sine die on June 25, 1980. 1979 Session Law Chapters 1 through 1077 and Resolutions 1 through 84 were enacted during the First Session 1979 and are published and indexed in a separate volume. 1979 Session Law Chapters 1078 through 1332 and Resolutions 85 through 104 were enacted during the Second Session 1980 and are published and indexed in this volume.
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STATE OF NORTH CAROLINA

PRESIDING OFFICERS OF THE
1979 GENERAL ASSEMBLY
SECOND SESSION 1980

James C. Green .................. President of the Senate .......... Bladen
Carl J. Stewart, Jr. ................ Speaker of the House of
Representatives ................. Gaston

EXECUTIVE DEPARTMENT

(Offices established by the Constitution, filled by election, and con-
stituting the Council of State)

James B. Hunt, Jr. .................... Governor .................. Wilson
James C. Green .................... Lt. Governor ................ Bladen
Thad Eure ............................ Secretary of State ........ Hertford
Henry L. Bridges .................. Auditor .................. Guilford
Harlan E. Boyles .................. Treasurer .................. Wake
A. Craig Phillips .................. Superintendent of
Public Instruction ................ Guilford
Rufus L. Edmisten .................. Attorney General ............... Watauga
James A. Graham .................. Commissioner of
Agriculture ....................... Rowan
John C. Brooks .................. Commissioner of Labor .......... Wake
John R. Ingram .................. Commissioner of
Insurance ....................... Randolph

The political affiliation of legislators and members of the Council of State listed on this and
the following pages is Democratic unless designated Republican by the abbreviation (R).

G.S. 147-16.1 authorizes publication of Executive Orders of the Governor in Session
Laws of North Carolina. Executive Orders from Governor Hunt are carried in the
Appendix to this volume.
### SENATE OFFICERS

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<td>JAMES C. GREEN</td>
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### SENATORS

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*Resigned to sit on N.C. Court of Appeals. William Geremain Hancock appointed by Governor on September 19, 1980, for remainder of term.*
## HOUSE OFFICERS

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## REPRESENTATIVES

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LEGISLATIVE SERVICES COMMISSION

SENATE PRESIDENT PRO TEMPORE W. CRAIG LAWING, Co-Chairman

HOUSE SPEAKER CARL J. STEWART, JR., Co-Chairman

SEN. CONRAD R. DUNCAN, JR.  
SEN. HAROLD W. HARDISON  
SEN. MARSHALL A. RAUCH  
SEN. JOE B. RAYNOR  
SEN. KENNETH C. ROYALL, JR.  
SEN. ROBERT S. SWAIN  

REP. HENRY E. FRYE  
REP. GORDON H. GREENWOOD  
*REP. EDWARD S. HOLMES  
REP. DWIGHT W. QUINN  
**REP. H. HORTON ROUNTREE  
REP. MARGARET TENNILLE

LEGISLATIVE SERVICES STAFF DIRECTORS

JOHN L. ALLEN, JR. ......................................................... Legislative Services Officer  
TERRENCE D. SULLIVAN ................................................... Director of Research  
FRANK R. JUSTICE ..................................................... Director of Fiscal Research  
CLYDE L. BALL ............................................................ Director of Legislative Drafting  
GEORGE R. HALL, JR. ....................................................... Administrative Officer

CONSTITUTION
OF THE
State of North Carolina

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.

ARTICLE I
DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare that:

SEC. 1. The equality and rights of persons. We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. Sovereignty of the people. All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. Internal government of the State. The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.

SEC. 4. Secession prohibited. This State shall ever remain a member of the American Union; the people thereof are part of the American nation; there is no right on the part of this State to secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union or to sever this Nation, shall be resisted with the whole power of the State.

SEC. 5. Allegiance to the United States. Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of the State in contravention or subversion thereof can have any binding force.

SEC. 6. Separation of powers. The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.
SEC. 7. Suspending laws. All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be exercised.

SEC. 8. Representation and taxation. The people of this State shall not be taxed or made subject to the payment of any impost or duty without the consent of themselves or their representatives in the General Assembly, freely given.

SEC. 9. Frequent elections. For redress of grievances and for amending and strengthening the laws, elections shall be often held.

SEC. 10. Free elections. All elections shall be free.

SEC. 11. Property qualifications. As political rights and privileges are not dependent upon or modified by property, no property qualification shall affect the right to vote or hold office.

SEC. 12. Right of assembly and petition. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

SEC. 13. Religious liberty. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience.

SEC. 14. Freedom of speech and press. Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.

SEC. 15. Education. The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

SEC. 16. Ex post facto laws. Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

SEC. 17. Slavery and involuntary servitude. Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.

SEC. 18. Courts shall be open. All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

SEC. 19. Law of the land; equal protection of the laws. No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.
CONSTITUTION OF NORTH CAROLINA

Sec. 20. General warrants. General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and shall not be granted.

Sec. 21. Inquiry into restraints on liberty. Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. Modes of prosecution. Except in misdemeanor cases initiated in the District Court Division, no person shall be put to answer any criminal charge but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the General Assembly shall prescribe, waive indictment in noncapital cases.

Sec. 23. Rights of accused. In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 24. Right of jury trial in criminal cases. No person shall be convicted of any crime but by the unanimous verdict of a jury in open court. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

Sec. 25. Right of jury trial in civil cases. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and shall remain sacred and inviolable.

Sec. 26. Jury service. No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

Sec. 27. Bail, fines, and punishments. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 28. Imprisonment for debt. There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 29. Treason against the State. Treason against the State shall consist only of levying war against it or adhering to its enemies by giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 30. Militia and the right to bear arms. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.
SEC. 31. Quartering of soldiers. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 32. Exclusive emoluments. No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

SEC. 33. Hereditary emoluments and honors. No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

SEC. 34. Perpetuities and monopolies. Perpetuities and monopolies are contrary to the genius of a free state and shall not be allowed.

SEC. 35. Recurrence to fundamental principles. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SEC. 36. Other rights of the people. The enumeration of rights in this Article shall not be construed to impair or deny others retained by the people.

ARTICLE II

LEGISLATIVE

SECTION 1. Legislative power. The legislative power of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives.

SEC. 2. Number of Senators. The Senate shall be composed of 50 Senators, biennially chosen by ballot.

SEC. 3. Senate districts; apportionment of Senators. The Senators shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment of Senators among those districts, subject to the following requirements:

(1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the district that he represents by the number of Senators apportioned to that district;

(2) Each senate district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a senate district;

(4) When established, the senate districts and the apportionment of Senators shall remain unaltered until the return of another decennial census of population taken by order of Congress.

SEC. 4. Number of Representatives. The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.

SEC. 5. Representative districts; apportionment of Representatives. The Representatives shall be elected from districts. The General Assembly, at the first regular session
inhabitants, the shall Congress, which not convening tatives among determined for this purpose by dividing the population of the district that he represents by the number of Representatives apportioned to that district:

(2) Each representative district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a representative district.

(4) When established, the representative districts and the apportionment of Representatives shall remain unaltered until the return of another decennial census of population taken by order of Congress.

Sec. 6. Qualifications for Senator. Each Senator, at the time of his election, shall be not less than 25 years of age, shall be a qualified voter of the State, and shall have resided in the State as a citizen for two years and in the district for which he is chosen for one year immediately preceding his election.

Sec. 7. Qualifications for Representative. Each Representative, at the time of his election, shall be a qualified voter of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election.

Sec. 8. Elections. The election for members of the General Assembly shall be held for the respective districts in 1972 and every two years thereafter, at the places and on the day prescribed by law.

Sec. 9. Term of office. The term of office of Senators and Representatives shall commence at the time of their election.

Sec. 10. Vacancies. Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

Sec. 11. Sessions.

(1) Regular sessions. The General Assembly shall meet in regular session in 1973 and every two years thereafter on the day prescribed by law. Neither house shall proceed upon public business unless a majority of all of its members are actually present.

(2) Extra sessions on legislative call. The President of the Senate and the Speaker of the House of Representatives shall convene the General Assembly in extra session by their joint proclamation upon receipt by the President of the Senate of written requests therefor signed by three-fifths of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by three-fifths of all the members of the House of Representatives.

Sec. 12. Oath of members. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.
Sec. 13. President of the Senate. The Lieutenant Governor shall be President of the Senate and shall preside over the Senate, but shall have no vote unless the Senate is equally divided.

Sec. 14. Other officers of the Senate.

(1) President Pro Tempore — succession to presidency. The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

(2) President Pro Tempore — temporary succession. During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate.

(3) Other Officers. The Senate shall elect its other officers.

Sec. 15. Officers of the House of Representatives. The House of Representatives shall elect its Speaker and other officers.

Sec. 16. Compensation and allowances. The members and officers of the General Assembly shall receive for their services the compensation and allowances prescribed by law. An increase in the compensation or allowances of members shall become effective at the beginning of the next regular session of the General Assembly following the session at which it was enacted.

Sec. 17. Journals. Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Sec. 18. Protests. Any member of either house may dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and have the reasons of his dissent entered on the journal.

Sec. 19. Record votes. Upon motion made in either house and seconded by one fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journal.

Sec. 20. Powers of the General Assembly. Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

Sec. 21. Style of the acts. The style of the acts shall be: "The General Assembly of North Carolina enacts:"

Sec. 22. Action on bills. All bills and resolutions of a legislative nature shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.
Sec. 23. Revenue bills. No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Sec. 24. Limitations on local, private, and special legislation.

(1) Prohibited subjects. The General Assembly shall not enact any local, private, or special act or resolution:

(a) Relating to health, sanitation, and the abatement of nuisances;
(b) Changing the names of cities, towns, and townships;
(c) Authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys;
(d) Relating to ferries or bridges;
(e) Relating to non-navigable streams;
(f) Relating to cemeteries;
(g) Relating to the pay of jurors;
(h) Erecting new townships, or changing townships lines, or establishing or changing the lines of school districts;
(i) Remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury;
(j) Regulating labor, trade, mining, or manufacturing;
(k) Extending the time for the levy or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability;
(l) Giving effect to informal wills and deeds;
(m) Granting a divorce or securing alimony in any individual case;
(n) Altering the name of any person, or legitimating any person not born in lawful wedlock, or restoring to the rights of citizenship any person convicted of a felony.

(2) Repeals. Nor shall the General Assembly enact any such local, private, or special act by partial repeal of a general law; but the General Assembly may at any time repeal local, private, or special laws enacted by it.

(3) Prohibited acts void. Any local, private, or special act or resolution enacted in violation of the provisions of this Section shall be void.
(4) General laws. The General Assembly may enact general laws regulating the matters set out in this Section.

ARTICLE III
EXECUTIVE

SECTION 1. Executive power. The executive power of the State shall be vested in the Governor.

SEC. 2. Governor and Lieutenant Governor: election, term, and qualifications.

(1) Election and term. The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) Qualifications. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to more than two consecutive terms of the same office.

SEC. 3. Succession to office of Governor.

(1) Succession as Governor. The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

(2) Succession as Acting Governor. During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

(3) Physical incapacity. The Governor may, by a written statement filed with the Attorney General, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

(4) Mental incapacity. The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in session, the Council of State, a majority of its
members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

(5) **Impeachment.** Removal of the Governor from office for any other cause shall be by impeachment.

**Sec. 4. Oath of office for Governor.** The Governor, before entering upon the duties of his office, shall, before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties pertaining to the office of Governor.

**Sec. 5. Duties of Governor.**

(1) **Residence.** The Governor shall reside at the seat of government of this State.

(2) **Information to General Assembly.** The Governor shall from time to time give the General Assembly information of the affairs of the State and recommend to their consideration such measures as he shall deem expedient.

(3) **Budget.** The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

The total expenditures of the State for the fiscal period covered by the budget shall not exceed the total of receipts during that fiscal period and the surplus remaining in the State Treasury at the beginning of the period. To insure that the State does not incur a deficit for any fiscal period, the Governor shall continually survey the collection of the revenue and shall effect the necessary economies in State expenditures, after first making adequate provision for the prompt payment of the principal of and interest on bonds and notes of the State according to their terms, whenever he determines that receipts during the fiscal period, when added to any surplus remaining in the State Treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures. This section shall not be construed to impair the power of the State to issue its bonds and notes within the limitations imposed in Article V of this Constitution, nor to impair the obligation of bonds and notes of the State now outstanding or issued hereafter.

(4) **Execution of laws.** The Governor shall take care that the laws be faithfully executed.

(5) **Commander in Chief.** The Governor shall be Commander in Chief of the military forces of the State except when they shall be called into the service of the United States.

(6) **Clemency.** The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons. The terms reprieves, commutations, and pardons shall not include paroles.

(7) **Extra sessions.** The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.
(8) **Appointments.** The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

(9) **Information.** The Governor may at any time require information in writing from the head of any administrative department or agency upon any subject relating to the duties of his office.

(10) **Administrative reorganization.** The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly.

**Sec. 6. Duties of the Lieutenant Governor.** The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He shall perform such additional duties as the General Assembly or the Governor may assign to him. He shall receive the compensation and allowances prescribed by law.

**Sec. 7. Other elective officers.**

(1) **Officers.** A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) **Duties.** Their respective duties shall be prescribed by law.

(3) **Vacancies.** If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

(4) **Interim officers.** Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.
(5) Acting officers. During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

(6) Determination of incapacity. The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

Sec. 8. Council of State. The Council of State shall consist of the officers whose offices are established by this Article.

Sec. 9. Compensation and allowances. The officers whose offices are established by this Article shall at stated periods receive the compensation and allowances prescribed by law, which shall not be diminished during the time for which they have been chosen.

Sec. 10. Seal of State. There shall be a seal of the State, which shall be kept by the Governor and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State of North Carolina," and signed by the Governor.

Sec. 11. Administrative departments. Not later than July 1, 1975, all administrative departments, agencies, and offices of the State and their respective functions, powers, and duties shall be allocated by law among and within not more than 25 principal administrative departments so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may, but need not, be allocated within a principal department.

ARTICLE IV

JUDICIAL

Section 1. Judicial power. The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

Sec. 2. General Court of Justice. The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.

Sec. 3. Judicial powers of administrative agencies. The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.
SEC. 4. Court for the Trial of Impeachments. The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieutenant Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

SEC. 5. Appellate division. The Appellate Division of the General Court of Justice shall consist of the Supreme Court and the Court of Appeals.

SEC. 6. Supreme Court.

(1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available may discharge those duties.

(2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

SEC. 7. Court of Appeals. The structure, organization, and composition of the Court of Appeals shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe.

SEC. 8. Retirement of Justices and Judges. The General Assembly shall provide by general law for the retirement of Justices and Judges of the General Court of Justice, and may provide for the temporary recall of any retired Justice or Judge to serve on the court from which he was retired. The General Assembly shall also prescribe maximum age limits for service as a Justice or Judge.


(1) Superior Court districts. The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

(2) Open at all times; sessions for trial of cases. The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. If the office of Clerk of the Superior
Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

Sec. 10. District Courts. The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office.

Sec. 11. Assignment of Judges. The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

Sec. 12. Jurisdiction of the General Court of Justice.

(1) Supreme Court. The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this Article, and the Court may issue any remedial writs necessary to give it general supervision and control over the proceedings of the other courts.

(2) Court of Appeals. The Court of Appeals shall have such appellate jurisdiction as the General Assembly may prescribe.

(3) Superior Court. Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall prescribe by general law uniformly applicable in every county of the State.

(4) District Courts; Magistrates. The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

(5) Waiver. The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.
(6) Appeals. The General Assembly shall by general law provide a proper system of appeals. Appeals from Magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State.

SEC. 13. Forms of action; rules of procedure.

(1) Forms of Action. There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment thereof, shall be termed a criminal action.

(2) Rules of procedure. The Supreme Court shall have exclusive authority to make rules of procedure and practice for the Appellate Division. The General Assembly may make rules of procedure and practice for the Superior Court and District Court Divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court Divisions.

SEC. 14. Waiver of jury trial. In all issues of fact joined in any court, the parties in any civil case may waive the right to have the issues determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

SEC. 15. Administration. The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

SEC. 16. Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court. Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may prescribe.


(1) Removal of Judges by the General Assembly. Any Justice or Judge of the General Court of Justice may be removed from office for mental or physical incapacity by joint resolution of two-thirds of all the members of each house of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least 20 days before the day on which either house of the General Assembly shall act thereon. Removal from office by the General Assembly for any other cause shall be by impeachment.

(2) Additional method of removal of Judges. The General Assembly shall prescribe a procedure, in addition to impeachment and address set forth in this Section, for the
removal of a Justice or Judge of the General Court of Justice for mental or physical incapacity interfering with the performance of his duties which is, or is likely to become, permanent, and for the censure and removal of a Justice or Judge of the General Court of Justice for wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(3) Removal of Magistrates. The General Assembly shall provide by general law for the removal of Magistrates for misconduct or mental or physical incapacity.

(4) Removal of Clerks. Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

Sec. 18. District Attorney and prosecutorial districts.

(1) District Attorneys. The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a District Attorney shall be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. The District Attorney shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

(2) Prosecution in District Court Division. Criminal actions in the District Court Division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

Sec. 19. Vacancies. Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 30 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified.

Sec. 20. Revenues and expenses of the judicial department. The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.
Sec. 21. Fees, salaries, and emoluments. The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article, but the salaries of Judges shall not be diminished during their continuance in office. In no case shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs.

ARTICLE V

FINANCE

Section 1. No capitation tax to be levied. No poll or capitation tax shall be levied by the General Assembly or by any county, city or town, or other taxing unit.

Sec. 2. State and local taxation.

(1) Power of taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.

(2) Classification. Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a State-wide basis and shall not be delegated. No class of property shall be taxed except by uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other unit of local government.

(3) Exemptions. Property belonging to the State, counties, and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding $300, any personal property. The General Assembly may exempt from taxation not exceeding $1,000 in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be made by general law uniformly applicable in every county, city and town, and other unit of local government. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this subsection.

(4) Special tax areas. Subject to the limitations imposed by Section 4, the General Assembly may enact general laws authorizing the governing body of any county, city, or town to define territorial areas and to levy taxes within those areas, in addition to those levied throughout the county, city, or town, in order to finance, provide, or maintain services, facilities, and functions in addition to or to a greater extent than those financed, provided, or maintained for the entire county, city, or town.

(5) Purposes of property tax. The General Assembly shall not authorize any county, city or town, special district, or other unit of local government to levy taxes on property, except for purposes authorized by general law uniformly applicable throughout the State, unless the tax is approved by a majority of the qualified voters of the unit who vote thereon.

(6) Income tax. The rate of tax on incomes shall not in any case exceed ten per cent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed.
(7) **Contracts.** The General Assembly may enact laws whereby the State, any county, city or town, and any other public corporation may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes only.

**Sec. 3. Limitations upon the increase of State debt.**

(1) **Authorized purposes; two-thirds limitation.** The General Assembly shall have no power to contract debts secured by a pledge of the faith and credit of the State, unless approved by a majority of the qualified voters of the State who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;

(b) to supply an unforeseen deficiency in the revenue;

(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;

(d) to suppress riots or insurrections, or to repel invasions;

(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;

(f) for any other lawful purpose, to the extent of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium.

(2) **Gift or loan of credit regulated.** The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except a corporation in which the State has a controlling interest, unless the subject is submitted to a direct vote of the people of the State, and is approved by a majority of the qualified voters who vote thereon.

(3) **Definitions.** A debt is incurred within the meaning of this Section when the State borrows money. A pledge of the faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when the State exchanges its obligations with or in any way guarantees the debts of an individual, association or private corporation.

(4) **Certain debts barred.** The General Assembly shall never assume or pay any debt or obligation, express or implied, incurred in aid of insurrection against the United States. Neither shall the General Assembly assume or pay any debt or bond incurred or issued by authority of the Convention of 1868, the special session of the General Assembly of 1868, or the General Assemblies of 1868-69 and 1869-70, unless the subject is submitted to the people of the State and is approved by a majority of all the qualified voters at a referendum held for that sole purpose.

(5) **Outstanding debt.** Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

**Sec. 4. Limitations upon the increase of local government debt.**
(1) Regulation of borrowing and debt. The General Assembly shall enact general laws relating to the borrowing of money secured by a pledge of the faith and credit and the contracting of other debts by counties, cities and towns, special districts, and other units, authorities, and agencies of local government.

(2) Authorized purposes; two-thirds limitation. The General Assembly shall have no power to authorize any county, city or town, special district, or other unit of local government to contract debts secured by a pledge of its faith and credit unless approved by a majority of the qualified voters of the unit who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;

(b) to supply an unforeseen deficiency in the revenue;

(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;

(d) to suppress riots or insurrections;

(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;

(f) for purpose authorized by general laws uniformly applicable throughout the State, to the extent of two-thirds of the amount by which the unit’s outstanding indebtedness shall have been reduced during the next preceding fiscal year.

(3) Gift or loan of credit regulated. No county, city or town, special district, or other unit of local government shall give or lend its credit in aid of any person, association, or corporation, except for public purposes as authorized by general law, and unless approved by a majority of the qualified voters of the unit who vote thereon.

(4) Certain debts barred. No county, city or town, or other unit of local government shall assume or pay any debt or the interest thereon contracted directly or indirectly in aid or support of rebellion or insurrection against the United States.

(5) Definitions. A debt is incurred within the meaning of this Section when a county, city or town, special district, or other unit, authority, or agency of local government borrows money. A pledge of faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when a county, city or town, special district, or other unit, authority, or agency of local government exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

(6) Outstanding debt. Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

Sec. 5. Acts levying taxes to state objects. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.
**Sec. 6. Inviolability of sinking funds and retirement funds.**

(1) **Sinking funds**. The General Assembly shall not use or authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which the sinking fund has been created, except that these funds may be invested as authorized by law.

(2) **Retirement funds**. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize to be used any part of the funds of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System for any purpose other than retirement system benefits and purposes, administrative expenses, and refunds; except that retirement system funds may be invested as authorized by law, subject to the investment limitation that the funds of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System shall not be applied, diverted, loaned to, or used by the State, any State agency, State officer, public officer, or public employee.

**Sec. 7. Drawing public money.**

(1) **State treasury**. No money shall be drawn from the State Treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be published annually.

(2) **Local treasury**. No money shall be drawn from the treasury of any county, city or town, or other unit of local government except by authority of law.

**Sec. 8. Health care facilities.** Notwithstanding any other provisions of this Constitution, the General Assembly may enact general laws to authorize the State, counties, cities or towns, and other State and local governmental entities to issue revenue bonds to finance or refinance for any such governmental entity or any nonprofit private corporation, regardless of any church or religious relationship, the cost of acquiring, constructing, and financing health care facility projects to be operated to serve and benefit the public; provided, no cost incurred earlier than two years prior to the effective date of this section shall be refinanced. Such bonds shall be payable from the revenues, gross or net, of any such projects and any other health care facilities of any such governmental entity or nonprofit private corporation pledged therefor; shall not be secured by a pledge of the full faith and credit, or deemed to create an indebtedness requiring voter approval of any governmental entity; and may be secured by an agreement which may provide for the conveyance of title of, with or without consideration, any such project or facilities to the governmental entity or nonprofit private corporation. The power of eminent domain shall not be used pursuant hereto for nonprofit private corporations.

**Sec. 9. Capital projects for industry.** Notwithstanding any other provision of this Constitution, the General Assembly may enact general laws to authorize counties to create authorities to issue revenue bonds to finance, but not to refinance, the cost of capital projects consisting of industrial, manufacturing and pollution control facilities for industry and pollution control facilities for public utilities, and to refund such bonds.

In no event shall such revenue bonds be secured by or payable from any public moneys whatsoever, but such revenue bonds shall be secured by and payable only from revenues or property derived from private parties. All such capital projects and
all transactions therefor shall be subject to taxation to the extent such projects and transactions would be subject to taxation if no public body were involved therewith; provided, however, that the General Assembly may provide that the interest on such revenue bonds shall be exempt from income taxes within the State.

The power of eminent domain shall not be exercised to provide any property for any such capital project.

Sec. 10. Joint ownership of generation and transmission facilities. In addition to other powers conferred upon them by law, municipalities owning or operating facilities for the generation, transmission or distribution of electric power and energy and joint agencies formed by such municipalities for the purpose of owning or operating facilities for the generation and transmission of electric power and energy (each, respectively, "a unit of municipal government") may jointly or severally own, operate and maintain works, plants and facilities, within or without the State, for the generation and transmission of electric power and energy, or both, with any person, firm, association or corporation, public or private, engaged in the generation, transmission or distribution of electric power and energy for resale (each, respectively, "a co-owner") within this State or any state contiguous to this State, and may enter into and carry out agreements with respect to such jointly owned facilities. For the purpose of financing its share of the cost of any such jointly owned electric generation or transmission facilities, a unit of municipal government may issue its revenue bonds in the manner prescribed by the General Assembly, payable as to both principal and interest solely from and secured by a lien and charge on all or any part of the revenue derived, or to be derived, by such unit of municipal government from the ownership and operation of its electric facilities; provided, however, that no unit of municipal government shall be liable, either jointly or severally, for any acts, omissions or obligations of any co-owner, nor shall any money or property of any unit of municipal government be credited or otherwise applied to the account of any co-owner or be charged with any debt, lien or mortgage as a result of any debt or obligation of any co-owner.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. Who may vote. Every person born in the United States and every person who has been naturalized, 18 years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

Sec. 2. Qualifications of voter.

(1) Residence period for State elections. Any person who has resided in the State of North Carolina for one year and in the precinct, ward, or other election district for 30 days next preceding an election, and possesses the other qualifications set out in this Article, shall be entitled to vote at any election held in this State. Removal from one precinct, ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which that person has removed until 30 days after the removal.

(2) Residence period for presidential elections. The General Assembly may reduce the time of residence for persons voting in presidential elections. A person made eligible by reason of a reduction in time of residence shall possess the other qualifications
set out in this Article, shall only be entitled to vote for President and Vice President of the United States or for electors for President and Vice President, and shall not thereby become eligible to hold office in this State.

(3) Disqualification of felon. No person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, shall be permitted to vote unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

SEC. 3. Registration. Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

SEC. 4. Qualification for registration. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.

SEC. 5. Elections by people and General Assembly. All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce. A contested election for any office established by Article III of this Constitution shall be determined by joint ballot of both houses of the General Assembly in the manner prescribed by law.

SEC. 6. Eligibility to elective office. Every qualified voter in North Carolina who is 21 years of age, except as in this Constitution disqualified, shall be eligible for election by the people to office.

SEC. 7. Oath. Before entering upon the duties of an office, a person elected or appointed to the office shall take and subscribe the following oath:

"I, .................................., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as .................................., so help me God."

SEC. 8. Disqualifications for office. The following persons shall be disqualified for office:

First, any person who shall deny the being of Almighty God.

Second, with respect to any office that is filled by election by the people, any person who is not qualified to vote in an election for that office.

Third, any person who has been adjudged guilty of treason or any other felony against this State or the United States, or any person who has been adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, or any person who has been adjudged guilty of corruption or malpractice in any office, or any person who has been removed by impeachment from any office, and who has not been restored to the rights of citizenship in the manner prescribed by law.
Sec. 9. Dual office holding.

(1) Prohibitions. It is salutary that the responsibilities of self-government be widely shared among the citizens of the State and that the potential abuse of authority inherent in the holding of multiple offices by an individual be avoided. Therefore, no person who holds any office or place of trust or profit under the United States or any department thereof, or under any other state or government, shall be eligible to hold any office in this State that is filled by election by the people. No person shall hold concurrently any two offices in this State that are filled by election of the people. No person shall hold concurrently any two or more appointive offices or places of trust or profit, or any combination of elective and appointive offices or places of trust or profit, except as the General Assembly shall provide by general law.

(2) Exceptions. The provisions of this Section shall not prohibit any officer of the military forces of the State or of the United States not on active duty for an extensive period of time, any notary public, or any delegate to a Convention of the People from holding concurrently another office or place of trust or profit under this State or the United States or any department thereof.

Sec. 10. Continuation in office. In the absence of any contrary provision, all officers in this State, whether appointed or elected, shall hold their positions until other appointments are made or, if the offices are elective, until their successors are chosen and qualified.

Article VII

Local Government

Section 1. General Assembly to provide for local government. The General Assembly shall provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable.

The General Assembly shall not incorporate as a city or town, nor shall it authorize to be incorporated as a city or town, any territory lying within one mile of the corporate limits of any other city or town having a population of 5,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within three miles of the corporate limits of any other city or town having a population of 10,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within four miles of the corporate limits of any other city or town having a population of 25,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within five miles of the corporate limits of any other city or town having a population of 50,000 or more according to the most recent decennial census of population taken by order of Congress. Notwithstanding the foregoing limitations, the General Assembly may incorporate a city or town by an act adopted by vote of three-fifths of all the members of each house.

Sec. 2. Sheriffs. In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the General Assembly are elected and shall hold his office for a period of four years, subject to removal for cause as provided by law.
Sec. 3. Merged or consolidated counties. Any unit of local government formed by the merger or consolidation of a county or counties and the cities and towns therein shall be deemed both a county and a city for the purposes of this Constitution, and may exercise any authority conferred by law on counties, or on cities and towns, or both, as the General Assembly may provide.

ARTICLE VIII
CORPORATIONS

Section 1. Corporate charters. No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering, organization, and powers of all corporations, and for the amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general acts may be altered from time to time or repealed. The General Assembly may at any time by special act repeal the charter of any corporation.

Sec. 2. Corporations defined. The term “corporation” as used in this Section shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

ARTICLE IX
EDUCATION

Section 1. Education encouraged. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

Sec. 2. Uniform system of schools.

(1) General and uniform system; term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

(2) Local responsibility. The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.

Sec. 3. School attendance. The General Assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.

Sec. 4. State Board of Education.

(1) Board. The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmat-
tion by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

(2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

SEC. 5. Powers and duties of Board. The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

SEC. 6. State school fund. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and, together with so much of the revenue of the State as may be set apart for that purpose, shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.

SEC. 7. County school fund. All moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.

SEC. 8. Higher education. The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise. The General Assembly shall provide for the selection of trustees of The University of North Carolina and of the other institutions of higher education, in whom shall be vested all the privileges, rights, franchises, and endowments heretofore granted to or conferred upon the trustees of these institutions. The General Assembly may enact laws necessary and expedient for the maintenance and management of The University of North Carolina and the other public institutions of higher education.

SEC. 9. Benefits of public institutions of higher education. The General Assembly shall provide that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of expense.

SEC. 10. Escheats.

(1) Escheats prior to July 1, 1971. All property that prior to July 1, 1971, accrued to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be appropriated to the use of The University of North Carolina.
(2) *Escheats after June 30, 1971.* All property that, after June 30, 1971, shall accrue to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be used to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. The method, amount, and type of distribution shall be prescribed by law.

**ARTICLE X**

**HOMESTEADS AND EXEMPTIONS**

**Section 1. Personal property exemptions.** The personal property of any resident of this State, to a value fixed by the General Assembly but not less than $500, to be selected by the resident, is exempted from sale under execution or other final process of any court, issued for the collection of any debt.

**Sec. 2. Homestead exemptions.**

1. Exemption from sale; exceptions. Every homestead and the dwellings and buildings used therewith, to a value fixed by the General Assembly but not less than $1,000, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city or town with the dwellings and buildings used thereon, and to the same value, owned and occupied by a resident of the State, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for its purchase.

2. Exemption for benefit of children. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of the owner’s children, or any of them.

3. Exemption for benefit of surviving spouse. If the owner of a homestead dies, leaving a surviving spouse but no minor children, the homestead shall be exempt from the debts of the owner, and the rents and profits thereof shall inure to the benefit of the surviving spouse until he or she remarries, unless the surviving spouse is the owner of a separate homestead.

4. Conveyance of homestead. Nothing contained in this Article shall operate to prevent the owner of a homestead from disposing of it by deed, but no deed made by a married owner of a homestead shall be valid without the signature and acknowledgement of his or her spouse.

**Sec. 3. Mechanics' and laborers' liens.** The General Assembly shall provide by proper legislation for giving to mechanics and laborers an adequate lien on the subject-matter of their labor. The provisions of Sections 1 and 2 of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming the exemption or a mechanic's lien for work done on the premises.

**Sec. 4. Property of married women secured to them.** The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised
and bequeathed and conveyed by her, subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

Sec. 5. Insurance. A person may insure his or her own life for the sole use and benefit of his or her spouse or children or both, and upon his or her death the proceeds from the insurance shall be paid to or for the benefit of the spouse or children or both, or to a guardian, free from all claims of the representatives or creditors of the insured or his or her estate. Any insurance policy which insures the life of a person for the sole use and benefit of that person's spouse or children or both shall not be subject to the claims of creditors of the insured during his or her lifetime, whether or not the policy reserves to the insured during his or her lifetime any or all rights provided for by the policy and whether or not the policy proceeds are payable to the estate of the insured in the event the beneficiary or beneficiaries predecease the insured.

ARTICLE XI
PUNISHMENTS, CORRECTIONS, AND CHARITIES

SECTION 1. Punishments. The following punishments only shall be known to the laws of this State: death, imprisonment, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

Sec. 2. Death punishment. The object of punishments being not only to satisfy justice, but also to reform the offender and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Sec. 3. Charitable and correctional institutions and agencies. Such charitable, benevolent, penal, and correctional institutions and agencies as the needs of humanity and the public good may require shall be established and operated by the State under such organization and in such manner as the General Assembly may prescribe.

Sec. 4. Welfare policy; board of public welfare. Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state. Therefore the General Assembly shall provide for and define the duties of a board of public welfare.

ARTICLE XII
MILITARY FORCES

SECTION 1. Governor is Commander in Chief. The Governor shall be Commander in Chief of the military forces of the State and may call out those forces to execute the law, suppress riots and insurrections, and repel invasion.

ARTICLE XIII
CONVENTIONS; CONSTITUTIONAL AMENDMENT AND REVISION

SECTION 1. Convention of the People. No Convention of the People of this State shall ever be called unless by the concurrence of two-thirds of all the members of
each house of the General Assembly, and unless the proposition "Convention or No Convention" is first submitted to the qualified voters of the State at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast upon the proposition are in favor of a Convention, it shall assemble on the day prescribed by the General Assembly. The General Assembly shall, in the act submitting the convention proposition, propose limitations upon the authority of the Convention; and if a majority of the votes cast upon the proposition are in favor of a Convention, those limitations shall become binding upon the Convention. Delegates to the Convention shall be elected by the qualified voters at the time and in the manner prescribed in the act of submission. The Convention shall consist of a number of delegates equal to the membership of the House of Representatives of the General Assembly that submits the convention proposition and the delegates shall be apportioned as is the House of Representatives. A Convention shall adopt no ordinance not necessary to the purpose for which the Convention has been called.

SEC. 2. Power to revise or amend Constitution reserved to people. The people of this State reserve the power to amend this Constitution and to adopt a new or revised Constitution. This power may be exercised by either of the methods set out hereinafter in this Article, but in no other way.

SEC. 3. Revision or amendment by Convention of the People. A Convention of the People of this State may be called pursuant to Section 1 of this Article to propose a new or revised Constitution or to propose amendments to this Constitution. Every new or revised Constitution and every constitutional amendment adopted by a Convention shall be submitted to the qualified voters of the State at the time and in the manner prescribed by the Convention. If a majority of the votes cast thereon are in favor of ratification of the new or revised Constitution or the constitutional amendment or amendments, it or they shall become effective January first next after ratification by the qualified voters unless a different effective date is prescribed by the Convention.

SEC. 4. Revision or amendment by legislative initiation. A proposal of a new or revised Constitution or an amendment or amendments to this Constitution may be initiated by the General Assembly, but only if three-fifths of all the members of each house shall adopt an act submitting the proposal to the qualified voters of the State for their ratification or rejection. The proposal shall be submitted at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast thereon are in favor of the proposed new or revised Constitution or constitutional amendment or amendments, it or they shall become effective January first next after ratification by the voters unless a different effective date is prescribed in the act submitting the proposal or proposals to the qualified voters.

ARTICLE XIV

MISCELLANEOUS

SECTION 1. Seat of government. The permanent seat of government of this State shall be at the City of Raleigh.

SEC. 2. State boundaries. The limits and boundaries of the State shall be and remain as they now are.

SEC. 3. General laws defined. Whenever the General Assembly is directed or authorized by this Constitution to enact general laws, or general laws uniformly applica-
ble throughout the State, or general laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, no special or local act shall be enacted concerning the subject matter directed or authorized to be accomplished by general or uniformly applicable laws, and every amendment or repeal of any law relating to such subject matter shall also be general and uniform in its effect throughout the State. General laws may be enacted for classes defined by population or other criteria. General laws uniformly applicable throughout the State shall be made applicable without classification or exception in every unit of local government of like kind, such as every county, or every city and town, but need not be made applicable in every unit of local government in the State. General laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, shall be made applicable without classification or exception in every unit of local government, or in every local court district, as the case may be. The General Assembly may at any time repeal any special, local, or private act.

Sec. 4. Continuity of laws; protection of office holders. The laws of North Carolina not in conflict with this Constitution shall continue in force until lawfully altered. Except as otherwise specifically provided, the adoption of this Constitution shall not have the effect of vacating any office or term of office now filled or held by virtue of any election or appointment made under the prior Constitution of North Carolina and the laws of the State enacted pursuant thereto.

Sec. 5. Conservation of natural resources. It shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions to acquire and preserve park, recreational, and scenic areas, to control and limit the pollution of our air and water, to control excessive noise, and in every other appropriate way to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, openlands, and places of beauty.

To accomplish the aforementioned public purposes, the State and its counties, cities and towns, and other units of local government may acquire by purchase or gift properties or interests in properties which shall, upon their special dedication to and acceptance by resolution adopted by a vote of three-fifths of the members of each house of the General Assembly for those public purposes, constitute part of the "State Nature and Historic Preserve", and which shall not be used for other purposes except as authorized by the law enacted by a vote of three-fifths of the members of each house of the General Assembly. The General Assembly shall prescribe by general law the conditions and procedures under which such properties or interests therein shall be dedicated for the aforementioned public purposes.
H. B. 1559  CHAPTER 1078

AN ACT TO REPEAL A CERTAIN PROVISION OF CHAPTER 501 OF THE 1979 SESSION LAWS RELATING TO THE GREENSBORO-HIGH POINT AIRPORT AUTHORITY, ESTABLISHING ENABLING LEGISLATION FOR SAID AUTHORITY, RE-ENACTING AND RATIFYING CERTAIN PRIOR LAWS RELATING TO SAID AUTHORITY AND PROVIDING FOR THE MEMBERSHIP OF SAID AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. It is hereby found and determined as follows:

(a) the Greensboro-High Point Airport Authority (The “Authority”) was duly created under and pursuant to Chapter 98 of the 1941 Public-Local Laws of North Carolina, as amended by Chapter 601 of the 1943 Session Laws, Chapter 137 of the 1945 Session Laws, Chapter 1198 of the 1957 Session Laws and Chapter 793 of the 1969 Session Laws;

(b) the Authority as created pursuant to said Chapter 98 has been operating and continues to operate the Greensboro/High Point/Winston-Salem Regional Airport (the “Airport”);

(c) Chapter 501 of the 1979 Session Laws, entitled “An Act to Revise and Consolidate the Charter of the City of High Point and to Repeal Prior Charter Acts”, in repealing certain acts or portions of acts described therein as having served the purposes for which they were enacted or having been consolidated into said Chapter 501, included said Chapter 98 creating the Authority; and

(d) it was not the intent of the General Assembly of North Carolina by the enactment of said Chapter 501 relating to the revision of the Charter of the City of High Point to repeal or modify in any respect the provisions of said Chapter 98 relating to the Authority.

Sec. 2. That the specific provision of Sec. 4 of said Chapter 501 purporting to repeal said Chapter 98 of the 1941 Public-Local Laws of North Carolina is hereby repealed.
Sec. 3. Legislation for the Authority is provided as follows:

Section (a). There is hereby created the “Greensboro-High Point Airport Authority” (for brevity hereinafter referred to as the “Airport Authority”), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future acts of the General Assembly.

Section (b). The Airport Authority shall consist of five members of whom two shall be resident voters of the City of High Point, two shall be resident voters of the City of Greensboro, and one from Guilford County at-large. Upon the expiration of the terms of the present members of the Airport Authority in April, 1970, the City Council of the City of Greensboro shall appoint one member to the Airport Authority for a term of three years and the City Council of the City of High Point shall appoint one member to the Airport Authority for a period of three years. Thereafter each of said City Councils shall appoint one member for a term of three years upon the expiration of the term of the member appointed by it. Upon the expiration of the term of the present members of the Airport Authority in April, 1970, the Guilford County Board of Commissioners shall appoint the at-large member for a term of three years and shall appoint the two other members, with one of said two members being appointed for a term of one year and the other for a term of two years. Thereafter, upon the expiration of the term of any member appointed by it, the Guilford County Board of Commissioners shall appoint all members to be appointed by it for terms of three years each. Any of the foregoing to the contrary notwithstanding, the present members of the Airport Authority and their terms shall be as set forth in Section 6 of this Act; provided that following the respective expirations of the terms of such present members, the members of the Airport Authority shall be appointed and shall serve for the terms as provided in this Section (b). Any vacancy occurring among the membership of the Airport Authority shall be filled by appointment of a member for the unexpired term thereof, such appointment to be made by the City Council or Board of Commissioners whose appointee creates such vacancy. Each of the members and their successors so appointed shall take and subscribe before the Clerk of the Superior Court of Guilford County, an oath of office and file the same with the Guilford County Board of Commissioners. All duly appointed members of the Airport Authority shall serve as such members until their respective successors have been duly appointed and sworn in the manner above set forth.

Section (c). The members of the Airport Authority, for the purpose of doing business, shall constitute a Board of Directors, which may adopt suitable bylaws, not inconsistent with the provisions of this act, for its management. The members of the Board shall receive no compensation per diem or otherwise, but shall be allowed and paid their actual traveling, lodging, and meal expenses incurred in transacting the business and at the instance of the said Airport Authority.

Section (d). The said Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

(1) to purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft, and all facilities incidental to the operation of such airports or landing fields, within the limits of Guilford County; and for any of
such purposes, to purchase, acquire, own, hold, lease and/or operate real or personal property;

(2) to purchase real or personal property;

(3) to sue or be sued in the name of said Airport Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining or operating any airport within the limits of said county, and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said Airport Authority. The said Airport Authority may acquire by purchase, or otherwise, any existing lease, leasehold right or other interest in any existing airport located in the county of Guilford;

(4) to charge and collect reasonable and adequate fees, royalties, rents, or other charges for the use of property owned, leased or otherwise controlled or operated by said Airport Authority or for services rendered in the operation thereof;

(5) to make all reasonable rules and regulations as it deems necessary for the proper maintenance, use, operation, and control of any airport or airport facilities owned, leased, or controlled by said Airport Authority; to provide penalties for the violation of such rules and regulations; provided said rules and regulations and penalties be not in conflict with the laws of the State of North Carolina, and the rules and regulations of the Federal Aviation Administration;

(6) to sell, or otherwise dispose of, any property, real or personal, belonging to the Airport Authority, but no sale of real property shall be made without the approval of the Board of County Commissioners of Guilford County;

(7) to purchase such insurance as the Airport Authority shall deem necessary;

(8) to authorize, deny or withdraw the right of any person, firm or corporation to construct, operate or maintain any airport or landing field within Guilford County. Said Airport Authority is further authorized and fully empowered to maintain and operate any airport or landing field jointly with any adjoining county or counties or jointly with other airport authorities operating under authorization from one or more adjoining counties of the municipalities therein;

(9) to deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time, for the deposit or investment of unit funds;

(10) to purchase any of its outstanding bonds or notes;

(11) to operate, own, lease, control, regulate, or grant to others the right to operate on any airport premises, restaurants, snack bars and vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, motion picture shows, personal service establishments, and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the public of a complete air terminal installation;

(12) to possess the same exemptions in respect to payment of taxes and license fees as provided for municipal corporations by the laws of the State of North Carolina.

Section (e). The Airport Authority is hereby declared to be a "municipality" within the meaning of the Local Government Revenue Bond Act having the power granted to municipalities therein.
Section (f). The Airport Authority is hereby authorized and empowered to acquire from the county of Guilford, the cities of Greensboro and High Point, by agreement therewith, and such county and cities are hereby authorized and empowered to grant and convey, either by gift or for such consideration as it may be deemed wise, any real or personal property which it now owns or may hereafter be acquired, and which may be necessary for the construction, operation, and maintenance of any airport or facilities of same located in the county of Guilford.

Section (g). Any lands acquired, owned, controlled or occupied by the said Airport Authority shall, and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.

Section (h). Private property needed by said Airport Authority for any airport, landing field, or facilities of same may be acquired by gift or devise, or may be acquired by private purchase or by the exercise of the power of eminent domain by the Airport Authority, pursuant to the provisions of Chapter 40 of the General Statutes of North Carolina, as amended. Avigation easements needed by the Airport Authority for any airport, landing field or facilities of same may likewise be acquired by gift, devise, or private purchase or by the exercise of the power of eminent domain by said Authority, pursuant to the provisions of Chapter 40 of the General Statutes of North Carolina.

Section (i). The said Airport Authority shall make an annual report to the Guilford County Commissioners, setting forth in detail the operations and transactions conducted by it pursuant to this act. The said Airport Authority shall be regarded as the corporate instrumentality and agent for the County of Guilford for the purpose of developing airport facilities in the County of Guilford, but it shall have no power to pledge the credit of the County of Guilford, or any subdivision thereof, or to impose any obligation upon the County of Guilford or any subdivision thereof, except and when such power is expressly granted by statute.

Section (j). All rights and powers given to the counties or municipalities by the statutes of North Carolina, which may now be in effect or be enacted in the future relating to the development, regulation and control of municipal airports and the regulations of aircraft, are hereby vested in the said Airport Authority, and the County of Guilford may delegate its powers under the said acts to the Authority and the Authority shall have concurrent right with the County of Guilford to control, regulate and provide for the development of aviation in the County of Guilford.

Section (k). The said Airport Authority is hereby authorized to employ such agents, engineers and attorneys and other persons whose services may be deemed by the Airport Authority to be necessary or useful in carrying out the provisions of this act. Members of the said Airport Authority shall not be personally liable, in any manner, for their acts as members of the Airport Authority, except for misfeasance or malfeasance.

Sec. 4. To the extent that said Chapter 501 may have been effective in repealing said Chapter 98, if it did so, said Chapter 98 as amended by Chapter 601 of the 1943 Session Laws, Chapter 137 of the 1945 Session Laws, Chapter 1198 of the 1957 Session Laws and Chapter 793 of the 1969 Session Laws and as further amended by the provisions of The Local Government Revenue Bond Act, the same being Article 5 of Chapter 159 of the General Statutes of North Carolina, is hereby re-enacted, ratified, validated and confirmed in all respects
as if said Chapter 501 had not repealed said Chapter 98, and the continued operation of the Airport by, and the continued existence of, the Authority are hereby ratified, validated and confirmed in all respects, in each case.

Sec. 5. To the extent said Chapter 501 may have rendered invalid any acts of the Authority otherwise lawful, if it did so, all actions taken by the Authority since the enactment of said Chapter 501, to the extent that such actions would have been lawfully authorized as if said Chapter 501 had not been enacted, are hereby ratified, validated and confirmed in all respects.

Sec. 6. The following individuals are now serving as members of the Authority, having been appointed by the governing bodies of the Cities of Greensboro and High Point and the County of Guilford, for terms identical with the terms hereinafter established and such individuals are hereby appointed members of the Authority for the terms, and are deemed to have been appointed by the governing bodies of the Cities of Greensboro and High Point and the County of Guilford, hereinafter set forth:

City of Greensboro: Hermon F. Fox for a term ending April 20, 1982.
City of High Point: Wray M. Amos for a term ending April 20, 1982.

Sec. 7. If any one or more sections, clauses, sentences or parts of this act shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this act in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Sec. 8. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1980.

H. B. 1208       CHAPTER 1079
AN ACT TO VALIDATE CERTAIN PROCEEDINGS AND ELECTIONS RELATING TO SANITARY DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130-152.2 is amended by deleting the date, "May 1, 1971" and substituting the date, "April 1, 1979".

Sec. 2. G.S. 130-154 is amended by deleting the date, "April 1, 1957" and substituting the date, "April 1, 1979".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1980.
H. B. 1187  CHAPTER 1080

AN ACT TO ALLOW CLERKS OF COURT TO HOLD PERSONS IN CIVIL CONTEMPT IN CERTAIN INSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 5A-21(b) as the same is found in the 1977 Cumulative Supplement to Volume 1B of the General Statutes is amended by deleting the phrase on line 1 "judge may order a civil contemnor" and by inserting in lieu thereof the following: "person who is found in civil contempt may be".

Sec. 2. G.S. 5A-23(b) as the same is found in the 1977 Cumulative Supplement to Volume 1B of the General Statutes is amended by deleting the word "Proceedings" on line 1 and inserting in lieu thereof the following: "Except when the General Statutes specifically provide for the exercise of contempt power by the clerk of superior court, proceedings".

Sec. 3. G.S. 5A-23(d) as the same is found in the 1977 Cumulative Supplement to Volume 1B of the General Statutes is amended by deleting the word "judge" on line one and inserting in lieu thereof the words "judicial official".

Sec. 4. G.S. 5A-23(e) as the same is found in the 1977 Cumulative Supplement to Volume 1B of the General Statutes is amended by deleting the word "judge" from line 1 and line 2, and by inserting in lieu thereof the words "judicial official".

Sec. 5. G.S. 7A-103(7) as the same appears in the 1977 Cumulative Supplement to Volume 1B of the General Statutes is rewritten to read as follows:

"(7) Preserve order in his court, punish criminal contempts, and hold persons in civil contempt; subject to the limitations contained in Chapter 5A of the General Statutes of North Carolina."

Sec. 6. G.S. 7A-292(2) as the same appears in the 1977 Cumulative Supplement to Volume 1B of the General Statutes is rewritten to read as follows: "(2) To punish for direct criminal contempt subject to the limitations contained in Chapter 5A of the General Statutes of North Carolina."

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1980.

H. B. 1514  CHAPTER 1081

AN ACT TO RAISE THE FORMAL BID LIMIT ON PURCHASE CONTRACTS AND TO RAISE THE LIMIT ON FORCE ACCOUNT WORK IN CERTAIN SITUATIONS.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 143-129 is amended by deleting the words and figures "two thousand five hundred dollars ($2,500)" and substituting the words and figures "five thousand dollars ($5,000)".

Sec. 2. This act shall become effective July 1, 1979.

In the General Assembly read three times and ratified, this the 13th day of June, 1980.
S. B. 661  

CHAPTER 1082

AN ACT TO AMEND G.S. 115-39 PERTAINING TO THE EMPLOYMENT OF SUPERINTENDENTS OF SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115-39 is amended after the third sentence of the first paragraph by adding the following:

"The county board of education may, with the written consent of the current superintendent, extend or renew the term of the superintendent’s contract at any time during the final year of his term. Provided, however, in any year when new members are to be elected or appointed, the board may not act until after the new members have been sworn in."

Sec. 2. G.S. 115-39 is amended after the first sentence of the third paragraph by adding the following:

"The city board of education may, with the written consent of the current superintendent, extend or renew the term of the superintendent’s contract at any time during the final year of his term. Provided, however, in any year when new members are to be elected or appointed, the board may not act until after the new members have been sworn in."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1980.

S. B. 912  

CHAPTER 1083

AN ACT TO AMEND G.S. CHAPTER 58, ARTICLE 4 RELATING TO "INSURANCE PREMIUM FINANCING".

The General Assembly of North Carolina enacts:

Section 1. Amend G.S. Chapter 58-59(c) as follows:

Rewrite G.S. Chapter 58-59(c) beginning on line 7 to read as follows:

"at a rate not exceeding twelve dollars ($12.00) per one hundred dollars ($100.00) per annum; plus a non-refundable origination fee which shall not exceed ten dollars ($10.00) per premium finance agreement."

Sec. 2. G.S. Chapter 58-59 is amended by adding a new subsection (f) to read as follows:

"(f) A premium service agreement may provide for the payment by the insured of a delinquency and collection charge on each installment in default for a period of not less than five days in an amount of one dollar ($1.00) or a maximum of five percent (5%) of such installment, whichever is greater, provided that only one such delinquency and collection charge may be collected on any such installment regardless of the period during which it remains in default."

Sec. 3. This act shall be in full force and effect on July 1, 1980.

In the General Assembly read three times and ratified, this the 13th day of June, 1980.
AN ACT TO CONFORM THE FEE FOR REISSUING A SALES OR USE TAX LICENSE WHEN THE LICENSE HAS BEEN SUSPENDED OR REVOKED TO THE SAME FEE AS ISSUANCE OF A NEW LICENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.29 is amended by deleting the words “one dollar ($1.00)”, and inserting in lieu thereof the words “five dollars ($5.00)”.  
Sec. 2. This act shall become effective July 1, 1980.  
In the General Assembly read three times and ratified, this the 13th day of June, 1980.

AN ACT TO ALLOW GARNISHEES TO RESPOND TO NOTICES OF GARNISHMENT UNDER THE REVENUE ACT AND THE MACHINERY ACT BY CERTIFIED AS WELL AS REGISTERED MAIL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-242(b), as the same appears in Replacement Volume 2D of the 1979 General Statutes, is amended in lines 39 and 47 by in each place deleting the word “registered” and inserting in lieu thereof in each place the word “registered or certified”.  
Sec. 2. G.S. 105-368(c) and G.S. 105-368(d) are each amended by deleting the word “registered” and inserting in lieu thereof in each place the words “registered or certified”.  
Sec. 3. This act shall become effective October 1, 1980.  
In the General Assembly read three times and ratified, this the 13th day of June, 1980.

AN ACT TO PROVIDE THAT REPORTS ON SPECIAL FUEL TAX AND REPORTS AND TAX ON OUT-OF-STATE FUEL SHALL BE DUE ON THE SAME DATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-449.10 is amended by deleting the words “the twenty-fifth day” and inserting in lieu thereof the words “the last day”.  
Sec. 2. G.S. 105-449.42 and G.S. 105-449.45 are amended by deleting the words “the twentieth day” and inserting in lieu thereof the words “the last day”.  
Sec. 3. This act shall become effective October 1, 1980. 
In the General Assembly read three times and ratified, this the 13th day of June, 1980.
S. B. 1016    CHAPTER 1087
AN ACT TO AMEND CHAPTER 93 OF THE GENERAL STATUTES RELATING TO PUBLIC ACCOUNTANTS.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 93-12 is rewritten to read:
"Said Board is created as an agency of the State of North Carolina and shall consist of seven members to be appointed by the Governor, five persons to be holders of valid and unrevoked certificates as certified public accountants issued under the provisions of this Chapter and two persons who are not certified public accountants who shall represent the interest of the public at large."

Sec. 2. G.S. 93-12 is further amended on line 15 by inserting between the words "June" and "The" the following sentences:
"All Board members serving on June 30, 1980, shall be eligible to complete their respective terms. No member appointed to a term on or after July 1, 1980, shall serve more than two complete consecutive terms."

Sec. 3. G.S. 143-34.12 is amended by deleting line 49 of the section which reads as follows:
"Chapter 93, entitled 'Public Accountants'."

Sec. 4. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 16th day of June, 1980.

H. B. 710    CHAPTER 1088
AN ACT TO CREATE A CENTRAL REGISTRY WHEREIN NATURAL FATHERS MAY RECORD THEIR INTEREST IN THEIR CHILDREN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-6(a)(3)a., as the same appears in the Supplement to Volume 2A of the General Statutes, is hereby amended on line 2 thereof by inserting between the word "affidavit" and the semicolon two new clauses, to read as follows:
"which has been filed in a central registry maintained by the Department of Human Resources; provided, the court shall inquire of the Department of Human Resources as to whether such an affidavit has been so filed and shall incorporate into the case record the Department's certified reply".

Sec. 2. G.S. 7A-289.32(6)a., as the same appears in the 1977 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by inserting between the word "affidavit" and the semicolon a new clause, to read as follows:
"which has been filed in a central registry maintained by the Department of Human Resources; provided, the court shall inquire of the Department of Human Resources as to whether such an affidavit has been so filed and shall incorporate into the case record the Department's certified reply".

Sec. 3. This act shall become effective 90 days after ratification.
In the General Assembly read three times and ratified, this the 16th day of June, 1980.
CHAPTER 1089  Session Laws—1979

H. B. 1191  CHAPTER 1089
AN ACT TO CLARIFY THE LAW CONCERNING THE WITHDRAWAL OF BLOOD FOR CHEMICAL TESTING FOR ALCOHOL UNDER THE IMPLIED-CONSENT STATUTE.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 20-139.1(c) is deleted and the following sentences are inserted in lieu thereof:

"If the person withdrawing the blood indicates his desire for written confirmation of the law enforcement officer's request for the withdrawal of blood, the officer shall furnish it prior to the withdrawal of blood. When blood is withdrawn pursuant to an officer's request, neither the person withdrawing the blood nor any hospital, laboratory, or other institution, person, firm, or corporation employing him, or contracting for the service of withdrawing blood, shall be held criminally or civilly liable by reason of withdrawing blood from another; provided that there shall be no immunity from liability for negligent acts or omissions in withdrawing blood from another pursuant to this section."

Sec. 2. This act shall become effective October 1, 1980.

In the General Assembly read three times and ratified, this the 16th day of June, 1980.

H. B. 1328  CHAPTER 1090
AN ACT TO MAKE LAWFUL THE POSSESSION OF ANTIQUE SLOT MACHINES.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to Article 37 of Chapter 14 of the General Statutes to read:

"§ 14-309.1. Defense to possession.—(a) In any prosecution for possession of a slot machine or device as defined in G.S. 14-306, it is a defense that the slot machine was not intended to be used in the operation or promotion of unlawful gambling activity or enterprise and that the slot machine is an antique. For purposes of this section a slot machine manufactured twenty-five years ago or earlier is conclusively presumed to be an antique.

(b) When a defendant raises the defense provided in subsection (a), any slot machine seized from the defendant shall not be destroyed or otherwise altered until a final court determination is rendered. If the court determines that the defense has been proved the slot machine shall be returned immediately to the defendant."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1980.
H. B. 1488

CHAPTER 1091

AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY A CERTAIN TRACT OF LAND WITH OR WITHOUT MONETARY CONSIDERATION.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law to the contrary, the Wilkes County Board of Education is authorized to convey, by private negotiation, either with or without monetary consideration, to the Mountain View Medical Center, Incorporated that certain tract of land being that part of the Mountain View Elementary School property now under lease by the Wilkes County Board of Education to the Mountain View Medical Center in Hays, Wilkes County, North Carolina.

Sec. 2. Such transfer or conveyance shall be for the purpose of promoting the public health of Wilkes County and may be made upon such terms, with or without monetary consideration, as the Board of Education may determine.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1980.

H. B. 1544

CHAPTER 1092

AN ACT TO EXEMPT FROM AD VALOREM TAXATION PERSONAL PROPERTY SHIPPED INTO THIS STATE FOR REPAIR AND THEN RESHIPPED TO THE OWNER OUTSIDE THIS STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-275 is amended to add a new subsection to read as follows:

"(25) Tangible personal property shipped into this State for the purpose of repair, alteration, maintenance or servicing and reshipment to the owner outside this State. This classification shall not include raw materials, supplies, or goods in process of manufacture in this State."

Sec. 2. This act shall become effective January 1, 1981.

In the General Assembly read three times and ratified, this the 16th day of June, 1980.

H. B. 713

CHAPTER 1093

AN ACT TO EMPOWER ALBEMARLE HOSPITAL TO USE ATTACHMENT AND GARNISHMENT PROCEDURES FOR COLLECTING UNPAID BILLS.

The General Assembly of North Carolina enacts:

Section 1. Whenever hospital services are provided by Albemarle Hospital and a recipient of the services fails to pay the charges fixed for the services for a period of 180 days after demand is made for the rendering of the payment for the services, the hospital may treat the amount due for the services as if it were a tax due to the County of Pasquotank and may attach wages or other compensation, rents, bank deposits or any other intangible property and may proceed to collect the amount due through the use of
attachment and garnishment proceedings as provided in G.S. 105-364 and G.S. 105-368.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.

H. B. 1567  CHAPTER 1094

AN ACT TO PROVIDE SPECIFIC AUTHORITY TO THE DEPARTMENT OF HUMAN RESOURCES TO CONTRACT WITH THIRD PARTIES, AND COUNTIES TO CONTRACT FOR HEALTH, SOCIAL SERVICES AND SENIOR CITIZEN SERVICES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON AGING.

Whereas, the North Carolina Supreme Court on April 20, 1979, in the case of Hughey v. Cloninger has required statutory authority for third party contracts; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 143B of the General Statutes is amended by adding a new section to read:

“§ 143B-139.3. Department of Human Resources authorized to contract with other entities.—The Department of Human Resources is authorized to contract with any governmental agency, person, association, or corporation for the accomplishment of its duties and responsibilities provided that the expenditure of funds pursuant to such contracts shall be for the purposes for which the funds were appropriated and is not otherwise prohibited by law.”

Sec. 2. Article 13 of Chapter 153A of the General Statutes is amended by adding a new Part to read:


“§ 153A-259. Counties authorized to contract with other entities for health and social services.—A county is authorized to contract with any governmental agency, person, association, or corporation for the provision of health or social services provided that the expenditure of funds pursuant to such contracts shall be for the purpose for which the funds were appropriated and is not otherwise prohibited by law.”

Sec. 3. G.S. 153A-445 is amended by adding a new subdivision to read:

“(6) G.S. 160A-497. Senior citizens programs.”

Sec. 4. G.S. 160A-497 is amended in the first, third, and fourth sentences by deleting the word “city” and inserting in lieu thereof the words “city or county”.

Sec. 5. G.S. 160A-497 is amended in the second sentence by deleting the words “city council” and inserting in lieu thereof the words “city council or county”.

Sec. 6. This act is effective upon ratification. All contracts which would be permissible under this act which were entered into on or after April 20, 1979, are hereby validated.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.
H. B. 1570    CHAPTER 1095
AN ACT RELATING TO CITY OF LEXINGTON'S EMPLOYEES BECOMING MEMBERS OF THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. If the City of Lexington becomes a participant in the North Carolina Local Governmental Employees Retirement System, the city council of the City of Lexington may provide for its employees to receive prior service credit in the Local Governmental Employees Retirement System equal to the period of credited service which the respective employees have in the City of Lexington Retirement Plan at the time the city becomes a participant in the Local Governmental Employees Retirement System, and no other prior service credit shall be given for service with the City of Lexington.

Sec. 2. This act shall apply to the City of Lexington only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.

H. B. 1592    CHAPTER 1096
AN ACT EXTENDING THE EXISTENCE OF THE SAVINGS AND LOAN STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1021 of the 1979 Session Laws of North Carolina (First Session 1979) is amended by rewriting Section 3 to read as follows:

"Sec. 3. The Commission shall submit a written report to the Governor and the General Assembly not later than January 14, 1981. That report shall be the final report of the Commission."

Sec. 2. All funds appropriated to the Department of Administration for the expenses of the Savings and Loan Study Commission which were not expended during fiscal year 1979-1980 shall remain available for the use of the Commission and shall not revert to the General Fund or to the General Assembly until the work of this Commission is completed at which time any unused funds shall revert.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.

H. B. 1615    CHAPTER 1097
AN ACT TO CONTINUE THE STATUTORY REGISTRATION OF DEALERS AND SALESMEN OF SECURITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-34.12 is amended by deleting from the section lines 50 and 51 which read as follows:

"Chapter 78A, Article 5, entitled 'Registration of Dealers and Salesmen' (of securities)."

Sec. 2. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 17th day of June, 1980.

S. B. 951  

CHAPTER 1098

AN ACT TO ALLOW THE SECRETARY OF REVENUE DISCRETION ON REQUIRING AN AUDIT BEFORE ALLOWING A REFUND OF MOTOR FUEL TAX.

The General Assembly of North Carolina enacts:

Section 1. The last paragraph of G.S. 105-449.39 is amended to read:

"Unless the Secretary of Revenue exercises his discretion as hereinafter provided, or as provided in G.S. 105-449.40, he shall allow such refund only after an audit of the applicant’s records. However, he may, in his sole discretion, make refunds without prior audit or without having been furnished a bond pursuant to G.S. 105-449.40 if the motor carrier has complied with the provisions of this Subchapter and rules and regulations promulgated thereunder for a period of one full prior registration year."

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.

S. B. 955  

CHAPTER 1099

AN ACT TO CLARIFY THE SALES TAX EXEMPTION FOR CERTAIN EXPORTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.13(33), as it appears in 1979 Replacement Volume 2D of the General Statutes is rewritten to read:

"(33) Tangible personal property purchased solely for the purpose of export to a foreign country for exclusive use or consumption in that or some other foreign country, either in the direct performance or rendition of professional or commercial services, or in the direct conduct or operation of a trade or business, all of which purposes are actually consummated, or purchased by the government of a foreign country for export which purpose is actually consummated. 'Export' shall include the acts of possessing and marshalling such property, by either the seller or the purchaser, for transportation to a foreign country, but shall not include devoting such property to any other use in North Carolina or the United States. 'Foreign country' shall not include any territory or possession of the United States.

In order to qualify for this exemption, an affidavit of export indicating compliance with the terms and conditions of this exemption, as prescribed by the Secretary of Revenue, must be submitted by the purchaser to the seller, and retained by the seller to evidence qualification for the exemption.

If the purposes qualifying the property for exemption are not consummated, the purchaser shall be liable for the tax which was avoided by the execution of the aforesaid affidavit as well as for applicable penalties and interest and the affidavit shall contain express provision that the purchaser has recognized and assumed such liability.

The principal purpose of this exemption is to encourage the flow of commerce through North Carolina ports that is now moving through out-of-State ports.
However, it is not intended that property acquired for personal use or consumption by the purchaser, including gifts, shall be exempt hereunder."

Sec. 2. This act shall become effective October 1, 1980, but shall not affect any transaction before such date.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.

S. B. 956  

CHAPTER 1100  

AN ACT TO PROVIDE THAT CREDIT ON THE NORTH CAROLINA USE TAX FOR SALES TAX PAID IN ANOTHER STATE SHALL BE GIVEN ONLY ON A RECIPROCAL BASIS, AND TO MAKE A SIMILAR AMENDMENT AS TO LOCAL GOVERNMENT USE TAXES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.6(4) is amended by adding at the end the following new language: "No credit shall be given under this subdivision for sales or use taxes paid in another state if that state does not grant similar credit for sales taxes paid in North Carolina."

Sec. 2. G.S. 105-468 is amended by adding at the end the following new language: "No credit shall be given under this section for sales or use taxes paid in a taxing jurisdiction outside this state if that taxing jurisdiction does not grant similar credit for sales taxes paid under this Article."

Sec. 3. Section 5 of Chapter 1096, Session Laws of 1967 is amended by adding at the end the following: "No credit shall be given under this section for sales and use taxes paid in a taxing jurisdiction outside this state if that taxing jurisdiction does not grant similar credit for sales taxes paid under this section."

Sec. 4. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.

S. B. 961  

CHAPTER 1101  

AN ACT TO CLARIFY THE SALES TAX ON LABOR SERVICE CHARGES AT ESTABLISHMENTS SERVING FOOD, BEVERAGES, OR MEALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.13A is rewritten to read:

"§ 105-164.13A. Service charges on food, beverages, or meals.—When a service charge is imposed on food, beverages, or meals, so much of said service charge as does not exceed fifteen percent (15%) of the sales price is specifically exempted from the tax imposed by this Article when the service charge:

(1) is separately stated in the price list, menu, or written proposal and also in the invoice or bill; and

(2) is turned over to the personnel directly involved in the service of the food, beverages, or meals, in accordance with G.S. 95-25.6. Such service charge shall be considered to be a tip."

Sec. 2. This act shall become effective October 1, 1980.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.
H. B. 1564

CHAPTER 1102

AN ACT TO PERMIT SECOND PRIMARIES FOR THE OFFICE OF PAMLICO COUNTY COMMISSIONER.

The General Assembly of North Carolina enacts:

Section 1. Section 1, Chapter 136, of the Public-Local Laws of 1939, as amended by Section 2, Chapter 197, Public-Local Laws of 1941 and Section 1, Chapter 149, Session Laws of 1949, is further amended by deleting the second sentence, which reads: "In the event there are more than two candidates in any one township for each political party, the candidate receiving the largest number of votes shall be declared the nominee."

Sec. 2. This act shall become effective January 1, 1981.

In the General Assembly read three times and ratified, this the 18th day of June, 1980.

H. B. 1568

CHAPTER 1103

AN ACT AMENDING CHAPTER 653 OF THE SESSION LAWS OF 1965 TO LIMIT THE TERM OF OFFICE FOR THE MEMBERS OF THE CITY OF LEXINGTON BOARD OF ALCOHOLIC CONTROL AND TO ESTABLISH A RESIDENCY REQUIREMENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 653 of the Session Laws of 1965 is amended by adding at the end of Section 4 the following language: All members of the City of Lexington Board of Alcoholic Control shall be residents of the City of Lexington, and establishment of residence outside the City of Lexington shall be grounds for removal of a member of the City of Lexington Board of Alcoholic Control upon resolution of the City Council of the City of Lexington. No member of the Board of Alcoholic Control shall serve more than two three-year terms consecutively; but a member shall be eligible for reappointment after the expiration of one year after serving two consecutive three-year terms. Members of the Board of Alcoholic Control serving on the date of ratification of this act may serve an additional three-year term at the expiration of their current terms. Serving part of an unexpired term shall not be considered as serving a three-year term.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1980.

H. B. 1569

CHAPTER 1104

AN ACT TO AMEND CHAPTER 1225 OF THE 1959 SESSION LAWS AND TO AMEND CHAPTER 22 OF THE PRIVATE LAWS OF 1935, RELATIVE TO THE CHARTER OF THE CITY OF LEXINGTON SO AS TO INCREASE THE MEMBERSHIP OF THE LEXINGTON UTILITIES COMMISSION AND TO CHANGE THE METHOD OF APPOINTMENT.

The General Assembly of North Carolina enacts:

Section 1. That portion of Section 1 of Chapter 1225 of the Session Laws of 1959, relating to the membership of the Utilities Commission of the
City of Lexington which portion begins on line 4 with the words ""Section 1. A commission"" is rewritten to read as follows:

"Sec. 1. Creation; composition; terms.

A. A commission of the City of Lexington to be known as the Lexington Utilities Commission is hereby created. The commission shall be composed of six members, five of whom shall be residents of the respective voting wards which are currently or hereafter established for the election of City Councilmen and one of whom shall be a resident of the city at large. Appointments to the membership of the Lexington Utilities Commission for South Ward and for North Ward II shall be made at the regular meeting of the City Council of the City of Lexington in December, 1980. Appointments to the membership of the Lexington Utilities Commission for the West Ward and for the city at large shall be made at the regular meeting of the City Council in December, 1981, provided that the original appointment of a member from the city at large shall be as provided in Part D of this section. Appointments to the membership of the Lexington Utilities Commission for the East Ward and for North Ward I shall be made at the regular meeting of the City Council in December, 1982. Each appointment to the Lexington Utilities Commission shall be for a term of three years, and no person shall be eligible for reappointment who has previously served two consecutive three-year terms until one year after the expiration of the last term served, except that the members serving on the date of ratification of this act may be appointed for one additional three-year term regardless of prior service and any present or future member who has not served two consecutive three-year terms may be reappointed.

B. The membership of the six-member Utilities Commission established by this section shall be initially constituted as follows:

Mr. Alton Beck and Mr. Curtis Leonard, Jr., shall serve until the first meeting of the City Council of Lexington in December of 1980. Mr. Earl E. Riddle and the City Council's appointment of a member at large shall serve until the first meeting of the City Council in December of 1981, and Mr. L. Klynt Ripple and Mr. Robert L. Lowe shall serve until the first meeting of the City Council of the City of Lexington in December of 1982.

As the term of each of the above enumerated members of the Commission expires, a successor shall be appointed as provided in Part A of this section for a term of three years by the City Council at the first regular meeting of the Council in December of each respective year. The City Council shall fill vacancies on the Commission occurring otherwise than by expiration of term, by appointment for the unexpired term. Appointments to fill vacancies on the Commission, occurring by reason of expiration of a term or otherwise, shall be upon majority vote of the membership of the City Council. The Mayor shall vote if there is a tie vote.

C. If a member of the Utilities Commission establishes a residence outside of the City of Lexington or outside of the ward from and for which he was appointed then this shall be grounds for his removal as a member of the Lexington Utilities Commission by resolution of the City Council.
D. Appointment of a member for the city at large shall be made at the next City Council’s meeting after ratification of this act and the Commissioner appointed by the City Council for the city at large shall serve until the first regularly held City Council’s meeting in December of 1981 or until his successor has been duly appointed."

Sec. 2. Chapter 22, Section 4, of the Private Laws of 1935, pertaining to Lexington Utilities Commission is amended by adding at the end of that section the following language:

"The chairman selected shall not vote unless there is a tie vote."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1980.

H. B. 1582

CHAPTER 1105

AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE TOWN OF CANTON AND TO MODIFY THE APPLICATION OF G.S. 118-5, G.S. 118-6, and G.S. 118-7 TO THE TOWN OF CANTON.

The General Assembly of North Carolina enacts:

Section 1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen’s Relief Fund of the Town of Canton, as established in accordance with G.S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Canton Firemen’s Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for such Fund separate from the books of account of the Local Firemen’s Relief Fund. The board of trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this act.

Sec. 2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen’s Relief Fund of the Town of Canton shall:

(a) prior to January 1, 1981, and prior to January 1 in each subsequent calendar year, transfer to the Supplemental Retirement Fund all funds belonging to the Local Firemen’s Relief Fund in excess of forty thousand dollars ($40,000);

(b) at any time when the amount of funds in the Local Firemen’s Relief Fund shall, by reason of disbursements authorized by G.S. 118-7, be less than forty thousand dollars ($40,000), transfer from the Supplemental Retirement Fund to the Local Firemen’s Relief Fund an amount sufficient to maintain in the Local Firemen’s Relief Fund the sum of forty thousand dollars ($40,000);

(c) as soon as practical after January 1 of each year, but in no event later than July 1, divide funds belonging to the Supplemental Retirement Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 3 of this act.

Sec. 3. Supplemental Retirement Benefits. Each retired fireman of the town, whether volunteer or paid, who has previously retired with 20 years service, or more, as a fireman of the Town of Canton and has reached the age of 55 years, shall be entitled to and shall receive in each calendar year following the calendar year in which he retires the following supplemental retirement
benefits, one share for each full year of service as a fireman of the Town of Canton; provided, in no event shall any retired fireman be entitled to or receive in any year an annual supplemental retirement benefit in excess of six hundred dollars ($600.00).

Sec. 4. Investment of Funds. The board of trustees is hereby authorized to invest any funds, either of the Local Firemen’s Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by either G.S. 159-30 or G.S. 159-31, and is hereby directed to invest all of the funds belonging to the Supplemental Retirement Fund in one or more such investments; provided, that investment in certificates of deposit or time deposit in any bank or trust company, or in shares of any savings and loan association, shall not exceed the amount insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, unless such deposits or investments in shares are secured in the manner provided by G.S. 159-30 or G.S. 159-31.

Sec. 5. Acceptance of Gifts. The board of trustees may accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 6. Bond of Treasurer. The board of trustees shall bond the treasurer of the Local Firemen’s Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the board of trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The board of trustees may pay the premiums for the bond of the treasurer from the Supplemental Retirement Fund.

Sec. 7. Town Authorized to Make Payment. The governing body of the Town of Canton may at its discretion make appropriations and disburse funds to the Supplemental Retirement Fund.

Sec. 8. Severability. If any provision of this act is declared invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 9. Repealer. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 10. Effective Date. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1980.

H. B. 1599    CHAPTER 1106

AN ACT TO AMEND G.S. 118-7 AS THAT STATUTE APPLIES TO THE TOWN OF KERNERSVILLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 118-7 is hereby amended by adding at the end of said statute an additional subsection as follows:

“(5) To provide for payment to the North Carolina Firemen’s Pension Fund the amounts required to be paid under G.S. 118-24, G.S. 118-24.1, or G.S. 118-24.2 on behalf of Kernersville firemen who are members of or join that fund. Provided, that the amounts so paid in any year shall not exceed the amount received by the board of trustees from the Insurance Commissioner
pursuant to G.S. 118-5 during the preceding year, plus any earnings upon investments of the Kernersville Firemen's Relief Fund received during the preceding year, less the sum of fifty dollars ($50.00). Provided further, that if the amounts authorized to be paid under this subsection are insufficient to pay the amounts required under G.S. 118-24, G.S. 118-24.1 and G.S. 118-24.2, then the additional amount required to be paid shall be prorated among and paid by Kernersville firemen who are members of or are joining the North Carolina Firemen's Pension Fund and who otherwise would have been required to pay to that fund the amounts required under G.S. 118-24, G.S. 118-24.1 or G.S. 118-24.2.”

Sec. 2. This act shall only apply to the Town of Kernersville.

Sec. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1980.

H. B. 1603

CHAPTER 1107

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL CONCERNING VACANCIES IN THE OFFICES OF MAYOR AND MEMBERS OF THE TOWN COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. Chapter 473, Session Laws of 1975, being the Charter of the Town of Chapel Hill, as amended by Section 1(2), Chapter 693, Session Laws of 1979, is further amended by rewriting Section 2.4 of the Charter (Section 2.3 under local revision pursuant to G.S. 160A-496) to read:

“§ 2.3. Vacancies in elected offices.—If any elected town officer shall fail or refuse to be qualified, or if there is a vacancy in any elective town office after qualification, or if the holder of any such office be unable to discharge the duties of the office, then such vacancy shall be provided in the following manner:

(1) A vacancy occurring in the office of mayor, which occurs during the period beginning with the first day of the four year term of office and ending on the fortieth day prior to the next regular biennial town election shall be filled by appointment of the town council only until the next general municipal election at which time the mayor shall be elected to a term of four years. A vacancy occurring in the office of mayor, which occurs at any other time shall be filled by appointment of the town council for the remainder of the unexpired term.

(2) A vacancy occurring on the council, which occurs during the period beginning with the first day of the four year term of office and ending on the fortieth day prior to the next regular biennial town election shall be filled by appointment of the town council only until the next general municipal election at which time a member shall be elected to the remainder of said unexpired term. The candidate receiving the fifth highest number of votes (and if necessary the 6th, 7th and 8th highest number) following those elected for full four-year terms, shall be declared elected for the remainder of the unexpired term. A vacancy occurring on the council, which occurs at any other time shall be filled by appointment of the town council for the remainder of the unexpired term.”
Sec. 2. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 18th day of June, 1980.

H. B. 1386       CHAPTER 1108
AN ACT TO CLARIFY THE JURISDICTION OF LOCAL HOUSING AUTHORITIES IN CITIES THAT HAVE COMMON BOUNDARIES WITH OTHER CITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 157-39.1 is amended by adding the following after the first sentence of this section:

"Notwithstanding the previous sentence, a housing authority created for a city may operate and perform any of its lawful functions within any other city that has a common boundary with a city creating an authority when requested to do so by resolution of the governing body of such other city."

Sec. 2. G.S. 157-39.1 as amended by Section 1 of this act is further amended by designating the existing section, as amended, as subsection (a) and adding a new subsection to read:

"(b) In any county in which a city housing authority has been established, but where there are portions of the county in which the city is located which are more than 10 miles from the territorial boundaries of the city, the city housing authority is authorized to operate in areas of the county beyond such limit, which are not within another city, upon the adoption of a joint resolution by the city council and the board of county commissioners. Such joint resolution must find that in such additional area, that insanitary or unsafe inhabited dwelling accommodations exist in such area or there is a shortage of safe or sanitary dwelling accommodations in such county available to persons of low income at rentals they can afford. A public hearing on such resolution need be held only by the board of county commissioners.

(c) A joint resolution adopted under subsection (b) of this section may, in lieu of the appointment provisions of G.S. 157-5, provide that the board of commissioners of the housing authority shall be composed of nine members, with a number (not less than five) to be appointed by the mayor, and the remainder to be appointed by the board of county commissioners. Such housing authority commissioners shall be subject to removal by the appointing person or board under the procedural requirements of G.S. 157-8."

Sec. 3. G.S. 157-39.4 is amended by adding immediately after the number “157-35” the number “, 157-39.1”.

Sec. 4. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 18th day of June, 1980.
H. B. 1538  CHAPTER 1109
AN ACT TO AMEND G.S. 105-141 TO PROVIDE FOR INDIVIDUALS AN INCOME TAX EXCLUSION ON INTEREST RECEIVED ON SAVINGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-141 is amended to add at the end of subsection (b) a subdivision (28) to read as follows:

“(28) Interest received, not to exceed two hundred dollars ($200.00), from savings deposits or certificates evidencing savings deposits in banks, credit unions, and savings and loan associations located within the State of North Carolina.”

Sec. 2. This act is effective upon ratification and shall apply to taxable years beginning on or after January 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1596  CHAPTER 1110
AN ACT TO REQUIRE APARTMENT OWNERS IN PASQUOTANK AND DARE COUNTIES TO GIVE TENANT LISTS TO THE COUNTY TAX SUPERVISOR.

The General Assembly of North Carolina enacts:

Section 1. Article 18 of Chapter 105 of the North Carolina General Statutes is amended to add a new section to read as follows:

“§ 105-316.9. Reports by apartment complex owners or managers.—(a) As of January 1 each year every apartment complex owner (or their manager or rental agent) and any person or company renting or leasing one (1) or more units to be occupied by the lessee as a residence, shall report to the tax supervisor of the county in which the units are located, the name and address of the lessee and shall stipulate whether the lessee rents or leases a furnished apartment or an unfurnished apartment.

(b) Any person who fails to make any report required by subsection (a) of this section by January 15 of any year shall be liable to the county in which the apartment or apartment complex is located for a penalty of five hundred dollars ($500.00). This penalty may be recovered in a civil action in the appropriate division of the General Court of Justice of the county in which the apartment or apartment complex is located.

(c) This section shall apply only to Pasquotank and Dare Counties.”

Sec. 2. This act shall become effective with respect to taxable years beginning on and after January 1, 1981.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.
H. B. 1605  CHAPTER 1111
AN ACT TO CHANGE ELECTIONS IN THE TOWN OF FAITH FROM THE NONPARTISAN PRIMARY TO THE NONPARTISAN PLURALITY METHOD.

The General Assembly of North Carolina enacts:

Section 1. Sections 4 and 5 of Chapter 363, Private Laws of 1903, as rewritten by Chapter 159, Session Laws of 1961, are further rewritten to read:

"Sec. 4. Elections in the Town of Faith shall be conducted in accordance with Subchapter IX of Chapter 163 of the General Statutes.

Sec. 5. Elections in the Town of Faith shall be conducted under the nonpartisan plurality method as provided in G.S. 163-292.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1608  CHAPTER 1112
AN ACT TO AUTHORIZE THE CHARLOTTE MECKLENBURG UTILITIES DEPARTMENT TO PROVIDE WATER AND SEWER UTILITY SERVICES WITHIN THE CAROWINDS PROJECT BOUNDARY.

Whereas, water and sewer utility services are presently being provided to certain customers within the Carowinds Project Boundary by two small companies; and

Whereas, both companies will have to make substantial expenditures which would necessarily be reflected in the rates charged in order to continue to serve these and any additional customers within the Carowinds Project Boundary; and

Whereas, the Charlotte Mecklenburg Utilities Department can add these and any additional customers within the Carowinds Project Boundary and provide adequate and reliable water and sewer service without necessarily increasing rates or charges; and

Whereas, to authorize the Charlotte Mecklenburg Utilities Department to provide water and sewer utility services within such area will promote the best interests of citizens of North Carolina and South Carolina who patronize these six water and sewer service customers; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The City of Charlotte, through the Charlotte Mecklenburg Utilities Department, is hereby authorized to provide water and sewer utility services to all present and future customers who request the provision of such services within the Carowinds Project Boundary which is more specifically described as:

All lands located in Form Mill Township, York County, South Carolina, lying within 7,500 feet of the United States Coast and Geodetic Survey monument marked “Carowinds” located on the boundary between the States of North Carolina and South Carolina, said Geodetic Survey monument being located 1,650 feet North 40 degrees 15 minutes 49 seconds West from the center line of United States Highway 1-77.

Sec. 2. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1611  CHAPTER 1113
AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO APPROPRIATE FUNDS TO A NONPROFIT PRIVATE RESCUE SQUAD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-487 is amended in line 2 by deleting the words “rescue squads”, and inserting in lieu thereof the words “public or nonprofit private rescue squads”.

Sec. 2. This act applies only to the City of Jacksonville.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1619  CHAPTER 1114
AN ACT TO PERMIT THE DUPLIN COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN REAL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. The Duplin County Board of Education is authorized to convey by good and sufficient deed all its right, title and interest in and to the hereinafter described tract of land located in Wolfscape Township, Duplin County, North Carolina, to Rones Chapel Men’s Club at private sale with or without monetary consideration:

Adjoining the lands of George Dail and others and bounded as follows, to wit, BEGINNING at a Walnut Tree on the West side of the public road leading from Whitehall to Clinton, and runs with said road S 45 1/2° W 20 poles to a stake near a persimmon tree, thence N 45 1/2° W 16 poles to a small pine, thence N 45 1/2° E 20 poles to a stake, thence S 45 1/2° E 16 poles to the BEGINNING, containing two (2) acres.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1628  CHAPTER 1115
AN ACT TO ALLOW THE TOWN OF TARBORO TO ENTER CONTRACTS FOR THE REDEVELOPMENT OF LAND IN ADVANCE OF ITS ACQUISITION, TO DISPOSE OF LAND AT PRIVATE SALE AND TO ENGAGE IN JOINT ACTIVITY FOR THE PURPOSE OF OBTAINING AND EXECUTING URBAN DEVELOPMENT ACTION GRANTS.

Whereas, the Congress of the United States enacted the Housing and Community Development Act of 1977 (Public Law 95-128) which as amended authorizes the Secretary of Housing and Urban Development to make Urban Development Action Grants to severely distressed cities and towns which require increased public assistance and private investment to alleviate physical and economic deterioration; and

Whereas, assistance is being made available under this federal program for economic revitalization in competing communities throughout the nation with
population out-migration or stagnating or declining tax base, and for reclamation of neighborhoods, having excessive housing abandonment or deterioration; and

Whereas, the Town of Tarboro filed an application with the Department of Housing and Urban Development (HUD) and has received preliminary approval of said application for an Urban Development Action Grant; and

Whereas, the regulations promulgated by HUD require evidence of commitment of both public and private resources which will be available for completing the project; and that such commitments be legally binding under the State and local law; and

Whereas, the following is enacted for the purpose of insuring that the Town of Tarboro can legally accept said Grant and comply with the commitments and requirement of HUD in the acceptance of said Grant and the execution of the project thereunder; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-457 is amended by deleting the word “and” at the end of the subdivision (2) and adding the following new subdivisions at the end to read as follows:

“(4) to enter into contracts or agreements with any person, firm, association or corporation to undertake and carry out specified activities in furtherance of the purposes of urban development action grants authorized by the Housing and Community Development Act of 1977 (P.L. 95-128). Such contracts may be negotiated and entered into prior to the actual acquisition or redevelopment of any real property obtained for the purposes authorized by this Part, and such contracts shall be binding legal commitments for accomplishing the purposes set forth therein; and

(5) in addition to the powers granted in subdivision (3) above, to lease and/or convey at private sale to any person, firm, corporation, or governmental unit particular properties within a redevelopment area where it finds the proposed redeveloper is the only known available, qualified and willing redeveloper for the contemplated use and makes one or more of the following findings, which said findings shall be verified and approved by the governing body of the municipality after a public hearing, notice of which shall be given once a week for two successive calendar weeks in a newspaper published in the municipality or by posting such notice at four public places in the municipality, said notice to be published the first time, or posted, not less than 15 days prior to the date fixed for said hearing:

a. that the proposed use or redevelopment is necessary in order to facilitate the relocation of persons or firms displaced by an urban development action grant project or other governmental action;
b. that the proposed use or redevelopment is reasonably necessary in order to assure development which will have the desired beneficial effect upon neighboring property, the project area, and the community as a whole, as contemplated by the redevelopment plan;
c. that the proposed use or redevelopment will assure that the property will not remain unused for an unduly long period and will result in a return to the local ad valorem tax rolls at a substantially earlier date than uses or redevelopments obtainable by other methods of disposition.
Such lease or conveyance, or both, shall be for such consideration as may be agreed upon by the city and the redeveloper and approved by the governing body of the municipality, which shall not be less than the fair, actual value of the property as determined by the governing body of the municipality, based on competent evidence. All leases and/or conveyances made under the authority of this subsection shall contain restrictive covenants limiting the use of the property so conveyed to the designated purpose for which the lease and/or conveyance is made, provided, that the disposition of property at private sale as authorized in subdivision (5) shall be expressly limited to property used in connection with urban development action grants and other redevelopment and community development projects and for no other purpose under this Part.”

Sec. 2. If any provision of this act is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remainder of this act.

Sec. 3. This act shall apply only to the Town of Tarboro.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1629

CHAPTER 1116

AN ACT TO AMEND CHAPTER 346 OF THE 1973 SESSION LAWS TO REAFFIRM APPLICABILITY OF SAID CHAPTER TO THE TOWN OF TARBORO AND TO VALIDATE ACTION UNDER SAID ACT BY THE TOWN OF TARBORO AND THE REDEVELOPMENT COMMISSION OF THE TOWN OF TARBORO.

Whereas, Chapter 346 of the 1973 Session Laws was enacted to authorize the Redevelopment Commission of the Town of Chapel Hill to permit disposition of land for a special purpose at fair market value without competitive bidding; to permit disposition of land on the basis other than the highest monetary bid where such disposition is found to serve the best interest of the municipality, and to dispose of property at private sale; and

Whereas, Chapter 379 of the 1975 Session Laws was enacted to make said Chapter 346 of the 1973 Session Laws applicable to the Town of Tarboro; and

Whereas, Chapter 76 of the 1977 Session Laws amended Section 5 of Chapter 346 of the 1973 Session Laws to make said Chapter 346 applicable only to the Town of Chapel Hill and the City of Raleigh without making any reference to Chapter 379 of the 1975 Laws which made said 1973 Act applicable to the Town of Tarboro; and

Whereas, there was no intent to rescind the applicability of the 1973 Act to the Town of Tarboro and the Town of Tarboro and the Redevelopment Commission of the Town of Tarboro have taken action pursuant to the 1973 Act since the adoption of the amendment thereto in 1977; and

Whereas, it is the intention of this act to reaffirm the applicability of the 1973 Act to the Town of Tarboro and to validate all action taken pursuant thereto by the Town of Tarboro and the Redevelopment Commission of the Town of Tarboro since the enactment of said 1977 amendment; Now, therefore, The General Assembly of North Carolina enacts:

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Section 1. Chapter 346, Session Laws of 1973, is hereby amended by rewriting Section 5 to read as follows:

"Sec. 5. This act shall apply only to the Town of Chapel Hill, the Town of Tarboro, and the City of Raleigh."

Sec. 2. That all action taken by the Redevelopment Commission of the Town of Tarboro and the Town of Tarboro pursuant to Chapter 346 of the 1973 Session Laws since the enactment of Chapter 76 of the 1977 Session Laws be and the same is hereby validated.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1631  CHAPTER 1117

AN ACT TO ALLOW THE LENOIR COUNTY COMMISSIONERS TO PROVIDE FOR ABC LAW ENFORCEMENT.

The General Assembly of North Carolina enacts:

Section 1. The first paragraph of G.S. 18A-17(14) shall not apply to the Lenoir County Alcoholic Beverage Control Board.

Sec. 2. The Lenoir County Alcoholic Beverage Control Board shall pay not less that five percent (5%) nor more than fifteen percent (15%) of its total profits as determined by quarterly audits to the Lenoir County Treasury, and the Lenoir County Commissioners shall utilize those funds exclusively to provide for more effective law enforcement of alcoholic beverage control laws in Lenoir County.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1632  CHAPTER 1118

AN ACT TO AUTHORIZE AND DIRECT THE BOARD OF ELECTIONS OF HERTFORD COUNTY TO CALL AN ELECTION TO DETERMINE WHETHER THE COUNTY SHALL BY ORDINANCE PROHIBIT HUNTING FROM THE PUBLIC ROADS, STREETS AND HIGHWAYS IN SAID COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The County Board of Elections of Hertford County shall hold an election on the date of the general election, November 4, 1980, for the purpose of submitting to the voters of the county the question of whether or not there should be adopted an ordinance making it unlawful for any person to hunt, take or kill any species of birds, animals or beasts, or attempt to hunt, take or kill any species of birds, animals or beasts by the use of firearms from the right-of-way of any public road, street or highway in Hertford County or to discharge any firearm from, on, across or over the roadway or right-of-way of any public road, street or highway in Hertford County.

The board of elections shall give notice of the election as required by law, and the special election shall be held and conducted in accordance with the general election laws of North Carolina.
Sec. 2. The ballot shall be in the following form:
"☐ FOR prohibiting hunting and discharging any firearm from, on, across or over the right-of-way of any public road, street or highway in Hertford County.
☐ AGAINST prohibiting hunting and discharging any firearm from, on, across or over the right-of-way of any public road, street or highway in Hertford County."

If a majority of the votes cast are against prohibiting the hunting and discharging of firearms from the roadway or right-of-way of any public road, street or highway in Hertford County, then the Board of Commissioners of Hertford County shall not be authorized to enact any ordinance or regulation prohibiting such hunting and discharging of firearms.

If a majority of the votes cast are in favor of an ordinance to prohibit the hunting and discharging of firearms from the roadway or right-of-way of any public road, street or highway in Hertford County, then the Board of Commissioners of Hertford County, notwithstanding the provisions of any other law including G.S. 153A-129, are hereby authorized to enact an ordinance to prohibit any person from hunting or discharging any firearm from, on, across, or over the roadway or right-of-way of any public road, street or highway in Hertford County.

Sec. 3. In the event the County Commissioners of Hertford County enact an ordinance to prohibit the hunting and discharging of firearms from any road, street or highway or right-of-way of any road, street or highway in Hertford County, pursuant to the provisions of this act, the County Commissioners are also authorized to provide for fines and penalties for violation of said ordinance pursuant to the provisions of G.S. 153A-123, and all law enforcement officers are authorized to enforce said ordinance.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1574

CHAPTER 1119

AN ACT TO ALLOW REMOVAL OF UNAUTHORIZED VEHICLES FROM PRIVATE LOTS IN DARE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-219.2(c) is amended by adding immediately after the word "Craven" the word "Dare".

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.
H. B. 1575 CHAPTER 1120

AN ACT EXEMPTING FROM THE PROVISIONS OF ARTICLE 12, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, THE COUNTY OF WASHINGTON AS TO PURCHASES, LEASES, OR SALES OF REAL ESTATE OWNED OR HEREAFTER OWNED BY IT FOR THE USE AND BENEFIT OF ITS AGENCY, THE ECONOMIC DEVELOPMENT COMMISSION, OR BY SUCH COMMISSION ITSELF, AND AUTHORIZING ACQUISITION OF REAL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. The County of Washington is hereby exempt from all provisions, restrictions and limitations as to methods and procedures required to effectuate purchases, leases, or sales of real estate provided for in Article 12, Chapter 160A of the General Statutes of North Carolina in connection with any purchase, lease or sale of real estate made by it for and on behalf of its agency, the Economic Development Commission, both as to real estate now owned or hereafter owned by it for the use and benefit of said Commission or by said Commission itself.

Sec. 2. The County of Washington, by it for and on behalf of its agency, the Economic Development Commission, or said Commission itself, is authorized to acquire, by purchase, devise, exchange, or gift, any real property or any interest in real property, for the purpose of economic development. The power of condemnation may not be used for such acquisition.

Sec. 3. This act is effective with respect to a purchase, sale, or lease only if such purchase, sale or lease is given prior approval by a Resolution of the Board of County Commissioners of the County of Washington authorizing said purchase, lease or sale. Such lease or sale may be for cash or with deferred payments secured by a purchase money deed of trust. It is the intent hereof that purchases, leases, and sales may be negotiated and consummated without further formality other than the required Resolution by the aforesaid Board all on terms as negotiated.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1583 CHAPTER 1121

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY, CHAPTER 231, PRIVATE LAWS OF 1927, RELATING TO APPOINTMENT OF CITY TREASURER AND CITY TAX COLLECTOR.

The General Assembly of North Carolina enacts:

Section 1. Section 13 of Chapter 231, Private Laws of 1927, as amended by Section 2 of Chapter 103, Private Laws of 1931, is amended by deleting the last three sentences that appear in the 1927 Private Laws, Section 13, Chapter 231.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.
CHAPTER 1122  Session Laws—1979

H. B. 1594  CHAPTER 1122
AN ACT TO REPEAL THE EXEMPTION OF ALBEMARLE HOSPITAL IN PASQUOTANK COUNTY FROM CERTAIN PROVISIONS OF CHAPTER 159 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 942, Session Laws of 1973 (Second Session, 1974), is repealed.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1601  CHAPTER 1123
AN ACT TO AUTHORIZE THE HALIFAX COUNTY BOARD OF COMMISSIONERS TO SELL AND CONVEY CERTAIN PROPERTY OWNED BY THE COUNTY OF HALIFAX AND KNOWN AS THE COUNTY HOME PROPERTY, NO LONGER NEEDED FOR PUBLIC USE.

The General Assembly of North Carolina enacts:

Section 1. The Board of County Commissioners of Halifax County, North Carolina, is authorized to sell and convey that certain property or any portion or portions thereof in Halifax Township, Halifax County, North Carolina, lying on the North side of State Road No. 903, known as the County Home tract, and more particularly described by courses and distances as follows:

BEGINNING at an iron in the center of the old road leading from Halifax to Pierces Crossroads; thence N. 46° E. 100 feet to the run of Little Quankey Creek; thence up the run of said creek as it meanders 11,591 feet to an iron on the run of the creek, a corner for the lands now or formerly belonging to James H. Byrd; thence S. 71° 00' W. 3,400 feet to a stake at the northern edge of a road; thence along the northern edge of said road S. 22° 45' E. 1,267 feet; S. 22° 00' E. 2,695 feet; thence S. 15° 15' W. 900 feet; thence S. 63° 00' E. 2,107 feet; thence S. 53° 45' E. 517 feet; thence S. 70° E. 381 feet; thence S. 47° E. 714 feet; S. 46° E. 403 feet; S. 44° 30' E. 325 feet; S. 46° E. 300 feet; S. 34° 30' E. 190 feet; S. 44° 30' E. 314 feet; S. 44° E. 193 feet to the point of beginning, originally containing 395.28 acres, and excluding therefrom that portion of said land which has been heretofore conveyed to the State of North Carolina and S. M. Page, a map of said property being recorded in Map Book 3A at page 193, in the office of the Register of Deeds of Halifax County, North Carolina.

The Board of County Commissioners of Halifax County is hereby authorized to sell and convey said property or any portion or portions thereof to such persons, firms or corporations, under such terms and conditions and for such considerations as the governing body may deem best, at public or private sale.

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.
CHAPTER 1124

AN ACT AUTHORIZING JOINT ACTIVITY BY THE CITY OF WILMINGTON WITH PRIVATE BUSINESS CONTRACTS WITH PRIVATE DEVELOPERS TO REDEVELOP LAND IN ADVANCE OF ITS ACQUISITION, AND DISPOSITION OF PROPERTY AT PRIVATE SALE, TO FURTHER THE PURPOSES OF URBAN DEVELOPMENT ACTION GRANTS.

Whereas, the Congress of the United States enacted the Housing and Community Development Act of 1977 (Public Law 95-128) authorizing the Secretary of Housing and Urban Development to make Urban Development Action Grants to severely distressed cities which require increased public assistance and private investment to alleviate physical and economic deterioration; and

Whereas, assistance will be made available for economic revitalization in competing communities throughout this nation with population out-migration or stagnating or declining tax base, and for reclamation of neighborhoods, having excessive housing abandonment or deterioration under this federal program; and

Whereas, the regulations promulgated by the Department of Housing and Urban Development (HUD) for applications require evidence of commitment of both public and private resources which will be available for completing the project; and

Whereas, among the factors to be considered by HUD in funding such projects is whether the private commitment is more firm than for other projects being considered and whether such commitments are legally binding under State and local law (24 C.F.R.570 G); and

Whereas, the following is enacted for the purpose of enhancing the chances of the City of Wilmington in competition with other applicants seeking such funds; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-457, as the same appears in the 1977 Cumulative Supplement to Volume 3D, is amended by deleting the word "and" at the end of the subdivision (2) and adding the following new subsections at the end to read as follows:

"(4) To enter into contracts or agreements with any person, association or corporation to undertake and carry out specified activities in furtherance of the purposes of urban development action grants authorized by the Housing and Community Development Act of 1977 (P.L. 95-128). Such contracts may be negotiated and entered into prior to the actual acquisition or redevelopment of any real property obtained for the purposes authorized by this Part, and such contracts shall be binding legal commitments for accomplishing the purposes set forth therein; and

(5) In addition to the powers granted in subsection (3) above, to convey at private sale to any person, firm, corporation, or governmental unit particular properties with a redevelopment area where it finds the proposed redeveloper is the only known available, qualified and willing redeveloper for the contemplated use and makes one or more of the following findings, which said findings shall be verified and approved by the governing body of the municipality after a public hearing, notice of which shall be given once a week
for two successive calendar weeks in a newspaper published in the municipality and by posting such notice at four public places in the municipality, said notice to be published the first time, or posted, not less than 15 days prior to the date fixed for said hearing:

a. That the proposed use or redevelopment is necessary in order to facilitate the relocation of persons or firms displaced by an urban development action grant project or other governmental action;

b. That the proposed use or redevelopment is reasonably necessary in order to assure development which will have the desired beneficial effect upon neighboring property, the project area, and the community as a whole, as contemplated by the redevelopment plan;

c. That the proposed use or redevelopment will assure that the property will not remain unused for an unduly long period and will result in a return to the local ad valorem tax rolls at a substantially earlier date than uses or redevelopments obtainable by other methods of disposition.

Such conveyance shall be for such consideration as may be agreed upon by the city and the redeveloper and approved by the governing body of the municipality, which shall not be less than the fair, actual value of the property as determined by the governing body of the municipality, based on competent evidence. All conveyances made under the authority of this subsection shall contain restrictive covenants limiting the use of the property so conveyed to the designated purpose for which the conveyance is made, provided, that the disposition of property at private sale as authorized in subdivision (5) shall be expressly limited to property used in connection with urban development action grants and for no other purpose under this Part."

Sec. 2. If any provision of this act is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remainder of the act.

Sec. 3. This act shall apply only to the City of Wilmington.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1664  

CHAPTER 1125

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF NET PROFITS FROM ABC STORES LOCATED IN THE VILLAGE OF PINEHURST.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding contrary provisions of any general, private, local or other law, after deducting the amount expended for law enforcement and the payment of all expenses of operating alcoholic beverage control stores in the Village of Pinehurst, including a pro rata part of general overhead expenses of the County Board of Alcoholic Control, the said Board shall pay twenty-five percent (25%) of the net profits of the alcoholic beverage stores located in the Village of Pinehurst, except for those profits accrued under the provisions of G.S. 18A-15(3)c.3, over to the general fund of the Village.

In addition, fifty percent (50%) of the net profits accrued under the provisions of G.S. 18A-15(3)c.3, from the sale of alcoholic beverages which are sold to permittees located in the Village of Pinehurst shall be paid by the
County Board to the general fund of the Village of Pinehurst. The net profits mentioned herein shall be determined by quarterly audits and the proper percentages thereof shall be paid within the next quarter.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1654  CHAPTER 1126
AN ACT TO CHANGE THE MANNER OF SELECTION OF THE NORTHAMPTON COUNTY ABC BOARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18A-16(a) is amended in the first and fourth paragraphs by deleting in each place the words "the county board of health, and the county board of education", and inserting in lieu thereof in each place the words "the mayors of all the incorporated cities and towns in the county", and is further amended in the third paragraph by deleting the words "the board of education, and the board of health", and inserting in lieu thereof the words "the mayors of all the incorporated cities and towns in the county".

Sec. 2. The first sentence of G.S. 18A-16(c) is amended by deleting the words "of the several boards that appoint them", and inserting in lieu thereof the words "of the composite board that appoints them".

Sec. 3. The last sentence of G.S. 18A-16(d) is amended by deleting the words "three joint boards", and inserting in lieu thereof the words "composite board", and by deleting the words "joint boards deem it" and inserting in lieu thereof the words "composite board deems it".

Sec. 4. This act applies only to Northampton County.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1663  CHAPTER 1127
AN ACT TO DISTRIBUTE ABC FUNDS TO THE VILLAGE OF FOXFIRE AND WHISPERING PINES.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding contrary provisions of any general, private, local or other law, the Moore County Board of Alcoholic Control shall pay to the general fund of the Village of Foxfire and the Village of Whispering Pines, fifty percent (50%) of the net profits accrued under the provisions of G.S. 18A-15(3)c.3 from the sale of alcoholic beverages which are sold to permittees located in the respective villages, who are authorized to sell mixed beverages. The net profits mentioned herein shall be determined by quarterly audits and proper percentages paid to the villages within the next quarter.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.
June, 1980.

CHAPTER 1128
AN ACT TO INCREASE THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE NEW HANOVER COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Sections 4 and 5 of Chapter 391 of the 1963 Session Laws are rewritten to read:

"Sec. 4. The compensation of the chairman of the county board of education is three hundred dollars ($300.00) per month and the compensation of the other members of the board is two hundred fifty dollars ($250.00) per month.

Sec. 5. The provisions of G.S. 115-29 apply in New Hanover County."

Sec. 2. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1674

CHAPTER 1129
AN ACT TO EXTEND FOR TWO YEARS THE EXEMPTION FOR CERTAIN TYRRELL COUNTY PURCHASE AND CONSTRUCTION CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 320, Session Laws of 1979 is amended by deleting in line 2 the words “during calendar years 1979 and 1980”.

Sec. 2. Section 2 of Chapter 320, Session Laws of 1979 is amended by adding before the period the words “, but shall expire December 31, 1982”.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

S. B. 1023

CHAPTER 1130
AN ACT TO AMEND THE COMMUNITY COLLEGES ACT, CHAPTER 115D OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-3, -4, -5, and -6, as amended effective January 1, 1981, and Session Laws 1979, Chapter 896, are amended by striking from the title “State Board of Community Colleges and Technical Institutes” wherever it appears the words “and Technical Institutes”, to the end that the statewide governing board of the Department of Community Colleges and the Community College System shall be known as the “State Board of Community Colleges”.

Sec. 2. (a) G.S. 115D-3, as amended by Session Laws 1979, Chapter 896, Section 3, is further amended by striking out the first sentence thereof, which reads:

“The State Board of Community Colleges and Technical Institutes is authorized to establish and organize a department to provide state-level administration, under the direction of the State Board, of a system of community colleges and technical institutes separate from the free public school system of the State.”

and inserting in lieu thereof a sentence which shall read:
"The Department of Community Colleges shall be a principal administrative department of State government under the direction of the State Board of Community Colleges, and shall be separate from the free public school system of the State and the Department of Public Education."

(b) G.S. 115D-3, as amended by Session Laws 1979, Chapter 896, Section 3, is further amended by striking from the second sentence thereof the words "establishment and".

(c) G.S. 115D-3, as amended by Session Laws 1979, Chapter 896, Section 3, is further amended by rewriting the caption to read "Department of Community Colleges; staff; advisory council."

Sec. 3. G.S. 143B-6 is amended by striking out the period at the end of paragraph (9), and by inserting at the end of that section the number and words: "(10) Department of Community Colleges."

Sec. 4. Chapter 115 is amended by inserting therein a new section, which shall be designated G.S. 115-238.9 and shall read as follows:

"§ 115-238.9. Federal funds division.—The division between secondary and post-secondary educational systems and institutions of federal funds for which the State Board of Vocational Education has responsibility shall, within discretionary limits established by law, require the concurrence of the State Board of Education and the State Board of Community Colleges on and after January 1, 1981. The portion of the approved State Plan for post-secondary vocational education required by G.S. 115-235.5 shall be as approved by the State Board of Community Colleges."

Sec. 5. G.S. 115D-2.1 is rewritten to read as follows:

"§ 115D-2.1. State Board of Community Colleges.—(a) The State Board of Community Colleges is established.

(b) The State Board of Community Colleges shall consist of 19 members, as follows:

(1) The Lieutenant Governor shall be a member ex officio.
(2) The Treasurer of North Carolina shall be a member ex officio.
(3) The Governor shall appoint to the State Board four members from the State at large and one member from each of the six Trustee Association Regions defined in G.S. 115D-63. The initial appointments by the Governor shall be made effective July 1, 1980, or as soon as feasible thereafter. In order to establish regularly overlapping terms, the initial appointments by the Governor shall be made so that three expire June 30, 1981, three expire June 30, 1983, and four expire June 30, 1985. Each subsequent regular appointment by the Governor shall be for a term of six years and until a successor is appointed and qualifies. Any vacancy occurring among his appointees before the expiration of term shall be filled by appointment of the Governor; the member so appointed shall meet the same residential qualification, if any, as the member whom he succeeds and shall serve for the remainder of the unexpired term of that member.
(4) The General Assembly shall elect seven members of the State Board from the State at large in the following manner:
   (i) In 1980, the Senate shall elect three members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and one of whom shall serve a term expiring
June 30, 1985. Each subsequent regular election by the Senate shall be for a term of six years and until a successor is elected and qualifies.

(ii) In 1980, the House of Representatives shall elect four members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and two of whom shall serve a term expiring June 30, 1985. Each subsequent regular election by the House of Representatives shall be for a term of six years and until a successor is elected and qualifies.

(iii) In 1985, upon expiration of the term of the fourth member elected by the House of Representatives in 1980, that seat shall be filled by election by the Senate of a member to serve a term of six years; and the right to elect to fill that seat on the State Board shall thereafter rotate between the two houses every six years.

(iv) The initial elections by the two houses of the General Assembly shall be held on or before July 1, 1980.

(v) Any vacancy occurring among the members elected by the two houses of the General Assembly before the expiration of term shall be filled when the General Assembly next convenes. The member then elected shall be elected by the same house that elected the member whom he succeeds, and shall serve for the remainder of the unexpired term of that member.

(vi) At each session of the General Assembly held in an odd-numbered year, the presiding officer of each house shall assign to either a standing or a special committee of that house the duty of receiving from the members of that house suggestions of persons to be considered by that house for election to the State Board. In order for a person to have standing to be considered as a candidate for nomination by either committee, that person shall be formally proposed as a candidate for nomination by a member of that committee. The chairmen of the two committees shall jointly determine a common final date for receiving suggestions from members of that house, a common final date for receiving from members of the committee formal proposals of candidates for nomination, and a common date for reporting to their respective houses their nominations for the State Board. Each committee shall screen the proposed candidates for nomination as to their qualifications, background, lack of statutory disabilities, and willingness and ability to serve if elected. There is no limit on the number of persons a Senator or a Representative may propose as candidates. When the proposing process is closed, each committee shall list all proposed candidates and shall separately vote 'aye' or 'no' on each proposed candidate to determine whether that person shall be chosen as a candidate for nomination by the committee. The favorable vote of a majority of those members of the committee present and voting shall constitute one a candidate for nomination. An individual cannot be a candidate for nomination to more than one place. The number of persons nominated by each committee to its house shall be at least twice the number of places to be filled by that house. No person may simultaneously be a candidate for election by both houses, and if one is nominated by both committees, he shall
determine to which house he shall be nominated and so advise the chairmen of both committees. The two houses shall, by joint resolution, fix a common date and time for the election of members of the State Board. At the election session in each house, the committee shall report its list of nominees, to which any member of that house may make one or more additional nominations. Each house shall then proceed to an election of members of the State Board. In order to be chosen, a nominee shall receive the votes of a majority of all members present and voting.

When each house has chosen one person for each place to be filled on the State Board, the chairman of the committee shall make a motion for the simultaneous election of those persons by the house to the indicated positions and for the indicated terms. The roll shall then be called electronically. If a majority of those voting shall vote ‘aye’, the persons named in the motion shall be declared to have been elected. Each house may adopt rules consistent with this Section 115D-2.1 with respect to the election by that house of members of the State Board.

(c) No person may be appointed or elected to more than two consecutive terms of six years on the State Board.

(d) No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board, and no spouse of any of those persons, shall be eligible to serve on the State Board.

(e) The Governor shall convene the membership of the State Board on July 1, 1980, or as soon as feasible thereafter. The State Board at that meeting shall elect from its appointed or elected membership a Chairman and such other officers as it may deem necessary.

(f) At its first meeting after July 1, 1981, and every two years thereafter, the State Board shall elect from its appointed or elected membership a Chairman and such other officers as it may deem necessary.

(g) Regular meetings of the State Board shall be held monthly on a day fixed by the State Board. Special meetings of the State Board may be set at any regular meeting or may be called by the Chairman. Ten members shall constitute a quorum for the transaction of business.”

Sec. 6. Sections 1, 2, 3, and 4 of this act shall become effective January 1, 1981. Section 5 of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1545

CHAPTER 1131

AN ACT TO RAISE THE MINIMUM TAX_THRESHOLD FOR PAYMENT OF INTANGIBLES TAX TO REFLECT INFLATION SINCE 1963, SO AS TO REDUCE THE NUMBER OF PERSONS LIABLE FOR INTANGIBLES TAX.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-214 is amended by deleting the words “five dollars ($5.00)” and inserting in lieu thereof “fifteen dollars ($15.00)”.

Sec. 2. This act shall become effective with respect to taxable years beginning on and after January 1, 1980.
In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1577  CHAPTER 1132
AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO SHARE IN DARE COUNTY ABC PROFITS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 201 of the Session Laws of 1965 is amended by inserting between subdivisions A.(1) and A.(2) the following phrase: 
“(la) The Town of Southern Shores;”.

Sec. 2. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1617  CHAPTER 1133
AN ACT TO AMEND AND ACCURATELY DESCRIBE THE CORPORATE LIMITS OF THE TOWN OF GREENEVERS, DUPLIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. That portion of the order of the Municipal Board of Control for the State of North Carolina dated October 15, 1969, In Re: Proposed Incorporation of the Town of Greeners, Duplin County, N. C. stating the corporate limits of the Town of Greeners is rewritten to read: The corporate limits of the Town of Greeners shall embrace all the territory circumscribed by the following boundary lines to wit:

Being a tract of land situated in Island Creek Township of Duplin County, N. C. and being more particularly described as follows:

BEGINNING at a point located in the Southeast intersection of N. C. No. 11 and N. C. Rural Route No. 1102 as shown upon the map prepared by McDavid Associates, Inc., entitled Town of Greeners, and dated November, 1978; said beginning point being designated as point #144 and runs thence:
S. 88 deg. 46 min. 50 sec. E. 103.146 ft. to pt. #145; thence
S. 83 deg. 25 min. 54 sec. E. 261.620 ft. to pt. #147; thence
S. 79 deg. 24 min. 23 sec. E. 1150.070 ft. to pt. #158; thence
N. 9 deg. 2 min. 57 sec. E. 2150.139 ft. to pt. #159; thence
N. 86 deg. 55 min. 57 sec. E. 817.738 ft. to pt. #160; thence
N. 10 deg. 10 min. 54 sec. E. 864.895 ft. to pt. #161; thence
N. 67 deg. 45 min. 16 sec. E. 2566.850 ft. to pt. #162; thence
S. 15 deg. 19 min. 05 sec. E. 1216.070 ft. to pt. #163; thence
N. 75 deg. 36 min. 55 sec. E. 902.021 ft. to pt. #189; thence
N. 34 deg. 1 min. 22 sec. W. 570.729 ft. to pt. #166; thence
N. 29 deg. 8 min. 10 sec. W. 573.068 ft. to pt. #167; thence
N. 17 deg. 51 min. 02 sec. W. 862.919 ft. to pt. #168; thence
N. 10 deg. 09 min. 18 sec. E. 1448.238 ft. to pt. #171; thence
S. 79 deg. 50 min. 42 sec. E. 1000.000 ft. to pt. #188; thence
S. 10 deg. 09 min. 18 sec. W. 1198.858 ft. to pt. #172; thence
S. 17 deg. 51 min. 02 sec. E. 514.735 ft. to pt. #173; thence
S. 29 deg. 08 min. 10 sec. E. 431.593 ft. to pt. #174; thence
S. 34 deg. 01 min. 22 sec. E. 938.633 ft. to pt. #175; thence
S. 10 deg. 17 min. 12 sec. E. 687.526 ft. to pt. #176; thence
S. 9 deg. 09 min. 15 sec. E. 701.553 ft. to pt. #204; thence
S. 84 deg. 18 min. 52 sec. E. 1262.365 ft. to pt. #180; thence
N. 61 deg. 02 min. 08 sec. E. 1203.200 ft. to pt. #181; thence
S. 80 deg. 30 min. 22 sec. E. 960.316 ft. to pt. #182; thence
N. 86 deg. 55 min. 58 sec. E. 1252.777 ft. to pt. #183; thence
S. 74 deg. 25 min. 42 sec. E. 1306.880 ft. to pt. #184; thence
S. 82 deg. 36 min. 22 sec. E. 1074.482 ft. to pt. #185; thence
S. 69 deg. 09 min. 52 sec. E. 1483.600 ft. to pt. #186; thence
N. 68 deg. 23 min. 44 sec. E. 1925.131 ft. to pt. #190; thence
S. 27 deg. 51 min. 23 sec. E. 503.917 ft. to pt. #155; thence
S. 69 deg. 49 min. 28 sec. W. 346.705 ft. to pt. #105; thence
S. 66 deg. 27 min. 18 sec. W. 398.182 ft. to pt. #154; thence
S. 6 deg. 10 min. 22 sec. W. 559.652 ft. to pt. #205; thence
S. 68 deg. 23 min. 44 sec. W. 1361.911 ft. to pt. #191; thence
N. 69 deg. 09 min. 52 sec. W. 1755.397 ft. to pt. #192; thence
N. 82 deg. 36 min. 22 sec. W. 1028.126 ft. to pt. #193; thence
N. 74 deg. 25 min. 42 sec. W. 1214.262 ft. to pt. #194; thence
S. 86 deg. 55 min. 58 sec. W. 1198.229 ft. to pt. #195; thence
N. 80 deg. 30 min. 22 sec. W. 721.568 ft. to pt. #196; thence
S. 61 deg. 02 min. 08 sec. W. 1166.336 ft. to pt. #197; thence
N. 84 deg. 18 min. 52 sec. W. 1099.018 ft. to pt. #198; thence
S. 47 deg. 31 min. 32 sec. W. 213.297 ft. to pt. #199; thence
S. 47 deg. 36 min. 16 sec. W. 967.374 ft. to pt. #200; thence
S. 54 deg. 57 min. 35 sec. W. 1294.173 ft. to pt. #201; thence
S. 39 deg. 57 min. 06 sec. W. 285.603 ft. to pt. #202; thence
S. 42 deg. 02 min. 06 sec. W. 1603.113 ft. to pt. #211; thence
N. 57 deg. 16 min. 46 sec. W. 198.359 ft. to pt. #209; thence
N. 82 deg. 53 min. 17 sec. W. 287.564 ft. to pt. #208; thence
N. 63 deg. 26 min. 43 sec. W. 32.999 ft. to pt. #207; thence
S. 28 deg. 34 min. 03 sec. W. 481.658 ft. to pt. #82; thence
N. 82 deg. 42 min. 26 sec. W. 4080.950 ft. to pt. #141; thence
N. 0 deg. 55 min. 38 sec. W. 1477.615 ft. to pt. #137; thence
N. 1 deg. 51 min. 09 sec. W. 134.074 ft. to pt. #136; thence
N. 4 deg. 55 min. 27 sec. W. 152.864 ft. to pt. #142; thence
N. 7 deg. 22 min. 55 sec. W. 113.120 ft. to pt. #143; thence
N. 9 deg. 10 min. 26 sec. W. 217.32 ft. to the point of beginning.

Sec. 2. Real and personal property in the territories annexed pursuant to this act are subject to municipal taxes according to the provisions of G.S. 160A-58.10.

Sec. 3. This act shall become effective June 30, 1980.
In the General Assembly read three times and ratified, this the 19th day of June, 1980.
CHAPTER 1134  Session Laws—1979

H. B. 1620  CHAPTER 1134
AN ACT TO EXPAND THE MEMBERSHIP OF THE ONSLOW COUNTY ABC BOARD FROM THREE TO FIVE.

The General Assembly of North Carolina enacts:

Section 1. The Onslow County Board of Alcohol Control shall have five members to be appointed as provided in G.S. 18A-16. Members serving on the board on the effective date of this act may continue to serve until their terms expire. The two new members required by this act shall be appointed no later than July 1, 1980, as follows:

(1) one member shall be appointed for a two-year term;
(2) one member shall be appointed for a three-year term.

After each term has expired, each successor in office shall serve a three-year term. Members serving on the board on the effective date of this act may not succeed themselves. Each of the two new members established by this act may be appointed to serve one three-year term immediately following his first term. Thereafter, no member may serve more than two consecutive terms. This prohibition does not prevent a member appointed to complete part of an unexpired term from serving two full three-year terms after completion of the unexpired term.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1626  CHAPTER 1135
AN ACT TO PERMIT CERTAIN COUNTIES, CITIES AND TOWNS TO ENTER INTO LONG-TERM CONTRACTS FOR DISPOSAL OF SOLID WASTE.

Whereas, the Boards of County Commissioners of the counties listed in Section 6 of this act, and the Councils of many of the cities and towns located in such counties, have become increasingly concerned about the costs of collection and disposal of solid waste generated by private businesses and homes. The labor and transportation costs to pick up solid waste and transport them to an incinerator or a landfill are skyrocketing. Land costs for landfills, as with all land costs, are rising rapidly. Indications are that labor, transportation and land costs will continue to spiral. Environmental regulations relating to disposal of solid waste, although certainly beneficial to our citizens, add substantial cost to the process of solid waste disposal. Material additional expenditures must be incurred in the immediate future to prevent leaching in many landfills. Public opposition to landfills is growing; and

Whereas, the Boards of County Commissioners in the counties listed in Section 6 of this act, and the councils of many of the cities and towns located in such counties, have been advised that one new and very significant innovation in solid waste disposal is the “waste to energy” technology and equipment which has already been implemented in several areas of the United States. This technology and equipment converts solid waste (garbage) into energy in the form of steam. A waste to energy system is usually owned and operated either by a governmental unit that can utilize the steam energy or by a private person,
firm or corporation that harnesses the steam for use in a manufacturing process; and

Whereas, the disposition of solid waste is a public purpose and is a vitally important public service; and

Whereas, the utilization of the new waste to energy technology would be economically and socially beneficial to the counties, cities, and towns and to the people of North Carolina; and

Whereas, a very substantial capital investment is required by a private person, firm or corporation to purchase and install a waste to energy system; and

Whereas, a private person, firm or corporation will not expend the large amounts of capital required to purchase and install a waste to energy system unless the private person, firm or corporation can be assured of an adequate long-term supply of solid waste from a municipality for the waste to energy system under the terms of an enforceable long-term contract; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Boards of County Commissioners on behalf of counties and city councils on behalf of cities and towns are hereby authorized to enter into contracts with any private person, firm or corporation to dispose of by sale or otherwise, solid waste generated within their geographic boundaries or brought into their geographic boundaries. Without intending to limit the provisions which may be included in such contracts, the contracts may specifically include provisions for:

(1) payment by the county, city or town of a fee or other charge to the private person, firm or corporation to accept and dispose of the solid waste;

(2) periodic increases or adjustments in the fees or other charges to be paid by the counties, cities or towns to the private person, firm or corporation;

(3) warranties from the counties, cities or towns with respect to the quantity of the solid waste it will deliver and transfer to the private person, firm or corporation and warranties relating to the content or quality of the solid waste;

(4) legal and equitable title to the solid waste passing to the private person, firm or corporation upon delivery of the solid waste to the private person, firm or corporation; and

(5) a long term of duration up to a period of 60 years.

Sec. 2. As used in this act, the term "solid waste" shall include but not be limited to trash, debris, garbage, litter, discarded cans or receptacles or any other type of waste or garbage material whatsoever.

Sec. 3. Counties, cities and towns may enter into long-term contracts as described in Section 1 of this act notwithstanding the provisions of G.S. 153A-136 limiting a franchise granted by a Board of County Commissioners for the collection and disposal of solid waste to a term of no more than seven years and notwithstanding the provisions of G.S. 160A-319 limiting a franchise granted by a city for the collection and disposal of solid waste to a term of no more than 60 years.

Sec. 4. The Department of Human Resources must approve all contracts entered into pursuant to this act before such contract may become effective.
CHAPTER 1135  Session Laws—1979

Sec. 5. Approval of any contract under this act by the Board of County Commissioners or City Council shall be governed by G.S. 153A-46 as to counties or by G.S. 160A-76 as to cities and towns.

Sec. 6. This act shall apply only to Beaufort County, Craven County, Edgecombe County, Hyde County, Lenoir County, Martin County, Pamlico County, Pitt County, Washington County, Wilson County, and to any and all incorporated cities and towns situated within the foregoing counties.

Sec. 7. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. B. 1645  CHAPTER 1136

AN ACT TO CHANGE THE MANNER OF ELECTION OF THE DUPLIN COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1046, Session Laws of 1967, is repealed.

Sec. 2. The Board of Education of Duplin County consists of five members. Members shall continue to hold office until their successors are elected and qualify. Members shall be elected for four-year terms, and take office the first meeting in December following their election.

Sec. 3. (a) Duplin County is divided into five districts for the election of members of the Board of Education. Said districts shall be the same as established for the Board of Commissioners by Chapter 67, Public-Local Laws of 1939, as amended under former G.S. 153-5.2 by resolution of the Duplin County Board of Commissioners on February 21, 1966, as follows:

District #1 shall be composed of Warsaw Township and Faison Precinct.

District #2 shall be composed of Calypso Precinct, Wolfscrape, Glisson, Albertson and Smith Townships.

District #3 shall be composed of Limestone and Cypress Creek Townships.

District #4 shall be composed of Island Creek and Rockfish Townships.

District #5 shall be composed of Rose Hill, Magnolia, and Kenansville Townships.

(b) Any change in the boundaries of the districts established for the Board of Commissioners also applies to the districts for election of the Board of Education.

Sec. 4. The qualified voters of each district shall nominate candidates who reside in the district for seats apportioned to that district and the qualified voters of the entire county shall elect all the members of the Board.

Sec. 5. The nomination and election of members of the Duplin County Board of Education shall be conducted on a partisan basis in accordance with Chapter 163 of the General Statutes, except as modified in this act.

Sec. 6. Notwithstanding G.S. 163-107, the filing fee for Duplin County Board of Education shall be five dollars ($5.00).

Sec. 7. In case of any vacancy on the Board of Education because of death, resignation, failure to qualify, removal or change of residency so the member no longer resides in the district, then the county executive committee of the political party of the member causing the vacancy shall appoint some eligible person who resides in that district to fill the vacancy for the unexpired term.
Sec. 8. If the districts for the Board of Education are changed so that an incumbent member no longer resides in the district for which the member is elected, the member may continue to serve the balance of the term unless the member moves and after such move does not reside in the district as redefined.

Sec. 9. (a) The person elected in November of 1980 to replace Frederick Rhodes shall represent District #2 until the first meeting in December 1986. A successor shall be elected in 1986 and quadrennially thereafter.

(b) Edward Boyette shall represent District #3 until the first meeting in December 1982. A successor shall be elected in 1982 and quadrennially thereafter.

(c) Graham Phillips shall represent District #4 until the first meeting in December 1982. A successor shall be elected in 1982 and quadrennially thereafter.

(d) Patricia Broadrick and James Strickland shall represent Districts #1 and #5 until the first meeting in December 1984. In 1984 and quadrennially thereafter, a successor shall be elected for District #1. In 1984 and quadrennially thereafter, a successor shall be elected for District #5. If a vacancy should occur prior to the first meeting in December 1984, the appointed successor may reside in either district.

Sec. 10. This act shall become effective January 1, 1981, except that the person elected in the 1980 election shall qualify and take office on the first Monday in April 1981.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.

S. B. 947

CHAPTER 1137

AN ACT TO MODIFY CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA STATE GOVERNMENT FOR THE FISCAL YEAR 1980-81, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

— APPROPRIATIONS FOR MAXIMUMS/REVERT BALANCES

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the State budget. Savings shall be effected where the total amounts appropriated shall not be required to perform these services and accomplish these purposes, and except as allowed by the Executive Budget Act or this act, the savings shall be reverted to the appropriate fund at the end of the fiscal year.

*****

An outline of the provisions of the act follows this section. The outline shows the heading "— CONTENTS/INDEX —" and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

— CONTENTS/INDEX —

[This outline is designed for reference only, and it in no way limits, defines, or prescribes the scope or application of the text of the act.]

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PART II.—CURRENT OPERATIONS—HIGHWAY FUND
   Sec. 3.
PART III.—CAPITAL IMPROVEMENTS—GENERAL FUND
   Sec. 4.
PART IV.—CAPITAL IMPROVEMENTS—HIGHWAY FUND
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      MOST STATE EMPLOYEES/TEN PERCENT SALARY INCREASE ADMIN.
   Sec. 6.
      LEGISLATIVE EMPLOYEES/TEN PERCENT SALARY INCREASE
   Sec. 7.
      GENERAL ASSEMBLY PRINCIPAL Clerks/ SALARY INCREASES
   Sec. 8.
      MEMBERS OF THE GENERAL ASSEMBLY/ SALARY INCREASES/ EXPENSE ALLOWANCES
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   Sec. 10.
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   Sec. 12.
      COMMUNITY COLLEGES PERSONNEL/ SALARY INCREASES
   Sec. 13.
      HIGHER EDUCATION ACADEMIC PERSONNEL/ SALARY INCREASES
   Sec. 14.
      WILDLIFE RESOURCES PERSONNEL/ TEN PERCENT SALARY INCREASES
   Sec. 15.
      SALARY-RELATED CONTRIBUTIONS/ EMPLOYERS
   Sec. 16.
      SALARY ADJUSTMENT APPROPRIATIONS/ AUTHORIZED TRANSFERS
   Sec. 17.
      PERSONNEL MERIT SALARY FUND/ COMMUNITY COLLEGES
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Sec. 19.3. CLERICAL ASSISTANTS IN PUBLIC SCHOOLS/ONE STEP SALARY INCREMENT
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—PUBLIC SCHOOL PERSONNEL/LONGEVITY
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Sec. 21.
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Sec. 22.
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—TRAVEL ALLOWANCES/STATE OFFICERS AND EMPLOYEES
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—MOVING EXPENSES/STATE EMPLOYEES
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Sec. 28.
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—EXPENSE ALLOWANCE/GOVERNOR
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---COST-OF-LIVING ALLOWANCE INCREASES IN TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM
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---PENSION INCREASES FOR PENSIONERS IN TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM
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---COST-OF-LIVING ALLOWANCE INCREASES FOR RETIRED LAW ENFORCEMENT OFFICERS
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---EFFECTIVE DATE
PART I.—CURRENT OPERATIONS—GENERAL FUND

Sec. 2. The items and amounts appropriated from the General Fund for the 1980-81 fiscal year in the 1980-81 column of the schedule in Section 2 of the 1979 Session Laws Chapter 838 are repealed, and appropriations from the General Fund for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the fiscal year ending June 30, 1981, according to the following schedule:

<table>
<thead>
<tr>
<th>Current Operations—General Fund</th>
<th>1980-81</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Assembly</td>
<td>$8,607,172</td>
</tr>
<tr>
<td>Judicial Department</td>
<td>70,393,898</td>
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<tr>
<td>Department of Governor</td>
<td></td>
</tr>
<tr>
<td>Office of the Governor</td>
<td>1,244,508</td>
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<tr>
<td>Office of Citizens Affairs</td>
<td>589,520</td>
</tr>
<tr>
<td>Office of State Budget and Management</td>
<td>2,387,536</td>
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<tr>
<td>Total Department of Governor</td>
<td>4,221,564</td>
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<tr>
<td>Lieutenant Governor's Office</td>
<td>225,358</td>
</tr>
<tr>
<td>Department of Administration</td>
<td>25,598,817</td>
</tr>
<tr>
<td>Reserve for Educational Benefits</td>
<td></td>
</tr>
<tr>
<td>Children of Veterans</td>
<td>2,300,000</td>
</tr>
<tr>
<td>Department of Secretary of State</td>
<td>620,180</td>
</tr>
<tr>
<td>Department of State Auditor</td>
<td>4,904,818</td>
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<tr>
<td>Department of State Treasurer</td>
<td></td>
</tr>
<tr>
<td>01. Operations</td>
<td>1,667,743</td>
</tr>
<tr>
<td>02. Retiree Benefits</td>
<td>13,216,954</td>
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<tr>
<td>Total Department of State Treasurer</td>
<td>14,884,697</td>
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<tr>
<td>Department of Justice</td>
<td>21,637,223</td>
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<tr>
<td>Department of Revenue</td>
<td>23,474,595</td>
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<tr>
<td>State Board of Elections</td>
<td>222,114</td>
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<tr>
<td>Department of Crime Control and Public Safety</td>
<td>7,270,185</td>
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<tr>
<td>Department of Commerce</td>
<td>15,183,951</td>
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<tr>
<td>Department of Insurance</td>
<td>3,840,900</td>
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<tr>
<td>Department of Labor</td>
<td>3,849,516</td>
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<tr>
<td>Department of Correction</td>
<td>119,486,023</td>
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<tr>
<td>Department of Public Education</td>
<td></td>
</tr>
<tr>
<td>01. Program Administration and Support</td>
<td>80,745,637</td>
</tr>
<tr>
<td>02. Fiscal Administration and Support</td>
<td>1,114,322,510</td>
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<tr>
<td>Total Department of Public</td>
<td>1,195,068,147</td>
</tr>
<tr>
<td>Education</td>
<td></td>
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<tr>
<td>Department of Community Colleges</td>
<td>152,412,204</td>
</tr>
<tr>
<td>The University of North Carolina</td>
<td></td>
</tr>
<tr>
<td>Board of Governors</td>
<td></td>
</tr>
<tr>
<td>01. General Administration</td>
<td>5,815,291</td>
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<tr>
<td>02. Lump Sum Appropriations</td>
<td>39,871,371</td>
</tr>
<tr>
<td>03. Related Educational Programs</td>
<td>24,764,228</td>
</tr>
<tr>
<td>04. Agricultural Programs</td>
<td>700,000</td>
</tr>
<tr>
<td>05. University of North Carolina at Chapel Hill</td>
<td></td>
</tr>
<tr>
<td>a. Academic Affairs</td>
<td>53,602,582</td>
</tr>
<tr>
<td>b. Division of Health Affairs</td>
<td>37,038,937</td>
</tr>
</tbody>
</table>

48
<table>
<thead>
<tr>
<th>Area Health Education Centers</th>
<th>14,295,027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North Carolina State University</strong> at Raleigh</td>
<td></td>
</tr>
<tr>
<td>a. Academic Affairs</td>
<td>54,143,310</td>
</tr>
<tr>
<td>b. Agricultural Experiment Station</td>
<td>16,058,969</td>
</tr>
<tr>
<td>c. Agricultural Extension Service</td>
<td>11,909,782</td>
</tr>
<tr>
<td><strong>University of North Carolina at Greensboro</strong></td>
<td>21,407,199</td>
</tr>
<tr>
<td><strong>University of North Carolina at Charlotte</strong></td>
<td>17,551,735</td>
</tr>
<tr>
<td><strong>University of North Carolina at Asheville</strong></td>
<td>4,095,891</td>
</tr>
<tr>
<td><strong>University of North Carolina at Wilmington</strong></td>
<td>8,429,257</td>
</tr>
<tr>
<td><strong>East Carolina University</strong></td>
<td>34,196,143</td>
</tr>
<tr>
<td><strong>North Carolina Agricultural &amp; Technical State University</strong></td>
<td>13,696,580</td>
</tr>
<tr>
<td><strong>Western Carolina University</strong></td>
<td>13,757,095</td>
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<tr>
<td><strong>Appalachian State University</strong></td>
<td>19,330,539</td>
</tr>
<tr>
<td><strong>Pembroke State University</strong></td>
<td>5,395,902</td>
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<tr>
<td><strong>Winston-Salem State University</strong></td>
<td>6,037,766</td>
</tr>
<tr>
<td><strong>Elizabeth City State University</strong></td>
<td>5,049,610</td>
</tr>
<tr>
<td><strong>Fayetteville State University</strong></td>
<td>5,675,797</td>
</tr>
<tr>
<td><strong>North Carolina Central University</strong></td>
<td>11,907,250</td>
</tr>
<tr>
<td><strong>North Carolina School of the Arts</strong></td>
<td>3,005,856</td>
</tr>
<tr>
<td><strong>North Carolina Memorial Hospital</strong></td>
<td>22,679,351</td>
</tr>
<tr>
<td><strong>Total University of North Carolina</strong></td>
<td>450,415,468</td>
</tr>
<tr>
<td><strong>Department of Cultural Resources</strong></td>
<td>17,583,182</td>
</tr>
<tr>
<td><strong>Department of Transportation - General Fund</strong></td>
<td></td>
</tr>
<tr>
<td>01. Aeronautics</td>
<td>3,616,571</td>
</tr>
<tr>
<td>02. Public Transportation</td>
<td>1,340,000</td>
</tr>
<tr>
<td>03. Aid to Railroads</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total Department of Transportation-General Fund</strong></td>
<td>5,056,571</td>
</tr>
<tr>
<td><strong>Department of Human Resources</strong></td>
<td></td>
</tr>
<tr>
<td>01. Central Administration</td>
<td>16,048,554</td>
</tr>
<tr>
<td>02. Medical Assistance</td>
<td>131,972,847</td>
</tr>
<tr>
<td>03. Health Services</td>
<td>44,130,657</td>
</tr>
<tr>
<td>04. Services for the Blind</td>
<td>4,461,365</td>
</tr>
<tr>
<td>05. Vocational Rehabilitation</td>
<td>11,438,611</td>
</tr>
<tr>
<td>06. Mental Health Services</td>
<td></td>
</tr>
<tr>
<td>a. Administration &amp; Grant-in-aid</td>
<td>53,715,833</td>
</tr>
<tr>
<td>b. Alcoholic Rehabilitation Center-Black Mountain</td>
<td>1,787,043</td>
</tr>
<tr>
<td>c. Alcoholic Rehabilitation Center-Butner</td>
<td>1,381,050</td>
</tr>
<tr>
<td>d. Walter B. Jones Alcoholic Rehabilitation Center-Greenville</td>
<td>1,292,347</td>
</tr>
<tr>
<td>e. Dorothea Dix Hospital</td>
<td>18,056,455</td>
</tr>
<tr>
<td>f. Broughton Hospital</td>
<td>17,275,938</td>
</tr>
</tbody>
</table>
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  g. Western Carolina Center  6,122,856
  h. Cherry Hospital  16,910,976
  i. O'erry Center  4,846,448
  j. John Umstead Hospital  14,812,220
  k. Murdoch Center  14,113,199
  l. Caswell Center  16,960,280
  m. Wright School  741,368
  n. N. C. Special Care Center  1,999,141

  07. Lenox D. Baker Children's Hospital of North Carolina  481,431
  08. Confederate Women's Home  144,637
  09. McCain Hospital  2,307,031
  10. Western Carolina Hospital  2,382,982
  11. Division of Youth Services  16,461,307
  12. North Carolina School for the Deaf  5,179,408
  14. Central North Carolina School for the Deaf  1,948,223
  15. Governor Morehead School  2,960,783
  16. Facility Services  6,725,414
  17. Social Services  64,193,969
  18. State Aid to Non-State Health & Welfare Agencies  3,689,534
  19. Special Aid to Counties  3,000,000

  Total Department of Human Resources  490,355,106

  Department of Natural Resources & Community Development  29,959,651
  Department of Agriculture  18,403,268
  Debt Service - Interest  31,873,700
  Debt Service - Redemption  30,300,000
  Contingency & Emergency Fund  2,000,000
  Reserve for Loss of Federal Funds  500,000
  Salary Adjustments of State Employees  500,000
  Reserve for Travel Allowance Increase  3,000,000
  Reserve for Travel Subsistence Increase  2,500,000
  Reserve for Salary Increases for Teachers & State Employees  307,211,101
  Reserve for Salary Step Eight for SPA Employees, School Bus Mechanics & Property Cost Clerks in Public Schools & Administrative & Clerical Personnel in Judicial Departments  6,017,227
  Reserve for Gasoline, Fuel & Utilities Cost Increases  35,000,000
  Reserve for Salary Schedule Revision for Teachers at State Institutions  600,000
  Reserve for Hospitalization Rate Increases & Increases in Retirement Benefits  19,329,893

50
State Assumption of Local Governments’ Share of Contribution to Law Enforcement Officers’ Retirement System 4,027,000

GRAND TOTAL CURRENT OPERATIONS $3,128,833,529

PART II.—CURRENT OPERATIONS—HIGHWAY FUND

Sec. 3. The amounts appropriated from the Highway Fund for the 1980-81 fiscal year in the 1980-81 column of the schedule in Section 3 of 1979 Session Laws Chapter 838 are repealed, and appropriations from the Highway Fund for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of transportation-related activities are made for the fiscal year ending June 30, 1981, according to the following schedule:

### Current Operations—Highway Fund 1980-81

<table>
<thead>
<tr>
<th>DEPARTMENT OF TRANSPORTATION</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>01. Administration</td>
<td>11,676,161</td>
</tr>
<tr>
<td>02. Highways</td>
<td></td>
</tr>
<tr>
<td>a. Administration and Operations</td>
<td>20,526,092</td>
</tr>
<tr>
<td>b. State Construction</td>
<td></td>
</tr>
<tr>
<td>(01) Primary Construction</td>
<td>21,459,419</td>
</tr>
<tr>
<td>(02) Secondary Construction</td>
<td>23,400,000</td>
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<tr>
<td>(03) Urban Construction</td>
<td>7,281,000</td>
</tr>
<tr>
<td>(04) Access and Public Service Roads</td>
<td>500,000</td>
</tr>
<tr>
<td>(05) Bridge Replacements</td>
<td>4,262,300</td>
</tr>
<tr>
<td>c. State Funds to Match Federal Highway Aid</td>
<td></td>
</tr>
<tr>
<td>(01) Construction</td>
<td>45,662,000</td>
</tr>
<tr>
<td>(02) Planning Survey and Highway Planning Research</td>
<td>1,791,118</td>
</tr>
<tr>
<td>d. State Maintenance</td>
<td></td>
</tr>
<tr>
<td>(01) Primary</td>
<td>57,902,568</td>
</tr>
<tr>
<td>(02) Secondary</td>
<td>89,380,009</td>
</tr>
<tr>
<td>(03) Urban</td>
<td>13,908,202</td>
</tr>
<tr>
<td>e. Ferry Operations</td>
<td>6,065,000</td>
</tr>
<tr>
<td>f. State Aid to Municipalities</td>
<td>32,488,000</td>
</tr>
<tr>
<td>g. Merit Salary Increments for Central Offices and Division of Highways</td>
<td>10,296,883</td>
</tr>
<tr>
<td>h. Employers’ Contributions for Central Offices and Division of Highways</td>
<td></td>
</tr>
<tr>
<td>(01) Social Security</td>
<td>9,690,225</td>
</tr>
<tr>
<td>(02) Retirement</td>
<td>13,212,502</td>
</tr>
<tr>
<td>(03) Hospital/ Medical Insurance</td>
<td>3,679,344</td>
</tr>
<tr>
<td>03. Motor Vehicles</td>
<td>32,087,464</td>
</tr>
<tr>
<td>04. Governor’s Highway Safety Program</td>
<td>524,651</td>
</tr>
<tr>
<td>05. Reserve for Salary Increases for Highway Fund Employees</td>
<td>21,134,000</td>
</tr>
<tr>
<td>06. Reserve for Increased Retirement Cost</td>
<td>953,845</td>
</tr>
<tr>
<td>07. Reserve for Hospital/Medical</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 1137  Session Laws—1979

<table>
<thead>
<tr>
<th>Appropriations for Other State Agencies</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>01. Crime Control and Public Safety</td>
<td>36,513,386</td>
</tr>
<tr>
<td>02. Other Agencies</td>
<td></td>
</tr>
<tr>
<td>a. Department of Agriculture</td>
<td>1,309,971</td>
</tr>
<tr>
<td>b. Department of Commerce</td>
<td>502,841</td>
</tr>
<tr>
<td>c. Department of Revenue</td>
<td>928,839</td>
</tr>
<tr>
<td>d. Department of State Treasurer</td>
<td>975,086</td>
</tr>
<tr>
<td>(LEO Retirement)</td>
<td></td>
</tr>
<tr>
<td>e. Department of Community Colleges</td>
<td>140,929</td>
</tr>
<tr>
<td>f. Department of Human Resources</td>
<td>66,952</td>
</tr>
<tr>
<td>g. Department of Correction</td>
<td>500,000</td>
</tr>
<tr>
<td><strong>GRAND TOTAL - HIGHWAY FUND</strong></td>
<td><strong>$ 502,418,876</strong></td>
</tr>
</tbody>
</table>

PART III.—CAPITAL IMPROVEMENTS—GENERAL FUND

Sec. 4. Section 4 of Chapter 731 of the 1979 Session Laws is amended in lines four and five by deleting the language “ninety-nine million four hundred seventeen thousand two hundred sixteen dollars ($99,417,216)” and substituting “one hundred two million two hundred seventy-six thousand seven hundred sixteen dollars ($102,276,716)”.

The items and amounts appropriated from the General Fund for the 1980-81 fiscal year in the 1980-81 column in the schedule in Section 4 of 1979 Session Laws Chapter 731 are repealed, and appropriations are made from the General Fund for use by State institutions, departments and agencies to provide for capital improvement projects according to the following schedule:

### Capital Improvements—General Fund 1980-81

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEPARTMENT OF ADMINISTRATION (TOTAL)</strong> $</td>
<td>1,805,000</td>
</tr>
<tr>
<td>01. Renovations &amp; Repairs,</td>
<td></td>
</tr>
<tr>
<td>Government Center</td>
<td>125,000</td>
</tr>
<tr>
<td>02. Asbestos Control Projects</td>
<td>625,000</td>
</tr>
<tr>
<td>03. Heating Conversion Projects</td>
<td>500,000</td>
</tr>
<tr>
<td>04. Supplement to Old Health</td>
<td></td>
</tr>
<tr>
<td>Building Renovation</td>
<td>375,000</td>
</tr>
<tr>
<td>05. Repairs at Marine Resource Centers</td>
<td>180,000</td>
</tr>
<tr>
<td><strong>DEPARTMENT OF AGRICULTURE (TOTAL)</strong></td>
<td>2,933,800</td>
</tr>
<tr>
<td>01. Storage &amp; Distribution Facility,</td>
<td></td>
</tr>
<tr>
<td>Butner</td>
<td>2,276,000</td>
</tr>
<tr>
<td>02. Additions to Western Farmers Market</td>
<td>387,500</td>
</tr>
<tr>
<td>03. Pesticide Storage Facility</td>
<td>20,300</td>
</tr>
<tr>
<td>04. Dorton Arena Roof Repair</td>
<td>300,000</td>
</tr>
<tr>
<td>Less: State Fair Receipts</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>General Fund</strong></td>
<td>250,000</td>
</tr>
<tr>
<td><strong>THE UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS (TOTAL)</strong></td>
<td>53,536,000</td>
</tr>
</tbody>
</table>
Funds for Schedule of Priorities-Capital Improvements:

01. Utilities, Roads, Walks & Drives Projects
02. Occupational Safety & Health Act & Barrier Removal Projects
03. Renovation & Major Maintenance Projects
04. Land Acquisition
05. Educational Television Production Center-Advance Planning
06. Programming-Planning for Future Campus Physical Plant Development
07. School of Veterinary Medicine
08. Construction of New Facilities
09. East Carolina University-Bed Tower at Pitt County Memorial Hospital (Supplement)
   Subtotal-Schedule for Priorities 28,156,000
10. Reserve for Traditionally Black Institutions 20,000,000
11. Agricultural Experiment Station-N.C. State University:
   a. Greenhouse-Headhouse Complex 4,000,000
12. North Carolina Memorial Hospital:
   a. Renovations 1,380,000

DEPARTMENT OF COMMERCE (TOTAL) 4,880,000

01. State Ports-Container Terminal Expansion-Wilmington 4,800,000
02. Construct Three Welcome Centers
    Less Receipts-Federal Highway Admin. 270,000
    General Fund 80,000

DEPARTMENT OF CORRECTION (TOTAL) 21,300,000

01. Repairs, Renovations & Reconstruction 1,000,000
02. Reserve for New Prison Construction 20,300,000

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (TOTAL) 339,746

01. Supplement to Albemarle Armory
    Less Receipts-Local Funds 22,938
    Less Receipts-Federal Funds 137,625
    General Fund 22,937
02. Supplement to Raeford Armory
    Less Receipts-Local Funds 21,562
    Less Receipts-Federal Funds 129,375
    General Fund 21,563
03. Completely Renovate Warrenton Armory
    Less Receipts-Local Funds 55,250
    Less Receipts-Federal Funds 309,000
    General Fund 56,000

53
<table>
<thead>
<tr>
<th>Projecl</th>
<th>Description</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>04. New Armory-Jefferson</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less Receipts-Local Funds</td>
<td>77,525</td>
</tr>
<tr>
<td></td>
<td>Less Receipts-Federal Funds</td>
<td>370,950</td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>78,745</td>
</tr>
<tr>
<td>05. New Armory-Murphy</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less Receipts-Local Funds</td>
<td>69,187</td>
</tr>
<tr>
<td></td>
<td>Less Receipts-Federal Funds</td>
<td>325,125</td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>69,938</td>
</tr>
<tr>
<td>06. New Armory-Marion</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less Receipts-Local Funds</td>
<td>65,062</td>
</tr>
<tr>
<td></td>
<td>Less Receipts-Federal Funds</td>
<td>315,375</td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>65,813</td>
</tr>
<tr>
<td>07. Armory Addition at Hickory</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less Receipts-Federal Funds</td>
<td>72,750</td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>24,750</td>
</tr>
<tr>
<td><strong>DEPARTMENT OF CULTURAL RESOURCES (TOTAL)</strong></td>
<td></td>
<td>1,930,250</td>
</tr>
<tr>
<td>01. Reserve for State Aid for Public Library Construction, Additions &amp; Renovations</td>
<td></td>
<td>1,000,000</td>
</tr>
<tr>
<td>02. Reserve for Spencer Shops-Development</td>
<td></td>
<td>625,000</td>
</tr>
<tr>
<td>03. Bennett Place-Visitor Center</td>
<td></td>
<td>223,750</td>
</tr>
<tr>
<td>04. Stagville Preservation Center-Development</td>
<td></td>
<td>81,500</td>
</tr>
<tr>
<td><strong>DEPARTMENT OF HUMAN RESOURCES (TOTAL)</strong></td>
<td></td>
<td>3,045,000</td>
</tr>
<tr>
<td>01. Life Safety Code &amp; Section 504 Compliance Projects</td>
<td></td>
<td>2,000,000</td>
</tr>
<tr>
<td>02. New Gymnasium-Juvenile Evaluation Center</td>
<td></td>
<td>445,000</td>
</tr>
<tr>
<td>03. Renovations &amp; Repairs Projects-Mental Health Facilities</td>
<td></td>
<td>250,000</td>
</tr>
<tr>
<td>04. Renovations &amp; Repairs Projects-Youth Services Facilities</td>
<td></td>
<td>100,000</td>
</tr>
<tr>
<td>05. Chapels at Mental Retardation Centers-Matching</td>
<td></td>
<td>250,000</td>
</tr>
<tr>
<td><strong>DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT (TOTAL)</strong></td>
<td></td>
<td>8,567,100</td>
</tr>
<tr>
<td>01. Reserve for State Parks-Development</td>
<td></td>
<td>1,000,000</td>
</tr>
<tr>
<td></td>
<td>Less Receipts-Federal-BOR</td>
<td>500,000</td>
</tr>
<tr>
<td></td>
<td>Subtotal-General Fund</td>
<td>500,000</td>
</tr>
<tr>
<td>02. Reserve for State Parks-Acquisition</td>
<td></td>
<td>500,000</td>
</tr>
<tr>
<td></td>
<td>Less Receipts-Federal-BOR</td>
<td>250,000</td>
</tr>
<tr>
<td></td>
<td>Subtotal-General Fund</td>
<td>250,000</td>
</tr>
<tr>
<td>03. Reserve for Civil Works and Small Watershed Projects</td>
<td></td>
<td>700,000</td>
</tr>
<tr>
<td>04. Zoo Development-Completion of African Phase</td>
<td></td>
<td>7,117,100</td>
</tr>
<tr>
<td><strong>GENERAL ASSEMBLY (TOTAL)</strong></td>
<td></td>
<td>65,000</td>
</tr>
<tr>
<td>01. Air Conditioning Modifications/Maintenance-Legislative Building</td>
<td></td>
<td>50,000</td>
</tr>
</tbody>
</table>
02. Renovate Legislative Building-
    Design Funds  15,000
DEPARTMENT OF PUBLIC EDUCATION (TOTAL)  3,874,820
  01. Community colleges-Capital Construction
    Grants  4,099,820
    Less Receipts-Federal  225,000
    Subtotal, General Fund  3,874,820
GRAND TOTAL GENERAL FUND APPROPRIATION $ 102,276,716

PART IV.—CAPITAL IMPROVEMENTS—HIGHWAY FUND

Sec. 5. Section 5 of Chapter 731 of the 1979 Session Laws is amended in lines 4 and 5 by deleting the language, "Two million seven hundred sixty-seven thousand one hundred forty-two dollars ($2,767,142)" and substituting, "three million one hundred thirty-eight thousand one hundred forty-two dollars ($3,138,142)".

The items and amounts appropriated from the Highway Fund for the 1980-81 fiscal year in the 1980-81 column in the schedule in Section 5 of 1979 Session Laws Chapter 731 are repealed, and appropriations are made from the Highway Fund for use of the Department of Transportation and the Department of Crime Control and Public Safety to provide for capital improvement projects according to the following schedule:

Capital Improvements—Highway Fund  1980-81
DEPARTMENT OF TRANSPORTATION (TOTAL)  $3,138,142
  01. Equipment Shop at Charlotte  2,000,000
    Less Receipts-Sale of Land  500,000
    Subtotal - Highway Fund  1,500,000
  02. Reroof Motor Vehicles Building, Raleigh  371,000
  03. Renovation and Construction Projects
      at Maintenance & Equipment Facilities -
      Division of Highways  267,142
  04. Reserve for Ferry Maintenance Facility -
      Mann's Harbor  1,000,000
GRAND TOTAL - HIGHWAY FUND APPROPRIATION $3,138,142
—MOST STATE EMPLOYEES/TEN PERCENT SALARY INCREASE ADMIN.

Sec. 6. The salaries in effect on June 30, 1980, for all permanent State employees paid from the General Fund or the Highway Fund shall be increased on July 1, 1980, by an average of ten percent (10%) rounded to conform to the steps in the salary ranges which the State Personnel Commission adopts. If the salary in effect on June 30, 1980, for an employee is not equal to a specific pay rate in the salary schedule effective on that date, his annual increase shall be the amount applicable to the next lower pay rate. The Director of the Budget is authorized to transfer from the appropriations in Sections 2 and 3 of this act for this purpose all funds necessary for the ten percent (10%) average increase, including funds for the employer's retirement and Social Security contribution.

Except as otherwise provided in this act, the salaries of State officials, department secretaries, and persons in exempt positions which are recommended by the Governor or the Governor and the Advisory Budget Commission and set by the General Assembly shall be increased an average of ten percent (10%) commencing July 1, 1980. The Director of the Budget is authorized to transfer from the appropriations in Sections 2 and 3 of this act for
this purpose all funds necessary for the ten percent (10%) average increase including funds for the employer’s retirement and Social Security contribution.

The Director of the Budget is authorized to allocate out of special operating funds or from other sources of the employing agency, except tax revenues, sufficient funds to allow a salary increase averaging ten percent (10%), including funds for the employer’s retirement and Social Security contribution, for the employees of the agency, provided that the employing agency elects to make available the necessary funds.

The Director of the Budget is authorized to promulgate special rules and regulations to apply to salary increases for employees whose salaries are paid from interagency receipts where payments for the services of those employees originate from State appropriations to the end that the effective purchasing power of the appropriations is not materially reduced as a result of these salary increases. The salary increase may average up to ten percent (10%) and funds made available for it shall include amounts necessary for the increase and the employee’s retirement and Social Security contribution. Any questions as to the applicability of the provisions of this paragraph shall be resolved by the Director of the Budget.

The salaries of all permanent public school employees paid from allocations to local school units for State Aid-Exceptional Children ADM appropriation, Health Education Coordinator grants, Community Schools Coordinator grants, Vocational Education State Aid Non-Matching Expansion ADM allocation, Vocational Education State Aid Extended Day ADM allocations and State-matching funds for School Food Service Supervisors shall be increased by an average of ten percent (10%). The Director of the Budget is authorized to transfer from the appropriation provided in Section 2 of this act for legislative salary increases for public school employees all funds necessary for the ten percent (10%) salary increase and for the new salary schedule, including funds for the employer’s retirement and Social Security contributions.

Salaries for positions which are funded partially from the General Fund and partially from sources other than the General Fund shall be increased from the General Fund appropriation only to the extent of the proportionate part of the salaries paid from the General Fund.

The granting of the legislative salary increases under this section shall not affect the status of eligibility for salary increments for which employees may be eligible.

The salary range maximums for all employees under the State Personnel Act shall be increased to accommodate the legislative salary increase so that every employee will continue to have the same relative position with respect to salary increases and future increments as he would have had if the legislative salary increases had not been made.

The salary increases provided in this act to be effective July 1, 1980, shall not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement whose last work day is prior to July 1, 1980.

Any remaining appropriations for legislative salary increases not required for that purpose may be used to supplement the Salary Adjustment Fund or to meet shift premium pay requirements.

Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments are authorized to increase on an equitable basis
the rate of pay of temporary State employees, subject to availability of funds in
the particular agency or department by pro rata amounts approximately equal
to ten percent (10%).

—LEGISLATIVE EMPLOYEES/TEN PERCENT SALARY INCREASE

Sec. 7. The Legislative Services Officer is authorized to increase the
salaries of nonelected employees of the General Assembly in effect on June 30,
1980, by ten percent (10%) commencing July 1, 1980, rounded to the nearest
whole dollar figure divisible by 12 and otherwise adjusted to conform with the
relative levels of the Legislative Services Commission salary schedule. The
granting of this legislative percentage salary increase shall not affect the status
of employees' eligibility for other salary increments. Funds are appropriated in
Section 2 of this act to provide the salary increase authorized by this section,
including the employer's retirement and Social Security contributions.

—GENERAL ASSEMBLY PRINCIPAL CLERKS/SALARY INCREASES

Sec. 8. G.S. 120-37(c) is amended by deleting the language, "twenty-two
thousand two hundred sixty dollars ($22,260)"., and substituting, "twenty-four
thousand four hundred ninety-two dollars ($24,492)".

—MEMBERS OF THE GENERAL ASSEMBLY/SALARY INCREASES/EXPENSE ALLOWANCES

Sec. 9. Sections 92 and 125 of Chapter 838 of the 1979 Session Laws are
repealed.

Sec. 9.1. G.S. 120-3 is amended to read as follows: "The Speaker of the
House shall be paid an annual salary of thirteen thousand eight hundred sixty
dollars ($13,860), payable monthly, and an expense allowance of three hundred
forty-five dollars ($345.00) per month. The President pro tempore of the
Senate, the Speaker pro tempore of the House, the minority leader in the
House, and the minority leader in the Senate shall each be paid an annual
salary of eight thousand six hundred sixty-four dollars ($8,664), payable
monthly, and an expense allowance of two hundred thirty dollars ($230.00) per
month. Every other member of the General Assembly shall be paid an annual
salary of six thousand nine hundred thirty-six dollars ($6,936), payable
monthly, and an expense allowance of one hundred seventy-two dollars
($172.00) per month. The salary and expense allowances provided in this section
are in addition to any per diem compensation and any subsistence and travel
allowance authorized by any other law with respect to any regular or extra
session of the General Assembly, and service on any State board, agency,
commission, standing committee and study commission."

—JUDICIAL BRANCH OFFICIALS/SALARIES

Sec. 10. The annual salary, in fiscal year 1980-81, of the specified
judicial branch official shall be as follows:

<table>
<thead>
<tr>
<th>Judicial Branch Officials</th>
<th>1980-81</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Justice, Supreme Court</td>
<td>$55,440</td>
</tr>
<tr>
<td>Associate Justice, Supreme Court</td>
<td>54,288</td>
</tr>
<tr>
<td>Chief Judge, Court of Appeals</td>
<td>52,560</td>
</tr>
<tr>
<td>Judge, Court of Appeals</td>
<td>51,396</td>
</tr>
<tr>
<td>Judge, Senior Regular Resident, Superior Court</td>
<td>47,136</td>
</tr>
<tr>
<td>Judge, Superior Court</td>
<td>45,636</td>
</tr>
<tr>
<td>Chief Judge, District Court</td>
<td>38,412</td>
</tr>
<tr>
<td>Judge, District Court</td>
<td>36,960</td>
</tr>
</tbody>
</table>
CHAPTER 1137 Session Laws—1979

District Attorney 42,456
Assistant District Attorney - an average of 27,444
Administrative Officer of the Courts 48,504
Assistant Administrative Officer of the Courts 34,644
Public Defender 42,456
Assistant Public Defender - an average of 27,444

If an acting senior regular resident superior court judge is appointed under the provisions of G.S. 7A-41, he shall receive the salary for Judge, Senior Regular Resident, Superior Court, and the judge he replaces shall receive the salary indicated for Judge, Superior Court.

The district attorney or public defender of a judicial district with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys or assistant public defenders, respectively, in that district such that the average salaries of assistant district attorneys or assistant public defenders in that district do not exceed twenty seven thousand four hundred forty-four dollars ($27,444) and the minimum salary of any assistant district attorney or assistant public defender is at least thirteen thousand eight hundred sixty dollars ($13,860) per annum.

Funds appropriated in Section 2 of this act for salary increases and related employer’s retirement and Social Security contributions for permanent employees of the Judicial Department, except for those itemized in this act, are to provide salary increases commencing July 1, 1980, of the same percentage as that authorized in Section 2 of this act for State employees subject to the Personnel Act, rounded to conform to the steps in the salary ranges adopted by the Judicial Department.

—MAJOR TRATES/SALARIES

Sec. 11. The schedule of salaries of full-time magistrates shown in the table in subdivision (1) of G.S. 7A-171.1, is deleted and in lieu thereof the following schedule is substituted:

<table>
<thead>
<tr>
<th>Number of prior years of service</th>
<th>Annual salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1</td>
<td>$9,456</td>
</tr>
<tr>
<td>1 or more but less than 3</td>
<td>10,284</td>
</tr>
<tr>
<td>3 or more but less than 5</td>
<td>11,232</td>
</tr>
<tr>
<td>5 or more but less than 7</td>
<td>12,252</td>
</tr>
<tr>
<td>7 or more but less than 9</td>
<td>13,380</td>
</tr>
<tr>
<td>9 or more</td>
<td>14,640</td>
</tr>
</tbody>
</table>

—CLERKS OF COURT/SALARIES

Sec. 12. The schedule of salaries of clerks of superior courts beginning on line 5 of G.S. 7A-101, is deleted and in lieu thereof the following schedule is substituted:

<table>
<thead>
<tr>
<th>Population</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10,000</td>
<td>$15,024</td>
</tr>
<tr>
<td>10,000 to 19,999</td>
<td>19,056</td>
</tr>
<tr>
<td>20,000 to 49,999</td>
<td>22,536</td>
</tr>
<tr>
<td>50,000 to 99,999</td>
<td>25,992</td>
</tr>
<tr>
<td>100,000 to 199,999</td>
<td>29,460</td>
</tr>
<tr>
<td>200,000 and above</td>
<td>35,808</td>
</tr>
</tbody>
</table>

—COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES
Sec. 13. The Director of the Budget is authorized to transfer from the appropriations for this purpose in Section 2 of this act funds necessary to provide an annual average salary increase of ten percent (10%), and the employer's retirement and social security contribution, in 1980-81 for all community college institutional personnel. These funds shall be allocated to individuals according to rules and regulations established by the State Board of Education and may not be used for any purpose other than for the salary increases and necessary employer's contributions.

— HIGHER EDUCATION ACADEMIC PERSONNEL/SALARY INCREASES

Sec. 14. The Director of the Budget is authorized to transfer from the appropriation in Section 2 of this act, funds necessary to provide an annual average salary increase of ten percent (10%), and the employer's retirement and Social Security contribution, in 1980-81 for employees exempt from the State Personnel Act in the constituent institutions of The University of North Carolina system. These funds are to be allocated to individuals in accordance with rules and regulations established by the Board of Governors and may not be used for any purpose other than for the salary increases and necessary employer's contributions.

— WILDLIFE RESOURCES PERSONNEL/TEN PERCENT SALARY INCREASES

Sec. 15. All permanent employees actually employed by the Wildlife Resources Commission during the 1980-81 fiscal year whose salaries are paid from the Wildlife Fund shall receive a ten percent (10%) salary increase over the 1979-80 level for the 1980-81 fiscal year only. The Director of the Budget is authorized to transfer funds to cover the cost of this salary increase, including the employee's retirement and Social Security contributions, from appropriations for this purpose in Section 2 of this act.

— SALARY-RELATED CONTRIBUTIONS/EMPLOYERS

Sec. 16. The State employer contribution percentage rates of salaries budgeted for the retirement systems for 1980-81 are: (1) 9.66% - Teachers and State Employees, (2) 9.28% - Law Enforcement Officers, (3) 30.77% - Uniform Judicial, (4) 24.03% - Uniform Solicitorial, and (5) 29.0% - Uniform Clerks of Superior Court.

— SALARY ADJUSTMENT APPROPRIATIONS/AUTHORIZED TRANSFERS

Sec. 17. The Director of the Budget is authorized to transfer to General Fund budget codes from the General Fund salary adjustment appropriation, and to Highway Fund budget codes from the Highway Fund salary adjustment appropriation, such amounts as may be required to support approved salary adjustments made necessary by difficulties in recruiting and holding qualified employees in State government. The funds are to be transferred only when the use of salary reserve funds in individual operating budgets is not feasible.

— PERSONNEL MERIT SALARY FUND/COMMUNITY COLLEGES

Sec. 18. Funds are appropriated to the Department of Community Colleges in Section 2 of this act in the amount of six million seven hundred sixteen thousand eight hundred twelve dollars ($6,716,812) in fiscal year 1980-81 for salary increases of institutional personnel of the community college system. These funds are in lieu of specific appropriations for salary increments as are provided for State employees subject to the Personnel Act and public
school employees. Until January 1, 1980, such funds shall be allocated to individuals in accordance with rules and regulations established by the State Board of Education; on and after January 1, 1981, such funds shall be allocated to individuals in accordance with rules and regulations established by the State Board of Community Colleges and Technical Institutes. Such funds may not be used for any purpose other than for salary increases and necessary employer's contributions.

— ACADEMIC PERSONNEL MERIT SALARY FUNDS/HIGHER EDUCATION

Sec. 19. Funds are appropriated to the University Board of Governors in Section 2 of this act in the amount of sixteen million two hundred thirty-seven thousand eight hundred eighty-nine dollars ($16,237,889) in the fiscal year 1980-81 for merit salary increases for employees of The University of North Carolina who are exempt from the State Personnel Act. These funds are in lieu of specific appropriations for salary increments and longevity payments as are provided for State employees subject to the Personnel Act and public school employees. Funds appropriated for this purpose are to be allocated to individuals in accordance with rules and regulations established by the Board of Governors and may not be used for any purpose other than for salary increases and necessary employer's contributions.

— TEACHERS IN THE PUBLIC SCHOOLS AND IN STATE DEPARTMENTS/SALARY SCHEDULE

Sec. 19.1. Effective July 1, 1980, the following salary schedule shall be applicable to certificated personnel of the public schools:

<table>
<thead>
<tr>
<th>Position</th>
<th>Classification</th>
<th>Salary Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teacher</td>
<td>A</td>
<td>68</td>
</tr>
<tr>
<td>Teacher</td>
<td>G</td>
<td>70</td>
</tr>
<tr>
<td>Assistant Principal</td>
<td>A</td>
<td>71</td>
</tr>
<tr>
<td>Assistant Principal</td>
<td>G</td>
<td>73</td>
</tr>
<tr>
<td>Supervisor</td>
<td>A</td>
<td>72</td>
</tr>
<tr>
<td>Supervisor</td>
<td>G</td>
<td>74</td>
</tr>
<tr>
<td>Principals</td>
<td>Up to 10 teachers</td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>11 - 21 teachers</td>
<td>74</td>
</tr>
<tr>
<td></td>
<td>22 - 32 teachers</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>33 - 43 teachers</td>
<td>76</td>
</tr>
<tr>
<td></td>
<td>44 - 54 teachers</td>
<td>77</td>
</tr>
<tr>
<td></td>
<td>55 - 65 teachers</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>66 - up teachers</td>
<td>79</td>
</tr>
<tr>
<td>Assistant Superintendents</td>
<td>Up to 5,000 ADM</td>
<td>77</td>
</tr>
<tr>
<td>Associate Superintendents</td>
<td>5,001 - 10,000 ADM</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>10,001 - 15,000 ADM</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>15,001 - 20,000 ADM</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>20,001 - 25,000 ADM</td>
<td>81</td>
</tr>
<tr>
<td></td>
<td>25,001 - 30,000 ADM</td>
<td>82</td>
</tr>
<tr>
<td></td>
<td>30,001 - up ADM</td>
<td>83</td>
</tr>
</tbody>
</table>

The implementation of the schedule shall include the following special provisions:
(a) Educators will receive their annual increment for prior year of service before placement on the new salary schedule.

(b) No educator will have a salary reduction resulting from placement on the new salary schedule.

(c) Each educator will be placed on the new salary schedule at the next highest dollar amount to his or her present salary after having received their annual increment.

(d) When elevated to a higher pay grade, an educator will enter that pay grade at a level one step above the current salary or will be brought to the minimum of the new pay grade, whichever is higher.

(e) Salary supplements for advanced degrees or certificates include:
   (1) $100.00 monthly for advanced certificate - 6 year degree in area of assignment;
   (2) $200.00 monthly for earned doctorate in area of assignment;
   (3) $35.00 monthly for vocational teachers in positions that require regular work beyond the normal school program.

(f) Career steps for teachers:
   (1) "A" classified teachers will begin work on salary grade 68 and will move to salary grade 69 after eight years and reaching the top of salary grade 68, and to salary grade 70 after another year reaching top of salary grade 69.
   (2) "G" classified teachers on salary grade 70 will move to salary grade 71 after eight years and reaching the top of salary grade 70, and to salary grade 72 after another year and reaching top of salary grade 71.

(g) Superintendents in each local school unit shall receive in State salary at least one percent (1%) more than the highest paid principal receives in State salary in that local school unit.

The State Board of Education shall provide appropriate definitions and adopt passed rules and regulations to implement the provisions of this act.

Sec. 19.2. Certificated personnel of State departments and institutions in positions the same as those included in the salary schedule in Section 19.1 of this act shall be subject to the salary schedule in Section 19.1 of this section.

—TEACHERS’ AIDES/ONE STEP SALARY INCREMENT

Sec. 19.3. Funds are appropriated to the Department of Public Education in Section 2 of this act in the amount of two million one hundred ninety-one thousand ninety-eight dollars ($2,191,098) for a one-step increase on the salary schedule for State paid teacher’s aides, effective January 1, 1981.

—CLERICAL ASSISTANTS IN PUBLIC SCHOOLS/ONE STEP SALARY INCREMENT

Sec. 19.4. Funds are appropriated to the Department of Public Education in Section 2 of this act in the amount of nine hundred ten thousand six hundred thirty-three dollars ($910,633) for a one-step increase on the salary schedule for State paid clerical assistants in the public schools, effective January 1, 1981.

—PUBLIC SCHOOL PERSONNEL/LONGEVITY

Sec. 20. Funds are appropriated in Section 2 of this act to the Department of Public Education, Fiscal Administration and Support, in the amount of two million three hundred twenty-five thousand dollars ($2,325,000) to add longevity payments at 1.50% of gross annual salary for the 10-14 year
service interval to state-funded public school personnel, for the 1980-81 fiscal year.

—COMMUNITY COLLEGE PERSONNEL/LONGEVEITY

Sec. 21. Funds are appropriated in Section 2 of this act to the Department of Community Colleges, in the amount of four hundred twenty-five thousand dollars ($425,000) to add longevity payments at 1.50% of gross annual salary for the 10-14 year service interval to State-funded institutional personnel, for the 1980-81 fiscal year.

—STEP EIGHT MERIT INCREMENT/STATE EMPLOYEES

Sec. 22. The Director of the Budget is authorized to transfer from appropriations for this purpose in Sections 2 and 3 of this act, funds necessary to add an eighth merit increment step for employees subject to the State Personnel Act. The amount allocated for this purpose is derived subject to the limitation in G.S. 126-7 with regard to estimates for annual increments above the third step.

—STEP EIGHT MERIT INCREMENT/SCHOOL BUS MECHANICS AND PROPERTY AND COST CLERKS

Sec. 23. The Director of the Budget is authorized to transfer from appropriations for this purpose in Section 2 of this act funds necessary to add an eighth merit increment step to public school positions classified as School Bus Mechanics and Property and Cost Clerks.

—ADDITIONAL MERIT INCREMENT/ADMINISTRATIVE AND CLERICAL PERSONNEL IN THE JUDICIAL DEPARTMENT

Sec. 24. The Director of the Budget is authorized to transfer from appropriations for this purpose in Section 2 of this act funds necessary for an additional merit increment for administrative and clerical personnel in the Judicial Department.

—PER DIEM AND ALLOWANCES/STATE BOARDS, ETC.

Sec. 25. G.S. 143-4 is amended by adding between the first and second sentences, a new sentence to read:

“The Chairman of the Advisory Budget Commission shall also receive an additional two thousand five hundred dollars ($2,500) payable in quarterly installments, for expenses.”

—TRAVEL ALLOWANCES/STATE OFFICERS AND EMPLOYEES

Sec. 26. G.S. 138-6(a) is amended in subdivision(1) by deleting the language, “nineteen cents (19¢)”, and substituting, “twenty-five cents (25¢)”, and in subdivision (3) deleting the language “thirty-one dollars ($31.00) per day when traveling in-state or thirty-nine dollars ($39.00) per day when traveling out-of-state”, and substituting, “thirty-five dollars ($35.00) per day when traveling in-state or forty-five dollars ($45.00) per day when traveling out-of-state”.

—MOVING EXPENSES/STATE EMPLOYEES

Sec. 27. G.S. 138-8 is amended in the second line by deleting the words, “the Department of Administration” and substituting, “the Office of State Budget and Management”.

—JUDICIAL OFFICIALS/TRAVEL ALLOWANCES

Sec. 28. G.S. 7A-44 is amended by rewriting the first sentence to read as follows: “A judge of the superior court, regular or special, shall receive the annual salary set forth in the Budget Appropriations Act, and in addition shall be paid the same travel allowance as State employees generally by G.S. 138-6(a)
(1) and (2), provided that no travel allowance be paid for travel within his county of residence. In addition, a judge of the superior court shall be allowed five thousand five hundred dollars ($5,500) per year, payable monthly, in lieu of necessary subsistence expenses while attending court or transacting official business at a place other than in the county of his residence and in lieu of other professional education expenses incurred in the discharge of his official duties."

—ADVISORY BUDGET COMMISSION/TRAVEL ALLOWANCES

Sec. 29. G.S. 138-5(c) is repealed.

Sec. 29.1. G.S. 143-4 is amended by rewriting the first sentence to read:

"The members of the Advisory Budget Commission shall receive no per diem compensation for their services, but shall receive the same subsistence and travel allowance as are provided for members of the General Assembly for services on interim legislative committees."

—SUBSISTENCE AND TRAVEL ALLOWANCES/MEMBERS OF THE GENERAL ASSEMBLY

Sec. 30. G.S. 120-3.1(a)(4) is amended by deleting the amount of "forty-four dollars ($44.00) per day", and substituting, "fifty dollars ($50.00) per day".

—EXPENSE ALLOWANCE/GOVERNOR

Sec. 31. G.S. 147-11 is amended by deleting, in the second sentence, the language, "ten thousand dollars ($10,000)", and substituting, "eleven thousand five hundred dollars ($11,500)".

—EXPENSE ALLOWANCE/LIEUTENANT GOVERNOR

Sec. 32. G.S. 147-33 is amended by deleting, in the second sentence, the language, "ten thousand dollars ($10,000)", and substituting, "eleven thousand five hundred dollars ($11,500)".

—PERFORMANCE STANDARDS/ANNUAL EVALUATION/PUBLIC SCHOOL EMPLOYEES

Sec. 35. The State Board of Education, in consultation with local boards of education, shall develop uniform performance standards and criteria to be used in evaluating professional public school employees. It shall develop rules and regulations to insure the use of these standards and criteria in the employee evaluation process. The performance standards and criteria shall be adopted by the Board by July 1, 1981, and may be modified in the discretion of the Board.

Local boards of education shall adopt rules and regulations by July 1, 1981, to provide for annual evaluation of all professional employees defined as teachers by G.S. 115-142(a)(9). Local boards may also adopt rules and regulations requiring annual evaluation of other school employees not specifically covered in this section. All such rules and regulations adopted by local boards shall utilize performance standards and criteria adopted by the State Board of Education pursuant to the first paragraph of this section; however, the standards and criteria used by local boards are not to be limited by those adopted by the State Board of Education.

—CONSULTANT CONTRACT/STUDY PROFESSIONAL PERSONNEL IN PUBLIC SCHOOLS

Sec. 36. Funds are appropriated in Section 2 of this act to the Office of State Budget and Management to contract with a qualified consulting firm to conduct a study of employment practices and salary plans for professional personnel in the public schools. The Office of State Budget and Management shall summarize the findings of the study and shall submit them in the form of a report to the General Assembly no later than March 1, 1981.
PART VI.—GENERAL PROVISIONS
—EXECUTIVE BUDGET ACT/BUDGET OFFICE

Sec. 37. All references to the “Department of Administration” in the Executive Budget Act, Chapter 143, Article I of the General Statutes, with the exception of that in the second paragraph of G.S. 143-6 referring to review of construction requests from State departments, are changed to read, “Office of State Budget and Management”.

Sec. 38. G.S. 143-341 is amended by deleting subdivision (1) and renumbering the succeeding subdivisions appropriately.

Sec. 39. G.S. 143-344 is amended by deleting subsection (a) and renumbering the succeeding subsections appropriately.

Sec. 40. G.S. 126-5(b) is rewritten to read:
“The provisions of this Chapter shall not apply to public school superintendents, principals, teachers, and other public school employees. The Governor and the Lieutenant Governor may, at any time, in their discretion, exempt from the application of the provisions of this Chapter, employees of their respective offices, by means of a letter to the State Personnel Director designating those employees.”

Sec. 41. A new section is added to Chapter 143 of the General Statutes to read:
“§ 143-3.5. Coordination of statistics.—It shall be the duty of the Director through the Office of State Budget and Management to coordinate the efforts of governmental agencies in the collection, development, dissemination and analysis of official economic, demographic and social statistics pertinent to State budgeting. The Division shall (1) prepare and/or release the official demographic and economic estimates and/or projections for the State; (2) conduct special economic and demographic analyses and studies to support statewide budgeting; (3) develop and coordinate cooperative arrangements with federal, state and local governmental agencies to facilitate the exchange of data to support State budgeting; (4) compile, maintain, and disseminate information about State programs which involve the distribution of State aid funds to local governments including those variables used in their allocation; and, (5) develop and maintain in cooperation with other State and local governmental agencies, an information system providing comparative data on resources and expenditures of local governments.

To minimize duplication of effort in collecting or developing new statistical series pertinent to State planning and budgeting, including contractual arrangements, State agencies must submit to the Director of the Budget proposed procedures and funding requirements.

This section shall not apply to the General Assembly, any of its committees and subcommittees, the Legislative Research Commission, the Legislative Services Commission, or any other committee or commission in the legislative branch.”

Sec. 41.1. G.S. 150A-11 is amended by adding a new subdivision to read:
“(4) With respect to all proposed rules requiring the expenditure or distribution of State funds, submit to the Director of the Budget a summary of the proposed rule or rules and obtain approval of such expenditure or distribution of State funds prior to publishing the notice of public hearing required by G.S. 150A-12(a).)”
Sec. 41.2. The first line of G.S. 143B-14(b) is rewritten to read:
“(b) Except as otherwise provided in the Executive Organization Act of 1973 or in G.S. 150A-11(4).”
Sec. 43. G.S. 143-27.1 is repealed.
Sec. 44. G.S. 143-34.1 is amended by adding the following paragraphs:
“Required employer salary-related contributions for retirement benefits, death benefits, disability salary continuation and Social Security for employees whose salaries are paid from General Fund or Highway Fund revenues, or from department, office, institutional or agency receipts, or from non-State funds, shall be paid from the same source as the source of the employees’ salaries. In those instances in which an employee’s salary is paid in part from the General Fund, or the Highway Fund, and in part from the department, office, institutional or agency receipts, or from non-State funds, the required salary-related contributions shall be paid from the General Fund, or the Highway Fund, only to the extent of the proportionate part paid from the General Fund, or Highway Fund, in support of the salary of such employee, and the remainder of the employer’s contribution requirements shall be paid from the same source which supplies the remainder of such employee’s salary. The requirements of this section as to the source of payment are also applicable to payments on behalf of the employee for hospital-medical insurance, longevity payments, salary increments, and legislative salary increases. The Director of the Budget shall approve the method of payment by State departments, offices, institutions and agencies for employer salary-related requirements of this section, and determine the applicability of the section to an employer’s salary-related contribution or payment in behalf of an employee.

For the support of the hospital and medical insurance programs made available by G.S. 135-33 to those retired members of the associations and organizations listed in G.S. 135-27(a), the licensing and examining boards under G.S. 135-1.1, the North Carolina Art Society, Inc., and the North Carolina Symphony Society, Inc., each association or organization shall pay to the Retirement System the full cost of providing these benefits as determined by the Board of Trustees of the Retirement System.”

Sec. 45. G.S. 143-34.2 is amended by rewriting the third paragraph to read:
“Any contract or grant entered into by a State board, commission, agency, department or institution for the operation of a new program by such State board, commission, agency, department or institution or for the enrichment of an ongoing program of such State board, commission, agency, department or institution shall include a limiting clause which specifically states that continuation of the contract or grant program with State appropriations beyond the current State fiscal year is subject to State funds being appropriated by the General Assembly specifically for that program.”

—ESTIMATION OF POPULATION

Sec. 46. G.S. 160A-486 is rewritten to read:
“When a newly incorporated municipality is not included in the most recent federal census of population but otherwise qualifies for distribution of State-collected funds allocated wholly or partially on the basis of current population estimates, the municipality shall be entitled to participate in the distribution of these funds by reporting all information designated by the Office of State Budget and Management. An estimate of this city’s population will be made by

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the Office of State Budget and Management in accordance with procedures designated by that office. The estimate will be certified to State departments and agencies charged with the responsibility of distributing funds to local governments along with the current population estimates for all other municipalities.”

—COUNTY POPULATION ESTIMATES/DISTRIBUTION OF FUNDS

Sec. 47. Sections 33, 34 and 47 of Chapter 838 of 1979 Session Laws are amended by deleting in each section the words “as determined by the Department of Administration’s most recent estimates of county populations” and substituting “as determined by the Office of State Budget and Management’s most recent estimates of county populations”.

—INTANGIBLES TAX DISTRIBUTIONS/DISTRIBUTION OF TAXES

Sec. 48. G.S. 105-213 is amended in the fourth paragraph in lines 7 and 8 by deleting the words “by the Secretary of the North Carolina Department of Administration” and substituting in lieu thereof “by the State Budget Officer”.

—LOCAL SALES TAX/DISTRIBUTION

Sec. 49. G.S. 105-472(1) is amended on lines 15 and 16 by deleting the words “by the Director of the North Carolina Department of Administration” and substituting “by the State Budget Officer”; on lines 19 and 20 by deleting the words “by the Director of the Department of Administration” and substituting “by the State Budget Officer” and on line 22 by deleting the words “The Director of the Department of Administration” and substituting “the State Budget Officer”.

—POWELL BILL APPROPRIATIONS/ALLOCATION OF FUNDS

Sec. 50. G.S. 136-41.1 is amended in the 5th and 6th lines of the second paragraph by deleting the words “by the Secretary of North Carolina Department of Administration” and substituting “by the State Budget Officer”.

—LICENSE AND EXCISE TAX/DISTRIBUTION OF TAX

Sec. 51. G.S. 105-113.86(p) is amended on line 12 by deleting the words “Secretary of the North Carolina Department of Administration” and substituting “State Budget Officer”; and on lines 25 and 26 by deleting the words “by the Secretary of Administration” and substituting “by the State Budget Officer”.

—HIGHWAY FUND UNRESERVED BALANCES

Sec. 52. Any unreserved credit balances in the Highway Fund on June 30, 1980, shall be available for 1980-81 appropriations in Sections 3 and 5 of this act.

—LEGAL ASSISTANCE/COMMISSIONER OF BANKS

Sec. 53. G.S. 53-96 is amended by rewriting the last sentence to read:

“The Governor may in his discretion appoint and assign to the Commissioner of Banks such legal assistance as in his judgement may be necessary. Compensation shall be within the salary classification for attorneys established by the State Personnel Commission.”

—ADVANCE FUNDS FOR CHARLOTTE MAINTENANCE AND EQUIPMENT HEADQUARTERS

Sec. 54. The Department of Transportation is authorized to advance up to five hundred thousand dollars ($500,000) from the Highway Fund cash balance for construction of a new Maintenance and Equipment Headquarters at Charlotte. These funds shall be repaid with the proceeds realized from the sale of the existing Maintenance and Equipment Headquarters.
—AID TO PUBLIC LIBRARIES/CONSTRUCTION, ADDITIONS & RENOVATIONS

Sec. 55. Funds are appropriated in Section 4 of this act in the amount of one million dollars ($1,000,000) for a Reserve for Aid to Public Libraries - Construction, Additions and Renovations. Fifty thousand dollars ($50,000) of these funds may, subject to the approval of the Governor and the Advisory Budget Commission, be used to plan and to study the feasibility of a new State Library building. Up to one hundred thousand dollars ($100,000) per library shall be available to local public libraries on an equal matching basis, subject to the approval of the Governor and the Advisory Budget Commission upon recommendation of the Department of Cultural Resources.

—COUNTY MEDICAID RELIEF FUNDS

Sec. 56. Of the funds appropriated to the Division of Medical Assistance for 1980-81, five million dollars ($5,000,000) shall be used to relieve those counties of the additional costs the counties incurred due to the enactment of Sections 23 and 39 of Chapter 838 of the 1979 Session Laws that they would not have incurred had these sections not been enacted. Two million five hundred thirteen thousand six dollars ($2,513,006) shall be used to reimburse the affected counties for their additional costs for 1978-79. Two million four hundred eighty six thousand nine hundred ninety-four dollars ($2,486,994) shall be distributed for actual cost incurred or on a pro rata basis in the proportion that an individual county's additional cost bears to the total additional cost to those counties which have incurred additional costs in 1979-80.

—ENCOURAGE COUNTIES TO MEET THEIR LOCAL SOCIAL SERVICES BUDGET OBLIGATIONS.

Sec. 57. The Director of the Budget is authorized to withhold from any county that has not yet paid its full share of public assistance costs to the State for fiscal year 1978-79 and has not secured a loan for repayment pursuant to G.S. 108-54.1, any State monies appropriated from the General Fund for public assistance or to direct the Secretary of Revenue and State Treasurer to withhold any tax owed to a county under Article 7 of Chapter 105 of the General Statutes, G.S. 105-113.86, Article 39 of Chapter 105 of the General Statutes or Chapter 1096 of the Session Laws of 1967. The Director of the Budget shall notify the chairman of the board of county commissioners of the proposed action prior to the withholding of funds.

—AREA MENTAL HEALTH PROGRAMS/FUNDS

Sec. 58. Funds appropriated to the Department of Human Resources, Area Mental Health, in Section 2 of this act in the amount of four million two hundred thousand dollars ($4,200,000) are for area mental health programs. These funds shall be allocated to the area mental health programs on a per capita basis utilizing the most recent county population estimates of the Office of State Budget and Management, and shall not require a local match.

—REST HOME RATE INCREASE

Sec. 58.1. Section 49 of Chapter 838 of the 1979 Session Laws of North Carolina is repealed.

In the 1980-81 fiscal year, any additional funds beyond those already budgeted that became available to recipients of special assistance for adults, because of increases in Social Security payments and Supplemental Security income payments, shall be used by the Department of Human Resources to increase the maximum rates paid to domiciliary care facilities by fifteen dollars
($15.00) per month. Any remaining funds from the additional Social Security payments and Supplemental Security income payments, after the maximum domiciliary rate has been increased, shall be used to reduce the State obligation for the 1980-81 fiscal year. In no case shall this section result in any additional cost to the counties in the 1980-81 fiscal year.

—CHILD CARING FUNDS REALLOCATED

Sec. 58.2. Any funds appropriated by Section 2 of Chapter 838, Session Laws of 1979, to budget code 14449 (Social Services-State Aid to Non-State Health and Welfare Agencies), purpose 1710 (Child Caring Institutions), for fiscal year 1980-81 which will not be expended under a particular subhead because of the closure of that institution are hereby reappropriated, for fiscal year 1980-81, pro rata, to the other institutions under purpose 1710, in proportion to the amount already appropriated to that institution relative to the total amount appropriated under that purpose, not including the closed institution.

Sec. 58.3. Any funds reappropriated pursuant to Section 58.2 of this act shall be considered part of that institution's base budget for 1980-81 in preparing continuation budget estimates for the 1981-83 biennium.

—ENERGY DIVISION/COMMERCE

Sec. 59. In the event of fuel shortages, funds appropriated to the Department of Commerce, Energy Division, as a reserve to match federal funds may be used by the Department to operate an emergency fuel allocation program for the duration of the emergency.

—STATE PORTS CONSTRUCTION FUNDS

Sec. 61. Funds appropriated to the Department of Commerce for 1979-80 in Section 4, Chapter 731 of the 1979 Session Laws, in the amount of two million seven hundred thousand dollars ($2,700,000) designated for State Ports - Berth C Development - Wilmington are designated for State Ports - Container Terminal Expansion - Wilmington.

—CASH FLOW/HIGHWAY FUND APPROPRIATIONS

Sec. 62. Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to be numbered G.S. 143-28.1 and to read as follows:

"§ 143-28.1. Highway Fund appropriation.—Notwithstanding any other provisions of this Article, the appropriations made from the Highway Fund for highway construction and maintenance are subject to the following provisions.

(1) Cash Flow Funding for Highway Construction and Maintenance.—Highway maintenance and construction funds shall be budgeted, expended and accounted for on a 'cash flow' basis. Pursuant to this end, highway maintenance and construction contracts shall be planned and limited so payments due at any time will not exceed the cash available to pay them.

(2) Appropriations are for Payments and Contract Commitments to be Made in the Appropriation Fiscal Year.—The appropriations provided for by the Appropriations Act for highway maintenance and construction are for maximum payments estimated to be made during the appropriation fiscal year and for maximum contracting authority for future years. Highway maintenance and construction contracts shall be scheduled so that the total contract payments and other expenditures charged to projects in the fiscal year for each highway maintenance and construction appropriation item will not exceed the current appropriations provided by the General Assembly and unspent prior
appropriations made by the General Assembly for the particular appropriation item.

(3) Payments Subject to Availability of Funds - Retainage Fully Funded - 5% Cash Balance Required.—The annual appropriations for highway maintenance and construction provided for by the Appropriations Act shall be expended only to the extent that sufficient funds are available in the Highway Fund. The Department of Transportation shall fully fund retainage from maintenance and construction contracts in the year in which the work is performed, and in addition shall maintain an available cash balance at the end of each month equal to at least five percent (5%) of the unpaid balance of the total maintenance and construction contract obligations. In the event this cash position is not maintained, no further construction and maintenance contract commitments shall be entered into until the cash balance has been regained.

(4) Anticipation of Revenues.—In awarding State highway construction and maintenance contracts requiring payments beyond a biennium, the Director of the Budget may anticipate revenues as authorized and certified by the General Assembly, to continue contract payments for up to seventy-five percent (75%) of the revenues which are estimated for the first fiscal year of a succeeding biennium and which are not required for other budget items. Up to fifty percent (50%) of the revenues not required for other budget items may be anticipated for the second and subsequent fiscal years’ contract payments. After making provisions for federal-aid matching funds, the amounts remaining for State highway construction shall be utilized for the primary, secondary and urban system highways in the same proportionate amounts as are provided in the appropriations for the current fiscal year.

(5) Amounts Obligated - Payments Subject to the Availability of Funds - Termination of Contracts.—Highway maintenance and construction appropriations may be obligated in the amount of allotments made to the Department of Transportation by the Office of State Budget and Management for the estimated payments for maintenance and construction contract work to be performed in the appropriation fiscal year. The allotments shall be multi-year allotments and shall be based on estimated revenues and shall be subject to the maximum contract authority contained in subdivision (2) above. Payment for highway maintenance and construction work performed pursuant to contract in any fiscal year other than the current fiscal year will be subject to appropriations by the General Assembly. Highway maintenance and construction contracts shall contain a schedule of estimated completion progress and any acceleration of this progress shall be subject to the approval of the Department of Transportation provided funds are available. The State reserves the right to terminate or suspend any highway maintenance or construction contract and any highway maintenance or construction contract shall be so terminated or suspended if funds will not be available for payment of the work to be performed during that fiscal year pursuant to the contract. In the event of termination of any contract, the contractor shall be given a written notice of termination at least 60 days before completion of scheduled work for which funds are available. In the event of termination, the contractor shall be paid for the work already performed in accordance with the contract specifications.
(6) Provision Incorporated in Contracts.—The provisions of subdivision (5) of this section shall be incorporated verbatim in all highway construction and maintenance contracts.

(7) Existing Contracts are not Affected.—The provisions of this section shall not apply to highway construction and maintenance contracts awarded by the Department of Transportation prior to July 15, 1980."

--- INCREASED RETIREMENT FORMULA AND UNREDUCED BENEFITS IN TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

Sec. 63. G.S. 135-5(b6) is amended by rewriting the first four lines to read:

"(b6) Service Retirement Allowance of Members Retiring on or after July 1, 1977, but prior to July 1, 1980. — Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1977, but prior to July 1, 1980, a member shall receive a service retirement allowance computed as follows:

Sec. 64. G.S. 135-5 is further amended by the addition of a new subsection immediately after (b6) to read:

"(b7) Service Retirement Allowance of Members Retiring on or after July 1, 1980. — Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1980, a member shall receive a service retirement allowance computed as follows:

(1) If the member's service retirement date occurs on or after his sixty-fifth birthday, regardless of his years of creditable service, or after the completion of 30 years of creditable service, such allowance shall be equal to one and fifty-seven hundredths percent (1.57%) of his average final compensation, multiplied by the number of years of his creditable service.

(2) If the member's service retirement date occurs after his sixtieth and before his sixty-fifth birthday and prior to his completion of 30 or more years of creditable service, his retirement allowance shall be computed as in (1) above but shall be reduced by one-quarter of one percent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his sixty-fifth birthday.

(3) If the member's service retirement date occurs before his sixtieth birthday and prior to his completion of 30 or more years of creditable service, his service retirement allowance shall be the actuarial equivalent of the allowance payable at the age of 60 years as computed in (2) above.

(4) Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963, shall receive not less than the benefit provided by G.S. 135-5(b)."

--- INCREASED RETIREMENT FORMULA IN LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND

Sec. 65. G.S. 143-166(y), is rewritten to read:

"(y) Any member in service may retire on a basic service retirement allowance who: has attained 50 years of age and has completed 15 or more years of creditable service; or, has completed 30 or more years of creditable service; or, has attained 55 years of age.

Under such rules and regulations as are otherwise adopted by the Board of Commissioners, a member eligible to retire under this subsection shall receive a basic service retirement allowance equal to one and fifty-seven one hundredths percent (1.57%) of his average final compensation (calculated as the average
annual compensation of a member during the four consecutive years of membership service producing the highest such average), multiplied by the number of years of his creditable service, and reduced by one-third of one percent (1/3 of 1%) for each month by which his date of retirement precedes his 55th birthday, except that no reduction in the basic service retirement allowance shall apply to any member who has 30 or more years of creditable service at the time of his retirement.

Any member who is less than 55 years of age with five or more years of creditable service and who has been totally and permanently incapacitated for duty, or any member who is less than 55 years of age with one or more years of membership service and who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place may, upon application of the member or his employer, be retired by the Board of Commissioners on a basic disability retirement allowance as is set forth below. The Board of Commissioners shall not grant a basic disability retirement allowance to any member for whom application for disability retirement is received more than a year after the onset of incapacity for duty or, if the member is in receipt of compensation from his employer on account of such incapacity for duty for more than one year, more than 30 days after the cessation of that compensation.

Under such rules and regulations as are otherwise adopted by the Board of Commissioners, a member eligible for a basic disability retirement allowance shall receive a disability retirement equal to one and fifty-seven one hundredths percent (1.57%) of his average final compensation calculated as the average annual compensation of a member during the four consecutive years of membership service producing the highest such average, multiplied by the number of years of creditable service which he would have had if he had continued in service until his 55th birthday.

The Board of Commissioners shall implement the provisions of this subsection by the adoption of necessary and reasonable rules and regulations.”

—COST-OF-LIVING ALLOWANCE INCREASES IN TEACHERS’ AND STATE EMPLOYEES’ RETIREMENT SYSTEM

Sec. 66. G.S. 135-5 is amended by adding new subsections (bb) and (cc) to read:

“(bb) Notwithstanding the foregoing provisions, the increase in allowance to each beneficiary on the retirement rolls as of July 1, 1979, which shall become payable on July 1, 1980, as otherwise provided in G.S. 135-5(o), shall be the current maximum four percent (4%) plus an additional three percent (3%) computed on the retirement allowance prior to any increase authorized by paragraph (x4) of this section. Provisions of this subsection shall apply also to the allowance of a surviving annuitant of a beneficiary.

(cc) Increases in Benefits to Those Persons Who Were Retired Prior to July 1, 1977. From and after July 1, 1980, the monthly benefits to or on account of persons who commenced receiving benefits from the system prior to July 1, 1977, shall be increased by a percentage in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Period in Which Benefits Commenced</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>On or before June 30, 1963</td>
<td>10%</td>
</tr>
<tr>
<td>July 1, 1963, to June 30, 1968</td>
<td>7%</td>
</tr>
</tbody>
</table>
CHAPTER 1137  Session Laws—1979

July 1, 1968, to June 30, 1977  2%
This increase shall be calculated before monthly retirement allowances, as of July 1, 1980, have been increased for all cost-of-living increases allowed for the same period.
—PENSION INCREASES FOR PENSIONERS IN TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

Sec. 67. Pensions paid to public school teachers and State employees with 20 or more years of service, who separated from service prior to July 1, 1941, and who had attained the age of 65 years on or before August 1, 1959, shall be increased by ten percent (10%).
—COST-OF-LIVING ALLOWANCE INCREASES FOR RETIRED LAW ENFORCEMENT OFFICERS

Sec. 68. G.S. 143-166 is amended by adding new subsections (x3) and (x4) to read:

"(x3) Notwithstanding the foregoing provisions, the increase in allowance to each beneficiary on the retirement rolls as of July 1, 1979, which shall become payable on July 1, 1980, shall be three percent (3%) computed on the retirement allowance prior to any increase authorized by paragraph (x4) of this section. Provisions of this subsection shall apply also to the allowance of a surviving annuitant of a beneficiary.

(x4) From and after July 1, 1980, the total monthly benefits to or on account of persons who commenced receiving benefits from the Retirement Fund prior to July 1, 1977, shall be increased by a percentage thereof. Such percentage shall be determined in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Period Benefits Commenced</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 1976, to June 30, 1977</td>
<td>1-1/2%</td>
</tr>
<tr>
<td>July 1, 1975, to June 30, 1976</td>
<td>8%</td>
</tr>
<tr>
<td>July 1, 1974, to June 30, 1975</td>
<td>15%</td>
</tr>
<tr>
<td>Prior to July 1, 1974</td>
<td>23%</td>
</tr>
</tbody>
</table>

This increase shall be calculated before monthly retirement allowances, as of July 1, 1980, have been increased for all cost-of-living increases allowed for the same period.
—COST-OF-LIVING ALLOWANCE INCREASES IN UNIFORM JUDICIAL RETIREMENT SYSTEM

Sec. 69. G.S. 135-65 is amended by adding a new subsection (c) to read as follows:

"(c) Increases in benefits paid to members retired prior to July 1, 1979. Notwithstanding the foregoing provisions, the increase in allowance to each beneficiary on the retirement rolls as of July 1, 1979, which shall become payable on July 1, 1980, shall be the current maximum four percent (4%) plus an additional six percent (6%) to a total of ten percent (10%) for the year 1980-81 only. The provisions of this subsection shall apply also to the allowance of a surviving annuitant of a beneficiary.
—COST-OF-LIVING ALLOWANCE INCREASES FOR RETIRED SOLICITORS

Sec. 70. There are appropriated in Section 2 of this act funds which when added to system actuarial gains, will provide for a four percent (4%) cost-of-living increase for fiscal year 1980-81 in accordance with G.S. 135-5(o) plus an additional six percent (6%) to a total of ten percent (10%) for the year 1980-81 only, to members of the Uniform Solicitorial Retirement System who retired

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prior to July 1, 1979. The provisions of this section shall apply also to the allowance of a surviving annuitant of a beneficiary.

— COST-OF-LIVING ALLOWANCE INCREASES FOR RETIRED CLERKS OF COURT

Sec. 71. There are appropriated in Section 2 of this act funds to provide a four percent (4%) cost-of-living increase for fiscal year 1980-81 in accordance with G.S. 135-5(o) plus an additional six percent (6%) to a total of ten percent (10%) for the year 1980-81 only, to members of the Clerks of Court Retirement System who retired prior to July 1, 1979. The provisions of this section shall apply also to the allowance of a surviving annuitant of a beneficiary.

— STATE FUNDING/BASIC BENEFIT/LAW ENFORCEMENT OFFICERS BENEFIT AND RETIREMENT FUND

Sec. 72. G.S. 143-166(i) is amended by deleting the last paragraph.

PART XII.—SPECIAL PROVISIONS—APPROPRIATIONS ACT—RETAIN 1979 APPROPRIATIONS LIMITATIONS AND DIRECTIONS

Sec. 73. Except where expressly repealed by this act, the provisions of 1979 Session Laws Chapter 838, and the provisions of 1979 Session Laws Chapter 731, shall remain in effect.

Sec. 74. Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed, the limitations and directions in 1979 Session Laws Chapter 838 and Chapter 731 that applied to 1980-81 appropriations to particular agencies or for particular purposes shall apply to the newly enacted appropriations of this act to those same particular purposes.

—EXECUTIVE BUDGET ACT REFERENCE

Sec. 75. The provisions of the Executive Budget Act, Chapter 143, Article 1, of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

— EFFECT OF MOST LIMITATIONS AND DIRECTIONS IN TEXT/ONLY 1980-81

Sec. 76. Except for codified statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1980-81 fiscal year, the textual provisions of this act shall apply only to funds appropriated for, and activities occurring during, the 1980-81 fiscal year.

—SEVERABILITY CLAUSE

Sec. 77. If any section or provision of this act is declared unconstitutional or invalid by the courts, the decision of the court shall not affect the validity of the act as a whole or the validity of any part other than the part declared to be unconstitutional or invalid.

—CAPTIONS NOT LIMIT TEXT/ONLY FOR REFERENCE

Sec. 78. The series of captions used in this act (the descriptive phrases in all capital letters identified by parts numbered with Roman numerals or preceded by five hyphens) are inserted for convenience and reference only, and they in no way define, limit, or prescribe the scope or application of the text of the act.

—EFFECTIVE DATES

Sec. 79. All sections of this act except Sections 9.1 and 30 shall become effective July 1, 1980.

Sec. 80. Sections 9.1 and 30 of this act shall become effective with the convening of the regular session of the 1981 General Assembly.
S. B. 946       CHAPTER 1138
AN ACT TO AMEND THE PLAN OF CONSOLIDATION AND MERGER OF CRAVEN COUNTY BOARD OF EDUCATION AND NEW BERN CITY BOARD OF EDUCATION AND TO CREATE AND ESTABLISH ONE ADMINISTRATIVE UNIT FOR BOTH OF THE PUBLIC SCHOOL UNITS IN CRAVEN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The purpose of this act is to amend the "Plan of Consolidation and Merger of Craven County Board of Education and New Bern City Board of Education and to Create and Establish one Administrative Unit for Both of the Public School Units in Craven County," as filed with the Secretary of State under G.S. 115-74.1 on May 17, 1979, (the "Plan") and to facilitate merger and consolidation of the two units.

Sec. 2. The words "first Monday in December, 1980" in
line 6 of Section 3;
line 1 of Section 7;
line 1 of Section 8;
lines 9-10 of Section 8;
lines 19-20 of Section 8; and
lines 3-4 of Section 14
of the Plan hereby are deleted and replaced with the words "first day of July, 1981".

Sec. 3. The Plan hereby is amended by adding the following sections:

"Section 6A. The terms of office of each member of the Craven County Board of Education are hereby extended to midnight, June 30, 1981; and the terms of each member of the New Bern City Board of Education are hereby extended to midnight, June 30, 1981; and the administration and operation of all schools in the existing city and county administrative units shall continue to be the responsibility of and be carried on through midnight, June 30, 1981 by the city board and county board, respectively.

Section 6B. The New Bern-Craven County Board of Education, from the first Monday in December, 1980, through midnight, June 30, 1981, shall prepare for implementation and merger of the two administrative units and, among other powers which shall not hereby by implication be limited, shall have and exercise the following duties and powers:

(1) To elect and enter into a contract with a superintendent, subject to approval of the State Superintendent of Public Instruction and the State Board of Education. The superintendent shall have all qualifications provided by law for city or county superintendents of schools, including but not limited to those requirements set forth in G.S. 115-54;

(2) To provide the superintendent with an appropriate office, to furnish adequately the superintendent’s office and provide all necessary office supplies, and to provide sufficient clerical assistance and sufficient office machines and equipment necessary for performance of the superintendent’s duties prescribed hereunder;
(3) To prescribe for the superintendent such duties not in conflict with State law as the board determines necessary for implementation of the merger and consolidation of the county board and the city board;

(4) To remove the superintendent in accordance with procedures set forth in G.S. 115-42 if need be and, upon removal, resignation, death or any other termination of the superintendent's employment, to appoint and to enter into a written contract with, a successor superintendent in accordance with the provisions of this section."

Sec. 4. Section 9 of the Plan hereby is deleted.

Sec. 5. The words “first Monday of December, 1980” in line 5 of Section 11 of the Plan hereby are deleted and replaced by the words “30th day of June, 1981”.

Sec. 6. The Plan hereby is amended by adding the following sections:

“Section 19. The county board and city board shall cooperate immediately to prepare a budget for the New Bern-Craven County Board of Education for the period from December 1, 1980, through midnight, June 30, 1981, to effectuate the provisions hereof and shall submit such budget to the Craven County Board of Commissioners provided, however, that such budget shall in no way be deemed a ‘budget’ as defined in, and for the purposes of The School Budget and Fiscal Control Act, (G.S. 115-100.1, et. seq.).

Section 20. The county commissioners shall provide adequate funds to enable the New Bern-Craven County Board of Education to fulfill its duties and to exercise its powers hereunder.”

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.

S. B. 997

CHAPTER 1139

AN ACT TO REMOVE A RESTRICTION ON THE DATE OF REFERENDA IN THE TOWN OF CARRBORO.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 625, Session Laws of 1971, is amended by adding the following language before the second period: “, provided further that such special election may be held on the date of any general election for State, county, or municipal officers”.

Sec. 2. G.S. 160A-209(e) is amended by deleting the words “(i) on the day of any federal, State, district, or county election already validly called or scheduled by law at the time the tax referendum is called, or (ii)”.

Sec. 3. This act applies to the Town of Carrboro only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.
CHAPTER 1140  Session Laws—1979

S. B. 1000  CHAPTER 1140
AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM CONCERNING THE DISPOSITION OF WRECKED OR DAMAGED CITY PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Section 86 of the Charter of the City of Durham, the same being Chapter 671, Session Laws of 1975, is amended by adding to Section 86 the following second paragraph:

"The City Council may authorize the City Manager to dispose of wrecked or damaged property as part of the settlement of a claim by the City for damage to such property without the necessity of approval by the City Council of such disposition."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.

S. B. 1001  CHAPTER 1141
AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM CONCERNING THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS AND EQUIPMENT.

The General Assembly of North Carolina enacts:

Section 1. Section 84 of the Charter of the City of Durham, the same being Chapter 671, Session Laws of 1975, is amended by striking from the last line of subsection (1) the words and figures "five thousand dollars ($5,000)" and inserting in lieu thereof the words and figures "ten thousand dollars ($10,000)".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.

S. B. 1042  CHAPTER 1142
AN ACT TO PREVENT HUNTING DEER WITH DOGS IN JOHNSTON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It shall be unlawful to allow dogs to chase deer, or to hunt or attempt to take deer with the aid of dogs at any time in Johnston County.

Sec. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not in excess of fifty dollars ($50.00) or imprisoned not exceeding 30 days, or both, in the discretion of the court.

Sec. 3. This act shall apply only to Johnston County.

Sec. 4. This act shall become effective September 1, 1980.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.
H. B. 1557  CHAPTER 1143

AN ACT TO ALLOW THE TOWN OF MOCKSVILLE TO USE THE PROCEDURES OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 74, Session Laws of 1963, is amended by adding a new section to read:

"Sec. 1.1. Additional Procedure for Eminent Domain. In addition to any other powers granted by law to the Town of Mocksville by any general or local act, the town is also authorized in any case where it may acquire property by condemnation to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided, further, that all reference in Article 9 of Chapter 136 of the General Statutes to 'Department of Transportation' shall be deemed to mean 'Town of Mocksville', all reference to the 'Secretary of Transportation' shall be deemed to mean 'Mayor' of the Town of Mocksville, all references to 'Raleigh' shall be deemed to mean 'Mocksville', and all other reference, directly or by implication, to the condemning authority or persons or agencies connected therewith shall be deemed to mean the Town of Mocksville.

Provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) unless the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the town, or otherwise first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.

H. B. 1627  CHAPTER 1144

AN ACT TO AMEND CHAPTER 321 OF THE SESSION LAWS OF 1969 RELATING TO SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CITY OF BURLINGTON.

The General Assembly of North Carolina enacts:

Section 1. Chapter 321 of the Session Laws of 1969 is amended in the following manner:

(a) In Section 3, by deleting the words and symbols "one hundred dollars ($100.00)"; and substituting in lieu thereof the words and symbols "two hundred dollars ($200.00)";

(b) In Section 4 which first follows Section 3, by deleting in subsection (a) the words and symbols "six hundred dollars ($600.00)" and substituting in lieu thereof the words and symbols "twelve hundred dollars ($1200)";

(c) The second "Sec. 4" which follows Section 3 is renumbered "Sec. 4A" to correct an error in the original act, and

(d) In Section 5 by deleting the letters and symbols "G.S. 159-28.1" and substituting in lieu thereof the letters and symbols "G.S. 159-30".
CHAPTER 1144  Session Laws—1979

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.
Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.

H. B. 1624  CHAPTER 1145
AN ACT TO PERMIT DEER HUNTING WITH DOGS IN GREENE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 219 of the 1975 Session Laws is repealed.
Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.

H. B. 1609  CHAPTER 1146
AN ACT TO ALLOW THE TOWN OF PINEVILLE TO USE THE PROCEDURES OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 296, Session Laws of 1965, is amended by adding a new section to read:

"Sec. 2.1. Additional Procedure for Eminent Domain. In addition to any other powers granted by law to the Town of Pineville by any general or local act, the town is also authorized in any case where it may acquire property by condemnation to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided, further, that all reference in Article 9 of Chapter 136 of the General Statutes to 'Department of Transportation' shall be deemed to mean 'Town of Pineville', all reference to the 'Secretary of Transportation' shall be deemed to mean 'Mayor' of the Town of Pineville, all references to 'Raleigh' shall be deemed to mean 'Pineville', and all other reference, directly or by implication, to the condemning authority or persons or agencies connected therewith shall be deemed to mean the Town of Pineville.

Provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) unless the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the town, or otherwise first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.
S. B. 994  CHAPTER 1147

AN ACT TO AMEND G.S. 54-18.3 TO AUTHORIZE SAVINGS AND LOAN ASSOCIATIONS TO PERMIT THE USE OF NEGOTIABLE ORDERS OF WITHDRAWAL; AND TO PERMIT STATE CHARTERED SAVINGS AND LOAN ASSOCIATIONS TO MAKE THE SAME INVESTMENTS AND EXERCISE THE SAME POWERS AS FEDERALLY CHARTERED ASSOCIATIONS, AS RECOMMENDED BY THE SAVINGS AND LOAN STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 54-18.3, as the same appears in the 1975 Replacement Volume 2B of the General Statutes of North Carolina, is amended by (1), designating the existing language as subsection (a); (2), by deleting the 5th sentence thereof which begins with the words “Savings accounts shall not be subject to check or to withdrawal or transfer on negotiable or transferable order”; and (3), by substituting for the deleted sentence the following:

“The Administrator of the Savings and Loan Division may by regulation provide for withdrawal or transfer of savings accounts upon nontransferable order or authorization.”

Sec. 2. G.S. 54-18.3, is further amended by adding a new subsection (b) to read as follows:

“(b) Notwithstanding any other provisions of law, the Administrator of the Savings and Loan Division shall, by regulation, authorize savings and loan associations to accept deposits to savings accounts which may be withdrawn or transferred on or by negotiable or transferable order or authorization to the association.”

Sec. 3. G.S. 54-33.3 is amended by adding new subdivisions (6), (7), and (8) as follows:

“(6) subject to such regulations as the Administrator of the Savings and Loan Division may prescribe, a State chartered savings and loan association is authorized to issue credit cards, extend credit in connection therewith, and otherwise engage in or participate in credit card operations;

(7) subject to such regulations as the Administrator of the Savings and Loan Division may prescribe, a State chartered savings and loan association may act as a trustee, executor, administrator, guardian or in any other fiduciary capacity permitted for federal savings and loan associations by the Congress of the United States, Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation;

(8)(a) In accordance with rules and regulations issued by the Administrator of the Savings and Loan Division, mutual capital certificates may be issued by State chartered savings and loan associations and sold directly to subscribers or through underwriters, and such certificates shall constitute part of the general reserve and net worth of the issuing association. The Administrator, in the rules and regulations relating to the issuance and sale of mutual capital certificates, shall provide that such certificates:

(i) shall be subordinate to all savings accounts, savings certificates, and debt obligations;

(ii) shall constitute a claim in liquidation on the general reserves, surplus and undivided profits of the association remaining after the payment in full of all savings accounts, savings certificates, and debt obligations;
(iii) shall be entitled to the payment of dividends; and
(iv) may have a fixed or variable dividend rate.

(b) The Administrator shall provide in the rules and regulations for charging
losses to the mutual capital certificate, reserves, and other net worth accounts.”

Sec. 4. G.S. 54-21.2(b) is repealed and a new G.S. 54-21.2(b) is substituted
for it to read as follows:

“(b) Subject to such rules as the Administrator of the Savings and Loan
Division may prescribe, any such association is authorized and permitted to
make any loan or investment permitted to be made by any federal savings and
loan association by the Congress of the United States, Federal Home Loan Bank
Board and the Federal Savings and Loan Insurance Corporation. All
investments made by State chartered savings and loan associations after 1958
and prior to the date of ratification hereof shall for all purposes be considered
to have been permitted investments if such investments were permitted to be
made by federal savings and loan associations at the time they were made by a
State chartered savings and loan association.”

Sec. 5. A new section is added to Chapter 54 of the General Statutes to
be numbered G.S. 54-21.5 and to read as follows:

“§ 54-21.5. Parity of interest rates.—Notwithstanding any other provision of
law, any savings and loan association in North Carolina may contract for
interest on any loan, purchase money loan, advance, commitment for a loan or
forbearance at any rate permitted by federal law to a savings and loan
association the accounts of which are insured by the Federal Savings and Loan
Insurance Corporation.”

Sec. 6. Sections 1 and 2 of this act shall become effective December 31,
1980, and the remaining sections are effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of
June, 1980.

H. B. 1279  CHAPTER 1148
AN ACT TO AMEND THE NORTH CAROLINA SECURITIES ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 78A-28(b) is amended by rewriting the last sentence to
read as follows:

“In the case of a registration statement relating to a security issued by a face-
amount certificate company or a redeemable security issued by an open-end
management company, unit investment trust, mutual fund or limited
partnership interest, the administrator may by rule or order prescribe the
maximum amount of securities, but in no event less than two hundred fifty
thousand dollars ($250,000), that may be offered upon payment of the
maximum registration fee, and prescribe different amounts for different classes
of issuers.”

G.S. 78A-28(j) is amended by rewriting the first sentence thereof to read as
follows:

“(j) A registration statement filed in accordance with subsection (j) of this
section may be amended after its effective date so as to increase the securities
specified as proposed to be offered.”
Sec. 2. G.S. 78A-36(a) is amended by changing the period at the end thereof to a semicolon and adding the following:

“any dealer specializing in church securities may be registered to offer or sell only those securities which are issued by churches located within this State.”

Sec. 3. G.S. 78A-50(e) is amended by adding a new sentence at the end of that subsection to read as follows:

“When an exemption is claimed in writing, cites the section relied upon, and is considered eligible upon the showing made, a ‘no action’ letter will be furnished upon request and upon the payment of a fee of ten dollars ($10.00).”

Sec. 4. This act shall become effective on January 1, 1981.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.

H. B. 1653  CHAPTER 1149
AN ACT TO SPECIFY DISTRIBUTION OF MIXED BEVERAGE PROFITS IN DARE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. If Dare County does not permit mixed beverage sales countywide, but any municipality within Dare County does permit those sales, the tax of ten dollars ($10.00) per four liters of liquor required by G.S. 18A-15(3)c.3. shall be distributed as required by Chapter 18A of the General Statutes except that the local share of that ten dollars ($10.00) tax shall be distributed as follows:

(a) fifteen percent (15%) to Dare County,
(b) eighty-five percent (85%) divided equally among the municipalities which have elected to permit the sale of mixed beverages.

Sec. 2. This act shall cease to be effective upon the certification of the Dare County Board of Elections that that county has voted to allow mixed beverage sales countywide.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 370  CHAPTER 1150
AN ACT TO ALLOW THE CHAIRMAN OF THE BRUNSWICK COUNTY COMMISSION TO VOTE IN ALL CASES.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 444, Session Laws of 1977, is amended by deleting the following language: “The chairman shall not vote to create a tie vote.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
CHAPTER 1151  Session Laws—1979

H. B. 1630  CHAPTER 1151

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF LAGRANGE AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of LaGrange is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF LAGRANGE.
"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. Incorporation. The Town of LaGrange, North Carolina, in the County of Lenoir, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the "Town of LaGrange", hereinafter at times referred to as the 'Town'.

"Section 1.2. Powers. The Town of LaGrange shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now, or hereafter may be, conferred, either expressly or by implication, upon the Town of LaGrange, specifically, or upon municipal corporations, generally, by this Charter, by the State Constitution, or by general or local law.

"Section 1.3. Corporate Limits. The corporate limits of the Town of LaGrange shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the City, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current Town boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made.

"ARTICLE II. MAYOR AND COUNCIL.

"Section 2.1. Governing Body. The Mayor and Board of Commissioners, elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with applicable laws, the Mayor and Board of Commissioners may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Section 2.2. Board of Commissioners; Composition; Terms of Office. The Board of Commissioners shall be composed of six members, each of whom shall be elected for terms of four years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

"Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected in the manner provided by Article III of this Charter to serve for a term of four years, or until his or her successor is elected and qualified. The Mayor shall be the official head of the Town Government and shall preside at all meetings of the Town Board of Commissioners. The Mayor shall have the right to vote only when there are an equal number of votes in the affirmative and the negative on any motion before the Board of Commissioners. The Mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred by the General Statutes of North Carolina, by this Charter, and by the ordinances of the Town.

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“Section 2.4. Mayor Pro Tempore. In accordance with applicable State laws, the Board of Commissioners shall appoint one of its members to act as Mayor pro tempore to perform the duties of the Mayor in the Mayor’s absence or disability. The Mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board of Commissioners.

“Section 2.5. Meetings of the Board of Commissioners. In accordance with the General Statutes, the Board of Commissioners shall establish a suitable time and place for its regular meetings. Special meetings shall be held according to the applicable provisions of the General Statutes.

“ARTICLE III. ELECTIONS.

“Section 3.1. Regular Municipal Elections. Regular municipal elections shall be held in the Town every two years in odd-numbered years and shall be conducted in accordance with the Uniform Municipal Election Laws of North Carolina.

“Section 3.2. Officers of the Town; Conduct and Method of Election. The officers of the municipality of LaGrange shall consist of a Mayor and six Commissioners. Beginning with the regular municipal election and primary to be held in 1975, the election shall be conducted on a partisan basis as provided in Articles 23 and 24 of Chapter 163 of the General Statutes of North Carolina.

“Section 3.3. Election of the Mayor; Election of the Commissioners. The Mayor shall be elected for a term of four years. In the 1975 election, the three candidates for the Board of Commissioners who received the higher number of votes shall be elected to terms of four years, and the three candidates receiving the next highest number of votes shall be elected for terms of two years. Thereafter, as the terms expire, the successors shall be elected for terms of four years each.

“ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

“Section 4.1. Form of Government. The Town shall operate under the Mayor-Council form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

“Section 4.2. Town Attorney. The Board of Commissioners shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the Town Attorney to prosecute and defend suits against the Town; to advise the Mayor, Board of Commissioners and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend meetings of the Board of Commissioners; and to perform other duties required by law or as the Board of Commissioners may direct.

“Section 4.3. Town Clerk. The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board of Commissioners may direct.

“Section 4.4. Town Finance Officer. The Board of Commissioners shall appoint a Town Finance Officer to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act.
"Section 4.5. Town Budget Officer. The Board of Commissioners shall appoint a Town Budget Officer to perform the duties of the budget officer as required by the Local Government Budget and Fiscal Control Act.

"Section 4.6. Town Tax Collector. The Board of Commissioners shall appoint a Town Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the General Statutes, the provisions of this Charter and the ordinances of the Town. The Town Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes by municipalities.

"Section 4.7. Consolidation of Functions. The Board of Commissioners may consolidate any two or more positions of Town Clerk, Town Tax Collector, Town Budget Officer and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

"Section 4.8. Other Administrative Officers and Employees. Consistent with applicable State laws, the Board of Commissioners may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town.

"ARTICLE V. PUBLIC IMPROVEMENTS.

"Section 5.1. Street Improvements; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Board of Commissioners is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of Sections 5.1 through 5.6 herein.

"Section 5.2. When Petition Unnecessary. The Board of Commissioners may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes, without the necessity of a petition, upon the finding by the Board as a fact:

(a) That the street improvement project does not exceed 1,200 linear feet, and

(b) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or

(c) That it is in the public interest to connect two streets, or portions of a street already improved, or

(d) That it is in the public interest to widen a street, or part thereof, which is already improved, provided, that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town’s thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

"Section 5.3. Street Improvement Defined. For the purposes of this Article, the term ‘street improvement’ shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

"Section 5.4. Sidewalks; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the Town for
making sidewalk improvements, the Board of Commissioners is hereby authorized without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the Board of Commissioners may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

"Section 5.5. Assessment Procedure. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Board of Commissioners shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Section 5.6. Effect of Assessments. The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"ARTICLE VI. SPECIAL PROVISIONS.

"Section 6.1. Authority to Construct a Health Center or Clinic.

a. The governing authority of the Town of LaGrange, in Lenoir County, is hereby authorized and empowered to appropriate from nontax funds the sum of at least ten thousand dollars ($10,000) for the purpose of acquiring a site and constructing thereon a health center or clinic for public health purposes or for use as a public health center, and the said Town of LaGrange is authorized not only to appropriate said funds but also to take any and all steps that may be necessary to acquire a site and to construct said public health center or clinic.

b. If and when the Town of LaGrange shall appropriate and make available the said sum of ten thousand dollars ($10,000) for the purpose of a public health clinic, as mentioned in Section 1 of this act, then the Board of County Commissioners of Lenoir County is authorized, in its discretion, to appropriate and make available the sum of twenty-five thousand dollars ($25,000) from nontax funds for the purpose and as an aid to the construction of, and acquisition of a site for, a public health center or clinic in the Town of LaGrange. The expenditure of said funds shall be supervised by the Board of County Commissioners of Lenoir County if and when same are appropriated and made available the same shall be expended for the acquisition of said site and the construction of the public health center or clinic thereon according to a contract or agreement which shall be negotiated and entered into between the Board of County Commissioners of Lenoir County and the governing authority of the Town of LaGrange, which such contract or agreement is hereby authorized, and reciprocal resolutions, or a joint resolution, of the Boards of Commissioners of said Town of LaGrange and County of Lenoir shall be sufficient evidence of such contract or agreement.

c. If and when said site is acquired and public health center or clinic constructed, then with the joint approval and consent of the Board of County Commissioners of Lenoir County and the governing authority of the Town of LaGrange, any offices available in same may be rented to practicing physicians,
such rentals to be approved by both authorities and the proceeds of such rentals shall be payable to the Town of LaGrange and the County of Lenoir as the interest of each authority may appear and according to the ratio of the funds appropriated by each authorities or board. The title to the site or property and any buildings for public health center or clinic purposes constructed thereon shall be owned and held by the Town of LaGrange and the County of Lenoir in proportion and in ratio to the amounts which each such authority or board shall appropriate for the construction and the purchase of the site of the public health center or clinic heretofore mentioned.

"Section 6.2. Retirement or Pension Fund for Employees.

a. The governing body of the Town of LaGrange is hereby authorized to establish or provide for a retirement system to provide for the payment of benefits to its employees or to their beneficiaries in the following cases:

(1) Retirement, because of age;

(2) Disability;

(3) Death.

b. Such system shall include such officers and employees of the Town as shall be determined by the governing body. The Town shall contribute to the system in such amounts as it shall determine, in order to meet the liabilities accruing because of personal services rendered to the Town by its officers and employees; provided, however, that the system may also provide benefits which are based, partly or entirely, upon personal services rendered to the Town prior to the establishment thereof, and the Town may contribute the entire cost of benefits based on any such prior service. The governing body may provide that employees shall share in the cost of financing the system, upon such terms as it deems advisable. The expense of administering the system shall be paid as provided by the governing body and the governing body shall appropriate each year sufficient revenue to provide for the expense of the administration.

c. The system shall be maintained on a solvent actuarial reserve basis for all benefits beginning at its inauguration date, excepting the present value of benefits based on prior service.

d. The contribution required to cover the cost of benefits based on prior service, if any, shall be sufficient to fund the liability for such prior service in not more than 40 years from the date of establishment of the system.

e. The ordinance may provide for the appointment or election of a retirement board or board of trustees, and for the delegation to such board of such powers and duties as may be deemed necessary to carry out the intent and purpose for which the system is established. If such a retirement board or board of trustees is provided for, the said board shall consist of a member or members of the governing body, an employee or employees entitled to participate in the system, and one or more citizens of the town not officially connected with the Town nor entitled to participate in the system.

f. The Town may provide for the payment of one or more of the benefits enumerated in subsection b of this section by contracting with the governing body of any other municipality or municipalities in the State, with the United States government or any of its agencies or departments, with the State of North Carolina or any of its agencies or departments, or may contract with any insurance company or other corporation for the performance of any service in connection with the establishment of such fund, or for the investment, care, or administration of such fund, or for any other service relating thereto.
The Town or any other governing body, agency, insurance company, person, or corporation contracting with the Town for the investment, care or administration of said system may invest and reinvest the funds thereof in one or more of the types of securities or other investments authorized by Sections 58-79 of the General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investment of assets of domestic life insurance companies.

g. Nothing in this act shall be construed so as to prohibit the Town from providing or continuing to provide Old Age and Survivors' Insurance, or Social Security coverage for its officers and employees as the same may be authorized by Federal and State laws, either separately or in addition to the fund authorized herein, or any other retirement or pension plan or fund authorized by general law or local act."

Sec. 2. The purpose of this act is to revise the Charter of the Town of LaGrange and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the Town of LaGrange.

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

Chapter 100, Private Laws of 1869
Chapter 107, Private Laws of 1874-75
Chapter 35, Private Laws of 1879
Chapter 65, Private Laws of 1881
Chapter 7, Private Laws of 1885
Chapter 452, Public Laws of 1889
Chapter 532, Public Laws of 1897
Chapter 181, Private Laws of 1905
Chapter 335, Private Laws of 1915
Chapter 339, Private Laws of 1915
Chapter 640, Public-Local Laws of 1915
Chapter 218, Private Laws of 1929
Chapter 360, Public-Local Laws of 1937
Chapter 375, Public-Local Laws of 1939
Chapter 438, Session Laws of 1955
Chapter 1055, Session Laws of 1961

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):
(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of LaGrange and all existing rules or regulations of departments or agencies of the Town of LaGrange, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of LaGrange or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. If any of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1580  CHAPTER 1152

AN ACT TO ALLOW THE TOWN OF WENDELL TO INCREASE THE TAX LEVY ON MOTOR VEHICLES TO A MAXIMUM OF THREE DOLLARS ($3.00).

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-97(a) is amended by adding immediately after the words "Town of Garner" the words, "the Town of Wendell, City of Henderson, ".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
H. B. 1657  CHAPTER 1153
AN ACT TO ALLOW THE TOWN OF CHADBOURN TO INCREASE THE TAX LEVY ON MOTOR VEHICLES TO A MAXIMUM OF FIVE DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-97(a) is amended by adding immediately after the words "City of Charlotte" each time those words appear the words "the Town of Chadbourn".

Sec. 2. Section 2 of Chapter 433, Session Laws of 1977 is amended by adding immediately after the words "City of Charlotte" the words "the Town of Chadbourn".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1659  CHAPTER 1154
AN ACT TO PROHIBIT HUNTING FROM THE RIGHTS-OF-WAY OF NORTH CAROLINA SECONDARY ROADS 1504 AND 1505 IN MARTIN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt from the rights-of-way of North Carolina Secondary Roads 1504 and 1505 in Martin County.

Sec. 2. All law enforcement officers including wildlife protectors are authorized to enforce this act.

Sec. 3. Violation of this act is a misdemeanor punishable by a fine of not more than one hundred dollars ($100.00), or imprisonment for not more than 30 days, or both, in the discretion of the court.

Sec. 4. This act shall become effective September 1, 1980.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1660  CHAPTER 1155
AN ACT TO ALLOW THE CITY OF GREENVILLE TO INCREASE THE TAX LEVY ON MOTOR VEHICLES TO A MAXIMUM OF FIVE DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-97(a) is amended by adding immediately after the words "City of Charlotte" each time those words appear the words "the City of Greenville".

Sec. 2. Section 2 of Chapter 433, Session Laws of 1977 is amended by adding immediately after the words "City of Charlotte" the words "the City of Greenville".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
CHAPTER 1156  Session Laws—1979

H. B. 387  CHAPTER 1156
AN ACT TO REQUIRE THAT ALL SCHOOL BUS DRIVERS HAVE A MINIMUM OF SIX MONTHS OF DRIVING EXPERIENCE.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 115-185(a) is amended to read:

"The drivers shall have all qualifications prescribed by the regulations of the State Board of Education herein provided for and must have at least six months driving experience as a licensed operator of a motor vehicle before employment as a regular or substitute driver, but the selection and employment of each driver shall be made by the county or city board of education, and the driver shall be the employee of the county or city administrative unit."

Sec. 2. This act shall become effective on January 1, 1981.
In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 861  CHAPTER 1157
AN ACT TO INCREASE THE LEGAL RATE OF INTEREST FROM SIX PERCENT (6%) PER ANNUM TO EIGHT PERCENT (8%) PER ANNUM AND TO AMEND ARTICLE 2 OF CHAPTER 24 OF THE GENERAL STATUTES RELATING TO LOANS SECURED BY SECONDARY OR JUNIOR MORTGAGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 24-1 is amended by deleting the word "six" and substituting in lieu thereof the word "eight".

Sec. 2. G.S. 24-12(2) is amended by deleting the phrase "seven thousand five hundred dollars ($7,500)" and substituting in lieu thereof the phrase "twenty-five thousand dollars ($25,000)".

Sec. 3. G.S. 24-12(3) is rewritten to read:

"(3) The loan is repayable in no less than six nor more than 181 successive monthly payments, which payments shall be substantially equal in amount."

Sec. 4. G.S. 24-13 is amended by deleting the phrase "hereinafter stated rate of charge" and substituting in lieu thereof the phrase "charges allowed by G.S. 24-14(b) and (e)".

Sec. 5. G.S. 24-14(a) is amended by deleting subdivisions (1) and (2) and substituting in lieu thereof the following phrase:

"simple interest in excess of 1 1/3% per month or an annual rate equivalent to the Federal Discount Rate plus 5%, whichever is the greater, computed on the actual or average daily unpaid balance of the principal amount of the loan for the time actually outstanding. However, interest may not be compounded."

Sec. 6. G.S. 24-14(b) is rewritten to read:

"(b) In addition to the interest permitted in subsection (a), the lender may include in the loan his actual expenses which are paid to third parties in connection with the loan. Such expenses shall be limited to those for: title examination, title insurance, appraisals, surveys, and recording fees or releasing fees to trustees or public officials, and only such insurance charges as permitted in subsection (c)."

Sec. 7. G.S. 24-15 is repealed.
Sec. 8. This act shall not apply to judgments entered prior to July 1, 1980.

Sec. 9. This act shall become effective on July 1, 1980.
In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1195    CHAPTER 1158
AN ACT RELATING TO THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.3 as it now appears in Replacement Volume 3C of the General Statutes is amended by deleting on lines 23 and 24 and line 39 of G.S. 143-215.3(a)(7) the words “Department of Natural Resources and Community Development” and inserting in their place the words “Environmental Management Commission”.

Sec. 2. G.S. 143-211 as it now appears in 1978 Replacement Volume 3C of the General Statutes is amended by adding the following sentence at the end thereof:

“It is the intent of the General Assembly that the powers and duties of the Environmental Management Commission and the Department of Natural Resources and Community Development be construed so as to enable the Department and the Commission to qualify to administer federally mandated programs of environmental management and to qualify to accept and administer funds from the federal government for such programs.”

Sec. 3. G.S. 143-215.3(c) as it now appears in the 1978 Replacement Volume 3C of the General Statutes is amended by adding the following sentence at the end thereof:

“In order for the State of North Carolina to effectively participate in programs administered by federal agencies for the regulation and abatement of water and air pollution, the Department of Natural Resources and Community Development is authorized to accept and administer funds provided by federal agencies for water and air pollution programs and to enter into contracts with federal agencies regarding the use of such funds.”

Sec. 4. G.S. 143-215.3(e) as the same appears in the 1978 Replacement Volume 3C of the General Statutes is hereby amended by deleting on line 15, the words “amendments of 1972” and substituting therefor the words “as amended” and inserting after the words “Clean Air Act” the words “as amended” and by deleting on line 18, the words “amendments of 1972” and substituting therefor the words “as amended” and inserting after the words “Clean Air Act” the words “as amended”.

Sec. 5. G.S. 143B-283, as the same appears in the 1978 Replacement Volume of the General Statutes, is hereby amended by deleting the second sentence, beginning with “The Governor...”, in G.S. 143B-283(a)(9), and adding a new subsection (c) as follows:

“Nine of the members appointed by the Governor under this section shall be persons who do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Chapter. The Governor shall require adequate disclosure of potential conflicts of interest by members. The Governor, by executive order, shall promulgate criteria regarding conflicts
of interest and disclosure thereof for determining the eligibility of persons under this section, giving due regard to the requirements of federal legislation, and for this purpose may promulgate rules, regulations or guidelines in conformance with those established by any federal agency interpreting and applying provisions of federal law.”

Sec. 6. G.S. 143B-283 is amended by adding a new subsection (d) as follows:

“(d) In addition to the members designated by subsection (a), the Environmental Management Commission shall also consist of four members of the General Assembly, appointed as follows:

(1) two members of the North Carolina House of Representatives to be appointed by the Speaker of the House; and

(2) two members of the North Carolina Senate to be appointed by the President of the Senate.

The appointed members of the General Assembly shall be initially appointed by July 30, 1980, and shall serve until January 31, 1981. Thereafter, such members shall serve two-year terms, or until their respective successors are appointed.”

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1342

CHAPTER 1159

AN ACT TO AMEND ARTICLE 18B OF CHAPTER 58 OF THE GENERAL STATUTES IN ORDER TO MAKE NORTH CAROLINA ELIGIBLE FOR RIOT REINSURANCE UNDER THE FEDERAL FAIR PLAN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-173.27, as found in the 1979 Cumulative Supplement to Volume 2B, is amended in line 1 by substituting the year, “1983” for the year, “1980”.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1378

CHAPTER 1160

AN ACT TO REQUIRE BREATHALYZER HEARINGS IN SUPERIOR COURT OF JUDICIAL DISTRICT WHERE THE ARREST OCCURRED.

Whereas, the trial of the criminal offense arising out of acts alleged to have been committed while the person was driving or operating a motor vehicle while under the influence of intoxicating liquor is conducted in the county where the offense occurred; and

Whereas, G.S. 20-16.2(d) requires the hearing involving a revocation for refusal to take the breathalyzer test to be heard before a hearing officer of the Division of Motor Vehicles in the county where the arrest was made; and

Whereas, a person whose driver’s license has been revoked for refusing to take the breathalyzer test has the right to file a petition for a hearing in the superior court of the county wherein such person resides under the provisions of G.S. 20-25; and

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Whereas, hearings involving revocations for refusal to take the breathalyzer test require the presence of the arresting officer and breathalyzer operator as witnesses, but the majority of other hearings for various suspensions and revocations require only certified copies of records of the Division of Motor Vehicles and/or court records; and

Whereas, under existing law overnight travel is sometimes required of law enforcement officers from coastal areas to mountainous areas and vice versa; and witness' fees and travel allowances will not reimburse the officers for actual expenses; and

Whereas, the required presence of law enforcement officers in distant counties for such hearings sometimes leave small municipalities without adequate police protection; and

Whereas, the present procedure deters the enforcement of G.S. 20-16.2; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-16.2(e), as it appears in the 1978 Replacement Volume 1C of the General Statutes, is amended by striking the period at the end thereof and adding the words, "except that such hearing shall be conducted in the judicial district where the arrest was made."

Sec. 2. This act is effective on October 1, 1980.
In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1511 CHAPTER 1161
AN ACT TO PROVIDE FOR READABLE INSURANCE CERTIFICATES.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 57 is amended by adding a new Article to read:

"ARTICLE 2.

"§ 57-30. Title. This Article is known and may be cited as the 'Hospital, Medical and Dental Service Corporation Readable Insurance Certificates Act'.

"§ 57-31. Purpose. The purpose of this Article is to provide that insurance certificates and subscriber contracts under this Chapter be readable by a person of average intelligence, experience, and education. All insurers are required by this Article to use certificate and contract forms and, where applicable, benefit booklets that are written in simple and commonly used language, that are logically and clearly arranged, and that are printed in a legible format.

"§ 57-32. Scope of application.—(a) Except as provided in subsection (b) of this section, the provisions of this Article apply to the certificates and contracts of direct insurance and health care coverage that are described in G.S. 57-7(a) and (b).

(b) Nothing in this Article applies to:

(1) any group contract or certificate, nor any group certificate delivered or issued for delivery outside of this State;

(2) insurers who issue benefit booklets on group and nongroup bases explaining the certificates or contracts issued under G.S. 57-7. In such cases, the provisions of this Article apply only to the benefit booklets furnished to the persons insured, and not to the certificates.
(c) No other provision of the General Statutes setting language simplification standards shall apply to any certificate forms covered by this Article.

(d) Any non-English language certificate delivered or issued for delivery in this State shall be deemed to be in compliance with this Article if the insurer certifies that such certificate is translated from an English language certificate which does comply with this Article.

§ 57-33. Definitions.—As used in this Article, unless the context clearly indicates otherwise:

1. ‘Benefit booklet’ means any written explanation of insurance coverages or benefits issued by an insurer and which is supplemental to and not a part of an insurance certificate or subscriber contract.

2. ‘Commissioner’ means the Commissioner of Insurance.

3. ‘Flesch scale analysis readability score’ means a measurement of the case of readability of an insurance certificate or contract made pursuant to the procedures described in G.S. 57-35.

4. ‘Insurance Certificate or Contract’ or ‘policy’ or ‘certificate’ means an agreement as defined by G.S. 57-7.

5. ‘Insurer’ means every corporation providing contracts or certificates of coverage of insurance as described in G.S. 57-1.

§ 57-34. Format requirements.—(a) All certificates and contracts covered by G.S. 57-37 must be printed in a type face at least as large as 10 point modern type, one point leaded, be written in a logical and clear order and form, and contain the following items:

1. on the cover, first, or insert page of the certificate a statement that the certificate is a legal contract between the certificate owner and the insurer, and the statement, printed in larger or other contrasting type or color, ‘Read your certificate carefully’;

2. an index of the major provisions of the certificate, which may include the following items:
   a. the person or persons insured by the certificate;
   b. the applicable events, occurrences, conditions, losses, or damages covered by the certificate;
   c. the limitations or conditions on the coverage of the certificate;
   d. definitional sections of the certificate;
   e. provisions governing the procedure for filing a claim under the certificate;
   f. provisions governing cancellation, renewal, or amendment of the certificate by either the insurer or the subscriber;
   g. any options under the certificate; and
   h. provisions governing the insurer’s duties and powers in the event that suit is filed against the subscriber.

(b) In determining whether or not a certificate is written in a logical and clear order and form the Commissioner must consider the following factors:

1. the extent to which sections or provisions are set off and clearly identified by titles, headings, or margin notations;

2. the use of a more readable format, such as narrative or outline forms;

3. margin size and the amount and use of space to separate sections of the policy; and

4. contrast and legibility of the colors of the ink and paper, and the use of contrasting titles or headings for sections.
§ 57-35. *Flesch scale analysis readability score; procedures.*—(a) A Flesch scale analysis readability score will be measured as provided in this section.

(b) For certificates containing 10,000 words or less of text, the entire certificate must be analyzed. For certificates containing more than 10,000 words, the readability of two 200-word samples per page may be analyzed in lieu of the entire certificate. The samples must be separated by at least 20 printed lines. For the purposes of this subsection a word will be counted as five printed characters or spaces between characters.

(c) The number of words and sentences in the text must be counted and the total number of words divided by the total number of sentences. The figure obtained must be multiplied by a factor of 1.015. The total number of syllables must be counted and divided by the total number of words. The figure obtained must be multiplied by a factor of 84.6. The sum of the figures computed under this subsection subtracted from 206.835 equals the Flesch scale analysis readability score for the certificate.

(d) For the purposes of subsection (c) of this section the following procedures must be used:

1. a contraction, hyphenated word, or numbers and letters, when separated by spaces, will be counted as one word;
2. a unit of words ending with a period, semicolon, or colon, but excluding headings, and captions will be counted as a sentence; and
3. a syllable means a unit of spoken language consisting of one or more letters of a word as divided by an accepted dictionary. Where the dictionary shows two or more equally acceptable pronunciations of a word, the pronunciation containing fewer syllables may be used.

(e) The term ‘text’ as used in this section includes all printed matter except the following:

1. the name and address of the insurer; the name, number or title of the certificate; the table of contents or index; captions and subcaptions; specification pages, schedules or tables; and
2. any certificate language that is drafted to conform to the requirements of any law, regulation, or agency interpretation of any state or the federal government; any certificate language required by any collectively bargained agreement; any medical terminology; and any words that are defined in the certificate: Provided, however, that the insurer submits with his filing under G.S. 57-36 a certified document identifying the language or terminology that is entitled to be excepted by this subdivision.

§ 57-36. *Filing requirements; duties of the Commissioner.*—(a) No insurer may make, issue, amend or renew any certificate or contract after the dates specified in G.S. 57-37 for the applicable type of insurance unless the certificate is in compliance with the provisions of G.S. 57-34 and G.S. 57-35, and unless the certificate is filed with the Commissioner for his approval. The policy will be deemed approved 90 days after filing unless disapproved within the 90-day period. The Commission may not unreasonably withhold his approval. Any disapproval must be delivered to the insurer in writing and must state the grounds for disapproval. Any certificate filed with the Commissioner must be accompanied by a certified Flesch scale readability analysis and test score and by the insurer’s certification that the policy is, in the insurer’s judgment, readable based on the factors specified in G.S. 57-34 and G.S. 57-35.
(b) The Commissioner must disapprove any certificate covered by subsection (a) of this section if he finds that:

(1) it is not accompanied by a certified Flesch scale analysis readability score of 50 or more;

(2) it is not accompanied by the insurer's certification that the certificate is, in the judgment of the insurer, readable under the standards of this Article; or

(3) it does not comply with the format requirements of G.S. 57-34.

§ 57-37. Application to policies; dates; duties of the Commissioner.—(a) The filing requirements of G.S. 57-36 apply to all subscribers' contracts of hospital, medical, and dental service corporations as described in G.S. 57-7(a) and (b) that are made, issued, amended or renewed after July 1, 1983; and

(b) The Commissioner must make the following reports to the Legislative Research Commission and the General Assembly:

(1) on or before March 31, 1980, a report detailing and evaluating the efforts made by the Commissioner and insurers to implement the provisions of subdivision (a)(1) of this section, and particularly examining the feasibility and practicality of requiring certificates to comply with the provisions of this Article and in the time prescribed;

(2) on or before March 31, 1981, a report detailing and evaluating:
   a. the operation of and the extent of compliance with the provisions of this Article;
   b. the efforts made by the Commissioner and insurers to implement the provisions of subdivision (a)(2) of this section.

§ 57-38. Construction.—(a) The provisions of this Article will not operate to relieve any insurer from any provision of law regulating the contents or provisions of insurance certificates or contracts nor operate to reduce an insured's, beneficiary's or subscriber's rights or protection granted under any statute or provision of the law.

(b) The provisions of this Article shall not be construed to mandate, require, or allow alteration of the legal effect of any provision of any insurance certificate or contract.

(c) In any action brought by a subscriber or claimant arising out of a certificate approved pursuant to this Article, the subscriber or claimant may base such an action on either or both (1) the substantive language prescribed by such other statute or provision of law, or (2) the wording of the approved certificate.

Sec. 2. G.S. 58-370(b)(1) is rewritten to read:

"(1) It is not accompanied by a certified Flesch scale analysis readability score of 50 or more."

Sec. 3. (a) G.S. 58-371(a)(1) is amended in the last line by substituting the date, "March 1, 1981" for the date, "July 1, 1980".

(b) G.S. 58-371(a)(2) is amended by substituting the year, "1983" for the year, "1981".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
H. B. 1561

CHAPTER 1162
AN ACT TO PROVIDE ANNUAL AUDITS OF THE PITTSBORO ABC BOARD.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of Chapter 365, Session Laws of 1967, as amended by Chapter 598, Session Laws of 1975, is amended on line 6 by deleting the word "semiannually", and inserting in lieu thereof the word "annual".

Sec. 2. Section 2 of Chapter 540 of the 1975 Session Laws is amended to read:

"Sec. 2. It is unlawful for any person to discharge any center fire rifle upon the land of another or from the right-of-way of any public road or highway onto or across the land of another without first having secured the express written permission of the owner or lessee of the land upon, onto or across which the rifle is to be discharged. The written permission shall be effective for only 12 months after it is granted, may not be transferable and shall be carried by the person receiving the license at all times that he is hunting with a center fire rifle on the land owned or leased by the person from whom such permission was obtained. The permission shall be exhibited to any law enforcement officer on request."

Sec. 3. Section 3 of Chapter 540 of the 1975 Session Laws is amended in line 2 by deleting the word "section", and substituting, "act".

Sec. 4. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1576

CHAPTER 1163
AN ACT TO ABOLISH THE OFFICE OF CORONER IN CHOWAN COUNTY AND TO REQUIRE STILL HUNTING IN THAT PART OF CHOWAN COUNTY SOUTH AND EAST OF UNITED STATES HIGHWAY 17.

The General Assembly of North Carolina enacts:

Section 1. The office of coroner in Chowan County is abolished.

Sec. 2. Chapter 152 of the General Statutes is not applicable to Chowan County.

Sec. 3. It is unlawful to hunt deer by any means other than still hunting in that part of Chowan County south and east of United States Highway 17.

Sec. 4. Violation of Section 3 of this act is a misdemeanor punishable by a fine of not less than one hundred dollars ($100.00) in addition to such other punishment the court may, in its discretion, impose.

Sec. 5. All peace officers of the county and State, including wildlife protectors, have authority to enforce the provisions of Section 3 of this act.

Sec. 6. Sections 1 and 2 of this act are effective upon ratification. Sections 3 through 5 shall become effective September 1, 1980.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
CHAPTER 1164  Session Laws—1979

H. B. 1578  CHAPTER 1164
AN ACT TO INCREASE THE MINIMUM DOLLAR AMOUNT FOR WHICH FORMAL BIDS ARE REQUIRED FOR PASQUOTANK COUNTY OR ALBEMARLE HOSPITAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-129, as amended by Chapter 1081, Session Laws of 1979 (Second Session, 1980) is amended in line 5 of the first paragraph by deleting the words and figures "five thousand dollars ($5,000)", and inserting in lieu thereof the words and figures "thirty thousand dollars ($30,000)."

Sec. 2. This act shall apply only to Pasquotank County and the Albemarle Hospital.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1593  CHAPTER 1165
AN ACT TO ABOLISH THE INACTIVE TOWN OF SOUTH WADESBORO IN ANSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of South Wadesboro in Anson County, Chapter 100, Private Laws of 1903, is repealed.

Sec. 2. This act shall become effective January 1, 1981.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1595  CHAPTER 1166
AN ACT TO CREATE A WILDLIFE PRESERVE IN CHOWAN BEACH SUBDIVISION, SECOND TOWNSHIP, CHOWAN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. A wildlife preserve is established in the Chowan Beach Subdivision, Second Township, Chowan County. The preserve embraces all of the lands described in certain plats recorded in the Registry of Deeds of Chowan County and more particularly set out as follows:

(a) Section "A" of Chowan Beach, Plat Book 3, Page 97
(b) Section "B" of Chowan Beach, Plat Book 3, Page 3
(c) Section "C" of Chowan Beach, Plat Book 3, Page 6
(d) Amended Map of Chowan Beach, Plat Book 3, Page 3

Sec. 2. The intent and purpose of this act is to establish a wildlife preserve for the preservation and protection of all birds and animals in Chowan Beach.

Sec. 3. The Chowan Beach Recreation Association is authorized to contract with the Department of Transportation for the erection and maintenance of signs, at all major entrances to Chowan Beach, stating that the area is a Wildlife Preserve.

Sec. 4. It is unlawful to trap, hunt, shoot, or otherwise kill within the preserve established by this act any bird or animal. Violation of this section is a misdemeanor punishable by imprisonment for not more than 30 days, by a fine
of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00), or by both.

Sec. 5. The provisions of this act are enforceable by officers of the Wildlife Resources Commission, the officers of the Chowan County Sheriff's Department, and any other State and county officers who have the power of arrest, except the Highway Patrol.

Sec. 6. This act does not protect any bird classified as a pest under Article 22A of Chapter 113 of the General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971.

Sec. 7. This act does not apply if birds are taken pursuant to a permit issued by the Wildlife Resources Commission under G.S. 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within the limits of the preserve.

Sec. 8. This act is effective upon ratification and Sections 4 and 5 are enforceable only after Wildlife Preserve signs have been erected.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1602  CHAPTER 1167

AN ACT TO INCREASE THE MINIMUM DOLLAR AMOUNT FOR WHICH FORMAL BIDS ARE REQUIRED FOR ORANGE COUNTY, AND TO AUTHORIZE THAT COUNTY TO ABOLISH A FIRE DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-129, as amended by Chapter 1081, Session Laws of 1979 (Second Session 1980) is amended in line 5 of the first paragraph by deleting the words and figures "five thousand dollars ($5,000)", and inserting in lieu thereof the words and figures "ten thousand dollars ($10,000)".

Sec. 2. No purchase of apparatus, supplies, materials, or equipment by Orange County requiring an estimated expenditure equal to or more than five thousand dollars ($5,000), but less than ten thousand dollars ($10,000) may be made without the approval of the Orange County Board of Commissioners.

Sec. 3. In addition to the procedure of G.S. 69-25.10 for abolishing a fire district, whenever part or all of the territory of an existing fire district is included in a petition to establish a new fire district under G.S. 69-25.1, and a majority of the qualified voters at said election vote in favor of levying and collecting a tax in the new district, then the board of commissioners may, by resolution, abolish the existing fire district. Prior to abolishing the district, the board of commissioners shall conduct a public hearing and give notice to the owners of real property in the existing fire district by first class mail at least 10 days prior to the hearing, and shall publish a notice of the hearing no later than 10 days prior to the hearing. If the district is abolished, funds and property shall be distributed, used, or disposed of as provided in G.S. 69-25.10.

Sec. 4. This act shall apply only to Orange County.

Sec. 5. This act is effective upon ratification. Sections 1 and 2 shall expire July 1, 1983. Section 3 shall expire July 1, 1981.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
H. B. 1662  CHAPTER 1168
AN ACT TO EXTEND THE JURISDICTION OF LAW ENFORCEMENT OFFICERS OF THE VILLAGE OF PINEHURST TO THREE MILES BEYOND THE VILLAGE CITY LIMITS AND TO REPEAL CHAPTER 993 OF THE 1949 SESSION LAWS AND ALL OTHERS RELATING TO THE MUNICIPALITY OF PINEHURST UP THROUGH CHAPTER 842 OF THE 1979 SESSION LAWS.

The General Assembly of North Carolina enacts:

Section 1. In addition to their authority within the corporate limits and on all village property, and notwithstanding the provisions of G.S. 15A-402(c) and G.S. 160A-286, law enforcement officers of the Village of Pinehurst shall have all the power invested in law enforcement officers by statute or common law at any point which is (1) three miles or less from the nearest point in the boundary of Pinehurst and (2) not within the boundary of any other incorporated city or town.

Sec. 2. Chapter 993 of the 1949 Session Laws, as amended, through and including: Chapter 382 of the 1963 Session Laws, Chapter 289 of the 1969 Session Laws, Chapter 459 of the 1971 Session Laws, Chapter 649 of the 1975 Session Laws and Chapter 842 of the 1979 Session Laws is hereby repealed, except that Chapter 732, Session Laws of 1951 is not repealed.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1676  CHAPTER 1169
AN ACT AMENDING G.S. 160A-399.6 AUTHORIZING THE CITY OF RALEIGH TO ALLOW A SUBCOMMITTEE OF THE HISTORIC PROPERTIES COMMISSION TO ISSUE CERTIFICATES OF APPROPRIATENESS.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 160A-399.6 is amended by inserting immediately after the word “commission” in the fourth line thereof, the following phrase: “, or by a subcommittee of the historic properties commission composed of at least five members, a majority of the members of such subcommittee having demonstrated special interest, experience, or education in history or architecture.”.

Sec. 2. This act applies only to the City of Raleigh in Wake County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
AN ACT TO VALIDATE CERTAIN LEGAL ADVERTISEMENTS IN MITCHELL COUNTY.

The General Assembly of North Carolina enacts:

Section 1. All legal advertisements and notices that were not published in accordance with the provisions of the second paragraph of G.S. 1-596 prior to the effective date of this act are hereby validated.

Sec. 2. The provisions of this act shall apply only to Mitchell County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

AN ACT TO EXPAND THE SIZE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF CLEVELAND IN ROWAN COUNTY FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of Chapter 160, Private Laws of 1927, is amended to read:

"Sec. 9. The corporate powers of the Town of Cleveland shall be vested in and exercised by a mayor and board of five commissioners who shall be biennially elected by the qualified voters of the town."

Sec. 2. Section 11 of Chapter 160, Private Laws of 1927, is amended to read:

"Sec. 11. At the municipal election in 1980, and biennially thereafter, there shall be elected by the qualified voters of the Town of Cleveland two commissioners. At the municipal election in 1981, and biennially thereafter, there shall be elected by the qualified voters of the Town of Cleveland a mayor and three town commissioners. The persons so elected shall take office as provided in G.S. 160A-68. The said election shall be conducted in accordance with the procedures of Subchapter IX of Chapter 163 of the General Statutes, and the results determined in accordance with the nonpartisan plurality method provided in G.S. 163-292. The elections in even-numbered years shall be governed by the same regulations as the elections in odd-numbered years."

Sec. 3. This act shall become effective beginning with the 1980 municipal election.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
CHAPTER 1172 Session Laws—1979

H. B. 1686 CHAPTER 1172
AN ACT TO ALLOW GREATER FLEXIBILITY ON APPOINTMENTS TO THE UNION COUNTY INDUSTRIAL DEVELOPMENT COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of Chapter 288, Session Laws of 1955 is amended by deleting the words:

"One member from the town of Waxhaw; one member from the city of Monroe; one member from the town of Wingate; one member from the town of Marshville; two remaining members to be named at large from any part of Union County"

and inserting in lieu thereof the words:

"One member from the Waxhaw area; one member from the Monroe area; one member from the Wingate area; one member from the Marshville area; one member from the Indian Trail-Stallings area; two remaining members to be named at large from any part of Union County”.

Sec. 2. Section 8 of Chapter 288, Session Laws of 1955 is amended on lines 6 and 7 by deleting the words “six members”, and inserting in lieu thereof the words “seven members”.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1697 CHAPTER 1173
AN ACT TO AMEND ARTICLE 1.1 OF THE GENERAL STATUTES TO RESCHEDULE THE TERMINATION DATE OF CHAPTER 90, ARTICLE 7, ENTITLED OSTEOPATHY AND TO RESCHEDULE THE TERMINATION DATE OF CHAPTER 90, ARTICLE 10, AND CHAPTER 130, ARTICLE 18, CONCERNING MIDWIVES.

The General Assembly of North Carolina enacts:

Section 1. The following language is deleted from line 7 of G.S. 143-34.12 and is inserted at the end of G.S. 143-34.13:

“Chapter 90, Article 7, entitled ‘Osteopathy’.”

Sec. 2. The following language is deleted from lines 10 and 11 of G.S. 143-34.12 and is inserted at the end of G.S. 143-34.13:

“Chapter 90, Article 10, entitled ‘Midwives’, and Chapter 130, Article 18, entitled ‘Midwives’.”

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
S. B. 943  CHAPTER 1174
AN ACT TO ALLOW MIXED BEVERAGE ELECTIONS IN CITIES ONLY WHEN CERTAIN CONDITIONS ARE MET.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18A-51(b) is amended by adding the following new language at the end of that subsection:

"A city which has no ABC system may hold a separate city election on mixed beverages as provided in this section if each of the following conditions is met:

(1) the county has voted against the sale of mixed beverages in the most recent referendum on the question;
(2) at least one ABC store is located in the city or within a one mile radius of the city boundary;
(3) in the most recent county referendum on mixed beverages, in two or more cities within the county a majority of the persons voting voted in favor of mixed beverages; and
(4) the election has been requested in writing by the city governing body or by petition of twenty percent (20%) of the registered voters of the city."

Sec. 2. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

S. B. 957  CHAPTER 1175
AN ACT TO PROVIDE THAT A PRIME CONTRACTOR IS JOINTLY LIABLE WITH A SUBCONTRACTOR FOR USE TAX UNLESS THE SUBCONTRACTOR'S AFFIDAVIT THAT THE TAX HAS BEEN PAID IS FURNISHED TO THE CONTRACTOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.6(3) is amended by deleting the following language: "Provided, however, the taxes levied in this section shall be levied against the purchaser of the articles named. If purchases of building materials that are not exempt from tax are made by a contractor there shall be joint liability for the tax against both contractor and owner, but the liability of the owner shall be satisfied if affidavit is required of the contractor, and furnished by him, before final settlement is made, showing that the tax herein levied has been paid in full.", and inserting in lieu thereof the following new language: "Said tax shall be levied against the purchaser of such property. Provided, that where the purchaser is a contractor, the contractor and owner shall be jointly and severally liable for said tax, but the liability of the owner shall be deemed satisfied if before final settlement between them the contractor furnishes to the owner an affidavit certifying that said tax has been paid. Provided further, that where the purchaser is a subcontractor, the contractor and subcontractor shall be jointly and severally liable for said tax, but the liability of the contractor shall be deemed satisfied if before final settlement between them the subcontractor furnishes to the contractor an affidavit certifying that said tax has been paid."

Sec. 2. This act shall become effective October 1, 1980.
In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

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CHAPTER 1176  Session Laws—1979

S. B. 969  CHAPTER 1176

AN ACT TO SPECIFY THE EDUCATIONAL REQUIREMENTS FOR A PSYCHOLOGICAL EXAMINER'S LICENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-270.11(b) is amended by adding the following:

“(2) The Board shall not prescribe any educational requirements other than the Master's Degree in psychology required by this subsection.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

S. B. 987  CHAPTER 1177

AN ACT TO PREVENT THE TAKING OF DEER FROM OR THROUGH THE USE OF BOATS IN ROBESON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 113-291.1(b)(1), it is unlawful to hunt, take or kill deer from or through the use of any boat or floating device.

Sec. 2. This act shall not be construed to prohibit the transportation of hunters or their legally taking game by means of any boat or other floating device or to prohibit shooting from a stand so long as the stand is not within or part of a boat or floating device.

Sec. 3. Violation of the provisions of this act shall constitute a misdemeanor punishable by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or imprisonment for not less than 30 days nor more than six months.

Sec. 4. This act shall apply only to Robeson County.

Sec. 5. This act shall become effective three months after ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

S. B. 1064  CHAPTER 1178

AN ACT TO AMEND ARTICLE 21 OF CHAPTER 113 OF THE NORTH CAROLINA GENERAL STATUTES TO CARRY FORWARD THE HUNTING, TRAPPING AND FISHING LICENSE FEES ESTABLISHED BY CHAPTER 748 OF THE NORTH CAROLINA SESSION LAWS OF 1979.

The General Assembly of North Carolina enacts:

Section 1. Subsection (c) of G.S. 113-270.2, as enacted by Chapter 830 of the North Carolina Session Laws of 1979, is amended in the following respects:

(a) Subdivision (1) is amended by deleting the amount “$25.00” and by substituting in lieu thereof “$27.50”.

(b) Subdivision (2) is amended by deleting the amount “$10.00” and by substituting in lieu thereof “$12.50”.

(c) Subdivision (3) is amended by deleting the amount “$7.50” and by inserting in lieu thereof “$9.50”.

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(d) Subdivision (4) is amended by deleting the amount “$3.50” and by inserting in lieu thereof “$4.50”.

(e) Subdivision (6) is amended by deleting the amount “$50.00” and by inserting in lieu thereof “$55.00”.

(f) Subdivision (7) is amended by deleting the amount “$25.00” and by inserting in lieu thereof “$31.00”.

(g) Subdivision (8) is amended by deleting the amount “$20.00” and by inserting in lieu thereof “$25.00”.

Sec. 2. Subsection (b) of G.S. 113-270.3, as enacted by Chapter 830 of the North Carolina Session Laws of 1979, is amended in the following respects:

(a) Subdivision (1) is amended by deleting the amount “$3.50” and by inserting in lieu thereof “$4.50”.

(b) Subdivision (2) is amended by deleting the amount “$15.00” and by inserting in lieu thereof “$18.50”.

(c) Subdivision (3) is amended by deleting the sum “$5.00” and by inserting in lieu thereof “$6.00”.

Sec. 3. Subsection (d) of G.S. 113-271, as amended by Chapter 830 of the North Carolina Session Laws of 1979, is further amended in the following respects:

(a) Subdivision (1a) is amended by deleting the amount “$25.00” and by inserting in lieu thereof “$27.50”.

(b) Subdivision (2) is amended by deleting the amount “$10.00” and by inserting in lieu thereof “$12.50”.

(c) Subdivision (2a) is amended by deleting the amount “$7.50” and by inserting in lieu thereof “$9.50”.

(d) Subdivision (3) is amended by deleting the amount “$3.50” and by inserting in lieu thereof “$4.50”.

(e) Subdivision (4) is amended by rewriting the same to read as follows:

“(4) Resident State daily license—$1.25. This license is valid only for use during the day indicated by an individual resident of the State.”

(f) Subdivision (4a) is amended by deleting the amount “$50.00” and by inserting in lieu thereof “$55.00”.

(g) Subdivision (5) is amended by deleting the amount “$12.50” and by inserting in lieu thereof “$15.50”.

(h) Subdivision (6) is amended by rewriting the same to read as follows:

“(6) Nonresident State daily license—$2.25. This license is valid only for use during the day indicated by an individual within the State.”

Sec. 4. Subsection (d) of G.S. 113-272, as amended by Chapter 830 of the North Carolina Session Laws of 1979, is further amended in the following respects:

(a) Subdivision (1a) is amended by deleting the amount “$25.00” and by inserting in lieu thereof “$27.50”.

(b) Subdivision (1b) is amended by deleting the amount “$3.25” and by inserting in lieu thereof “$4.50”.

(c) Subdivision (1c) is amended by deleting the amount “$50.00” and by inserting in lieu thereof “$55.00”.

(d) Subdivision (2) is amended by deleting the amount “$6.25” and by inserting in lieu thereof “$8.00”.

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Sec. 5. Article 21 of Chapter 113 of the North Carolina General Statutes, as amended by Chapter 830 of the North Carolina Session Laws of 1979, is further amended in the following respects:

(a) G.S. 113-270.3 is amended by adding a new subsection (e) to read as follows:

"(e) Any individual who possesses a current and valid resident or nonresident comprehensive daily fishing license may at lawful times and places fish in managed waters on game lands without the game land license required by subdivision (4) of subsection (b)."

(b) Subsection (d) of G.S. 113-271 is amended by adding a new subdivision (1b) to read as follows:

"(1b) Resident comprehensive daily fishing license—$4.00. This license is valid only for use during the day indicated by an individual resident of the State."

(c) Subsection (d) of G.S. 113-271 is amended by adding a new subdivision (4b) to read as follows:

"(4b) Nonresident comprehensive daily fishing license—$6.00. This license is valid only for use during the day indicated by an individual within the State."

(d) Subsection (d) of G.S. 113-272 is amended by adding a new subdivision (1a1) to read as follows:

"(1a1) Resident comprehensive daily fishing license—$4.00. This license is valid for use during the day indicated in public mountain trout waters only by an individual resident of the State."

(e) Subsection (d) of G.S. 113-272 is amended by adding a new subdivision (1d) to read as follows:

"(1d) Nonresident comprehensive daily fishing license—$6.00. This license is valid only for use during the day indicated in public mountain trout waters by an individual within the State."

Sec. 6. This act shall become effective on July 1, 1980, except that Section 5 of this act shall become effective on January 1, 1981.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

S. B. 916  CHAPTER 1179

AN ACT TO PROVIDE EQUAL PROPERTY TAX TREATMENT FOR FARM PRODUCTS NOT PRESENTLY EXCLUDED FROM THE PROPERTY TAX BASE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 105 of the General Statutes is amended by adding a new Section 105-163.05 as follows:

"§ 105-163.05. Tax credit.—(a) A credit against the income tax imposed in this Article may be claimed by any producer of poultry or livestock for that portion of annual property taxes due and paid on a timely basis during the income year by such producer to counties and municipalities in this State upon poultry and livestock.

(b) The poultry and livestock producer’s income tax credit shall be applied against the income tax due from the producer for the taxable year in which the property tax which is the basis for the credit was actually paid. If such credit, when combined with all other credits allowed by this Article, exceeds the
income tax due from, or if a loss is sustained by the producer for such taxable year, the excess credit may be carried forward for not more than five taxable years next succeeding the taxable year in which the credit first became available to the producer. In such case, the excess credit shall be applied against income tax due in the earliest taxable year possible and to its maximum extent before any excess credit may be carried forward to a latter taxable year.

(c) For purposes of this section, 'property taxes' shall have the same meaning as in G.S. 105-163.02(8)."

Sec. 2. This act shall apply to taxable years beginning on and after January 1, 1981.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

S. B. 985  CHAPTER 1180

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-39 is amended by adding a new subsection (e) to read:

"(e) The Commissioner is authorized to cooperate with and provide assistance to the Environmental Management Commission, or appropriate local government officials, and to develop, adopt, and ensure enforcement of necessary rules and regulations, regarding programs of motor vehicle emissions inspection/maintenance required for areas in which ambient air pollutant concentrations exceed National Ambient Air Quality Standards."

Sec. 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-128.2. Motor vehicle emission standards.—(a) The rules and regulations promulgated pursuant to G.S. 143-215.107(a)(6) for the purposes of this section shall be limited to carbon monoxide, shall be statewide in scope but enforced on a county unit basis when ambient air pollutant concentrations exceed the National Ambient Air Quality Standards established pursuant to the Clean Air Act of 1970 as amended by the Clean Air Act Amendments of 1977 and when the Environmental Management Commission certifies to the Commissioner of Motor Vehicles that the ambient air quality within a specified county requires a motor vehicle inspection/maintenance program; provided the Environmental Management Commission may prescribe different standards for different areas as may be necessary and appropriate to facilitate accomplishment of the stated purposes of this section. Such standards shall be no more restrictive or stringent than federal standards, as required by G.S. 143-215.107(f).

(b) Rules and regulations promulgated pursuant to this section shall be implemented through the use of the safety inspection stations licensed pursuant to Article 3A of Chapter 20 of the General Statutes."

Sec. 3. G.S. 20-183.3 is amended by designating the existing section subsection (a), and adding a new subsection to read:

"(b) When required pursuant to G.S. 20-128.2, and as a condition for approval certificate issuance under subsection (a) of this section, exhaust emissions shall be inspected and shall comply with those standards established pursuant to G.S. 20-128.2 on gasoline-powered vehicles manufactured within the previous 12 years which shall include the current year model and, to this end, the
Commissioner of Motor Vehicles is authorized to adopt and enforce such rules and regulations as may be necessary to carry out the intent and purpose of this section."

Sec. 4. G.S. 20-183.8 is amended by deleting the word "safety" in line 2 of the caption of said section, and further by deleting the word "safety" in line 2 and in line 5 of subsection (d).

Sec. 5. G.S. 20-183.7(a) is amended on line 3, by deleting the words "the inspection", and inserting in lieu thereof the words, "the safety inspection"; and is further amended by adding a new subsection to be designated subsection (al) to read:

"(a1) For inspection of vehicles required to be inspected under the inspection/maintenance provisions of G.S. 20-183.3(b), every safety equipment inspection station shall charge a fee of not less than three dollars and sixty-five cents ($3.65), nor more than ten dollars ($10.00), for inspecting a motor vehicle to determine compliance with the safety inspection requirements and the exhaust emission standards pursuant to the inspection/maintenance requirements of this Article and shall give the vehicle operator a dated receipt indicating the articles and equipment approved or disapproved and whether the vehicle met the emission control standards. If the vehicle is disapproved, at any time within 30 days thereafter when the receipt is presented to the inspection station which issued it with a request for reinspection, that inspection station shall reinspect the vehicle at no charge. When said vehicle is approved, the inspection station shall obtain a fee of not less than thirty-five cents (35¢) nor more than two dollars ($2.00) for a valid inspection certificate covering both the safety inspection requirements and the emission control inspection/maintenance requirements and affix the certificate to that vehicle. The amount of the fees under this subsection shall be set by the Commissioner of Motor Vehicles."

Sec. 6. G.S. 20-183.7(c) is rewritten to read:

"(c) Fees collected for inspection certificates shall be paid to the Division of Motor Vehicles in accordance with its regulations and shall be periodically transferred as follows:

1. The thirty-five cent (35¢) fee collected pursuant to (a) shall be transferred to the Highway Fund.

2. The fee of not less than thirty-five cents (35¢) nor more than two dollars ($2.00) collected pursuant to (a1) shall be transferred as follows: the first thirty-five cents (35¢) to the Division of Environmental Management, and any excess up to one dollar and sixty-five cents ($1.65) to the Highway Fund."

Sec. 7. During the 1980-81 fiscal year the actual and necessary expenses of conducting the program authorized by this act shall be paid from the Contingency and Emergency Fund.

Sec. 7.1. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 8. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
S. B. 990

CHAPTER 1181

AN ACT TO AMEND CHAPTER 1075 OF THE 1979 SESSION LAWS TO EXTEND THE DATE FOR THE SUBMISSION OF THE NEW STATUTORY CODE TO THE GENERAL ASSEMBLY AND TO MAKE TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1075 of the 1979 Session Laws is hereby amended as follows:

a. In Section 9 and in the first and second paragraphs of Section 10 the date "1981" is changed to "1983"; and,

b. In the first paragraph of Section 10 the following is deleted "no fewer than 600 copies" and the following is substituted in lieu thereof "a sufficient number of copies"; and,

c. The word "division" as it appears twice in the first paragraph of Section 10 is deleted and the word "Commission" is substituted in lieu thereof.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

S. B. 992

CHAPTER 1182

AN ACT TO PROVIDE PRIORITY FOR PRINCIPAL AND INTEREST IN CONNECTION WITH CERTAIN RENEGOTIABLE RATE HOME LOANS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 45 of the General Statutes is amended by adding a new Article to read as follows:

"ARTICLE 8.

"Instruments to Secure Certain Home Loans.

§ 45-75. Priority of security instruments securing certain home loans.—(a) Notwithstanding any other provision of law, a deed of trust or mortgage which secures a loan that complies with subsection (b) below shall have priority and continue to have priority from the time and date of registration thereof to the extent of all principal and interest secured by said deed of trust or mortgage notwithstanding that the loan may be renewed or extended one or more times and notwithstanding that the interest rate may be increased or decreased from time to time. Interest which accrues pursuant to changes in the interest rate made pursuant to a method agreed to as provided in subsection (b) below (whenever such changes are made) shall be secured and have priority from the registration of the deed of trust or mortgage and not from the time changes are made.

(b) With respect to a loan referred to in subsection (a) above:

(1) the parties must provide in a written instrument agreed to by the borrower at or before registration of the deed of trust or mortgage that the loan may be renewed or extended in accordance with stated terms and that the interest rate may be increased or decreased according to a stated method; and

(2) the loan must be a loan described in G.S. 24-1.1A(a) (1) or (2).
(c) The provisions of this section shall not be deemed exclusive and no deed of trust or mortgage or other security instrument which is otherwise valid shall be invalidated by failure to comply with the provision of this section."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

S. B. 998

CHAPTER 1183

AN ACT TO INCLUDE LINEALANCESTORS OF A DECEDENT IN THE INHERITANCE TAX CREDIT.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 105-4(b)(3) is amended to read as follows:

"(3) To the extent that minor children and physically and mentally disabled children have not used all of the credit allowed under subdivision (2) of this subsection, the remainder of the credit shall be allowed on a pro rata basis according to tax liability to each of the other Class A beneficiaries."

Sec. 2. This act shall become effective July 1, 1980, with respect to estates of decedents dying on or after that date.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

S. B. 1028

CHAPTER 1184

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF MINIMUM STANDARDS FOR OPERATORS AND INSTRUCTORS AND PROCEDURES FOR USE OF RADIO MICROWAVE AND OTHER SPEED-MEASURING INSTRUMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 17C-6(a) is amended by adding the following new subdivisions:

"(11) Establish minimum standards and levels of training for certification and periodic recertification of operators of and instructors for training programs in radio microwave and other electronic speed-measuring instruments.

(12) Certify and recertify, pursuant to the standards that it has established, operators and instructors for training programs for each approved type of radio microwave and other electronic speed-measuring instruments.

(13) In conjunction with the Secretary of Crime Control and Public Safety, approve use of specific models and types of radio microwave and other speed-measuring instruments and establish the procedures for operation of each approved instrument and standards for calibration and testing for accuracy of each approved instrument."

Sec. 2. G.S. 17C-6 is amended by adding the following new subsection:

"(d) The standards established by the commission pursuant to G.S. 17C-6(a)(11) and G.S. 17C-6(a)(12) and by the commission and the Secretary of Crime Control and Public Safety pursuant to G.S. 17C-6(a)(13) shall not be less stringent than standards established by the U.S. Department of Transportation, National Highway Traffic Safety Administration, National Bureau of Standards, or the Federal Communications Commission."
Sec. 3. Chapter 8 of the General Statutes is amended by adding a new section to read:

“§ 8-50.2. Results of speed-measuring instruments; admissibility.—(a) The results of the use of radio microwave or other speed-measuring instruments shall be admissible as evidence of the speed of an object in any criminal or civil proceeding for the purpose of corroborating the opinion of a person as to the speed of an object based upon the visual observation of the object by such person.

(b) Notwithstanding the provisions of subsection (a) of this section, the results of a radio microwave or other electronic speed-measuring instrument are not admissible in any proceeding unless it is found that:

1. The operator of the instrument held, at the time the results of the speed-measuring instrument were obtained, a certificate from the North Carolina Criminal Justice Education and Training Standards Commission (hereinafter referred to as the commission) authorizing him to operate the speed-measuring instrument from which the results were obtained.

2. The operator of the instrument operated the speed-measuring instrument in accordance with the procedures established by the commission for the operation of such instrument.

3. The instrument employed was approved for use by the commission and the Secretary of Crime Control and Public Safety pursuant to G.S. 17C-6.

4. The speed-measuring instrument had been calibrated and tested for accuracy in accordance with the standards established by the commission for that particular instrument.

(c) All radio microwave and other electronic speed-measuring instruments shall be tested for accuracy by a technician possessing at least a Second Class Radiotelephone License from the Federal Communications Commission within a period of six months prior to the alleged violation. A written certificate by such technician showing that the test was made within the required period and that the instrument was accurate shall be competent and prima facie evidence of those facts in any proceeding referred to in subsection (a) of this section.

(d) In every proceeding where the results of a radio microwave or other speed-measuring instrument is sought to be admitted, judicial notice shall be taken of the rules approving the use of the models and types of radio microwave and other speed-measuring instruments and the procedures for operation and calibration or measuring accuracy of such instruments, when such rules are filed with the Attorney General in accordance with General Statutes Chapter 150A.”

Sec. 4. This act shall become effective on July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.
S. B. 1086  

CHAPTER 1185

AN ACT RELATING TO VALIDATION OF RECORDED INSTRUMENTS WHERE SEALS HAVE BEEN OMITTED.

The General Assembly of North Carolina enacts:

Section 1. G. S. 47-108.11 is amended by deleting the words "January 1, 1977", and inserting in lieu thereof the words "January 1, 1980".

Sec. 2. This act is effective upon ratification, but does not affect pending litigation.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1493  

CHAPTER 1186

AN ACT TO INCORPORATE THE TOWN OF BERMUDA RUN, DAVIE COUNTY, SUBJECT TO ELECTION.

The General Assembly of North Carolina enacts:

Section 1. (a) The Board of Elections in Davie County is hereby authorized and directed to call and conduct a special election on August 19, 1980, for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the Town of Bermuda Run, the question of whether or not such area shall be incorporated as a municipal corporation to be known as the Town of Bermuda Run. In conducting the election required to be held by this act, the Board of Elections of Davie County shall follow the procedures contained in this act and the procedures contained in Chapter 163 of the General Statutes of North Carolina regarding municipal elections, where the same are not in conflict with this act.

(b) Not later than 15 days prior to the date on which the registration books are required to be closed, the Board of Elections in Davie County shall cause to be published one or more times in a newspaper having general circulation in the Bermuda Run community, a notice stating the time, the polling place, and the purpose of this special election; the names of the registrar and judges of election; and the dates, hours, and places of registration. The board of elections may, in its discretion, also cause such notice to be posted in such public place or places as the board may choose.

(c) In the special election, those voters who favor the incorporation of the Town of Bermuda Run as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of the Town of Bermuda Run"; and those voters who are opposed to the incorporation of the Town of Bermuda Run as provided in this act shall vote a ballot upon which shall be printed the words "AGAINST Incorporation of the Town of Bermuda Run".

Sec. 2. If the majority of the votes cast in such special election shall be cast "AGAINST Incorporation of the Town of Bermuda Run" then the "Charter of the Town of Bermuda Run" as set forth in this act shall have no force and effect.

Sec. 3. If a majority of the votes cast in the special election shall be cast "FOR Incorporation of the Town of Bermuda Run", then the "Charter of the Town of Bermuda Run" as set forth in this act shall be in full force and effect from and after the date upon which a certificate of election shall have been
issued by the Chairman of the Davie County Board of Elections in accordance with G.S. 163-301.

Sec. 4. If a majority of the votes cast in such special election shall be cast “FOR Incorporation of the Town of Bermuda Run”, then notwithstanding the time limitations contained in the Local Government Budget and Fiscal Control Act (Article 3 of G.S. Chapter 159), the governing body of the Town of Bermuda Run is authorized to consider and adopt a budget ordinance, including a property tax levy, as soon after the effective date of incorporation as is possible. The residents of the Town of Bermuda Run and the property located within the Town of Bermuda Run shall be liable for all municipal taxes imposed by the Town of Bermuda Run governing body for the fiscal year 1980-81, and each fiscal year thereafter. The town may obtain from Davie County, and the county shall provide upon request a record of property within the corporate limits which was listed for taxation as of January 1, 1980.

Sec. 5. The following provisions of law shall constitute the Charter of the Town of Bermuda Run:

“ARTICLE I.
“The Charter of the Town of Bermuda Run.
“Incorporation and Corporate Powers.

“Section 1.1. Incorporation and General Powers. The inhabitants of the Town of Bermuda Run are a body corporate and politic under the name of the Town of Bermuda Run. Under that name they have all the powers, duties, rights, privileges and immunities conferred and imposed upon municipal corporations by the general law of North Carolina.

“ARTICLE II.
“Corporate Boundaries.

“Section 2.1. The corporate boundaries of the Town of Bermuda Run, until changed in accordance with law, shall be as set out on a map entitled ‘Boundary Map of the Town of Bermuda Run’. The said map is maintained in the Office of the Town Clerk, as required by G.S. 160A-22. Actual description: The initial corporate limits shall be as follows:

BEGINNING at an iron stake in the western bank of the Yadkin River, said iron stake being a southeast corner of Bermuda Run, said iron stake also being the southeast corner of Tract #1 of the J. D. Lybrook Division as recorded in Plat Book 3, Page 42, in the Office of the Register of Deeds of Davie County, North Carolina; thence from said point of BEGINNING North 66 degrees 37 minutes 50 seconds West 826.43 feet to a point; thence South 81 degrees 14 minutes 30 seconds West 391.79 feet to an iron stake; thence North 46 degrees 51 minutes 10 seconds West 806.51 feet to an iron stake; thence North 28 degrees 29 minutes 40 seconds West 217.0 feet to an iron stake; thence North 08 degrees 29 minutes 10 seconds East 752.07 feet to an iron stake; thence North 74 degrees 38 minutes 00 seconds West 2,715.95 feet to an iron stake in the eastern right of way line of the Farmington-Advance Highway, the southwest corner of Tract #1 of the J. D. Lybrook Division; thence with the eastern right of way line of said road, North in a northerly direction along the eastern right of way line of Farmington-Advance Highway 119 feet to an iron stake located in the northwestern corner of Lot 139 as shown on the map of Arden Village recorded in Map Book 30 at Page 243, Davie County Registry; thence leaving the eastern right of way line of Farmington-Advance Highway running in an easterly direction along the northern boundary line of Lots 139 and 114.
approximately 365.9 feet to an iron stake located in the northern property line of Lot 100, all lots being shown on the above mentioned plat of Arden Village; thence in a northerly direction along the eastern right of way line of Arbor Road and the western boundary line of Lots 87 through 100 as shown on the above mentioned plat, North 31° 06' West 350 feet to an iron located in the northwestern corner of Lot 87; thence along the northern boundary line of Lot 87 and the southern boundary line of Winnmock Road as shown in the above mentioned plat, North 69° 07' East 150 feet to the northeast corner of the above mentioned Lot 87; thence North 29° 59' 46" West 452 feet to a point, said point being the center line of the Winston-Salem - Mocksville Road; thence with the center line of the Winston-Salem Mocksville Road, North 84 degrees 21 minutes 07 seconds East a chord measurement of 421.77 feet to a point; thence South 89 degrees 31 minutes East 830.21 feet to a point; thence North 74 degrees 14 minutes 30 seconds East a chord measurement of 908.57 feet to a point; thence North 58 degrees 00 minutes East 4,288.9 feet to a point, said point being the intersection of the center line of the Winston-Salem Mocksville Road, also known as Highway #158, and the western bank of the Yadkin River; thence the following 13 courses and distances with the western bank of the Yadkin River; South 13 degrees 40 minutes 14 seconds East 480.79 feet to an iron stake; thence South 09 degrees 50 minutes 30 seconds East 358.02 feet to an iron stake; thence South 21 degrees 37 minutes 00 seconds East 1,301.89 feet to an iron stake; thence South 12 degrees 51 minutes 50 seconds East 1,670.57 feet to an iron stake; thence South 04 degrees 22 minutes 40 seconds East 334.36 feet to an iron stake; thence South 01 degree 21 minutes 20 seconds West 247.86 feet; thence South 12 degrees 14 minutes 20 seconds West 355.85 feet; thence South 26 degrees 47 minutes 20 seconds West 230.96 feet to an iron stake; thence South 48 degrees 27 minutes 10 seconds West 465.04 feet to an iron stake; thence South 55 degrees 31 minutes 30 seconds West 410.04 feet to an iron stake; thence South 59 degrees 42 minutes 30 seconds West 333.78 feet to an iron stake; thence South 52 degrees 40 minutes 40 seconds West 951.86 feet to an iron stake; thence South 43 degrees 23 minutes 10 seconds West 928.43 feet to an iron stake, the point and place of BEGINNING. Being all of the development known as Bermuda Run, for further reference see survey entitled 'Bermuda Run' dated August 17, 1970, made by Truelove Engineers, Inc. of Greensboro, North Carolina.

"Section 2.2. The Town of Bermuda Run may not annex any territory in Forsyth County, nor may it exercise any extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes in Forsyth County.

"ARTICLE III.

"Governing Body.

"Section 3.1. Temporary Officers. Until the regular municipal election to be held on November 4, 1980, Leon Kaplan, William Fairchild, Norman C. Gaddis, Harry Murray, William Mackay, Mrs. Charles (Carol) Quinn, and A. William Packer are hereby appointed to act as the Council for the Town of Bermuda Run, and they shall possess and may exercise the powers granted to the Town Council until their successors are elected and qualify.

"Section 3.2. Structure of Governing Body: Number of Members. The governing body of the Town of Bermuda Run is the Town Council, which has seven members.
“Section 3.3. Manner of Election of the Council. The qualified voters of the entire Town shall elect the members of the Council.

“Section 3.4. Term of Office of Members of the Council. (a) Except for the temporary officers provided for in Section 3.1 of this Charter, and except as provided in subsection (b) of this section of the Charter, the members of the Town Council shall be elected to four-year terms.

(b) At the regular municipal election in 1980, the four persons receiving the highest number of votes for seats on the Council shall be elected to three-year terms; the three persons receiving the next highest number of votes for seats on Council shall be elected to a one-year term. Beginning at the regular municipal election to be held in 1981, and every four years thereafter, three persons shall be elected to seat on the Council and shall serve a four-year term. Beginning at the regular municipal election to be held in 1983, and every four years thereafter, four persons shall be elected to seats on the Council and shall serve four-year terms. The regular municipal election on November 4, 1980, shall be governed by the same laws governing municipal elections held in odd-numbered years.

“Section 3.5. Election of the Mayor, Term of Office. At the organizational meeting of the Council following each regular municipal election, the Council shall elect one of its members to serve as its Mayor. The Mayor shall serve as such at the pleasure of the Council.

“ARTICLE IV.

“Elections.

“Section 4.1. Conduct of Town Elections. Town officers shall be elected on a nonpartisan basis and the results determined by a plurality of the votes cast, as provided by G.S. 163-292.

“ARTICLE V.

“Administration.

“Section 5.1. Form of Government. The Town of Bermuda Run shall operate under the mayor-council form of government as provided in G.S. 160A, Article 7, Part 3.”

Sec. 6. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. B. 1556

CHAPTER 1187

AN ACT TO GRANT TO GASOHOL A PARTIAL EXEMPTION FROM THE GASOLINE AND SPECIAL FUELS TAX.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to the General Statutes to read:

“§ 105-437. Taxation of alcohol fuels.—(a) Sale, distribution, and use of a blend of motor fuel and a minimum of ten percent (10%) anhydrous ethanol are subject to the tax described in G.S. 105-434 except:

(1) from January 1, 1981, through June 30, 1981, the tax is five cents (5¢);
(2) from July 1, 1981, through June 30, 1982, the tax is six cents (6¢);
(3) from July 1, 1982, through June 30, 1983, the tax is seven cents (7¢);
(4) from July 1, 1983, through June 30, 1984, the tax is eight cents (8¢).

No refund or rebate allowed under this Article for the purchase of such a blend shall exceed the motor fuels tax on that blend, reduced by one cent (1¢).
(b) Non-anhydrous ethanol is exempt from the tax described in this section and in G.S. 105-434 if that ethanol is not for sale or distribution."

Sec. 2. A new section is added to the General Statutes to read:

"§ 105-446.4. Refund of taxes paid on gasohol.—(a) Any person, association, firm, or corporation not licensed as a distributor with the North Carolina Department of Revenue who purchases motor fuel and blends it with a minimum of 10 percent (10%) anhydrous ethanol and who pays more tax thereon than is required by G.S. 105-437 is entitled to reimbursement for the overpayment upon the following conditions and in the following manner:

(1) All claims for refunds under this section shall be filed with the Secretary of Revenue on forms prescribed by him on or before the last day of January, April, July, and October of each year, covering motor fuel purchased during the quarterly period immediately preceding the month in which the application is filed. In all applications for reimbursement, the applicant shall state whether or not he has filed a North Carolina income tax return with the Secretary of Revenue, and all applications shall be made upon oath or affirmation. Each application shall show on its face that the purchase price has been secured to the seller's satisfaction. Refunds made pursuant to claims filed after the dates specified above are subject to the following late filing penalties: applications filed within 30 days after those dates, twenty-five percent (25%); applications filed after 30 days but within six months, fifty percent (50%); but refunds applied for after six months following those dates are barred.

(2) The Secretary of Revenue has authority to issue rules as to how claims are filed and the information that is submitted with the claims and the records required to support the claims.

(3) If, upon the filing of an application, the Secretary of Revenue is satisfied that it is made in good faith and the motor fuel upon which the tax refund is requested has been or is to be used exclusively for purposes set forth in the application, he shall issue to the applicant a warrant upon the State Treasurer for the tax refund.

(4) If the Secretary of Revenue is satisfied that the applicant for any refund authorized by this section has collected or sought to collect any refund of tax on motor fuel which has not been blended with a minimum of ten percent (10%) anhydrous ethanol, he shall issue to the applicant notice to show cause why the application should not be disallowed. The notice shall state a time and place of hearing upon the notice. If, at the hearing, the Secretary finds as a fact that the applicant has collected or sought to collect any refund on motor fuel not so blended, he shall disallow the application in its entirety and the applicant shall be required to pay all tax which has been refunded to him on the application.

(5) Any applicant for a refund may seek administrative review or appeal from the decision of the Secretary of Revenue under the provisions of G.S. 105-241.2, G.S. 105-241.3, and G.S. 105-241.4.

(6) If at any time in the opinion of the Secretary there is reason to doubt the accuracy of the facts set forth in any application for a tax refund, he may refer the matter to any agent of the Department of Revenue, and that agent shall make a careful investigation of all the facts and
circumstances relating to the application in the use of the motor fuels therein referred to, and shall have a right to have access to the books and records of any retailer or distributor of motor fuels products for the purpose of obtaining the necessary information concerning such matters, and shall make due report thereof to the Secretary of Revenue. (7) If any court of last resort holds that the provisions for refund in this section render the levying and collecting of the tax under this Article invalid, it is the intention of the General Assembly that these provisions for refund shall be annulled and the tax shall be levied without any provisions for refund and that this Article shall be so construed.

(b) Any person making a false application or affidavit for the purpose of securing a refund to which he is not entitled under the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars ($500.00) or imprisoned not exceeding two years."

Sec. 3. G.S. 105-449.16 is amended by designating the present language as subsection (a) and adding two new subsections to read:

"(b) Sale, distribution, and use of a blend of gasoline or fuel and a minimum of ten percent (10%) anhydrous ethanol, which is not subject to taxation under Article 36 of this Chapter, are subject to the tax described in subsection (a) of this section except:

(1) from January 1, 1981, through June 30, 1981, the tax is five cents (5¢);
(2) from July 1, 1981, through June 30, 1982, the tax is six cents (6¢);
(3) from July 1, 1982, through June 30, 1983, the tax is seven cents (7¢);
(4) from July 1, 1983, through June 30, 1984, the tax is eight cents (8¢).

(c) Non-anhydrous ethanol is exempt from the tax described in this section if that ethanol is not for sale or distribution."

Sec. 4. G.S. 105-449.24 is amended by inserting between the phrase "G.S. 105-446.3," and the phrase "G.S. 105-446.5" the phrase "G.S. 105-446.4."

Sec. 5. G.S. 105-449.24 is further amended by adding a second sentence to read: "No refund or rebate allowed under this Article for the purchase of a blend of gasoline or fuel and a minimum of ten percent (10%) anhydrous ethanol shall exceed the special fuels tax on that blend, reduced by one cent (1¢)."

Sec. 6. This act shall become effective on January 1, 1981, and shall cease to be effective on July 1, 1984.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

H. B. 1565

CHAPTER 1188

AN ACT TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR CERTAIN PERSONS DONATING FOOD TO NONPROFIT ORGANIZATIONS, AND TO AUTHORIZE INFORMATION, REFERRAL, AND INSPECTION SERVICES FOR FOOD BANKS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 99B of the General Statutes is amended by adding a new section to read:

"§ 99B-10. Immunity for donated food.—(a) Notwithstanding the provisions of Article 12 of Chapter 106 of the General Statutes, or any other provision of
law, any person, including but not limited to a seller, farmer, processor, distributor, wholesaler or retailer of food, who donates an item of food for use or distribution by a nonprofit organization or nonprofit corporation shall not be liable for civil damages or criminal penalties resulting from the nature, age, condition, or packaging of the donated food, unless it is established that the donor knew or had reasonable grounds to believe that the food was adulterated as defined in G.S. 106-129 at the time the donor made the gift.

(b) Nothing in this section limits the liability of the donee organization or corporation accepting the food.”

Sec. 2. Chapter 106 of the General Statutes is amended by adding a new section to read:

“§ 106-21.2. Food Bank information and referral service.—The Department of Agriculture may maintain an information and referral service for persons and organizations that have notified the department of their desire to donate food to a nonprofit organization or a nonprofit corporation.”

Sec. 3. Chapter 106 of the General Statutes is amended by adding a new section to read:

“§ 106-141.1. Inspections of donated food.—(a) The Department of Agriculture is authorized to inspect for compliance with the provisions of Article 12 of Chapter 106 of the North Carolina General Statutes, food items donated for use or distribution by nonprofit organizations or nonprofit corporations, and may establish procedures for the handling of the food items, including reporting procedures concerning the donation of food.

(b) The Department of Agriculture may apply to Superior Court for injunctive relief restraining the violation of this section.

(c) Nothing in this section shall limit the duties or responsibilities of the Commission for Health Services or the local boards of health.”

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

H. B. 1643  CHAPTER 1189

AN ACT TO ALLOW THE TOWNS OF JACKSON AND ZEBULON TO INCREASE THE TAX LEVY ON MOTOR VEHICLES TO A MAXIMUM OF THREE DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-97(a) is amended by adding immediately after the words “Town of Weldon” the words, “the Town of Jackson”, “Town of Zebulon”.

Sec. 2. This act shall become effective January 1, 1981.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
H. B. 1658

CHAPTER 1190

AN ACT TO AUTHORIZE THE TOWN OF FUQUAY-VARINA, THE TOWN OF ROSE HILL, THE TOWN OF WARSAW, THE CITY OF CLINTON, AND THE CITY OF GOLDSBORO TO PARTICIPATE IN THE URBAN DEVELOPMENT ACTION PROGRAM AND TO LEND OR GRANT THE MONEYS RECEIVED FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PRIVATE DEVELOPERS.

Whereas, the Congress of the United States enacted the Housing and Community Development Act of 1977 (Public Law 95-128) authorizing the Secretary of Housing and Urban Development to make Urban Development Action Grants to distressed cities and towns which require increased public assistance and private investment to alleviate physical and economic deterioration; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-458. Urban Development Action Grants.—In addition to the powers granted by G.S. 160A-17.1, 160A-456, 160A-457 and other applicable legislation, any city is authorized either as a part of a community development program or independently thereof, to exercise the following powers:

(1) to enter into contracts or agreements with any person, association, corporation or governmental body to undertake and carry out specified activities in furtherance of the purposes of Urban Development Action Grants authorized by the Housing and Community Development Act of 1977 (P.L. 95-128); and

(2) without limiting the generality of the foregoing, to enter into and carry out contracts or agreements with any person, association or corporation to loan or grant to the person, association or corporation moneys granted or to be granted to the city by the Department of Housing and Urban Development for the purpose of enabling the city to make such loan or grant to the person, association or corporation; provided, however, that this act shall not be construed to authorize any city to enter into agreements to lend its own funds or credit in aid of any person, association or corporation except as otherwise permitted by law, but rather shall be construed to authorize only contracts or agreements to grant or lend moneys received or to be received by the city from the Department of Housing and Urban Development for the purpose of enabling the city to make loans or grants to such person, association or corporation."

Sec. 2. If any provision of this act is for any reason held to be unconstitutional or otherwise invalid, the decision shall not affect the validity of the remainder of the act.

Sec. 3. This act shall apply only to the Town of Fuquay-Varina, the Town of Rose Hill, the Town of Warsaw, the City of Clinton, and the City of Goldsboro.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
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S. B. 461  CHAPTER 1191
AN ACT TO PROVIDE EX-PRISONERS OF WAR LICENSE PLATES FREE
OF REGISTRATION OR OTHER CHARGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-81.4(a1) and G.S. 20-81.4(c1) are rewritten to read as follows:

“(a1) From and after January 1, 1979, the North Carolina Division of Motor Vehicles, upon request by an ex-prisoner of war residing in this State, shall provide and issue free of charge to such ex-prisoner of war registration and special prisoner of war registration plates for either one automobile or one pickup truck, where a pickup truck is the ex-prisoner of war's only mode of transportation and is not used for hire; an ex-prisoner of war being, for the purpose of this subsection, an American service person captured and held prisoner by forces hostile to the United States while serving in the armed forces of the United States in World War I, World War II, Korean service or Vietnam service.

(c1) The registration plate provided for by this section for ex-prisoners of war shall be issued free of charge and only upon proof as may be required by the Division of Motor Vehicles as to ex-prisoners of war’s status and proof of financial responsibility as required by the motor vehicle laws of North Carolina.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1017  CHAPTER 1192
AN ACT TO AMEND ARTICLE 2 OF CHAPTER 90 OF THE GENERAL
STATUTES, TO PROMOTE THE INCREASED USE OF PEER REVIEW
GROUPS.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 90 of the General Statutes is amended by adding new sections as follows:

“§ 90-49.1. Title.—G.S. 90-49.1 through G.S. 90-49.5 may be cited as the “Dental Peer Review Protection Act”.

“§ 90-49.2. Immunity of a member.—No member of a dental peer review committee of a State or local dental society shall be held liable in damages to any person for any action taken or recommendation made within the scope of the functions of that committee, except with regard to Medicare and Medicaid charges or payments if the committee member acts without malice and in reasonable belief that the action or recommendation was warranted by the facts known to him after reasonable effort to obtain the facts of the matter as to which the action was taken or recommendation was made.

“§ 90-49.3. Immunity of witnesses before dental peer review committee.—Notwithstanding any other provision of law, no person providing information to any dental peer review committee or organization shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law unless:
(i) the information is unrelated to the performance of the duty or function of the peer review committee or organization, or
(ii) the information is false, and the person providing the information knew, or had good reason to believe that the information was false.

“§ 90-49.4. Confidentiality of review organization's proceedings and records.—The proceedings and records of a dental review committee except those concerning the investigation and consideration of Medicare and Medicaid charges or payments, shall be held in confidence and shall not be subject to discovery or introduction into evidence in any civil action arising out of the matters which are the subject of evaluation and review by the committee; and no person who was in attendance at a meeting of the committee shall be permitted or required to testify in any civil action as to any evidence or other matters produced or presented during the proceedings of the committee or as to any findings, recommendations, evaluations, opinions, or other actions of the committee or any members thereof, except with regard to Medicare and Medicaid charges or payments: Provided, however, that information, documents or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil action merely because they were presented during proceedings of a committee, nor should any person who testifies before a committee or who is a member of a committee be prevented from testifying as to matters within his knowledge, but the witness shall not be asked about his testimony before a committee or opinions formed by him as a result of the committee hearings, except with regard to Medicare and Medicaid charges or payments.

“§ 90-49.5. No limitation or previous privileges and immunities.—Nothing in this G.S. 90-49.1 through G.S. 90-49.4 shall be deemed to annul, abridge, or limit in any manner any privileges or immunities heretofore existing under the laws of this State.”

Sec. 2. This act is effective January 1, 1981, and does not apply to actions taken or recommendations made prior to that ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

H. B. 1054     CHAPTER 1193
AN ACT TO AUTHORIZE THE NORTH CAROLINA REAL ESTATE LICENSING BOARD TO LICENSE PRIVATE REAL ESTATE SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 93A of the General Statutes is amended by adding a new Article 3 to read:

“ARTICLE 3.
“Private Real Estate Schools.

“§ 93A-22. Definitions.—As used in this Article:
(a) ‘Board’ means the North Carolina Real Estate Licensing Board.
(b) ‘Private real estate school’ means any real estate educational institution or organization which is privately owned and operated for profit by an individual, partnership, corporation or association, and which is devoted exclusively to the teaching of real estate courses for which tuition is charged, and wherein the purpose of any of such courses is to qualify applicants under
G.S. 93A-4(a) to sit for the licensing examinations for real estate brokers or salesmen.

"§ 93A-23. Real Estate Licensing Board to administer Article; authority of board to conduct investigations, issue licenses, and promulgate regulations.—The board shall have authority to administer and enforce this Article and to issue licenses to private real estate schools as defined herein which have complied with the requirements of this act and regulations promulgated by the board. Through licensing applications, periodic reports required of licensed schools, periodic investigations and inspections of schools, and appropriate regulations, the Board shall exercise general supervisory authority over private real estate schools, the object of such supervision being to protect the public interest and to assure the conduct of quality real estate education programs. To this end the board is authorized and directed to promulgate such regulations as it deems necessary which are not inconsistent with the provisions of this Article and which relate to the subject areas set out in G.S. 93A-13(c).

"§ 93A-24. License required; application for license; fees; requirements for issuance of license.—(a) No person, partnership, corporation or association shall operate or maintain or offer to operate in this State a private real estate school as defined herein unless a license is first obtained from the board in accordance with the provisions of this Article and the rules and regulations promulgated by the board under this Article. For licensing purposes, each branch location where a school conducts courses shall be considered a separate school requiring a separate license.

(b) Application for a license shall be filed in the manner and upon the forms prescribed by the board for that purpose. Such application shall be accompanied by a nonrefundable application fee of two hundred fifty dollars ($250.00) in the form of a certified check or money order payable to the North Carolina Real Estate Licensing Board, shall be signed by the applicant, and shall contain the following:

1. name and address of the applicant and the school;
2. names, biographical data, and qualifications of director, administrators and instructors;
3. description of school facilities and equipment;
4. description of course(s) to be offered and instructional materials to be utilized;
5. information on financial resources available to equip and operate the school;
6. information on school policies and procedures regarding administration, record keeping, entrance requirements, registration, tuition and fees, grades, student progress, attendance, and student conduct;
7. copies of bulletins, catalogues and other official publications;
8. copy of bond required by G.S. 93A-15;
9. such additional information as the board may deem necessary to enable it to determine the adequacy of the instructional program and the ability of the applicant to operate a school in such a manner as would best serve the public interest.

(c) After due investigation and consideration by the board, a license shall be issued to the applicant when it is shown to the satisfaction of the board that the applicant and school are in compliance with the following standards, as well as
the requirements of any supplemental regulations of the board regarding these standards:

1. The program of instruction is adequate in terms of quality, content and duration.
2. The director, administrators and instructors are adequately qualified by reason of education and experience.
3. There are adequate facilities, equipment, instructional materials and instructor personnel to provide instruction of good quality.
4. The school has adopted adequate policies and procedures regarding administration, instruction, record keeping, entrance requirements, registration, tuition and fees, grades, student progress, attendance, and student conduct.
5. The school publishes and provides to all students upon enrollment a bulletin, catalogue or similar official publication which is certified as being true and correct in content and policy by an authorized school official, and which contains the following information:
   a. identifying data and publication date;
   b. name(s) of school and its full-time officials and faculty;
   c. school's policies and procedures relating to entrance requirements, registration, grades, student progress, attendance, student conduct and refund of tuition and fees;
   d. detailed schedule of tuition and fees;
   e. detailed course outline of all courses offered.
6. Adequate records as prescribed by the board are maintained in regard to grades, attendance, registration and financial operations.
7. Institutional standards relating to grades, attendance and progress are enforced in a satisfactory manner.
8. The applicant is financially sound and capable of fulfilling educational commitments made to students.
9. The school's owner(s), director, administrators and instructors are of good reputation and character.
10. The school complies with all applicable local, State and federal laws and regulations regarding safety and sanitation of facilities.
11. The school does not utilize advertising of any type which is false or misleading, either by actual statement, omission or intimation.
12. Such additional standards as may be deemed necessary by the board to assure the conduct of adequate instructional programs and the operation of schools in a manner which will best serve the public interest.

§ 93A-25. Duration and renewal of licenses; transfer of school ownership.—
(a) All licenses issued shall expire on June 30 following the date of issuance.

(b) Licenses shall be renewable annually on July 1, provided a renewal application accompanied by a certified check or money order for the renewal fee in the amount of one hundred dollars ($100.00) payable to the North Carolina Real Estate Licensing Board has been filed in the form and manner prescribed by the board; and provided further that the applicant and school are found to be in compliance with the standards established for issuance of an original license.

(c) In the event a school is sold or ownership is otherwise transferred, the license issued to the original owner is not transferable to the new owner. Such new owner must make application for an original license as prescribed by this Article and board regulations.
"§ 93A-26. Execution of bond required; applicability to branch schools; actions upon bond.—(a) Before the board shall issue a license the applicant shall execute a bond in the sum of five thousand dollars ($5,000), payable to the State of North Carolina, signed by a solvent guaranty company authorized to do business in the State of North Carolina, and conditioned that the principal in said bond will carry out and comply with each and every contract or agreement, written or verbal, made and entered into by the applicant's school acting by and through its officers and agents with any student who desires to enter such school and to take any courses offered therein and that said principal will refund to such students all amounts collected in tuition and fees in case of failure on the part of the party obtaining a license from the board to open and operate a private real estate school or to provide the instruction agreed to or contracted for. Such bond shall be required for each school or branch thereof for which a license is required and shall be first approved by the board and then filed with the clerk of superior court of the county in which the school is located, to be recorded by such clerk in a book provided for that purpose.

(b) In any and all cases where the party licensed by the board fails to fulfill its obligations under any contract or agreement, written or verbal, made and entered into with any student, then the State of North Carolina, upon the relation of the student(s) entering into said contract or agreement, shall have a cause of action against the principal and surety on the bond herein required for the full amount of payments made to such party, plus court costs and six percent (6%) interest from the date of payment of said amount. Such suits shall be brought in Wake County Superior Court within one year of the alleged default.

"§ 93A-27. Contracts with unlicensed schools and evidences of indebtedness made null and void.—All contracts or agreements entered into on or after October 1, 1980 by private real estate schools, as defined in this Article, with students or prospective students, and all promissory notes or other evidence of indebtedness taken on or after October 1, 1980 in lieu of cash payments by such schools, shall be null and void unless such schools are duly licensed as required by this Article on the date of such contract or agreement or taking of any promissory note or other evidence of indebtedness.

"§ 93A-28. Suspension, revocation or denial of license.—The board shall have the power to suspend, revoke, deny issuance, or deny renewal of license to operate a private real estate school. In all proceedings to suspend, revoke or deny a license, the provisions of Chapter 150A of the General Statutes shall be applicable. The board may suspend, revoke, or deny such license when it finds:

(a) that the applicant for or holder of such license has refused or failed to comply with any of the provisions of this Article or the rules or regulations promulgated thereunder;

(b) that the applicant for or holder of such license has knowingly presented to the board false or misleading information relating to matters within the purview of the board under this Article;

(c) that the applicant for or holder of such license has presented to its students or prospective students false or misleading information relating to its instructional program, to the instructional programs of other institutions or to employment opportunities;

(d) that the applicant for or holder of such license has failed to comply with the provisions of any contract or agreement entered into with a student;
(e) that the applicant for or holder of such license has at any time refused to permit authorized representatives of the board to inspect the school, or failed to make available to them upon request full information relating to matters within the purview of the board under the provisions of this Article or the rules or regulations promulgated thereunder; or

(f) that the applicant for or holder of such license or any officer of a corporate licensee or corporation applying for a license, or any partner of a partnership licensee or partnership applying for a license, has pleaded guilty, entered a plea of nolo contendere or been found guilty of a crime involving moral turpitude in any state or federal court."

Sec. 2. The North Carolina State Board of Education is directed to transfer all records in its possession relating to the licensing of private real estate schools to the North Carolina Real Estate Licensing Board, such transfer to be accomplished not later than September 30, 1980.

Sec. 3. This act shall become effective October 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

H. B. 1135    CHAPTER 1194

AN ACT TO CREATE THE STUDY COMMISSION ON EQUAL EMPLOYMENT PRACTICES.

The General Assembly of North Carolina enacts:

Section 1. There is created the Study Commission on Equal Employment Practices.

Sec. 2. The Commission shall consist of 10 members to be appointed as follows: Five members by the President of the Senate and five members by the Speaker of the House. The members of the Commission shall be appointed within 30 days of the ratification of this act and shall serve until the termination of the Commission. If a vacancy occurs in the membership of the Commission, it shall be filled by action of the officer who appointed the member who is to be replaced, and the person then shall serve for the remainder of the term of the member whom he succeeds. The Commission shall elect from its membership a chairman. Commission members are authorized to receive subsistence and mileage at the statutory rates in lieu of compensation.

The Commission may meet in the State Legislative Building, subject to the approval of the Legislative Services Commission. The Commission may employ clerical and professional staff in conducting this study.

Sec. 3. The Commission's study shall include but not be limited to (1) an examination of the provisions of House Bill 1135 of the 1979 General Assembly, including those of the House Committee Substitute therefor and of all amendments proposed thereto, (2) the need for a State Equal Employment Practices Act, and (3) if such need exists, the best methods to effectuate and enforce the underlying policies of such act.

Sec. 4. The Commission shall file a report with the 1981 General Assembly not later than February 1, 1981, and shall terminate upon the filing of the report. The report shall set forth the Commission's findings, conclusions, and recommendations concerning such legislation as the Commission deems the public interest to require. If legislation is recommended, the Commission shall prepare and submit with its report appropriate bills.
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Sec. 5. There is appropriated to the General Assembly for the Commission from the General Fund the sum of eight thousand dollars ($8,000) for fiscal year 1980-1981. These funds shall be used in the performance of the duties set forth in this act.

Sec. 6. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

H. B. 1151

CHAPTER 1195

AN ACT TO AMEND THE NORTH CAROLINA DENTAL PRACTICE AND DENTAL HYGIENE ACTS TO PROVIDE FOR A DENTAL HYGIENIST AND A LAY MEMBER OF THE STATE BOARD OF DENTAL EXAMINERS, TO AUTHORIZE TRUTHFUL ADVERTISING OF DENTAL SERVICES, TO AUTHORIZE THE ISSUANCE OF INSTRUCTORS' LICENSES TO PERSONS WHO TEACH IN SCHOOLS AND COLLEGES OF DENTISTRY, AND TO CLARIFY THE PROVISIONS OF THE ACT CONCERNING COMPENSATION OF THE MEMBERS OF THE BOARD OF DENTAL EXAMINERS AND DISTRIBUTION OF RULES AND REGULATIONS CONCERNING THE PRACTICE OF DENTAL HYGIENE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-22(b), following the first sentence thereof, is hereby rewritten to read as follows:

"Said Board of Dental Examiners shall consist of six dentists who are licensed to practice dentistry in North Carolina, one dental hygienist who is licensed to practice dental hygiene in North Carolina and one person who shall be a citizen and resident of North Carolina and who shall be licensed to practice neither dentistry nor dental hygiene. The dental hygienist or the consumer member cannot participate or vote in any matters of the board which involves the issuance, renewal or revocation of the license to practice dentistry in the State of North Carolina. The consumer member cannot participate or vote in any matters of the board which involve the issuance, renewal or revocation of the license to practice dental hygiene in the State of North Carolina. Members of the board licensed to practice dentistry in North Carolina shall have been elected in an election held as hereinafter provided in which every person licensed to practice dentistry in North Carolina and residing or practicing in North Carolina shall be entitled to vote. Each member of said board shall be elected for a term of three years and until his successor shall be elected and shall qualify. Each year there shall be elected two dentists for such terms of three years each. Every three years there shall be elected one dental hygienist for a term of three years. Dental hygienists shall be elected to the board in an election held in accordance with the procedures hereinafter provided in which those persons licensed to practice dental hygiene in North Carolina and residing or practicing in North Carolina shall be entitled to vote. Every three years a person who is a citizen and resident of North Carolina and licensed to practice neither dentistry nor dental hygiene shall be appointed to the board for a term of three years by the Governor of North Carolina. Any vacancy occurring on said board shall be filled for the unexpired term by a majority vote of the remaining members of the board, except that when the seat on the board held
by a person licensed to practice neither dentistry nor dental hygiene in North Carolina shall become vacant, the vacancy shall be filled by appointment by the Governor for the period of the unexpired term. No dentist shall be nominated for or elected to membership on said board, unless, at the time of such nomination and election such person is licensed to practice dentistry in North Carolina and actually engaged in the practice of dentistry. No dental hygienist shall be nominated for or elected to membership on said board unless, at the time of such nomination and election, such person is licensed to practice dental hygiene in North Carolina and is currently employed in dental hygiene in North Carolina. No person shall be nominated, elected, or appointed to serve more than two consecutive terms on said board.”

Sec. 2. G.S. 90-22(c)(1) is hereby amended by deleting the words “two members of the Board of Dental Examiners, each” and substituting in lieu thereof the words “successors to those members whose terms are expiring in the year of the election, each successor”. This subsection is further amended by inserting the following after the first sentence thereof:

“Persons appointed to the board by the Governor shall take office on the 1st day of August following their appointment and shall hold office for a term of three years and until such person’s successor has been appointed and shall qualify; provided that if in any year the Governor shall not have appointed a person by August 1st of that year, then the said member appointed that year shall take office immediately after his appointment and shall hold office until the 1st of August of the third year thereafter and until such member’s successor is appointed and qualified.”

Sec. 3. G.S. 90-22(c)(2) is hereby rewritten to read as follows:

“Every dentist with a current North Carolina license residing or practicing in North Carolina shall be eligible to vote in elections of dentists to the board. Every dental hygienist with a current North Carolina license residing or practicing in North Carolina shall be eligible to vote in elections of dental hygienists to the board. The holding of such a license to practice dentistry or dental hygiene in North Carolina shall constitute registration to vote in such elections. The list of licensed dentists and dental hygienists shall constitute the registration list for elections to the appropriate seats on the board.”

Sec. 4. G.S. 90-22(c)(4) is hereby rewritten to read as follows:

“Nomination of dentists for election shall be made to the Board of Dental Elections by a written petition signed by not less than 10 dentists licensed to practice in North Carolina and residing or practicing in North Carolina. Nomination of dental hygienists for election shall be made to the Board of Dental Elections by a written petition signed by not less than 10 dental hygienists licensed to practice in North Carolina and residing or practicing in North Carolina. Such petitions shall be filed with said Board of Dental Elections subsequent to January 1 of the year in which the election is to be held and not later than midnight of the 20th day of May of such year, or not later than such earlier date (not before April 1) as may be set by the Board of Dental Elections: provided, that not less than 10 days’ notice of such earlier date shall be given to all dentists or dental hygienists qualified to sign a petition of nomination. The Board of Dental Elections shall, before preparing ballots, notify all persons who have been duly nominated of their nomination.”

Sec. 5. G.S. 90-22(c)(6) is hereby amended by deleting the words “to each dentist licensed to practice in North Carolina and residing in North Carolina”,

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and substituting in lieu thereof the words "to each person entitled to vote in the election being conducted."

Sec. 6. G.S. 90-29.1 is hereby amended by deleting the last four sentences thereof.

Sec. 7. G.S. 90-41(a)(8) is hereby rewritten to read as follows:
   "Has conducted in-person solicitation of professional patronage or has employed or procured any person to conduct such solicitation by personal contact with potential patients, except to the extent that informal advice may be permitted by regulations issued by the Board of Dental Examiners;"

Sec. 8. G.S. 90-41(a)(18) is hereby rewritten to read as follows:
   "Has, directly or indirectly, published or caused to be published or disseminated any advertisement for professional patronage or business which is untruthful, fraudulent, misleading, or in any way inconsistent with rules and regulations issued by the Board of Dental Examiners governing the time, place, or manner of such advertisements."

Sec. 9. G.S. 90-43 is hereby amended by deleting the words "twenty dollars ($20.00)" in the first paragraph and substituting in lieu thereof the words "the amount provided in G.S. 93B-5(a)". G.S. 90-43 is amended further by deleting the second paragraph thereof in its entirety.

Sec. 10. G.S. 90-29(c)(3) is amended (1) by inserting in line 1, paragraph (3), as it appears in the 1977 Cumulative Supplement to Volume 2C of the General Statutes, immediately after the word "teaching", the words "or practice"; and (2) by striking from lines 5 through 8 of paragraph (3), as it appears in the 1977 Cumulative Supplement to Volume 2C of the General Statutes, the proviso beginning with the word "provided" and ending with the word "Examiners;".

Sec. 11. G.S. Chapter 90 is amended by inserting therein a new section which shall be designated G.S. 90-29.5 and shall read as follows:
   "§ 90-29.5. Instructor's license.—The Board may issue an instructor's license to a person who is not otherwise licensed to practice dentistry in the State, but whom the Board finds to be qualified by professional training and experience and upon the same examination as that offered to licensed dentists in North Carolina plus an oral examination. An instructor’s license will authorize him to teach and to practice dentistry in or on behalf of a dental school or college offering a doctoral degree in dentistry, operated and conducted in this State and approved by the North Carolina State Board of Dental Examiners, but only within the confines of the principal facility of the school or college and of any teaching hospital adjacent thereto. Application for an instructor’s license shall be made in accordance with rules and regulations of the North Carolina State Board of Dental Examiners. A person holding an instructor’s license shall have, within the scope of his authorized practice, all the duties and responsibilities of any dentist who has been licensed upon examination by the North Carolina State Board of Dental Examiners, and shall be subject to those various disciplinary measures and penalties set forth in G.S. 90-41 upon a determination by the Board that he has violated any of the terms or provisions of this Article. An instructor’s license shall be subject to annual renewal by the North Carolina State Board of Dental Examiners, as provided in G.S. 90-31."

Sec. 12. G.S. 90-39 is amended by adding at the end of that section a new paragraph, which shall be numbered (8) and shall read as follows:
   "(8) Each instructor's license or renewal thereof $50.00."
Sec. 13. G.S. 90-47 is hereby repealed.

Sec. 14. G.S. 90-223(b)(1) is hereby rewritten to read as follows:

"Any rule promulgated or amended under this Article shall be filed and distributed in accordance with the provisions of Article 5 of Chapter 150A of the General Statutes of North Carolina. A copy must be distributed to all licensed dentists and all licensed dental hygienists within 30 days of final approval by the board."

Sec. 15. G.S. 90-29(c) is amended by adding the following new subdivisions to read:

"(12) The use of a dental x-ray machine in the taking of dental radiographs by a dental hygienist, certified dental assistant, or a dental assistant who can show evidence of satisfactory performance on an equivalency examination, recognized by the Board of Dental Examiners, based on seven hours of instruction in the production and use of dental x-rays and an educational program of not less than seven hours in clinical dental radiology.

(13) A dental assistant, or dental hygienist who shows evidence of education and training in Nitrous Oxide—Oxygen Inhalant Conscious Sedation within a formal educational program may aid and assist a licensed dentist in the administration of Nitrous Oxide—Oxygen Inhalant Conscious Sedation. Any dental assistant who can show evidence of having completed an educational program recognized by the Board of not less than seven clock hours on Nitrous Oxide—Oxygen Inhalant Conscious Sedation may also aid and assist a licensed dentist in the administration of Nitrous Oxide—Oxygen Inhalant Conscious Sedation. Any dental hygienist or dental assistant who has been employed in a dental office where Nitrous Oxide—Oxygen Inhalant Conscious Sedation was utilized, and who can show evidence of performance and instruction of not less than one year prior to July 1, 1980, qualifies to aid and assist a licensed dentist in the administration of Nitrous Oxide—Oxygen Inhalant Conscious Sedation."

Sec. 16. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

H. B. 1240

CHAPTER 1196

AN ACT TO AMEND CHAPTER 128 AND CHAPTER 135 OF THE GENERAL STATUTES TO PERMIT THE ELECTION OF A NEW RETIREMENT OPTION UPON DIVORCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-5(g), as the same appears in the 1979 Cumulative Supplement to Replacement Volume 3B of the General Statutes is amended by adding to the first paragraph thereof the following:

"Provided, however, any member having elected Options 2, 3, 5, or 6 and nominated his or her spouse to receive a retirement allowance upon the member’s death may, after divorce from his or her spouse, revoke the nomination and elect a new option, effective on the first day of the month in which the new option is elected, providing for a retirement allowance computed to be the actuarial equivalent of the retirement allowance in effect immediately prior to the effective date of the new option.”
CHAPTER 1196  Session Laws—1979

Sec. 2. G.S. 128-27(g), as the same appears in the 1979 Cumulative Supplement to Replacement Volume 3B of the General Statutes is amended by adding to the first paragraph thereof the following:

"Provided, however, any member having elected Options 2, 3, 5, or 6 and nominated his or her spouse to receive a retirement allowance upon the member's death may, after divorce from his or her spouse, revoke the nomination and elect a new option, effective on the first day of the month in which the new option is elected, providing for a retirement allowance computed to be the actuarial equivalent of the retirement allowance in effect immediately prior to the effective date of the new option."

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

H. B. 1563  CHAPTER 1197
AN ACT ESTABLISHING THE SIMMONS-NOTT AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the "Simmons-Nott Airport Authority" (hereinafter referred to as "Airport Authority") which shall be a body politic and corporate, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future acts of the General Assembly.

Sec. 2. (a) The Airport Authority shall consist of five voting members, all of whom shall be residents of Craven County. The Commanding General of the United States Marine Corps Air Station, Cherry Point, North Carolina, may serve as a nonvoting Honorary Member of the Authority.

(b) Within 30 days after ratification of this act, the Board of Commissioners of Craven County (hereinafter referred to as "County"), shall appoint two members to the Airport Authority and the Board of Aldermen of the City of New Bern (hereinafter referred to as "City"), shall appoint two members to said Airport Authority, and within 15 days thereafter the four members so appointed shall appoint a fifth member to the Airport Authority. The members of the Airport Authority shall be appointed to serve for a term of two years, provided, however, the first member to be initially appointed by the County shall serve for a period of one year, the first member initially appointed by the City shall serve for a period of one year, the second member initially appointed by the County shall serve a regular term of two years, and the second member appointed by the City shall serve a regular term of two years. At the expiration of the initial one-year terms, and each year thereafter, the City shall appoint one member to serve a two-year term and the County shall appoint one member to serve a two-year term. At the expiration of the initial two-year term, and every two years thereafter, the four members of the Airport Authority appointed by the City and County shall appoint a fifth member to serve for a term of two years. Members of the Airport Authority may be reappointed to the Airport Authority.

(c) Upon the occurrence of a vacancy on said Airport Authority, said vacancy will be filled within 60 days after notice thereof by the appointing board or authority.
(d) Each of the members of the Airport Authority and each successor shall take and subscribe to an oath of office before an officer authorized to administer oaths and file certified copies of the same with the County and the City.

Sec. 3. The members shall, for the purpose of doing business, constitute the Board of Directors of the Airport Authority, which may adopt suitable bylaws for its management. The members of the Board shall receive no compensation, per diem or otherwise, but shall be allowed and paid their actual expenses incurred in transacting the business and at the instance of the said Airport Authority.

Sec. 4. The governing bodies of Craven County and the City of New Bern are hereby authorized to appropriate and use funds derived from any source permitted by the laws of the State of North Carolina to carry out the provisions of this act as to the administration, establishment or maintenance of Simmons-Nott Airport and its facilities and such funds may be expended on such basis as may be determined by the Airport Authority. The Airport Authority shall be subject to the Local Government Budget and Fiscal Control Act.

Sec. 5. (a) The fiscal year of the Airport Authority shall begin July 1 and end on June 30. On or before the first day of May of each calendar year, the Airport Authority shall prepare and adopt a proposed budget for the next ensuing fiscal year and file copies of such proposed budget with the Board of Commissioners of Craven County and the Board of Aldermen of the City of New Bern.

(b) Contributions of the County and the City to the Airport Authority shall be in equal amounts and shall be paid to the Airport Authority not later than the first day of September of the fiscal year involved or at such other date or dates as may be agreed upon by the Airport Authority and the contributing boards.

Sec. 6. (a) The Airport Authority shall appoint from its voting members a Chairman, Vice Chairman, and other officers as it may deem necessary for the orderly conduct of its business. A majority of the voting members shall control the decisions of the Airport Authority, and each voting member of the Airport Authority, including the Chairman shall have one vote. A majority of the duly appointed and qualified members of the Airport Authority shall constitute a quorum.

(b) The Airport Authority shall hold meetings at least monthly at such times and places as it from time to time may designate and at such other times on the call of the Chairman or by two voting members of the Airport Authority provided at least five days' notice is given or such notice is waived in each instance by all voting members. All meetings of the Airport Authority shall be conducted in accordance with Article 33C of Chapter 143 of the General Statutes.

Sec. 7. The Airport Authority is hereby authorized and empowered to acquire from Craven County and the City of New Bern, by agreement therewith, and Craven County and the City of New Bern are hereby authorized and empowered to grant and convey either by gift or for such consideration as either or both may deem wise, any real or personal property which either or both now own or may hereafter acquire, and which may be necessary for the construction, operation and maintenance of Simmons-Nott Airport, provided, however, all real or personal property conveyed by the County and City to the
Airport Authority shall revert to the County and City immediately upon termination of the existence of the Simmons-Nott Airport Authority.

Sec. 8. The Airport Authority shall have the following powers and authority:

(1) to purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate Simmons-Nott Airport for the use of commercial and private aircraft and for any such purposes, to purchase, improve, own, hold, lease and/or operate real or personal property;

(2) to sue or be sued in the name of said Airport Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining, and operating Simmons-Nott Airport; and to make contracts and to hold such personal property as may be necessary for the exercise of the powers of said Airport Authority. The said Airport Authority may acquire by purchase, or otherwise, any existing lease, leasehold, right or other interest in the Simmons-Nott Airport service area;

(3) to charge and collect reasonable and adequate fees and rents for the use of Simmons-Nott Airport, its property and facilities, and for services rendered in the operation thereof;

(4) to make all reasonable rules and regulations as it deems necessary for the proper administration, maintenance and operation of Simmons-Nott Airport; to provide penalties for the violation of such rules and regulations; provided such rules and regulations and schedules of fees be not in conflict with the laws of the State of North Carolina, and the applicable rules and regulations of the Federal Aviation Administration;

(5) to issue revenue bonds pursuant to the provisions of the Local Government Revenue Bond Act;

(6) to sell or otherwise dispose of any interest in land owned by the Airport Authority, subject, however, to all applicable North Carolina laws pertaining to sale of public property and by and with the consent of the County and City;

(7) to purchase such insurance as the Airport Authority shall deem necessary;

(8) to operate, own, lease, control, regulate, or grant to others the right to operate upon the Simmons-Nott Airport premises, restaurants, snack bars, vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, personal service establishments, and any and all other types of facilities as may be useful, needed or desired and directly or indirectly related to the administration, maintenance and furnishing to the public of complete air terminal services and facilities;

(9) to possess the same exemptions in respect to payment of taxes and license fees as provided for municipal corporations by the laws of the State of North Carolina;

(10) to exercise all of the powers conferred by Chapter 63 of the General Statutes.

Sec. 9. Any lands, air easements, and right-of-ways acquired, owned, controlled, or occupied by said Airport Authority shall, and are hereby declared to be acquired, owned, controlled and occupied for public purposes.
Sec. 10. Private property needed by the Airport Authority for the administration, operation or expansion of Simmons-Nott Airport may be acquired by gift or devise, or may be acquired by private purchase or by the exercise of the power of eminent domain, under any procedures permitted municipal corporations by the General Statutes.

Sec. 11. Air navigation easements needed by the Airport Authority for Simmons-Nott Airport may be acquired by gift, devise, or private purchase or by the exercise of the power of eminent domain by said Airport Authority under any procedures permitted municipal corporations by the General Statutes.

Sec. 12. The Airport Authority shall make an annual report to the Craven County Board of Commissioners and the Board of Aldermen of the City of New Bern, setting forth in detail the operations and transactions conducted by it pursuant to this act. The Airport Authority shall be regarded as a corporate instrumentality for the purpose of administering, maintaining and developing Simmons-Nott Airport, but it shall have no power to pledge the credit of or impose any obligations upon Craven County or the City of New Bern.

Sec. 13. The Airport Authority is authorized to employ an airport manager, airport personnel, agents, engineers, attorneys, and other persons whose services may be deemed by the Airport Authority to be necessary or useful in carrying out the provisions of this act. Members of the Airport Authority shall not be personally liable, in any manner, for their acts as members of the Airport Authority, except for misfeasance or malfeasance.

Sec. 14. The Airport Authority shall have the right and is empowered to expend funds appropriated to it by Craven County and the City of New Bern, and is empowered to enter into contracts and pledge the credit of the Airport Authority to the extent of the monies appropriated for its use.

Sec. 15. All rights and powers given to counties and municipalities by the Statutes of North Carolina, which may now be in effect or be enacted in the future relating to the development, regulation and control of municipal airports and the regulation of aircraft, are hereby vested in the said Airport Authority.

Sec. 16. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act, and all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 17. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
H. B. 1587  CHAPTER 1198
AN ACT TO GIVE COUNTIES GREATER ADVANCE NOTICE OF PROPOSED STATE ACTIONS ON SOCIAL SERVICES FUNDING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108-54 is amended by adding the following new paragraph at the beginning of the section:

"Before February 15 of each year, the Secretary of Human Resources shall, as best can be determined, notify the director of social services of each county of the amount of State and federal monies available to that county for programs of public assistance, as well as the percentage of county participation expected to be required for the budget for the succeeding fiscal year. In odd-numbered years, in making such notification, the Secretary of Human Resources shall notify the counties of any changes in funding levels, formulas or programs relating to public assistance proposed by the Governor to the General Assembly in the proposed budget and budget report submitted under the Executive Budget Act. This paragraph shall not be construed to in any way restrict the right of the General Assembly to amend such budget."

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 792  CHAPTER 1199
AN ACT TO AMEND G.S. 143-214.1(d)(4) PERTAINING TO WATER QUALITY STANDARDS AND CLASSIFICATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-214.1(d)(4) is rewritten to read as follows:

"(4) In revising existing or adopting new water quality classifications or standards, the Commission shall consider the use and value of State waters for public water supply, propagation of fish and wildlife, recreation, agriculture, industrial and other purposes, use and value for navigation, and shall take into consideration, among other things, an estimate as prepared under Section 305(b)(1) of the Federal Water Pollution Control Act amendments of 1972 of the environmental impact, the economic and social costs necessary to achieve the proposed standards, the economic and social benefits of such achievement and an estimate of the date of such achievement;".

Sec. 2. This act is effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 1635  CHAPTER 1200
AN ACT RELATING TO THE LETTING OF CONTRACTS BY THE CITY OF WINSTON-SALEM AND THE COUNTY OF FORSYTH.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 224 of the 1951 Session Laws, as amended by Chapters 805 and 917 of the 1967 Session Laws and Chapter 1185 of the 1973 Session Laws, is amended by striking out in line 3 the words and figures “five thousand dollars ($5,000)” and by inserting in lieu thereof the words and figures “ten thousand dollars ($10,000”).

Sec. 2. Section 4 of Chapter 224, Session Laws of 1951, as amended by Chapter 917, Session Laws of 1967, is further amended by adding the following new language at the end:

“Section 1 of this act, as amended, shall also apply to the Winston-Salem Transit Authority.”

Sec. 3. This act applies only to the City of Winston-Salem, The Winston-Salem Transit Authority, and Forsyth County.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

H. B. 1647  CHAPTER 1201
AN ACT TO AMEND G.S. 160A-488, G.S. 160A-209 and G.S. 153A-149 RELATING TO SUPPORT OF THE ARTS BY CITIES AND COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-488 is rewritten as follows:

“§160A-488. Museums and arts programs.—(a) Any city or county is authorized to establish and support museums, art galleries, or arts centers, so long as the facility is open to the public.

(b) Any city or county is authorized to establish and support arts programs and facilities. As used in this section, ‘arts’ refers to the performing arts, visual arts, and literary arts and includes dance, drama, music, painting, drawing, sculpture, printmaking, crafts, photography, film, video, architecture, design and literature, when part of a performing, visual or literary arts program.

(c) Any city or county may contract with any other governmental agency, or with any public or nonprofit private association, corporation or organization to establish and support museums, art galleries, arts centers, arts facilities, and arts programs and may appropriate funds to any such governmental agency, or to any such public or nonprofit private association, corporation or organization for the purpose of establishing and supporting such museums, galleries, centers, facilities and programs.

(d) As used in this section, ‘support’ includes, but is not limited to: acquisition, construction, and renovation of buildings, including acquisition of land and other property therefor; purchase of paintings and other works of art;
acquisition, lease, or purchase of materials and equipment; compensation of personnel; and all operating and maintenance expenses of the program or facility.

(e) In the event funds appropriated for the purposes of this section are turned over to any agency or organization other than the city or county for expenditure, no such expenditure shall be made until the city or county has approved it, and all such expenditures shall be accounted for by the agency or organization at the end of the fiscal year for which they were appropriated.

(f) For the purposes set forth in this section, a city or county may appropriate funds not otherwise limited as to use by law.”

Sec. 2. This act shall be effective from and after April 20, 1979.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 276

CHAPTER 1202

AN ACT TO APPROPRIATE FUNDS TO PROVIDE PERMANENT PLACEMENT FOR FOSTER CHILDREN.

Whereas, the current foster care system produces situations where children are without proper care and supervision; and

Whereas, the General Assembly finds that the child's interests are best served by more efficient and permanent placements; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources for fiscal year 1980-81 the sum of one hundred thirteen thousand six hundred dollars ($113,600) for the purpose of providing services to foster children to assist in finding them permanent homes. Funds appropriated by this act shall be expended for (1) adoption subsidies for hard-to-place children; (2) a statewide clearinghouse program for adoptions; and (3) transportation and service fees for out-of-state placements.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 303

CHAPTER 1203

AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUED RESTORATION OF THE DE ROSSETT HOUSE IN WILMINGTON.

The General Assembly of North Carolina enacts:

Section 1. The sum of ten thousand dollars ($10,000) is appropriated from the General Fund to the Department of Cultural Resources for the 1980-81 fiscal year for the continued restoration of the de Rossett House in Wilmington, provided that the Historic Wilmington Foundation, Inc., raises ten thousand dollars ($10,000) during the 1980-81 fiscal year for this restoration. Funds appropriated in this act shall only be expended in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 2. This act is effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR THE SHELTERED WORKSHOP PROGRAMS IN THE DIVISION OF VOCATIONAL REHABILITATION SERVICES IN THE DEPARTMENT OF HUMAN RESOURCES.

Whereas, the workshop ministers to the mentally retarded, developmentally disabled, socially disturbed and physically handicapped individuals; and

Whereas, many workshops are assisting school systems in training under-achievers; and

Whereas, the majority of these workshops are administered as nonprofit corporations and must have funding from the State; and

Whereas, the majority of the clients being served by sheltered workshops require a great deal of time and attention to become proficient enough for competitive employment; and

Whereas, the workshops were able, with the help of vocational rehabilitation counselors, to place forty percent (40%) of the agency’s clients into competitive employment; and

Whereas, the subsidy for these programs has remained the same since 1978 although costs have continued to rise and more clients are demanding service; and

Whereas, these programs are necessary for the development of the client’s abilities and the maintenance of those receiving services in the community;

Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. In addition to any other appropriations, there is appropriated from the General Fund the sum of four hundred thousand dollars ($400,000) for fiscal year 1980-81, to the Division of Vocational Rehabilitation, Department of Human Resources, to provide a cost-of-living increase.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
Whereas, the City of Washington is now undertaking the restoration and rehabilitation of the train station and warehouse for adaptive use as the Washington Arts and Civic Center; and

Whereas, additional funds are needed to complete the rehabilitation work on the Washington Train Station and Warehouse; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1980-81 fiscal year the sum of fifteen thousand dollars ($15,000) for the purpose of continuing the rehabilitation of the Washington Train Station and Freight Warehouse, provided an amount of fifteen thousand dollars ($15,000) is raised by the City of Washington for that purpose.

Sec. 2. Funds appropriated in this act shall be expended only in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 875

CHAPTER 1206

AN ACT TO PROVIDE FOR THE TERMINATION OF PARENTAL RIGHTS OF PARENTS WHO ARE MENTALLY INCAPABLE OF CARING FOR THEIR CHILDREN, AND TO PROVIDE FOR APPOINTMENT OF A GUARDIAN AD LITEM TO PROTECT THE PARENTS.

The General Assembly of North Carolina enacts:

Section 1. The third sentence of G.S. 7A-289.23 is deleted and the following is substituted in lieu thereof:

“A guardian ad litem, who shall be an attorney and who shall be appointed in accordance with Rule 17 G.S. 1A-1, of the Rules of Civil Procedure, shall be appointed to represent a parent whose right, it is alleged, should be terminated pursuant to G.S. 7A-289.32(7), unless such parent has retained counsel, and shall be appointed to represent a minor parent under the age of 14 years. The fees of the guardian ad litem shall be borne by the Administrative Office of the Courts when the court finds that the respondent is indigent. In other cases the fees of the court appointed guardian ad litem shall be a proper charge against the respondent, if the respondent does not secure private legal counsel.”

Sec. 2. G.S. 7A-289.32 is amended by adding a new subdivision to read:

“(7) That the parent is incapable as a result of mental retardation, mental illness, organic brain syndrome, or any other degenerative mental condition of providing for the proper care and supervision of the child, such that the child is a dependent child within the meaning of G.S. 7A-517(13), and that there is a reasonable probability that such incapability will continue throughout the minority of the child.”

Sec. 3. G.S. 7A-451(a) is amended by adding a new subdivision to read:

“(14) A proceeding to terminate parental rights where a guardian ad litem is appointed pursuant to G.S. 7A-289.23.”

Sec. 4. The Administrative Office of the Courts shall report on the implementation of this act to the 1981 General Assembly not later than May 1, 1981, and shall make a supplemental report no later than May 1, 1982.

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Sec. 5. The Judicial Department is hereby authorized to reallocate funds appropriated under Budget Code 1330-1919 as the funding source for the guardian ad litem provided for in the case of the alleged incapable parent as directed by Section 1 of this act.

Sec. 6. This act shall become effective 60 days after ratification but shall not apply to any action brought prior to the effective date.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 965

CHAPTER 1207

AN ACT TO MAKE JURY SERVICE OPTIONAL FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 9-6(a) is amended by adding the following new language before the period:

" or as provided in G.S. 9-6.1".

Sec. 2. Chapter 9 of the General Statutes is amended by adding a new section to read:

"§ 9-6.1. Excuses on account of age.—Any person summoned as a juror who is 65 years or older may establish his exemption without appearing in person by filing a signed statement of the ground of his exemption with the chief judge of the district court of the judicial district at any time five days before the date upon which he is summoned to appear. In the case of supplemental jurors summoned under G.S. 9-11, such notice may be given when summoned."

Sec. 3. Existing G.S. 9-10 is redesignated as G.S. 9-10(a) and a new subsection is added to read:

"(b) All summons served personally or by mail under this section or under G.S. 9-11 shall inform the prospective juror that persons 65 years of age or older are entitled to exemption from jury service for good cause, shall contain a statement for claiming such exemption and stating the cause and a place for the prospective juror's signature, and shall state the mailing address of the clerk of superior court and the date by which such request for exemption must be received."

Sec. 4. This act shall become effective October 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 967

CHAPTER 1208

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES TO FUND THE BIABH RESIDENTIAL YOUTH TREATMENT PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources for fiscal year 1980-81 the sum of ninety thousand dollars ($90,000) to be used to fund Appalachian State University for the BIABH project to provide comprehensive training and support services for residential youth treatment programs. These funds are appropriated for the purpose of maintaining, at a minimum, the current level of services to 17 group
homes which were served in fiscal year 1979-80. The Department of Human Resources shall report to the General Assembly on the disbursement of these funds and the operation of the program prior to receiving funding for fiscal year 1981-82.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 973  
CHAPTER 1209

AN ACT TO CONFORM THE OIL POLLUTION AND HAZARDOUS SUBSTANCES CONTROL ACT OF 1978 TO CHANGES IN FEDERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.77(4) is amended by deleting the words "but shall not include discharges in amounts determined by the Environmental Management Commission to be not harmful to the public health or welfare (including but not limited to fish, shellfish, wildlife and public and private property, shorelines, and beaches)" and inserting in lieu thereof the words "but shall not include amounts less than quantities which may be harmful to the public health or welfare as determined pursuant to G.S. 143-215.77A".

Sec. 2. G.S. 143-215.77(5a) is amended to read as follows:

"(5a) "Hazardous substance" shall mean any substance, other than oil, which when discharged in any quantity may present an imminent and substantial danger to the public health or welfare, as designated pursuant to G.S. 143-215.77A."

Sec. 3. Article 21A of Chapter 143 of the General Statutes is amended by adding a new section to read as follows:

"§ 143-215.77A. Designation of hazardous substances and determination of quantities which may be harmful.—(a) Those substances designated as hazardous as of June 1, 1980, by the Administrator of the United States Environmental Protection Agency under 33 U.S.C. 1321(b)(2)(A) are designated as hazardous substances for purposes of this Article.

(b) Such quantities of hazardous substances as may be harmful as determined as of June 1, 1980, by the Administrator of the United States Environmental Protection Agency under 33 U.S.C. 1321 (b)(4) are quantities which may be harmful for purposes of this Article.

(c) Changes by Administrator of the United States Environmental Protection Agency in the designation of hazardous substances and the determination of quantities which may be harmful shall be deemed to be made to the designation of hazardous substances and the determination of quantities for purposes of this Article, unless the Commission objects within 120 days of publication of the action in the Federal Register. The Commission may object to a change by the Administrator on the basis that the change is not consistent with the standards for determining hazardous substances or harmful quantities. Upon objection by the Commission to a change, a public hearing must be held pursuant to Article 2 of Chapter 150A of the General Statutes. The change will not be made pending the hearing and a final determination by the Commission. After the hearing, the Commission may reject the change upon a finding that the change is not
consistent with the standards for determining hazardous substances or harmful quantities."

Sec. 4. This act is effective upon ratification. In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 989  CHAPTER 1210
AN ACT TO AUTHORIZE AND APPROPRIATE FUNDS FOR A STAFF ATTORNEY FOR THE COMMISSION ON CODE RECODIFICATION.

The General Assembly of North Carolina enacts:

Section 1. The Attorney General is hereby authorized to employ an attorney and assign him full time to the North Carolina Commission on Code Recodification. Such attorney shall be subject to all provisions of Chapter 126 of the General Statutes relating to the State Personnel System. Such attorney shall also perform such additional duties as may be assigned to him by the Attorney General.

There is hereby appropriated from the General Fund to the Department of Justice the sum of twenty-two thousand seven hundred fourteen dollars ($22,714) for the 1980-81 fiscal year for the new position created by this section.

Sec. 2. This act shall become effective on July 1, 1980. In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1004  CHAPTER 1211
AN ACT TO CONTINUE THE STUDY COMMISSION ESTABLISHED BY SECTION 51 OF CHAPTER 1219 OF THE SESSION LAWS OF 1977, SECOND SESSION 1978 AND TO EXPAND THE SCOPE OF THE STUDY.

The General Assembly of North Carolina enacts:

Section 1. A special study commission on Retirement is established to examine the unfunded liability of the various State administered retirement systems, the provision of actuarial services to the State administered retirement systems and related matters. The membership of the commission shall be: three Senators appointed by the President of the Senate, three Representatives appointed by the Speaker of the House, the two legislative members of the Board of Trustees of the Teachers' and State Employees' Retirement System, the Director of the Teachers' and State Employees' Retirement System, the State Treasurer, the State Auditor, and the Director of State Personnel (12 members). The first meeting of the Commission shall be called by the legislative members of the Teachers' and State Employees' Retirement System, and the chairman of the commission shall be elected by the membership. Members of the commission shall be reimbursed for commission-related expenses under G.S. 138-6 and G.S. 120-3.1. The commission shall report to the 1981 Session of the General Assembly. Within the limit of funds available in the appropriations in Section 2 of this act, the commission shall have the authority to employ part-time clerical staff and to contract for professional consultants from the Institute of Government of The University of North Carolina at Chapel Hill or from other sources.
Sec. 2. All monies remaining from the amount appropriated by Section 52 of Chapter 1219, of the Session Laws of 1977 (Second Session 1978) and reappropriated by Section 2 of Chapter 1029 of the Session Laws of 1979 shall not revert but shall be available in the next fiscal year. This amount is to be administered by the Legislative Services Office for the reasonable expenses of the commission created by Section 1 of this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1005

CHAPTER 1212

AN ACT TO MAKE SUPPLEMENTAL MODIFICATIONS TO CURRENT OPERATION AND CAPITAL EXPENDITURE APPROPRIATIONS FOR NORTH CAROLINA STATE GOVERNMENT FOR THE FISCAL YEAR 1980-81, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

SUPPLEMENTAL MODIFICATIONS/1980-81 BUDGET

Section 1. This act provides the text to make supplemental modifications to current operation and capital expenditure appropriations for North Carolina State Government for the fiscal year 1980-81, and it makes other changes in the budget operation of the State. The majority of the 1980 legislation on the 1980-81 State budget is in Chapter 1137 of the 1979 Session Laws.

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An outline of the provisions of the act follows this section. The outline shows the heading "—CONTENTS/INDEX—", and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

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Sec. 14.
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Sec. 15.
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—EFFECTIVE DATE

Sec. 17.
Sec. 18.
PART I.—SPECIAL PROVISIONS—SALARIES AND BENEFITS
—ACCESS TO EMPLOYMENT SECURITY COMMISSION REPORTS

Sec. 2. G.S. 96-4(g)(1) is amended by inserting on line 15 after the word “duties” and before the parenthesis, the following phrase:
“including the information required to be obtained pursuant to G.S. 128-27(e), G.S. 135-5(e), and G.S. 143-166(y)”.

—STUDY SALARY OF ASSISTANT DISTRICT ATTORNEYS

Sec. 3. The North Carolina Courts Commission is directed to study the salaries of assistant district attorneys in this State and to report to the 1981 General Assembly no later than March 1, 1981, its recommendations for a salary schedule for that office.

PART II.—SPECIAL PROVISIONS—CULTURAL RESOURCES
—FORT DEFIANCE FUNDS APPROPRIATION

Sec. 4. Chapter 1045 of the 1979 Session Laws is amended in Section 1 by inserting after the language, “the sum of ten thousand dollars ($10,000)” in line 3, the language, “and for the 1980-81 fiscal year the sum of ten thousand dollars ($10,000)”, and is further amended in Section 1 by deleting the period at
the end of the section and substituting, "in each of the fiscal years 1979-80 and 1980-81."

—TARBORO BLOUNT HOUSE APPROPRIATION

Sec. 5. Chapter 1035 of the 1979 Session Laws is amended in Section 1 by inserting after the language "fifteen thousand dollars ($15,000)" in line 3, the language, "and for the fiscal year 1980-81 the sum of fifteen thousand dollars ($15,000)", and is further amended in Section 1 by deleting the period after the word "Tarboro" in line 7, and substituting, "in each of the fiscal years 1979-80 and 1980-81."

PART III.—SPECIAL PROVISIONS—DEPARTMENT OF PUBLIC EDUCATION

—CONTRACT TRANSPORTATION BUS PURCHASES

Sec. 6. (a) Funds appropriated to the Department of Public Education for the 1980-81 fiscal year by Section 2 of Chapter 838 of the 1979 Session Laws, as amended by Chapter 1137 of the 1979 Session Laws, for contract transportation to serve exceptional children, may be used by local boards of education for the purchases of buses and minibuses as well as for the purposes already authorized by law. Such purchases are subject to approval as provided in subsection (b) of this section.

(b) No bus or minibus may be purchased under the authority of this section except under criteria established by rule by the State Board of Education ensuring that such purchases will result in a net saving to the State over a two-year period. Such rules may establish additional specifications for the vehicles to ensure that they meet the special needs of exceptional children, and may require that the State Board of Education or a person designated by it approve such purchases.

(c) This section is intended as an interim solution; therefore, the State Board of Education shall adopt rules within 60 days of ratification of this act, so that it may be used for the 1980-81 school year. The provisions of G.S. 150A-13 may be used.

(d) Any vehicles purchased under the authority of this section shall be subject to G.S. 115-188, with the exception of subsection (h) of that section.

(e) If any vehicle purchased under the authority of this section is sold prior to the time of replacement by the State Board of Education, proceeds from such sale shall be distributed in a pro rata amount to the sources from which the vehicle was originally funded. If the vehicle is replaced by the State Board of Education through its replacement program, then all proceeds from such sale shall be transmitted to the State Board of Education.

(f) The State Board of Education shall issue rules to implement this section and rules governing the allocation of funds for contract transportation for exceptional children, and further shall monitor expenditures by school units to ensure economy and efficiency in the use of funds under this section.

In case of conflict between the provisions of this section and the provisions of G.S. 115-181, the provisions of this section shall prevail to the extent of the conflict.

—GENERAL STUDY OF SCHOOL TRANSPORTATION

Sec. 7. (a) It is believed that the State can substantially reduce school transportation costs by encouraging all local school units to use school buses to transport exceptional students, as well as by modifying other transportation procedures which offset operating costs.
(b) The Legislative Research Commission shall study the costs, operation, and management of the State's program of school pupil transportation. The Department of Public Education and the local school administrative units shall provide such information as is requested on this subject by the commission or a committee of that commission. The commission shall report to the 1981 General Assembly.

—EDWIN GILL THEATER APPROPRIATION

Sec. 8. The last sentence of Section 1 of Chapter 994 of the 1979 Session Laws is repealed.

PART IV.—SPECIAL PROVISION—MEDICAID
—AMEND MEDICAID CITATION ON GENERIC DRUGS

Sec. 9. Section 23 of Chapter 838 of the 1979 Session Laws is amended in the first line of the last paragraph by deleting the language, "G.S. 90-76", and substituting, "Part 1A of Article 4 of Chapter 90 of the General Statutes".

PART V.—SPECIAL PROVISIONS—STATE BUREAU OF INVESTIGATION
—UTILITY EMPLOYEE BACKGROUND INVESTIGATION FEES/STATE BUREAU OF INVESTIGATION

Sec. 10. G.S. 62-333 is amended by rewriting the last sentence to read as follows: "The State Bureau of Investigation is authorized to retain fees charged pursuant to this section and to expend those fees in accordance with the Executive Budget Act for the purpose of discharging its duties under this section."

PART VI.—SPECIAL PROVISIONS—IMPROVE GOVERNMENT OPERATIONS
—STUDY OPERATION OF LABORATORIES

Sec. 11. The Office of Administrative Analysis of the Department of Administration is directed to conduct a study of the current operations of laboratories operated by the Departments of Agriculture, Human Resources, and Natural Resources and Community Development. The study shall include analyses of staff workloads, equipment utilization and capacity, administration and operation, and possible savings and increased efficiency from consolidation or other methods of cooperation. The Departments of Agriculture, Human Resources, and Natural Resources and Community Development are directed to provide any data or technical assistance requested by the Office of Administrative Analysis and to fully cooperate in the study effort. The study, with recommendations, shall be filed with the President of the Senate, the Speaker of the House, and the Chairmen of the Senate and House Appropriations Committees by March 1, 1981.

—COORDINATION OF ENVIRONMENTAL PROGRAMS

Sec. 12. In developing the 1981-83 biennial budget, the Departments of Agriculture, Human Resources, and Natural Resources and Community Development are directed to coordinate any requests for additional funds in the areas of environmental management and environmental health, including, but not limited to, water quality and supply, and waste and sewage disposal. Any request for new funding in environmental management and environmental health shall be accompanied by (1) a plan outlining coordination between or among these departments in the specific program; (2) proposed agreements between or among these departments defining the areas or responsibility to be handled by each department; and (3) and analysis indicating the degree of
overlap or duplication of comparable or similar efforts in these or other departments, and proposed changes to eliminate possible overlap or duplication.

—FEDERAL FUNDS REPLACEMENT

Sec. 13. The five hundred thousand dollar ($500,000) Reserve for Loss of Federal Funds appropriated in Section 2 of Chapter 1137 of the 1979 Session Laws shall be allocated only with the approval of the Advisory Budget Commission. Prior to submission to the Advisory Budget Commission, the Office of State Budget and Management shall make a determination that the loss of federal funds would prevent the continuation of an essential program. None of the funds from this reserve shall be used to replace Comprehensive Employment and Training Act Funds or Law Enforcement Assistance Act Funds.

Funds received from the Reserve pursuant to this section shall not be included in the continuation budget for the 1981-83 biennium.

PART VII.—SPECIAL PROVISIONS—SUPPLEMENTAL ACT

—EFFECT OF MOST LIMITATIONS AND DIRECTIONS IN TEXT/ONLY 1980-81

Sec. 14. Except for codified statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1980-81 fiscal year, the textual provisions of this act shall apply only to funds appropriated for, and activities occurring during, the 1980-81 fiscal year.

—SEVERABILITY CLAUSE

Sec. 15. If any section or provision of this act is declared unconstitutional or invalid by the courts, the decision of the court shall not affect the validity of the act as a whole or the validity of any part other than the part declared to be unconstitutional or invalid.

—CAPTIONS NOT LIMIT TEXT/ONLY FOR REFERENCE

Sec. 16. The series of captions used in this act (the descriptive phrases in all capital letters identified by parts numbered with Roman numerals or preceded by five hyphens) are inserted for convenience and reference only, and they in no way define, limit, or prescribe the scope or application of the text of the act. —EFFECTIVE DATES

Sec. 17. All sections of this act except Section 10 shall become effective July 1, 1980.

Sec. 18. Section 10 of this act is effective retroactive to March 30, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1006

CHAPTER 1213

AN ACT TO REQUIRE AN ANNUAL INCOME STATEMENT FROM DISABILITY BENEFICIARIES OF THE LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27(e) is amended by adding a new subdivision (4) to read as follows:

“(4) As a condition to the receipt of the disability retirement allowance provided for in G.S. 128-27(d) (d1) (d2) and (d3) each member retired on a disability retirement allowance shall, on or before April 15 of each calendar year, provide the Board of Trustees with a statement of his or her income
received as compensation for services, including fees, commissions or similar items, and income received from business, for the previous calendar year. Such statement shall be filed on a form as required by the Board of Trustees.”

The Director of the State Retirement Systems shall contact any State or federal agency which can provide information to substantiate the statement required to be submitted by this subdivision and may enter into agreements for the exchange of information.

Sec. 2. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1007  CHAPTER 1214
AN ACT TO REQUIRE AN ANNUAL INCOME STATEMENT FROM DISABILITY BENEFICIARIES OF THE LAW ENFORCEMENT OFFICERS’ BENEFIT AND RETIREMENT FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-166(y) is amended by adding a new paragraph at the end of the subsection to read as follows:

“As a condition to the receipt of the basic disability retirement allowance provided for in this subsection, each disability beneficiary shall, on or before April 15 of each calendar year, provide the Board of Commissioners with a statement of his or her income received as compensation for services, including fees, commissions or similar items and income derived from business for the previous calendar year. Such statement shall be filed on a form as required by the Board of Commissioners.”

The Director of the State Retirement Systems shall contact any State or federal agency which can provide information to substantiate the statement required to be submitted by this subdivision and may enter into agreements for the exchange of information.

Sec. 2. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1008  CHAPTER 1215
AN ACT TO PROVIDE THE REDUCTION IN DISABILITY RETIREMENT BENEFITS TO REEMPLOYED MEMBERS OF THE LAW ENFORCEMENT OFFICERS BENEFIT AND RETIREMENT FUND OR MEMBERS WHOSE EARNING CAPACITY HAS IMPROVED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-166(y) as it appears in the 1979 Supplement to Volume 3C of the General Statutes is amended by adding a new paragraph between the fourth and fifth paragraphs to read as follows:

“On or after July 1, 1980, should the Board of Commissioners determine that such disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between the basic disability retirement allowance and the average final compensation, then the portion of his basic disability retirement allowance not provided by the member’s contributions shall be reduced to an amount which together with the portion of
the basic disability retirement allowance provided by the member's contributions and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the portion of his basic disability retirement allowance not provided by the member's contributions may be further modified: Provided that the new allowance shall not exceed the allowance originally granted nor an amount which, when added to the amount earnable by the member together with the portion of the basic disability retirement allowance provided by the member's own contributions, equals his average final compensation."

Sec. 2. This act shall become effective on July 1, 1980, for employees retiring on or after July 1, 1980. For employees retiring prior to July 1, 1980, this act shall become effective on July 1, 1981.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1009       CHAPTER 1216

AN ACT TO REQUIRE AN ANNUAL INCOME STATEMENT FROM DISABILITY BENEFICIARIES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-5(e) is amended by adding a new subdivision (4) to read as follows:

"(4) As a condition to the receipt of the disability retirement allowance provided for in G.S. 135-5(d), (d1), (d2) and (d3) each member retired on a disability retirement allowance shall, on or before April 15 of each calendar year, provide the Board of Trustees with a statement of his or her income received as compensation for services, including fees, commissions or similar items, and income received from business, for the previous calendar year. Such statement shall be filed on a form as required by the Board of Trustees."

The Director of the State Retirement System shall contact any State or federal agency which can provide information to substantiate the statement required to be submitted by this subdivision and may enter into agreements for the exchange of information.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1010       CHAPTER 1217

AN ACT TO EQUITABLY DISTRIBUTE THE COST OF HOSPITAL AND MEDICAL CARE BENEFITS OF RETIRED EMPLOYEES OF CERTAIN ASSOCIATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-33 is hereby rewritten to read as follows:

"§ 135-33. Hospital and medical insurance.—(a) The Board of Trustees of the Retirement System shall formulate, establish and administer for teachers and State employees, including all employees of the General Assembly except participants in the Legislative Intern Program and pages, a program of hospital and medical care benefits to the extent that funds for such benefits are
specifically appropriated by the General Assembly. Such a program may be provided by the Board either directly or through the purchase of contracts therefor, or any combination thereof, as in its discretion it may deem wise and expedient. In awarding any contracts pursuant to this section, the Board shall give consideration to the total or overall cost of complete family coverage by teachers and State employees.

(b) Notwithstanding any provisions of this section to the contrary, any member who was vested at the time of retirement, his surviving spouse, and the surviving spouse of a teacher or State employee who is receiving a survivor’s alternate benefit under G.S. 135-5(m), may obtain or continue the same hospital and medical care insurance and benefits for himself and/or dependents available to active teachers and State employees until they become ineligible for such insurance or benefits due to reasons other than retirement, provided such member or dependents or surviving spouse agrees to and pays by a deduction from retirement benefits or by other appropriate method an amount not greater than the cost of such benefits for active teachers and State employees, adjusted for any appropriation by the General Assembly for qualified individuals.

(c) The Board of Trustees shall offer any members who were vested at the time of retirement, their spouses or surviving spouses, and the surviving spouses of teachers and State employees who are receiving a survivor’s alternate benefit under G.S. 135-5(m), who are eligible for Medicare a plan of supplemental insurance designed to provide them with medical and hospital insurance benefits comparable to the benefits offered active teachers and State employees, if such member or surviving spouse agrees to and pays by a deduction from retirement benefits or other appropriate method the cost of such benefits, adjusted for any appropriation by the General Assembly for qualified individuals.

(d) For the support of the benefits made available to any member vested at the time of retirement, their spouses or surviving spouses, and the surviving spouses of employees who are receiving a survivor’s alternate benefit under G.S. 135-5(m) of those associations listed in G.S. 135-27(a), licensing and examining boards under G.S. 135-1.1, the North Carolina Art Society, Inc., and the North Carolina Symphony Society, Inc., each association, organization or board shall pay to the Retirement System the full cost of providing these benefits under this section as determined by the Board of Trustees of the Retirement System. In addition, each association, organization or board shall pay to the Retirement System an amount equal to the cost of the benefits provided under this section to presently retired members of each association, organization or board since such benefits became available at no cost to the retired member.”

Sec. 2. This shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
CHAPTER 1218  

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR REPAIR OF THE ROOF OF THE CAROLINA THEATRE IN GREENSBORO.

Whereas, the Carolina Theatre in Greensboro is a historic motion picture palace built in 1927 and will be nominated to the National Register of Historic Places in 1980; and

Whereas, the theatre is of immeasurable value to the citizens of North Carolina for its architectural and historical significance as one of the finest and last remaining motion picture palaces in the State; and

Whereas, the Carolina Theatre is now used and enjoyed by the citizens of North Carolina as a center for the performing arts; and

Whereas, the United Arts Council of Greensboro saved the theatre from demolition in 1977 by raising five hundred sixty thousand dollars ($560,000) in six months from local, private, sector sources; and

Whereas, the poor condition of the roof of the theatre is jeopardizing the strength and integrity of the facility; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1980-81 fiscal year, the sum of twenty-five thousand dollars ($25,000) for the purpose of performing roof repairs to the Carolina Theatre in Greensboro, provided an amount of twenty-five thousand dollars ($25,000) is raised from sources other than State funds by the United Arts Council of Greensboro, Inc., in order to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 2. Funds appropriated in this act shall be expended in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1035  

CHAPTER 1219

AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO SET LONG-TERM RATES FOR THE POWER OUTPUT SOLD TO PUBLIC UTILITIES OF SMALL-SCALE HYDROELECTRIC FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-3 is amended by adding a new subdivision to read:

"(27a) ‘Small power producer’ means a person or corporation owning or operating an electrical power production facility with a power production capacity which, together with any other facilities located at the same site, does not exceed 80 megawatts of electricity and which depends upon renewable resources for its primary source of energy. For the purposes of this section, renewable resources shall mean: hydroelectric power. A small power producer shall not include persons primarily engaged in the generation or sale of electricity from other than small power production facilities.”
Sec. 2. Chapter 62 of the General Statutes is amended by adding a new section to read:

"§62-156. Power sales by small power producers to public utilities.—(a) In the event that a small power producer and an electric utility are unable to mutually agree to a contract for the sale of electricity or to a price for the electricity purchased by the electric utility, the commission shall require the utility to purchase the power, under rates and terms established as provided in subsection (b) of this section.

(b) No later than March 1, 1981, and at least every two years thereafter, the commission shall determine the rates to be paid by electric utilities for power purchased from small power producers, according to the following standards:

1. Term of contract. Long-term contracts for the purchase of electricity by the utility from small power producers shall be encouraged in order to enhance the economic feasibility of small power production facilities.

2. Avoided cost of energy to the utility. The rates paid by a utility to a small power producer shall not exceed, over the term of the purchase power contract, the incremental cost to the electric utility of the electric energy which, but for the purchase from a small power producer, the utility would generate or purchase from another source. A determination of the avoided energy costs to the utility shall include a consideration of the following factors over the term of the power contracts: the expected costs of the additional or existing generating capacity which could be displaced, the expected cost of fuel and other operating expenses of electric energy production which a utility would otherwise incur in generating or purchasing power from another source, and the expected security of the supply of fuel for the utilities' alternative power sources.

3. Availability and reliability of power. The rates to be paid by electric utilities for power purchased from a small power producer shall be established with consideration of the reliability and availability of the power."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1043     CHAPTER 1220

AN ACT TO APPROPRIATE ADDITIONAL DEBT SERVICE RESERVE FUNDS TO THE NORTH CAROLINA HOUSING FINANCE AGENCY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the North Carolina Housing Finance Agency the sum of two million dollars ($2,000,000) for fiscal year 1980-81 as a general debt service reserve to support an anticipated additional one hundred million dollars ($100,000,000) in bonds for conventional home mortgages within North Carolina.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
AN ACT TO INCREASE THE NUMBER OF JUDICIAL OFFICIALS THROUGHOUT THE STATE AND TO MAKE AN APPROPRIATION THEREFOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-41, as found in the 1979 Cumulative Supplement to Volume 1B, is amended in the table so that the total number of full-time assistant district attorneys for the indicated judicial districts read as follows:

```
Judicial District Number of Full-Time Assistant District Attorneys
7  6
13  4
16  7
```

Sec. 2. (a) G.S. 7A-133, as found in the 1979 Cumulative Supplement to Volume 1B, is amended in the table so that the quotas of magistrates for the indicated counties read as follows:

```
County Magistrates Minimum - Maximum
Mecklenburg 15 - 26
Stokes 2 - 4
```

(b) The additional magistrate position for Mecklenburg County established in subsection (a) of this section shall be filled by a graduate from a four-year accredited college.

Sec. 3. New deputy clerk of court positions are created and allocated to the clerks of Superior Court in the numbers and to the counties as follows:

```
Alamance 2
Bladen 1
Burke 1
Columbus 1
Duplin 1
Forsyth 2
Nash 1
Orange 1
Pitt 2
Robeson 1
Sampson 1
Tyrrell 1
Union 2
Vance 1
Wake 2.
```

Sec. 4. New assistant clerk of court positions are created and allocated to the clerks of Superior Court in the numbers and to the counties as follows:

```
Chatham 1
Durham 1
Nash 1
```

Sec. 5. New secretarial positions are created and allocated to the district attorneys in the districts and in the number as follows:

```
District Secretaries
3  1
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1. Sec. 6. It is the understanding of the General Assembly that pursuant to Chapter 1077 of the 1979 Session Laws the North Carolina Courts Commission is authorized to make continuing studies of the structure, organization, jurisdiction, procedures and personnel, including the office of the public defender, of the Judicial Department and of the General Court of Justice and to make recommendations to the General Assembly to facilitate the administration of justice.

Sec. 7. In addition to all other appropriations, there is appropriated from the General Fund to the Judicial Department for the new positions created by this act the sum of four hundred twenty-six thousand one hundred ninety-three dollars ($426,193) for the 1980-81 fiscal year.

Sec. 8. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1051

CHAPTER 1222

AN ACT TO APPROPRIATE FUNDS FOR PLANNING AND DESIGN PURPOSES AT THE EASTERN NORTH CAROLINA SCHOOL FOR THE DEAF.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Eastern North Carolina School for the Deaf for fiscal year 1980-81 the sum of fifty thousand dollars ($50,000) for planning and design purposes for vocational educational facilities.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1053

CHAPTER 1223

AN ACT TO MAKE SPECIAL APPROPRIATIONS TO PROVIDE MAJOR CONSTRUCTION FOR THE NORTH CAROLINA STATE TRUCK DRIVER TRAINING SCHOOL.

Whereas, the rapid growth of the North Carolina motor transport industry in the years immediately following World War II created a great demand for employees well trained in the skills necessary for safely driving tractor-trailers and large trucks, vans and similar motor transport vehicles using the public streets and highways; and

Whereas, the North Carolina State Truck Driver Training School was established in the year 1949 at North Carolina State College, (now North Carolina State University at Raleigh) under cosponsorship of the then North Carolina State College and the North Carolina Motor Carriers Association; and, the said State Truck Driver Training School has for 30 years experienced outstanding success and far-famed recognition for the excellence of its six-weeks' program of concentrated training; and

Whereas, in 1974, as a part of the process of reorganizing public higher education services, negotiations between North Carolina State University and the State Board of Education, Department of Community Colleges, led to an agreement whereby the North Carolina State Truck Driver Training School
was transferred for general administration to the State Board of Education, Department of Community Colleges, by which authority the school is assigned to an institution of the Community College System for particular, local administration of its day-to-day operations; and

Whereas, the continued operation and existence of the North Carolina State Truck Driver Training School urgently requires that the State provide special funding for certain items of essential construction; and

Whereas, the Z. Smith Reynolds Foundation has given assurance that it will provide fifty thousand dollars ($50,000) and the North Carolina Motor Carriers Association is in the process of providing one hundred thousand dollars ($100,000) as a further contribution and wherein the local tax levying authority of Johnston County has indicated a willingness to provide an additional sum of money for the purpose of providing funds to help meet the need for this construction project; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. In addition to any and all other appropriations made to the State Board of Education, Department of Community Colleges, there is hereby appropriated from the General Fund of the State of North Carolina the sum of one hundred fifty thousand dollars ($150,000) for fiscal year 1980-81 for construction of a building to provide shelter for the motor vehicles and other items and services related to operation of the North Carolina State Truck Driver Training School.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1055

CHAPTER 1224

AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR THE WORK OF THE LEGISLATIVE RESEARCH COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. In addition to all other appropriations, there is appropriated from the General Fund to the Legislative Research Commission for the 1980-81 fiscal year the sum of fifty thousand dollars ($50,000) for the work of the Commission.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
S. B. 1056

CHAPTER 1225

AN ACT TO ALLOW UNUSED SICK LEAVE AS CREDITABLE SERVICE AND TO LIMIT THE EFFECT OF LUMP SUM PAYMENTS IN COMPUTING AVERAGE FINAL COMPENSATION IN THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-166(i) is amended by adding a new sentence at the end of the second paragraph to read:

"Compensation on which the member contributes shall not include any payments for unused sick leave."

Sec. 2. G.S. 143-166(i) is further amended by deleting in the third paragraph thereof the word "and" following the phrase "(2)" A sum not to exceed three times the value of service of such member as determined by the Board of Commissioners;" and further deleting in the third paragraph the phrase "(3) A sum not to exceed ten percent (10%) of gross salary that would have been paid to the retiring members, had he been compensated for all accumulated sick leave at the time of retirement, which amount would be in lieu of any other compensation for accumulated sick leave;".

Sec. 3. G.S. 143-166(i) is further amended by rewriting the first sentence of the fourth paragraph to read:

"It shall be the duty of the State of North Carolina to finance and contribute for the benefit of each member employed by the State as a law enforcement officer a five percent (5%) contribution in addition to employer contribution provided in paragraph (i) of this Article."

Sec. 4. G.S. 143-166(y) is amended by adding a new sentence at the end of the second paragraph to read:

"When the last 12 months of compensation prior to retirement are used in computing average final compensation, the compensation for such 12-month period shall not include any payments for unused sick leave."

Sec. 5. G.S. 143-166(y) is further amended by adding a new paragraph following the second paragraph thereof to read:

"On and after July 1, 1980, creditable service on which the retirement allowance is based shall include one month of credit for each 20 days or fraction thereof of sick leave standing to the member's credit upon retirement, as certified by the member's employer, but not to exceed one month's credit for each two years of membership service or fraction thereof earned by the member. Unused sick leave for purposes of this section shall not be deemed to be standing to the credit of the member to the extent the member is compensated for such leave. Creditable service for purposes of determining eligibility for service retirement, disability retirement, early retirement, a vested deferred allowance, or any other benefit allowed under this Article shall not include unused sick leave standing to the credit of the member."

Sec. 6. There is hereby appropriated the sums of five hundred thirteen thousand five hundred dollars ($513,500) from the General Fund and one hundred thirty-six thousand three hundred fifty dollars ($136,350) from the Highway Fund to a Statewide Reserve for fiscal year 1980-81 to cover the provisions of this act for both locally employed officers and officers employed by the State at an employer's contribution rate of fifty one-hundredths percent (0.50%) of payroll.
CHAPTER 1225    Session Laws—1979

Sec. 7. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1057    CHAPTER 1226
AN ACT TO INCREASE THE FUNDS AVAILABLE TO THE UNC STUDENT ATHLETIC CENTER ON A SELF-LIQUIDATING BASIS.

The General Assembly of North Carolina enacts:

Section 1. Section 6 of Chapter 731 of the Session Laws of 1979 is amended by amending the table in that section by deleting the figure "21,077,000" both times it appears and substituting in lieu thereof the figure "30,000,000".

Sec. 2. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1058    CHAPTER 1227
AN ACT TO PROVIDE CREDITABLE SERVICE FOR JUDGES AND JUSTICES OF THE GENERAL COURT OF JUSTICE FOR CERTAIN PRIOR COURT SERVICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-56.1 is rewritten to read as follows:

"§ 135-56.1. Creditable service for judges and justices.—Creditable service for judges and justices of the General Court of Justice shall include, in addition to service as a judge, justice, or district attorney, service as a judge of any lawfully constituted court of this State inferior to the superior court, excluding time served as a justice of the peace, as magistrate or as mayor's court judge. Creditable service shall also include service as clerk of superior court when the service extended for four years or more. Provided, service allowed by this section shall be included in the creditable service of a judge or justice only if such service is purchased prior to retirement at a cost calculated as hereinafter stated less the transfer of any accumulated contributions from either the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System. All purchases of service credits allowed under the provisions of this section shall equal the full cost of the service credits calculated on the basis of the assumption used for purposes of the actuarial valuation of the System's liabilities and shall take into account the additional retirement allowance arising on account of additional service credit commencing at the earliest age at which such member could retire on an unreduced retirement allowance as determined by the System's Board of Trustees upon the advice of the consulting actuary."

Sec. 2. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 24th day of June, 1980.
S. B. 1059    CHAPTER 1228
AN ACT TO EXTEND THE TIME FOR THE FINAL REPORT OF THE
COMMISSION ON PREPAID HEALTH PLANS.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of Section 6 of Chapter 1291, Session Laws
of 1977 (Second Session, 1978), as amended by Section 2 of Chapter 955, Session
Laws of 1979, is rewritten to read:

"The Commission shall file another interim report with the Governor, the
President of the Senate, and the Speaker of the House of Representatives by
September 1, 1980, and a final report with those same persons by April 1, 1981,
and 30 days after filing the final report, the Commission is terminated."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of
June, 1980.

S. B. 1060    CHAPTER 1229
AN ACT TO AUTHORIZE THE USE OF FUNDS FROM THE ADVANCE
PLANNING FUND FOR A FEASIBILITY STUDY OF A STATE OFFICE
BUILDING IN BUNCOMBE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Department of Administration may, subject to the prior
approval of the Advisory Budget Commission, use up to fifty thousand dollars
($50,000) from the Advance Planning Reserve Fund in that Department to
study the feasibility of building a State office building in Buncombe County.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of
June, 1980.

S. B. 1061    CHAPTER 1230
AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF
EDUCATION FOR SCHOOL BUS DRIVERS' SALARIES.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education shall establish a salary
schedule for school bus drivers which includes an average allotment of three
dollars and fifty cents ($3.50) per hour.

Sec. 2. There is appropriated from the General Fund to the State Board of
Education for fiscal year 1980-81 the sum of three hundred forty-five
thousand dollars ($345,000) to implement Section 1 of this act.

Sec. 3. Section 1 of this act is effective upon ratification.

Sec. 4. Section 2 of this act shall become effective on March 1, 1981.

In the General Assembly read three times and ratified, this the 24th day of
June, 1980.
S. B. 1062  

CHAPTER 1231

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF STATE AUDITOR FOR AN ADDITIONAL EMPLOYEE.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of State Auditor the sum of twenty thousand eight-hundred thirteen dollars ($20,813) for fiscal year 1980-81 for an additional employee in the Firemen's Pension Fund. The funds appropriated in this act are in addition to all other moneys appropriated to the department.

Sec. 2. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1065  

CHAPTER 1232

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC EDUCATION FOR EXPANSION OF THE PUBLIC SCHOOLS' BASIC SKILLS PROGRAM IN ECONOMIC EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated to the Department of Public Education the sum of five hundred thousand dollars ($500,000) from the General Fund for fiscal year 1980-81 to expand the State Board of Education's efforts in including economic education as a minimum basic skills program for every student in the public schools.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1071  

CHAPTER 1233

AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE LAND RECORDS MANAGEMENT PROGRAM ESTABLISHED BY THE 1977 GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund to the Department of Administration, in addition to all other funds appropriated, the sum of fifty thousand dollars ($50,000) for the 1980-81 fiscal year. This appropriation shall be for the purpose of aiding in the implementation of Chapter 932 of the 1977 Session Laws, which act established the Land Records Management Program in the Department of Administration.

Sec. 2. There is hereby appropriated from the General Fund to the Department of Administration, in addition to all other funds appropriated, the sum of two hundred fifty thousand dollars ($250,000) for the 1980-81 fiscal year. This appropriation shall be for the purpose of implementing the provisions of Chapter 1099 of the 1977 Session Laws, which act established a statewide program of assistance for improvement of county land records. This appropriation shall be subject to all conditions, limitations and requirements set forth in Chapter 1099 of the 1977 Session Laws.

Sec. 3. This act shall become effective on July 1, 1980.
In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1076  CHAPTER 1234
AN ACT TO AMEND THE CUTOFF FOR COURT COSTS IN THE DISTRICT COURT DIVISION TO REFLECT CHANGES IN MAGISTRATE’S JURISDICTION MADE BY THE 1979 GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-305(a)(2) is amended by deleting the words “five hundred dollars ($500.00)” and inserting in lieu thereof the words “eight hundred dollars ($800.00)”.

Sec. 2. This act shall become effective July 1, 1980, but shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1077  CHAPTER 1235
AN ACT TO APPROPRIATE FUNDS FOR THE THERAPEUTIC WILDERNESS CAMPS TO FISCAL YEAR 1980-81.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources, Central Administration, for fiscal year 1980-81 the sum of three hundred fifty thousand dollars ($350,000) for the Therapeutic Wilderness Camps. These funds shall be placed in a reserve, and an amount of up to three hundred fifty thousand dollars ($350,000) may be expended from the reserve only after the Director of the Budget determines that the contract amendments listed in Section 2 of this act have been executed by the Department of Human Resources and the representatives of the Jack and Ruth Eckerd Foundation by September 1, 1980.

Sec. 2. The contract between the Department of Human Resources and the Jack and Ruth Eckerd Foundation must be amended to include the following before funds can be released under Section 1 of this act:

(1) increase the minimum average daily population in the four camps from 140 children to 224 children;

(2) reimbursement shall be computed as a cost per day, per child;

(3) no out-of-state placements shall be made to the four therapeutic camps until all North Carolina children on the waiting list have been served. No out-of-state placements shall be made in the four camps without the prior approval of the Secretary of Human Resources.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
CHAPTER 1236

AN ACT TO ESTABLISH A PERSONNEL ADMINISTRATION COMMISSION FOR PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115 of the General Statutes is hereby amended by adding thereto a new Article which shall be designated as Article 17B and which shall provide as follows:

"ARTICLE 17B.

"Personnel Administration Commission for Public School Employees.

"§ 115-151.11. Commission established; purpose.—There is hereby established a Personnel Administration Commission for Public School Employees which shall provide advice and recommendations to the Governor and the State Board of Education in regard to personnel administration practices and policies for public school employees.

"§ 115-151.12. Commission membership; meetings; compensation.—(a) The Personnel Administration Commission for Public School Employees shall consist of nine members to be appointed by the Governor on or before September 1, 1980. Of the nine members of the Commission, one shall be appointed from each of the eight educational districts of the State as established in G.S. 115-3, and the chairman, who shall be designated by the Governor, shall be an at-large member. To assure continuity of membership, initial appointments to the Commission shall be made as follows: three members, including the chairman, for terms of three years; three members for terms of two years; and three members for terms of one year. All appointments after the initial appointments shall be for terms of three years. Vacancies on the Commission shall be filled by the Governor for the unexpired term.

(b) In making his appointments to the Commission, the Governor shall assure that the membership of the Commission consists of persons interested in education and persons possessing knowledge and skills in personnel administration. However, no person shall be eligible for appointment to the Commission if he is a member of the General Assembly, officer or employee of any organization or association of public school employees, or a person whose employment would be directly affected by recommendations of the Commission.

(c) Within 30 days after the appointment of the Commission, the chairman shall convene the Commission for an initial meeting. At this meeting, the Commission shall elect such officers, in addition to the chairman, as it deems necessary and establish a regular meeting schedule.

(d) Members of the Commission shall be entitled to receive per diem and reimbursement for travel and subsistence expenses incurred in the performance of their duties as specified in G.S. 138-5 or G.S. 138-6, whichever is applicable to the individual member. Funds for this purpose shall be made available to the State Board of Education from funds appropriated to implement Special Provision 36 of the Appropriations Act.

"§ 115-151.13. Responsibilities of the Commission.—(a) The primary function of the Commission shall be to review the classification of positions and to make written recommendations to the Governor and the State Board of Education concerning proper compensation, salary and benefits, and such other proper
personnel matters as to encourage the development of employees with a high degree of necessary skills and to stimulate a high degree of employee morale. In addition, the Commission shall provide advice and make recommendations to the Governor and the State Board of Education in such other areas of personnel management as may be requested by either the Governor or the State Board.

(b) The State Board of Education is authorized and directed to receive periodic reports and recommendations from the Commission and is empowered to implement recommendations of the Commission.

(c) The State Board of Education and the State Superintendent of Public Instruction shall provide necessary staff services to the Commission in the performance of its responsibilities."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1080       CHAPTER 1237
AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF VETERANS AFFAIRS FOR A NORTH CAROLINA AREA AT THE MEDAL OF HONOR GROVE IN VALLEY FORGE, PENNSYLVANIA.

Whereas, the Medal of Honor is the highest distinction which can be awarded to a member of the Armed Services of the United States; and

Whereas, the Freedoms Foundation at Valley Forge, Pennsylvania, has established the Medal of Honor Grove to provide a fitting memorial to those valiant men who have earned the Medal of Honor; and

Whereas, the Medal of Honor Grove is composed of 52 areas of natural woodland designated for each of the 50 states, plus Puerto Rico and the District of Columbia; and

Whereas, 47 states have dedicated their areas with memorial obelisks or have been confirmed for dedication; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Division of Veterans Affairs of the Department of Administration for the fiscal year 1980-81, ten thousand dollars ($10,000) for a North Carolina area in the Medal of Honor Grove in Valley Forge, Pennsylvania. Five thousand dollars ($5,000) shall be used for construction of the area, and five thousand dollars ($5,000) shall be placed in an endowment fund with the Freedoms Foundation at Valley Forge to insure perpetual care of the area.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.
CHAPTER 1238  Session Laws—1979

S. B. 1081  CHAPTER 1238
AN ACT TO AMEND CHAPTER 122A OF THE GENERAL STATUTES TO PROVIDE FOR THE FINANCING BY THE NORTH CAROLINA HOUSING FINANCE AGENCY OF CONSTRUCTION MORTGAGE LOANS.

The General Assembly of North Carolina enacts:

Section 1. Subsections (1) and (8) of G.S. 122A-3, as the same appear in the 1979 Cumulative Supplement to Volume 3B of the General Statutes, are rewritten to read:

"(1) 'Bonds' or 'notes' mean the bonds or the bond anticipation notes or construction loan notes authorized to be issued by the Agency under this Chapter;

(8) 'Mortgage' or 'mortgage loan' means a mortgage loan for residential housing, including, without limitation, a mortgage loan to finance, either temporarily or permanently, the construction, rehabilitation or improvement of residential housing and a mortgage loan insured or guaranteed by the United States or an instrumentality thereof or for which there is a commitment by the United States or an instrumentality thereof to insure such a mortgage;".

Sec. 2. The second sentence of G.S. 122A-8, as the same appears in the 1979 Cumulative Supplement to Volume 3B of the General Statutes, is rewritten to read:

"The Agency also is hereby authorized to provide for the issuance, at one time or from time to time of (i) bond anticipation notes in anticipation of the issuance of such bonds and (ii) construction loan notes to finance the making or purchase of mortgage loans to sponsors of residential housing for the construction, rehabilitation or improvement of residential housing; provided, however, that the total amount of bonds, bond anticipation notes and construction loan notes outstanding at any one time shall not exceed seven hundred fifty million dollars ($750,000,000) excluding therefrom any bond anticipation notes for the payment of which bonds shall have been issued."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1082  CHAPTER 1239
AN ACT TO INCREASE THE PERSONAL NEEDS ALLOWANCE OF RECIPIENTS OF SPECIAL ASSISTANCE FOR ADULTS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources, Division of Social Services three hundred seventy-nine thousand dollars ($379,000) for fiscal year 1980-81. These funds shall be used by the division to increase the personal needs allowance of recipients of Special Assistance for Adults who reside in domiciliary care facilities by three dollars ($3.00) per month.

Sec. 2. The full cost of the increase in the personal needs allowance as provided in Section 1 shall be borne by the State of North Carolina. No additional cost shall be incurred by counties as a result of this increase.
Sec. 3. Chapter 1137 of the 1979 Session Laws is amended in Sec. 58.1 by inserting the following sentence at the end of the first sentence of the second paragraph ending in the words “per month.”: “Two dollars ($2.00) per month for each recipient of special assistance for adults who reside in domiciliary care shall be used to increase the personal needs allowance.”

Sec. 4. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1083

CHAPTER 1240

AN ACT TO PROVIDE FOR AN ADJUSTING INCREASE IN PENSION AND RETIREMENT ALLOWANCES FOR RETIREEES AND SURVIVING BENEFICIARIES IN THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27 is amended by adding a new subsection (x) to read as follows:

“(x) Increases in benefits to those persons who were retired prior to July 1, 1978. From and after July 1, 1980, the monthly benefits to or on account of persons who commenced receiving benefits from the system prior to July 1, 1978, shall be increased by a percentage in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Period in Which Benefits Commenced</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>On or before June 30, 1959</td>
<td>10%</td>
</tr>
<tr>
<td>July 1, 1959, to June 30, 1968</td>
<td>7%</td>
</tr>
<tr>
<td>July 1, 1968, to June 30, 1978</td>
<td>2%</td>
</tr>
</tbody>
</table>

This increase shall be calculated independent of any other post-retirement increase, without compounding, otherwise payable from and after July 1, 1980.

Sec. 2. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. B. 1084

CHAPTER 1241

AN ACT TO INCREASE THE SALARY PAY FOR MEMBERS OF THE PROPERTY TAX COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-223, as the same appears in the 1978 Replacement Volume 3C of the General Statutes of North Carolina, is hereby amended by rewriting the fourth paragraph to read as follows:

“The members of the Commission shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 and a salary of two hundred dollars ($200.00) per day when hearing cases.”

Sec. 2. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 24th day of June, 1980.
CHAPTER 1242

AN ACT TO PROVIDE FOR MORE FREQUENT DISTRIBUTIONS OF VOTER LISTS TO PARTIES IN COUNTIES WITH VOTER RECORDS MAINTAINED BY DATA PROCESSING.

The General Assembly of North Carolina enacts:

Section 1. The second from the last sentence of G.S. 163-66 is amended by adding the following new language before the period: "provided, that in counties having voter records maintained on electronic data processing equipment, such lists shall not be furnished biennially but instead on the following schedule: once in each odd-numbered year, once during the first six calendar months of each even-numbered year, and once during the last six months of each even-numbered year."

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

CHAPTER 1243

AN ACT TO PROVIDE FOR EXPENDITURE OF UNUSED FUNDS APPROPRIATED PURSUANT TO CHAPTER 1023 OF THE 1979 SESSION LAWS.

The General Assembly of North Carolina enacts:

Section 1. The unexpended funds appropriated to the State Board of Education, Department of Community Colleges, pursuant to Chapter 1023 of the 1979 Session Laws may be used to purchase an additional tractor-trailer or for construction concerning the truck driver training program.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

CHAPTER 1244

AN ACT TO APPROPRIATE FUNDS FOR CONTINUED RESTORATION OF THE BLOUNT STREET AREA OF THE STATE GOVERNMENT COMPLEX.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Administration, the sum of fifty thousand dollars ($50,000) for fiscal year 1980-81 for the continued restoration of the Blount Street area of the State Government complex. The funds appropriated in this act are in addition to all other moneys appropriated to the department.

Sec. 2. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
S. B. 1097  CHAPTER 1245
AN ACT TO TERMINATE SPECIALTY HOSPITAL BOARD.

The General Assembly of North Carolina enacts:

Section 1. Effective July 1, 1980, G.S. 143B-173(a)(1) is repealed.

Sec. 2. Sections 44, 45, and 46 of Chapter 838, Session Laws of 1979, are amended by deleting the words "If the Board of Directors of the North Carolina Specialty Hospitals is not reestablished under the provisions of Chapter 712 of the 1977 Session Laws, then effective July 1, 1980," and inserting in each section in lieu thereof the words "Effective July 1, 1980,"

Sec. 3. This act is effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 884  CHAPTER 1246
AN ACT TO REPEAL THE REQUIREMENT THAT THE CLERK OF COURT APPROVE THE SALE OF A DECEDED'S REAL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-17-12(a)(2) is hereby amended by placing a period after the phrase "joins in the sale, lease or mortgage" and by deleting the following from the end thereof:

"and the transaction is approved by the clerk of superior court. Approval of the clerk must appear in the deed, lease or mortgage, accompanied by a statement that he has made a finding that the transaction will not prejudice the payment of any valid claim against the estate."

Sec. 2. This act shall become effective on July 1, 1980, and shall apply only to the administration of estates of decedents dying on or after that date.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 918  CHAPTER 1247
AN ACT TO MAKE CERTAIN TECHNICAL AND SUBSTANTIVE CHANGES IN CHAPTERS 160 AND 160A OF THE GENERAL STATUTES, RELATING TO CITIES AND TOWNS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-64(a) is amended by striking out of the third line thereof the words "publication in and".

Sec. 2. G.S. 160A-68, as rewritten by Chapter 168 of the Session Laws of 1979, is amended by adding at the end thereof a new subsection (c) reading as follows:

"(c) All local acts or provisions of city charters which prescribe a particular meeting day or date for the organizational meeting of a council are hereby repealed."

Sec. 3. G.S. 160A-69 is amended by adding at the end thereof a new sentence reading as follows:

"In a city where the mayor is elected by the council from among its membership, and the city charter makes no provision as to the right of the mayor to vote, he shall have the right to vote as a council member on all
matters before the council, but shall have no right to break a tie vote in which he participated.”

Sec. 4. G.S. 160A-70 is amended by adding at the end thereof a new sentence reading as follows:

“In the event both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence.”

Sec. 5. G.S. 160A-71 is amended as follows:

(a) by rewriting the catch line or caption to read as follows:

“Regular and special meetings; recessed and adjourned meetings; procedure.”

(b) by designating the first, second, fourth, and fifth sentences of subsection (b) as (b) (1);

(c) by designating the third sentence of (b) as (2);

(d) by adding to subsection (b) a new paragraph (3) reading as follows:

“(3) During any regular meeting, or any duly called special meeting, the council may call or schedule a special meeting, provided that the motion or resolution calling or scheduling any such special meeting shall specify the time, place and purpose or purposes of such meeting and shall be adopted during an open session.”

(e) by redesignating subsection (c) as (d) and inserting a new subsection (c) reading as follows:

“(c) Any regular or duly called special meeting may be recessed to reconvene at a time and place certain, or may be adjourned to reconvene at a time and place certain, by the council.”

Sec. 6. G.S. 160A-74 is amended by inserting in the first line thereof between the word “council” and the comma the words “plus the mayor”.

Sec. 7. G.S. 160A-75 is amended by striking out of the second sentence of the second paragraph the words “members of the council” and inserting in lieu thereof the words and punctuation “actual membership of the council, excluding vacant seats”.

Sec. 8. G.S. 160A-77(b) is amended by redesignating subsections (5) and (6) as (5) and (6), respectively, and by inserting a new paragraph (5) reading as follows:

“(5) Restricting or regulating traffic at certain times on certain streets, or to certain types, weights or sizes of vehicles.”

Sec. 9. G.S. 160A-77 is amended by redesignating subsection (c) as (d) and inserting a new subsection (c) reading as follows:

“(c) The council may provide that the classes of ordinances described in paragraphs (2) through (7) of subsection (b) above, and ordinances establishing rates for utility or other public enterprise services, or ordinances establishing fees of any nature, shall be codified by entry upon official lists or schedules of the regulations established by such ordinances, or schedules of such rates or fees, to be maintained in the office of the city clerk.”

Sec. 10. G.S. 160A-79(b) is amended by adding a new paragraph (4) reading as follows:

“(4) Copies of any official lists or schedules maintained in accordance with G.S. 160A-77 and certified under seal by the city clerk as having been adopted by the council and maintained in accordance with its directions (the clerk’s certificate need not be authenticated).”

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Sec. 11. G.S. 160A-102 is amended by striking out of the fifth line of the third paragraph, the words “not less than 30 days before the last day on which voters may register to vote in the special election” and by inserting in lieu thereof the words “in accordance with G.S. 163-287”.

Sec. 12. G.S. 160A-104 is amended by striking out of the 13th, 14th and 15th lines thereof the words “not less than 30 days before the last day on which voters may register to vote in the special election” and by inserting in lieu thereof the words “in accordance with G.S. 163-287”.

Sec. 13. G.S. 160A-103 is amended by inserting in the second sentence thereof, between the word “signatures” and the word “of” the words “and residence addresses”.

Sec. 14. G.S. 160A-104 is amended by inserting in the second sentence thereof, between the word “signatures” and the word “of” the words “and residence addresses”.

Sec. 15. G.S. 160A-103 is amended by striking out of the last sentence thereof the words “ordinance following its adoption” and by inserting in lieu thereof the words “notice of adoption of the ordinance”.

Sec. 16. G.S. 160A-155 is amended as follows:

(a) by changing the period at the end of the first sentence to a comma and inserting immediately following such comma the words and punctuation “and all other city employees; provided, the council may delegate to any administrative official or department head the power to appoint, suspend, and remove city employees assigned to his department.”

(b) by striking out of the second sentence the words “shall appoint, suspend, and remove all city employees assigned to his department, and”.

Sec. 17. G.S. 160A-158 is amended by changing the period at the end of the first sentence to a semicolon, by striking out the second sentence, and by inserting in lieu of the second sentence the words and punctuation “provided, that in cities having a population of less than 5,000 according to the most recent official federal census, the mayor and any member of the council shall be eligible for appointment by the council as department head or other employee, and may receive reasonable compensation for such employment, notwithstanding any other provision of law.”

Sec. 18. G.S. 160A-162(a) is amended by changing the period at the end of the first sentence to a semicolon and inserting immediately after such semicolon the following: “any compensation or pay plan may include provisions for payments to employees on account of sickness or disability.”

Sec. 19. G.S. 160A-162(b) is amended as follows:

(a) by striking out of the first line thereof the words “life insurance and health insurance” and inserting in lieu thereof the words “life, health, and any other forms of insurance”.

(b) by striking out of the second line thereof the words “as a part of their compensation” and inserting in lieu thereof the words “and their dependents”.

Sec. 20. G.S. 160A-193 is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the words and punctuation “or public safety.”

Sec. 21. G.S. 160A-209(e) is amended by striking out of the second paragraph thereof the fourth and fifth sentences and by inserting in lieu thereof the following sentence:
“A notice of the referendum shall be published in accordance with G.S. 163-287.”

Sec. 22. G.S. 160A-210 is repealed.

Sec. 23. G.S. 160A-248(b) is amended by rewriting the last sentence to read as follows:

“For purposes of appointing an appraiser, the owner shall be deemed to be the holder of an equity of redemption under a mortgage or the grantor under a deed of trust; if there is no mortgage or deed of trust, then the owner shall be deemed to be the life tenant; and in the event there is no life tenant, then the owner shall be deemed to be the holder of legal title to the property.”

Sec. 24. G.S. 160A-267 is amended by striking out of the third sentence thereof the word “The” and by inserting in lieu thereof the words “A notice summarizing the contents of the”.

Sec. 25. G.S. 160A-269 is amended by striking out of the fifth sentence thereof the words “for cash”.

Sec. 26. G.S. 160A-272 is amended by striking out the second sentence thereof.

Sec. 27. Chapter 160A of the General Statutes is amended by inserting therein a new section 160A-272.1 reading as follows:

“§ 160A-272.1. Lease of utility or enterprise property.—Subject to G.S. 160A-321, a city-owned utility or public service enterprise, or part thereof, may be leased.”

Sec. 28. G.S. 160A-282 is amended by designating present subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting a new subsection (a) reading as follows:

“(a) A city may by ordinance provide for the organization of an auxiliary police department made up of volunteer members.”

Sec. 29. G.S. 160A-312 is amended by striking out of the second and third lines thereof the words “and operate” and inserting in lieu thereof the words and punctuation “operate, and contract for the operation of”.

Sec. 30. G.S. 160A-349.3 is amended by changing the period at the end to a semicolon and by adding, immediately following such semicolon, the following:

“provided, that the governing body of the town or city may at any time by resolution direct that title to such property shall pass to and vest in the town or city itself, and in such event it shall be the duty of the board and its officers to execute all necessary documents to effect such transfer and vesting.”

Sec. 31. G.S. 160A-349.7 is amended by striking out of line 9 the words “a sufficient appropriation” and by inserting in lieu thereof the words “such appropriation as it deems proper”.

Sec. 32. G.S. 160A-349.11 is amended as follows:

(a) by striking out of line 4 the word “budget” and inserting in lieu thereof the words “budget request”;

(b) by striking out of line 5 the words “shall make an appropriation necessary” and inserting in lieu thereof the words “may make an appropriation”.

Sec. 33. Chapter 160A of the General Statutes is amended by inserting therein a new section 160A-349.14 reading as follows:

“§ 160A-349.14. Exercise of powers subject to approval.—The board may not act to acquire or sell land pursuant to G.S. 160A-349.9, G.S. 160A-349.10, or G.S.
160A-349.13 unless such action was approved in advance by the governing body of the town or city."

Sec. 34. Chapter 160A of the General Statutes is amended by inserting therein a new section 160A-349.15 reading as follows:

"§ 160A-349.15. Termination.—The governing body of the town or city shall have the authority to terminate the existence of the board at any time. In the event of such termination, all property and assets of the board shall automatically become the property of the town or city and the town or city shall succeed to all rights, obligations and liabilities of the board. Further, in the event of such termination, it shall be the duty of the board and its officers to execute all necessary documents to effect the transfer of property and assets to the town or city."

Sec. 35. G.S. 160A-361 is amended by inserting in the second paragraph thereof, between the word “include” and the word “one” the punctuation and words ", but shall not be limited to,".

Sec. 36. G.S. 160A-364, as the same appears in the 1977 Supplement to Volume 3D of the General Statutes, is amended by striking out of the fifth line thereof the figure "15" and inserting in lieu thereof the figure "10".

Sec. 37. G.S. 160A-388(e) is amended by striking out of the fourth line thereof the word "Article" and by inserting in lieu thereof the word "Part".

Sec. 38. G.S. 160A-445, as it appears in the 1977 Supplement to 1975 Replacement Volume 3D of the General Statutes, is amended as follows:

(a) by inserting at the end of the third line thereof, following the word "If" the words "the identities of any owners or";

(b) by inserting in the seventh line thereof, between the word "the" and the word "persons" the words "unknown owners or other".

Sec. 39. Chapter 160A of the General Statutes is amended by inserting two new sections, designated as G.S. 160A-458 and 160A-458.1, and reading as follows:

"§ 160A-458. Erosion and sedimentation control.—Any city may enact and enforce erosion and sedimentation control ordinances as authorized by Article 4 of Chapter 113A of the General Statutes, and in such enactment and enforcement shall comply with all applicable provisions of Article 4.

"§ 160A-458.1. Floodway regulations.—Any city may enact and enforce floodway regulation ordinances as authorized by Part 6 of Article 21 of Chapter 143 of the General Statutes, and in such enactment and enforcement shall comply with all applicable provisions of Part 6."

Sec. 40. The title of Part 8 of Article 19 of Chapter 160A of the General Statutes is rewritten to read "Miscellaneous Powers."

Sec. 41. G.S. 160A-490 is amended by striking out the first sentence and inserting in lieu thereof the following:

"G.S. 153A-436 shall apply to cities."

Sec. 42. G.S. 160-478 is amended by striking out the last paragraph in its entirety.

Sec. 43. G.S. 160-495 is rewritten to read as follows:

"Termination of authority. The city council shall have the authority to terminate the existence of the authority at any time. In the event of such termination, all property and assets of the authority shall automatically become the property of the city and the city shall succeed to all rights, obligations and liabilities of the authority."

Sec. 45. Article 38A of Chapter 160 of the General Statutes, as it appears in the 1977 Supplement to Volume 3D of the General Statutes, is redesignated as Article 25 of Chapter 160A of the General Statutes, and its respective sections, G.S. 160-496.1 through 160-496.14 are redesignated as G.S. 160A-575 through 160A-588, respectively.

Sec. 46. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 923

CHAPTER 1248

AN ACT TO CHANGE THE LIMIT ON PUBLIC WORKS PROJECTS IN CERTAIN SITUATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-135 is hereby rewritten in its entirety to read as follows:

"§ 143-135. Limitation of application of Article.—Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (1) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (2) when the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed seventy-five thousand dollars ($75,000). Such force account work shall be subject to the approval of the Director of the Budget and the Advisory Budget Commission in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for inspection by the general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
S. B. 1002  

CHAPTER 1249

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM CONCERNING THE AUTHORITY OF THE CITY MANAGER TO PURCHASE REAL PROPERTY AND DISCLOSE PERSONNEL INFORMATION.

The General Assembly of North Carolina enacts:

Section 1. Section 17 of the Charter of the City of Durham, the same being Chapter 671, Session Laws of 1975, is amended by striking from the second line of subparagraph (1) of the sixth paragraph of said section the words and figures “one thousand dollars ($1,000)” and inserting in lieu thereof the words and figures “two thousand five hundred dollars ($2,500)”.

Sec. 2. The Charter of the City of Durham, as contained in Section 1 of Chapter 671, Session Laws of 1975, is amended by adding a new section to read:

“Sec. 120. Personnel Records.—Notwithstanding any provision of G.S. 160A-168, the city manager may, with the approval of the city council, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or nonemployment of any applicant, employee or former employee employed by or assigned to the city or whose personnel file is maintained by the city and the reasons thereof and may allow the personnel file of such person or any portion thereof to be inspected and examined by any person or corporation when the city manager shall determine that the release of such information or the inspection and examination of such file or portion thereof is essential to maintaining the integrity of the city or to maintaining the level or quality of services provided by the city; provided that prior to releasing such information or making such file or portion thereof available as provided herein, the city manager shall prepare a memorandum setting forth the circumstances which he deems to require such disclosure and the information to be disclosed. The memorandum shall be retained in the files of the city and shall be a public record.”

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1003  

CHAPTER 1250

AN ACT TO ESTABLISH A PERMANENT JOINT COMMITTEE ON PENSIONS AND RETIREMENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 120 of the General Statutes is amended by adding a new Article to read as follows:

“Article 14A.

§ 120-107.1. Creation.—A standing committee is hereby created in the House of Representatives to be known as the Committee on Pensions and Retirement, to consist of a minimum of four members to be appointed by the Speaker of the House of Representatives. A standing committee is hereby created in the Senate to be known as the Committee on Pensions and Retirement, to consist of the following members at the minimum, the President Pro Tempore of the Senate, the Chairmen of the Senate Committees on Appropriations, Finance and Ways and Means. The Committees on Pensions and Retirement of each house of the
General Assembly shall hold joint meetings as the Joint Committee on Pensions and Retirement. The Joint Committee on Pensions and Retirement is designated a joint committee of the General Assembly for purposes of Article 5A of Chapter 120 of the General Statutes, entitled 'Committee Activity'. The Chairman of the Senate Committee on Pensions and Retirement and the Chairman of the House Committee on Pensions and Retirement shall serve as co-chairman of the joint committee. The Committee on Pensions and Retirement of each house has the right to vote separately in the joint committee, and where separate voting is demanded, a majority of the members present and voting in each separate committee is necessary on the affirmative side of an issue before the question is carried.

"§ 120-107.2. Duties of Joint Committee.—With respect to public officers and public employees to whom State-administered retirement benefit or pension plans are applicable, the Joint Committee on Pensions and Retirement shall:

(1) study the benefits, including those available under Social Security and any other federal programs available to the public officers and employees.

(2) consider all aspects of retirement and pension financing, planning and operation, including the financing of accrued liabilities of each retirement or pension fund, health program, and other fringe benefits.

(3) request the Governor, the State Treasurer, the State Auditor and any other agency or department head which has information relevant to these committees' study to prepare any reports deemed necessary by the committee.

(4) recommend legislation which will insure and maintain sound retirement and pension policy for all funds.

(5) analyze each item of proposed pension and retirement legislation in accordance with Article 15 of Chapter 120 of the General Statutes, 'The Retirement Systems Actuarial Note Act'.

(6) study, analyze, and report on related subjects directed to be studied by joint resolution, resolution of either house of the General Assembly, or by direction of the Speaker of the House or President of the Senate.

"§ 120-107.3. Analysis of legislation.—Every bill, which creates or modifies any provision for the retirement of public officers or public employees or for the payment of retirement benefits or of pensions to public officers or public employees, shall, upon introduction in either house of the General Assembly, be referred to the Committee on Pensions and Retirement of that house. When the bill is reported out of committee it shall be accompanied by a written report by the Joint Committee on Pensions and Retirement containing, among other matters which the Joint Committee deems relevant, the actuarial note required by Article 15 of Chapter 120 of the General Statutes, and pursuant to the Rules of the General Assembly, and an evaluation of the proposed legislation's actuarial soundness and adherence to sound retirement and pension policy.

"§ 120-107.4. Staff and actuarial assistance.—Upon application of the cochairmen of the Joint Committee on Pensions and Retirement, the Legislative Services Commission shall provide staff, including actuarial assistance, to aid the committee in its work."

Sec. 2. This act shall become effective upon the adjournment sine die of the 1979 Session of the General Assembly.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
AN ACT TO CONTROL TRAFFICKING IN CERTAIN CONTROLLED SUBSTANCES.

The General Assembly of North Carolina enacts:

Section 1. Effective July 1, 1980, and as to offenses committed on or after that date, G.S. 14-17, as the same is found in Volume 1B of the General Statutes, 1979 Cumulative Supplement, is rewritten to read as follows:

"§ 14-17. Murder in the first and second degree defined; punishment.—A murder which shall be perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life as the court shall determine pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium when the ingestion of such substance causes the death of the user, shall be deemed murder in the second degree, and any person who commits such murder shall be punished by imprisonment for a term of not less than two years nor more than ten years.

Sec. 2. Effective March 1, 1981, and as to offenses committed on or after that date, G.S. 14-17 as it is set forth in Section 1 hereof is hereby rewritten to read as follows:

"§ 14-17. Murder in the first and second degree defined; punishment.—A murder which shall be perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life as the court shall determine pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium when the ingestion of such substance causes the death of the user, shall be deemed murder in the second degree, and any person who commits such murder shall be punished as a Class D felon."

Sec. 3. Nothing in Sections 1 or 2 hereof shall be construed to render lawful any acts committed prior to the effective dates of those sections respectively and unlawful at the time said acts occurred, and nothing contained herein shall be construed to affect any prosecution instituted under Section 1 hereof and pending on the effective date of Section 2 hereof.

Sec. 4. Effective July 1, 1980, and as to offenses committed on or after that date, subsection (b) of G.S. 90-95 as the same is found in Volume 2C of the General Statutes, 1975 Replacement, is hereby amended by deleting the word
"Any" from the first sentence thereof and inserting in its place the words
"Except as provided in subsections (h) and (i) of this section, any".

Sec. 5. Effective July 1, 1980, and as to offenses committed on or after
that date, subsection (d) of G.S. 90-95, as the same is found in Volume 2C of the
General Statutes, 1975 Replacement, is hereby amended by deleting the word
"Any" from the first sentence thereof and inserting in its place the words
"Except as provided in subsections (h) and (i) of this section, any".

Sec. 6. Effective July 1, 1980, and as to offenses committed on or after
that date, G.S. 90-95, as the same is found in Volume 2C of the General Statutes,
1975 Replacement, is hereby amended by adding new subsections (h) and (i) to read:

"(h) Notwithstanding any other provisions of law, the following provisions
apply except as otherwise provided in this Article.

(1) Any person who sells, manufactures, delivers, transports, or possesses in
excess of 50 pounds (avoidupois) of marijuana shall be guilty of a felony
which felony shall be known as 'trafficking in marijuana' and if the
quantity of such substance involved:

(i) is in excess of 50 pounds, but less than 100 pounds, such person shall,
upon conviction, be punished by imprisonment for not less than two
years nor more than five years in the State's prison and shall be fined
not less than five thousand dollars ($5,000);

(ii) is 100 pounds or more, but less than 2,000 pounds, such person shall,
upon conviction, be punished by imprisonment for not less than three
years nor more than 10 years in the State's prison and shall be fined
not less than twenty-five thousand dollars ($25,000);

(iii) is 2,000 pounds or more, but less than 10,000 pounds, such person shall,
upon conviction, be punished by imprisonment for not less than six
years nor more than 15 years in the State's prison and shall be fined
not less than fifty thousand dollars ($50,000);

(iv) is 10,000 pounds or more, such person shall, upon conviction, be
punished by imprisonment for not less than 16 years nor more than
40 years in the State's prison and shall be fined not less than two
hundred thousand dollars ($200,000).

(2) Any person who sells, manufactures, delivers, transports, or possesses
1,000 tablets, capsules or other dosage units, or equivalent quantity, or
more of methaqualone, or any mixture containing such substance, shall
be guilty of a felony which felony shall be known as 'trafficking in
methaqualone' and if the quantity of such substance or mixture
involved:

(i) is 1,000 or more dosage units or equivalent quantity, but less than
5,000 dosage units or equivalent quantity, such person shall, upon
conviction, be punished by imprisonment for not less than three
years nor more than 10 years in the State's prison and shall be fined
not less than twenty-five thousand dollars ($25,000);

(ii) is 5,000 or more dosage units, or equivalent quantity, but less than
10,000 dosage units or equivalent quantity, such person shall, upon
conviction, be punished by imprisonment for not less than six years
nor more than 15 years in the State's prison and shall be fined not
less than fifty thousand dollars ($50,000);
(iii) is 10,000 or more dosage units, or equivalent quantity, such person shall, upon conviction, be punished by imprisonment for not less than 16 years nor more than 40 years in the State’s prison and shall be fined not less than two hundred thousand dollars ($200,000).

(3) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of coca leaves or any salts, compound, derivative, or preparation thereof which is chemically equivalent or identical to any of these substances (except decocainized coca leaves or any extraction of coca leaves which does not contain cocaine or ecgonine) or any mixture containing any such substance, shall be guilty of a felony which felony shall be known as ‘trafficking in cocaine’ and if the quantity of such substances or mixture involved:

(i) is 28 grams or more, but less than 200 grams, such person shall, upon conviction, be punished by imprisonment for not less than three years nor more than 10 years in the State’s prison and shall be fined not less than fifty thousand dollars ($50,000);

(ii) is 200 grams or more, but less than 400 grams, such person shall, upon conviction, be punished by imprisonment for not less than six years nor more than 15 years in the State’s prison and shall be fined not less than one hundred thousand dollars ($100,000);

(iii) is 400 grams or more, such person shall, upon conviction, be punished by imprisonment for not less than 16 years nor more than 40 years in the State’s prison and shall be fined not less than two hundred fifty thousand dollars ($250,000).

(4) Any person who sells, manufactures, delivers, transports, or possesses four grams or more of opium or opiate, or any salt, compound, derivative, or preparation of opium or opiate (except apomorphine, nalbuphine, naloxone and naltrexone, and their respective salts), including heroin, or any mixture containing any such substance, shall be guilty of a felony which felony shall be known as ‘trafficking in opium or heroin’ and if the quantity of such substance or mixture involved:

(i) is four grams or more, but less than 14 grams, such person shall, upon conviction, be punished by imprisonment for not less than six years nor more than 15 years in the State’s prison and shall be fined not less than fifty thousand dollars ($50,000);

(ii) is 14 grams or more, but less than 28 grams, such person shall, upon conviction, be punished by imprisonment for not less than eight years nor more than 20 years in the State’s prison and shall be fined not less than one hundred thousand dollars ($100,000);

(iii) is 28 grams or more, such person shall, upon conviction, be punished by imprisonment for not less than 20 years nor more than 50 years in the State’s prison and shall be fined not less than five hundred thousand dollars ($500,000).

(5) Notwithstanding any other provision of law, except as provided in G.S. 90-95(h)(6), any person who has been convicted of a violation of this subsection shall serve the applicable minimum prison term provided by this subsection before either unconditional release or parole.

(6) A person sentenced under this subsection is not eligible for early release or early parole if the person is sentenced as a committed youthful offender and the sentencing judge may not suspend the sentence or place
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the person sentenced on probation. However, the sentencing judge may reduce the fine, or impose a prison term less than the applicable minimum prison term provided by this subsection, or suspend the prison term imposed and place a person on probation when such person has, to the best of his knowledge, provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals if the sentencing judge enters in the record a finding that the person to be sentenced has rendered such substantial assistance.

(7) Sentences imposed pursuant to this subsection shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced hereunder.

(i) The penalties provided in subsection (h) of this section shall also apply to any person who is convicted of conspiracy to commit any of the offenses described in subsection (h) of this section.”

Sec. 7. Effective March 1, 1981, and as to offenses committed on or after that date, subsections (h) and (i) of G.S. 90-95, as they are set forth in Section 6 of this act, are rewritten to read:

“(h) Notwithstanding any other provision of law, the following provisions apply except as otherwise provided in this Article.

(1) Any person who sells, manufactures, delivers, transports, or possesses in excess of 50 pounds (avoirdupois) of marijuana shall be guilty of a felony which felony shall be known as ‘trafficking in marijuana’ and if the quantity of such substance involved:

(i) is in excess of 50 pounds, but less than 100 pounds, such person shall be punished as a Class H felon and shall be sentenced to a term of at least five years in the State’s prison and shall be fined not less than five thousand dollars ($5,000);

(ii) is 100 pounds or more, but less than 2,000 pounds, such person shall be punished as a Class G felon and shall be sentenced to a term of at least seven years in the State’s prison and shall be fined not less than twenty-five thousand dollars ($25,000);

(iii) is 2,000 pounds or more, but less than 10,000 pounds, such person shall be punished as a Class F felon and shall be sentenced to a term of at least 14 years in the State’s prison and shall be fined not less than fifty thousand dollars ($50,000);

(iv) is 10,000 pounds or more, such person shall be punished as a Class D felon and shall be sentenced to a term of at least 35 years in the State’s prison and shall be fined not less than two hundred thousand dollars ($200,000).

(2) Any person who sells, manufactures, delivers, transports, or possesses 1,000 tablets, capsules or other dosage units, or the equivalent quantity, or more of methaqualone, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as ‘trafficking in methaqualone’ and if the quantity of such substance or mixture involved:

(i) is 1,000 or more dosage units, or equivalent quantity, but less than 5,000 dosage units, or equivalent quantity, such person shall be punished as a Class G felon and shall be sentenced to a term of at least
seven years in the State's prison and shall be fined not less than twenty-five thousand dollars ($25,000);
(ii) is 5,000 or more dosage units, or equivalent quantity, but less than 10,000 dosage units, or equivalent quantity, such person shall be punished as a Class F felon and shall be sentenced to a term of at least 14 years in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);
(iii) is 10,000 or more dosage units, or equivalent quantity, such person shall be punished as a Class D felon and shall be sentenced to a term of at least 35 years in the State's prison and shall be fined not less than two hundred thousand dollars ($200,000).

(3) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of coca leaves or any salts, compound, derivative, or preparation thereof which is chemically equivalent or identical to any of these substances (except decocainized coca leaves or any extraction of coca leaves which does not contain cocaine) or any mixture containing such substance, shall be guilty of a felony which felony shall be known as 'trafficking in cocaine' and if the quantity of such substance or mixture involved:
(i) is 28 grams or more, but less than 200 grams, such person shall be punished as a Class G felon and shall be sentenced to a term of at least seven years in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);
(ii) is 200 grams or more, but less than 400 grams, such person shall be punished as a Class F felon and shall be sentenced to a term of at least 14 years in the State's prison and shall be fined not less than one hundred thousand dollars ($100,000);
(iii) is 400 grams or more, such person shall be punished as a Class D felon and shall be sentenced to a term of at least 35 years in the State's prison and shall be fined at least two hundred fifty thousand dollars ($250,000).

(4) Any person who sells, manufactures, delivers, transports, or possesses four grams or more of opium or opiate, or any salt, compound, derivative, or preparation of opium or opiate (except apomorphine, nalbuphine, naloxone and naltrexone and their respective salts), including heroin, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as 'trafficking in opium or heroin' and if the quantity of such controlled substance or mixture involved:
(i) is four grams or more, but less than 14 grams, such person shall be punished as a Class F felon and shall be sentenced to a term of at least 14 years in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);
(ii) is 14 grams or more, but less than 28 grams, such person shall be punished as a Class E felon and shall be sentenced to a term of at least 18 years in the State's prison and shall be fined not less than one hundred thousand dollars ($100,000);
(iii) is 28 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a term of at least 45 years in the State's
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prison and shall be fined not less than five hundred thousand dollars ($500,000).

(5) A person sentenced under this subsection is not eligible for early release or early parole if the person is sentenced as a committed youthful offender and the sentencing judge may not suspend the sentence or place the person sentenced on probation. However, the sentencing judge may reduce the fine, or impose a prison term less than the applicable minimum prison term provided by this subsection, or suspend the prison term imposed and place a person on probation when such person has, to the best of his knowledge, provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals if the sentencing judge enters in the record a finding that the person to be sentenced has rendered such substantial assistance.

(6) Sentences imposed pursuant to this subsection shall run consecutively with and shall commence at the expiration of any sentence being served by the person sentenced hereunder.

(i) The penalties provided in subsection (h) of this section shall also apply to any person who is convicted of conspiracy to commit any of the offenses described in subsection (h) of this section."

Sec. 8. Nothing in Sections 6 or 7 hereof shall be construed to render lawful any acts committed prior to the effective dates of those sections respectively and unlawful at the time said acts occurred; and nothing contained herein shall be construed to affect any prosecution instituted under Section 6 hereof and pending on the effective date of Section 7 hereof.

Sec. 9. If any provisions of this act or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 245       CHAPTER 1252

AN ACT TO MAKE AN APPROPRIATION TO DREDGE BOUNDARY CANAL AND LAKE LANDING CANAL TO GULL ROCK IN HYDE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development for fiscal year 1980-81 the sum of seventy-five thousand dollars ($75,000) for the purpose of dredging, diking, and contingencies in order to dredge Boundary Canal and Lake Landing Canal near Gull Rock in Hyde County. Such sum shall be available to pay eighty percent (80%) of the non-federal share of the project.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 327  

CHAPTER 1253

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE HARNETT COUNTY HISTORICAL SOCIETY FOUNDATION, INC., TO PLAN FOR AND RESTORE THE JAMES A. CAMPBELL HOUSE, BUIE'S CREEK.

Whereas, the James A. Campbell House was constructed in 1891 and served as the residence of the founder of Campbell College until his death in 1934; and

Whereas, within the home, Carlyle and Leslie Campbell, presidents of Meredith and Campbell Colleges, respectively, were reared; and

Whereas, the home served as the social and religious center for students, faculty and visitors—Josephus Daniels, D. Rich, Fred Day and many other notables; and

Whereas, the trustees of Campbell College have presented to the Harnett County Historical Society Foundation, Inc., the house and 1.33 acres for preservation and use as a community meeting place and facility; and

Whereas, the Harnett County Historical Society Foundation, Inc., has obtained tax exempt status and has begun the preservation of the James A. Campbell House to benefit the citizens of the community and State; and

Whereas, the James Archibald Campbell House has been listed in the National Register of Historic Places and is the most significant building connected with the college; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1980-81 fiscal year the sum of twenty thousand dollars ($20,000), which will be available to the Harnett County Historical Society Foundation, Inc., for the purpose of research planning and rehabilitation of the James A. Campbell House, provided a like amount is raised by the Harnett County Historical Society Foundation, Inc. Funds appropriated in this act shall be expended only in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 416  

CHAPTER 1254

AN ACT TO ALLOW THE STATE TO PARTICIPATE IN THE OPERATING COSTS OF COMMUNITY GROUP HOMES BEING CONSTRUCTED BY SECTION 202 HUD FUNDS.

The General Assembly of North Carolina enacts:

Section 1. The Department of Human Resources may transfer any surplus funds that become available during fiscal year 1980-81 to assist in the operation of Community Group Homes being constructed by Section 202 HUD funds under an agreement with the Association for Retarded Citizens. Any such transfer shall require the prior approval of the Director of the Budget.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
AN ACT TO PROVIDE ADDITIONAL FUNDING FOR THE GENETIC HEALTH CARE PROGRAM.

Whereas, in North Carolina approximately 150,000 persons are suffering from serious genetic disorders causing mental retardation and physical deformities; and

Whereas, forty percent (40%) of all children admitted to inpatient pediatric care are there because of genetic diseases; and

Whereas, forty percent (40%) of all infant mortality results from genetic factors; and

Whereas, thirty-six percent (36%) of all fetal loss is caused by gross chromosomal defects; and

Whereas, one-half of all blindness is due to genetic factors; and

Whereas, heredity has a tremendous impact on the etiological factors of disease; and

Whereas, muscular dystrophy, cystic fibrosis, hemophilia, sickle cell anemia and Tay-Sachs are examples of genetic diseases passed from parent to child, generation to generation; and

Whereas, it is essential to provide Genetic Health Care Services to reduce the occurrence of these problems and diseases; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund of the State, in addition to all other funds to the Division of Health Services in the Department of Human Resources, the sum of one hundred seventy-five thousand dollars ($175,000) in fiscal year 1980-81 to be used to expand the number of families receiving genetic counseling and treatment services, including those families with sickle cell anemia traits.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

AN ACT TO APPROPRIATE FUNDS FOR HISTORIC PRESERVATION IN THE TOWN OF MURFREESBORO.

Whereas, the General Assembly of 1967 enacted a bill establishing the Historic Murfreesboro Commission; and

Whereas, in order to preserve adequately the heritage of this historic community, the aforesaid Historic Murfreesboro Commission through the Murfreesboro Historical Association, Inc., will need an appropriation from the State of North Carolina; and

Whereas, there now exist within the aforesaid Town of Murfreesboro many buildings, dating back to an earlier, bygone period, that are now in need of restoration and preservation; and

Whereas, many individual citizens and groups of citizens of this historic community have donated generously of their own money, real property, personal property, and various historic relics for the purpose of historic preservation in the town; and
Whereas, the Murfreesboro Historical Association, Inc., has accepted by donation title to the John Wheeler House; and

Whereas, this nonprofit corporation with the assistance of the Historic Murfreesboro Commission, private foundations, and citizens of the area, has undertaken the restoration of this historic building for the use, education, and enjoyment of the citizens of North Carolina as a historic house museum; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Division of Archives and History of the Department of Cultural Resources for the 1980-81 fiscal year the sum of twenty thousand dollars ($20,000) for the purpose of continuing the restoration of the John Wheeler House, provided an amount of twenty thousand dollars ($20,000) is raised by the Murfreesboro Historical Association, Inc., for that purpose.

Sec. 2. Funds appropriated in this act shall be expended only in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 696

CHAPTER 1257

AN ACT TO APPROPRIATE FUNDS FOR THE PRESERVATION AND RESTORATION OF THE RICHMOND HILL LAW SCHOOL IN YADKIN COUNTY.

Whereas, Richmond Mumford Pearson was one of the great legal minds produced in North Carolina, occupying such positions as Superior Court Judge from 1837 to 1848, Justice of the North Carolina Supreme Court from 1848 to 1858, and as Chief Justice from 1858 to 1878; and

Whereas, Judge Pearson established in 1847-48 a law school at his home above the Yadkin River, called Richmond Hill; and

Whereas, from 1848 to 1876 Justice Pearson conducted at Richmond Hill one of the State’s best known private law schools of the day, educating there three Governors, six Supreme Court Justices, more than a dozen Superior Court Judges, three Congressmen of the United States, and one Confederate Congressman, numerous State Legislators, and various Ambassadors, Cabinet Officers, and other luminaries; and

Whereas, Judge Pearson’s ca 1860 home at Richmond Hill has been placed in the charge of the Historic Richmond Hill Law School Commission, which with local, foundation, State and federal funds has stabilized and restored the exterior of this structure; and

Whereas, federal funds have been used to develop the surrounding 24 acres as an historic nature park maintained by Yadkin County; and

Whereas, the Law School Commission is about to begin the interior restoration of the house and has need of additional funds to supplement those already raised; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the
1980-81 fiscal year the sum of five thousand dollars ($5,000) for the purpose of interior restoration of Judge Pearson's home at Richmond Hill, provided an amount of five thousand dollars ($5,000) is raised by the Historic Richmond Hill Law School Commission.

Sec. 2. Funds appropriated in this act shall be expended only in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 3. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 834  CHAPTER 1258
AN ACT TO PROVIDE FUNDS FOR CIVIL WORKS PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development for fiscal year 1980-81 the sum of five hundred thousand dollars ($500,000) as a reserve for Civil Works Projects.

Sec. 2. Of the funds appropriated by Section 1 of this act, no less than the sum of two hundred thousand dollars ($200,000) shall be used as the State share of cost sharing for projects sponsored by local governments.

Sec. 3. No funds appropriated in this act or any other State funds shall be expended for beach restoration projects or for grants for beach restoration for any beaches where, in the opinion of the Department, reasonably adequate public access to the State owned portion of the ocean beach is not available.

Sec. 4. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 865  CHAPTER 1259
AN ACT TO APPROPRIATE FUNDS FOR MALCOLM BLUE HISTORICAL SOCIETY.

Whereas, the Malcolm Blue Historical Society was formed in the fall of 1972 to preserve the Malcolm Blue Farm on Route 5 in Aberdeen; and

Whereas, Mr. A. P. Johnson, a local building contractor, in 1974 was starting a residential development on this farm when he gave the old farmhouse to the group of interested citizens. He made the stipulation that the necessary repairs be made and that it be put to community use; and

Whereas, the society raised funds and with a bicentennial grant the necessary repairs were made to the house and a master plan was drawn up showing the need of additional property. The site has been opened for several community activities; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for fiscal year 1980-81 a sum of five thousand dollars ($5,000) for and in connection with the Malcolm Blue Historical Society for the further development of the Malcolm Blue Farm, provided a like amount is raised by the Malcolm Blue Historical Society for this purpose.
Sec. 2. Funds appropriated by this act shall be expended only in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 3. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 935  CHAPTER 1260
AN ACT TO AUTHORIZE THE USE OF ADVANCE PLANNING FUNDS FOR IMPROVEMENT OF THE STATE FAIR HORSE SHOW FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. The Department of Agriculture, subject to the prior approval of the Advisory Budget Commission, may use up to fifty thousand dollars ($50,000) from the Advance Planning Reserve Fund in the Department of Administration to plan for the improvement of the State Fair horse show facilities.

Sec. 2. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1076  CHAPTER 1261
AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE TO EMPLOY A MEDICAL LABORATORY TECHNICIAN AT THE EDENTON LABORATORY.

The General Assembly of North Carolina enacts:

Section 1. In addition to any other appropriations there is appropriated from the General Fund to the Department of Agriculture the sum of twelve thousand seven hundred twenty-eight dollars ($12,728) for fiscal year 1980-81, for a medical laboratory technician to handle increased demand for bacteriological procedures at the Edenton Animal Diagnostic Laboratory.

Sec. 2. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1152  CHAPTER 1262
AN ACT TO PROVIDE FOR FISCAL INFORMATION ON ACTIONS AFFECTING LOCAL GOVERNMENT FINANCES.

The General Assembly of North Carolina enacts:

Section 1. Short title. This act may be cited as the “Local Government Fiscal Information Act”.

Sec. 2. Definitions. For the purposes of this act, “unit of local government” means counties, cities, towns, and incorporated villages, sanitary districts, mosquito control districts, hospital districts, metropolitan sewerage districts, metropolitan water districts, county water and sewer districts, special airport districts, water and sewer authorities, county boards of education and city boards of education.

Sec. 3. Purpose. It is the purpose of this act to provide procedures for the preparation and distribution of fiscal information on bills, resolutions,
amendments to bills and resolutions or rules which if enacted or adopted would have a fiscal impact on the units of local government of this State.

Sec. 4. Fiscal note defined. For purposes of this act, "fiscal note" means a realistic statement of the estimated effect on the expenditures or revenues of units of local government of implementing or complying with a proposed bill, resolution or rule.

Sec. 5. Fiscal note on legislation. At the request of the sponsor of any bill or resolution affecting the expenditures or revenues of units of local government of this State, or of the chairman of the committee to which such a measure is referred, or of any of the chairmen of the Local Government Committees, or of any of the chairmen of the Appropriations, Finance, Rules, or Senate Ways and Means Committees, the Fiscal Research Division shall prepare a fiscal note containing an estimate of the impact of the measure on the finances of the units of local government affected during the ensuing two fiscal years. The Office of State Budget and Management, the Department of Revenue, the Department of the State Treasurer, the Department of the State Auditor, the State department most directly concerned, and, where appropriate, officials of units of local government, upon the request of Fiscal Research Division, shall assist the Fiscal Research Division in the preparation of the fiscal note.

Copies of fiscal notes prepared by the Fiscal Research Division shall be furnished to the sponsor of the bill or resolution, the chairmen of the Local Government Committees, and the chairmen of the Appropriations, Finance, Rules, or the Senate Ways and Means Committees as appropriate.

Sec. 6. Fiscal information related to requests for State appropriations. Any State department, institution, agency, or other authority making requests for State appropriations to fund changes in existing programs or for implementing new programs shall, if such changes or new programs would require local expenditures, incorporate as a part of the information submitted in support of the request a statement of the estimated fiscal effect on the units of local government.

Sec. 7. Legislation introduced by request. Any State department, institution, agency, or other authority requesting a member or members of the General Assembly to introduce legislation which if enacted would have a fiscal impact on the units of local government of this State shall furnish to such member or members, and to the Fiscal Research Division, a fiscal note containing a realistic estimate of the effect of the measure for the ensuing two fiscal periods.

Sec. 8. Fiscal impact of administrative actions. (a) Any agency as defined in G.S. 150A-2(1) which is subject to Article 2 of Chapter 150A of the General Statutes (the rule-making provisions of the Administrative Procedure Act) shall not conduct any public hearing under G.S. 150A-12 on any proposed rule, or amendment or repeal of a rule, which can affect the expenditures or revenues of a unit of local government without first filing a fiscal note with the Fiscal Research Division, Office of State Budget and Management, the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, and any unit of local government or other person which has requested on an annual basis that copies of fiscal notes be sent to it. The fiscal note shall be made available as provided above at the same time as the notice of
a public hearing under G.S. 150A-12, provided, that nothing herein shall void
the action of the agency if such fiscal note prepared in good faith is erroneous.
(b) This section shall not affect any emergency rule under G.S. 150A-13.

Sec. 9. This act shall become effective January 1, 1981.
In the General Assembly read three times and ratified, this the 25th day of
June, 1980.

H. B. 1417  CHAPTER 1263
AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION OF THE
WEYMOUTH CENTER IN MOORE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The sum of twenty thousand dollars ($20,000) is
appropriated from the General Fund to the Department of Cultural Resources
for the 1980-81 fiscal year for the Weymouth Center in Moore County,
provided a matching amount of twenty thousand dollars ($20,000) is raised by
the Friends of Weymouth, Inc.

Sec. 2. The grant-in-aid provided by this act is for the enhancement of
the cultural purposes of Weymouth Center and shall be expended in accordance
with the guidelines and approval of the Department of Cultural Resources.

Sec. 3. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of
June, 1980.

H. B. 1536  CHAPTER 1264
AN ACT TO APPROPRIATE FUNDS TO ENABLE THE CHILD DAY-
CARE LICENSING COMMISSION TO ISSUE THE AA LICENSE AND
ADEQUATELY CARRY OUT ITS MANDATE.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the
Department of Administration for fiscal year 1980-81 the sum of two hundred
thousand dollars ($200,000) to fully implement Article 7 of Chapter 110 of the
General Statutes, to provide for issuance of the AA license and biennial
inspection. Such funds shall be used to employ not to exceed 12 additional
inspectors and four supporting or supervisory personnel and related office
furniture, equipment, supplies, travel, and related expenses. The Secretary of
the Department of Administration shall file a report with the 1981 General
Assembly no later than the opening day of that session. The report shall
compare A and AA licenses for day care facilities and the effects of their
differences on quality and on costs for the State and individuals.

Sec. 2. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of
June, 1980.

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The General Assembly of North Carolina enacts:

Section 1. A new section is added to the General Statutes to read:

"§ 105-130.27. Credit against corporate income tax for construction of a fuel ethanol distillery.—(a) Any corporation which constructs in North Carolina a distillery to make ethanol from agricultural or forestry products for use as a motor fuel shall be allowed a credit against the tax imposed by this division equal to twenty percent (20%) of the installation and equipment costs of construction, and an additional ten percent (10%) of those costs if the distillery is powered primarily by use of an alternative fuel source. In order to secure the credit allowed by this section, the taxpayer must own or control the distillery at the time of construction, and payment for the installation and equipment must be made by the taxpayer during the tax year for which the credit is claimed. The amount of the credit allowed for any one income year shall be limited to twenty percent (20%) of the costs paid during the year, or thirty percent (30%) of those costs if the distillery is powered primarily by use of an alternative fuel source. Invoices or receipts shall be furnished to substantiate a claim or a credit under this section if requested by the Secretary of Revenue. The credit allowed by this section shall not exceed the amount of the tax imposed by this division for the taxable year reduced by the sum of all credits allowable under this division, except for payments of tax made by or on behalf of the taxpayer.

(b) For purposes of this section, ‘alternative fuel source’ includes agricultural and forestry products, waste petroleum products, and peat, but does not include other petroleum products, coal, or natural gas.

(c) The amount of credit allowed under this section may be carried over for the next succeeding five years."

Sec. 2. A new section is added to the General Statutes to read:

"§ 105-151.6. Credit against personal income tax for construction of a fuel ethanol distillery.—(a) Any person who constructs in North Carolina a distillery to make ethanol from agricultural or forestry products for use as a motor fuel shall be allowed a credit against the tax imposed by this division equal to twenty percent (20%) of the installation and equipment costs of construction, and an additional ten percent (10%) of those costs if the distillery is powered primarily by use of an alternative fuel source. In order to secure the credit allowed by this section, the taxpayer must own or control the distillery at the time of construction and payment for the installation and equipment must be made by the taxpayer during the tax year for which the credit is claimed. The amount of the credit allowed for any one income year shall be limited to twenty percent (20%) of the costs paid during the year, or thirty percent (30%) of those costs if the distillery is powered primarily by use of an alternative fuel source. Invoices or receipts shall be furnished to substantiate a claim of a credit under this section if requested by the Secretary of Revenue. The credit allowed by this section shall not exceed the amount of the tax imposed by this division for the taxable year reduced by the sum of all credits allowable under this division, except for payments of tax made by or on behalf of the taxpayer."
(b) For purposes of this section, 'alternative fuel source' includes agricultural and forestry products, waste petroleum products, and peat, but does not include other petroleum products, coal, or natural gas.

(c) The amount of credit allowed under this section may be carried over for the next succeeding five years.

Sec. 3. This act is effective with respect to taxable years beginning on and after January 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1572

CHAPTER 1266

AN ACT TO AMEND THE PUBLICATION REQUIREMENTS OF "THE REGISTRATION OF STATE ADMINISTRATIVE RULES ACT" TO PROVIDE FOR THE EXPEDITIOUS PUBLICATION OF THE NORTH CAROLINA ADMINISTRATIVE CODE.

Whereas, the 1973 General Assembly enacted the "Administrative Procedure Act," G.S. Chapter 150A; and

Whereas, one important purpose of the Administrative Procedure Act is to provide public access to rules of State agencies; and

Whereas, the volume of rules adopted by State agencies has far exceeded any expectations, with the North Carolina Administrative Code now consisting of more than eighteen thousand (18,000) pages of rules; and

Whereas, the costs of traditional modes of publication are soaring ever higher; and

Whereas, the North Carolina Court of Appeals, in Orange County v. Department of Transportation, recognized that citizens presently suffer from their lack of access to the Code; and, because of that lack of access, considerations of due process of law will hinder if not prevent agencies from enforcing their rules; and

Whereas, the collection and publication of the North Carolina Administrative Code are essential to citizen understanding of and access to the programs of State agencies; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Subsection (d) of G.S. 150A-63, as it appears in the 1978 Replacement Volume 3C of the General Statutes, is amended by adding after the word "publish" in line 2, and before the phrase "a compilation", a comma and the phrase "in print, microfiche, or other form."

Sec. 2. Subsection (e) of G.S. 150A-63, as it appears in the 1978 Replacement Volume 3C of the General Statutes, is amended to read as follows:

"(e) reference copies of the compilation, supplements, and recompilations shall be distributed by the Attorney General as soon after publication as practicable, without charge, to the following officials and departments in the following quantities:

(1) one copy to each county of the State, which may be maintained for public inspection in the county in a place determined by the County Commissioners; one copy each to the clerk of the Supreme Court of North Carolina and the clerk of the North Carolina Court of Appeals; one copy each to the libraries of the Supreme Court of North Carolina and the North Carolina Court of Appeals; one copy for the Office of the
Governor; and one copy to the Legislative Research Commission for the use of the General Assembly;
(2) five copies to the Division of State Library of the Department of Cultural Resources, pursuant to G.S. 147-50.1.”

Sec. 3. Subsection (f) of G.S. 150A-63, as it appears in the 1978 Replacement Volume 3C of the General Statutes, is amended by adding, after the existing text, a new last sentence, as follows:
“Any money received by the Department of Justice pursuant to this section from the sale of copies of the compilation, and of all supplements, shall be deposited in the State Treasury in a special funds account to be held in trust for the Department of Justice to defray the expense of future recompilation, publication, and distribution of the Code. All moneys involved shall be subject to audit by the State Auditor.”

Sec. 4. There is appropriated from the General Fund of the State to the Department of Justice the sum of seventy thousand two hundred dollars ($70,200) for fiscal year 1980-81 for the preparation, publication, and distribution of the North Carolina Administrative Code and for the distribution of microfiche reading equipment to those counties and agencies listed in G.S. 150A-63(e)(l), as amended by Section 2 of this act. To facilitate the accomplishment of the compilation, indexing, and publication of the Code, this appropriation shall be used, in part, to establish permanent positions of Clerk-Typist IV and Secretary IV within the Administrative Procedures Section of the Attorney General’s Office, and shall be in addition to all funds appropriated to the Department of Justice for any program.

Sec. 5. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1573  CHAPTER 1267
AN ACT TO ESTABLISH THE ADMINISTRATIVE PROCEDURE ACT STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. There is created the Administrative Procedure Act Study Commission to study the operation of the Administrative Procedure Act, the efficiency of the administrative rule making process, the feasibility of establishing a central pool of administrative hearing officers, and the publication, dissemination and review of State administrative rules.

Sec. 2. (a) The commission shall have 15 members consisting of the following:
(1) the Governor shall appoint four members; one of whom shall represent the North Carolina League of Municipalities, and one of whom shall represent the North Carolina Association of County Commissioners;
(2) the President of the Senate shall appoint three members of the Senate;
(3) the Speaker of the House shall appoint three members of the House of Representatives;
(4) the Attorney General shall appoint two members; one of whom shall be the Administrative Law Committee Chairman of the North Carolina Bar Association;
(5) the Chairman of the Administrative Rules Review Committee of the Legislative Research Commission; the Secretary of State, or his designee; and the Attorney General, or his designee, as ex officio members.

(b) Appointments of members shall be filed with those offices listed in G.S. 143-47.7 by August 15, 1980. Should appointments not have been filed by that date, the appointing official shall be deemed to have waived the right to make appointments to the commission.

(c) If a vacancy occurs in the appointive membership of the commission, it shall be filled by action of the officer who made the original appointment to the office, and the person so appointed shall serve for the remainder of the term of the member whom he succeeds.

(d) The commission shall elect from its membership a chairman and any other officers it deems necessary.

(e) The commission shall convene its first meeting upon the call of the Attorney General. Should vacancies exist in the commission membership through the operation of subsection (b) of this section, the commission may elect either to proceed with reduced membership or to make appointments by majority vote of the commission members to fill the vacancies from the constituencies not then represented.

Sec. 3. The commission shall study:

(a) the present exemption of certain agencies from the requirements of the Administrative Procedure Act, with a view toward applying the Act more uniformly to State government operations;

(b) the definitions set forth in the Administrative Procedure Act, particularly the definitions of "agency," "rule," and "interpretative rule," to clarify the meanings of the terms used within the Act;

(c) alternative means by which to reduce the number of and curb the proliferation of State administrative rules;

(d) the most efficient, effective, expeditious, and economical means of providing public notice and obtaining public input during the rule-making process of the Administrative Procedure Act;

(e) means by which to conduct an efficient, effective and enforceable review of State administrative rules to ensure that State agencies promulgate and enforce only those rules within their statutory authority and maintain and enforce only those rules reasonably necessary to implement the agencies' public activities and programs, that State agencies enforce only those rules adopted and filed in accordance with G.S. Chapter 150A or the rule-making provisions governing the promulgating agency, and that State agencies do not abuse the emergency rule-making provisions of the Act;

(f) the most effective, expeditious, and economical means of editing, publishing, distributing, and keeping current the Administrative Rules of the State of North Carolina, including a specific examination of a "State Register" and Administrative Code System such as those in use by other states, including Texas, Maryland, Pennsylvania and Washington, to the end that the public officials and citizens of the State and of its cities and counties may have reasonably convenient access to the current rules, standards, policies and procedures having the effect of law with which they are expected to comply;

(g) the need and feasibility of creating in a single State agency a central pool of administrative hearing officers to conduct administrative hearings for all State agencies; and
(h) other issues relevant to the Administrative Procedure Act presented to the commission by the Legislative Rules Review Committee, the Governor, or the Attorney General.

Sec. 4. The commission shall submit reports on the subject matter of its studies, including summaries of proceedings, findings, recommendations, and appropriate suggested legislation. The initial report shall be filed with the Governor and other members of the Council of State and the members of the General Assembly not later than February 15, 1981. The commission may submit supplementary reports to the First Session of the 1981 General Assembly. The commission shall terminate at the end of fiscal year 1980-81.

Sec. 5. Upon the request of the commission, all State and local governmental officials shall provide the commission with any information in their possession relevant to the subjects to be studied.

Sec. 6. The Attorney General shall provide administrative and clerical assistance to the commission. The commission may engage such professional assistance as it finds necessary to the performance of its duties. Upon the commission's request, the Legislative Services Commission shall provide adequate space for meeting in the State Legislative Building between and during legislative sessions.

Sec. 7. Members of the commission who are members of the General Assembly shall receive subsistence and travel allowances at the rate set forth in G.S. 120-3.1. Any member of the commission who is a State officer or employee shall receive travel allowances at the rate set forth in G.S. 138-6. Members of the commission who are not State officers or employees and who are not members of the General Assembly shall receive per diem compensation and travel expenses at the rate set forth in G.S. 138-5.

Sec. 8. There is appropriated from the General Fund of the State to the commission the sum of ten thousand dollars ($10,000) for the fiscal year 1980-81 to conduct the study authorized by this act.

Sec. 9. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1581  CHAPTER 1268
AN ACT TO APPROPRIATE FUNDS FOR A DISTRICT FOREST MANAGEMENT AIDE FOR DISTRICT 12 (MT. HOLLY).

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development for fiscal year 1980-81 the sum of twenty-three thousand five hundred fifty dollars ($23,550) for the employment of a Forest Management Aide (Forest Technician) in District 12 - Mt. Holly, and for a motor vehicle, supplies, and tools for such position.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 1584  CHAPTER 1269
AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO THE SOCIAL SERVICES STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Section 12 of Chapter 992, Session Laws of 1979, is amended by deleting the words "and for fiscal year 1980-81 the sum of six thousand dollars ($6,000)", and inserting in lieu thereof the words: "and for fiscal year 1980-81 the sum of ten thousand dollars ($10,000)".

Sec. 2. Section 12 of Chapter 992, Session Laws of 1979, is amended by adding the following new language at the end of the section: "Provided, that any funds appropriated for 1979-80 but unused on June 30, 1980, may be used in fiscal year 1980-81, in addition to the appropriation made for that fiscal year."

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1590  CHAPTER 1270
AN ACT TO APPROPRIATE FUNDS TO UPGRADE THE ELIGIBILITY SYSTEM IN THE DIVISIONS OF MEDICAL ASSISTANCE AND SOCIAL SERVICES.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources the sum of fifty thousand dollars ($50,000) for fiscal year 1980-81. These funds shall be used by the department to establish a computerized eligibility system for programs of public assistance in the Divisions of Social Services and Medical Assistance.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1597  CHAPTER 1271
AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE NORTH CAROLINA SHAKESPEARE FESTIVAL, INC.

Whereas, the North Carolina Shakespeare Festival, Inc., is a nonprofit corporation providing live theatre performances to citizens of this State; and

Whereas, the North Carolina Shakespeare Festival, Inc., has, in three years, grown from a small summer theatre into a large regional theatre company producing a range of theatrical materials over a seven month season with performances in High Point, Greensboro, and Charlotte; and

Whereas, the North Carolina Shakespeare Festival, Inc., is the only professional theatre company in this State which provides summer classical theatre, produces both a summer and fall season of quality theatre, and presents a full season in more than one community within the State; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Cultural Resources the sum of fifteen thousand dollars ($15,000)
for fiscal year 1980-81 to help support the North Carolina Shakespeare Festival, Inc.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1623

CHAPTER 1272

AN ACT TO PROVIDE TWO YEARS' SALARY CONTINUATION FOR CERTAIN STATE LAW ENFORCEMENT OFFICERS INJURED IN THE LINE OF DUTY.

The General Assembly of North Carolina enacts:

Section 1. A new Article is added to Chapter 143 of the General Statutes to read as follows:

"Article 12B.

"Salary Continuation Plan for Certain State Law Enforcement Officers.

"§ 143-166.8. (a) The following persons who are subject to the Criminal Justice Training and Standards Act are entitled to benefits under this Article:

(1) State Government Security Officers, Department of Administration;
(2) State Correctional Officers, Department of Corrections;
(3) State Probation and Parole Officers, Department of Corrections;
(4) Sworn State Law Enforcement Officers with the power of arrest, Department of Corrections;
(5) Alcohol Law Enforcement Agents, Department of Crime Control and Public Safety;
(6) State Highway Patrol Officers, Department of Crime Control and Public Safety;
(7) State Legislative Building Special Police, General Assembly;
(8) Sworn State Law Enforcement Officers with the power of arrest, Department of Human Resources;
(9) Youth Correctional Officers, Department of Human Resources;
(10) Insurance Investigators, Department of Insurance;
(11) State Bureau of Investigation Officers and Agents, Department of Justice;
(12) Director and Assistant Director, License and Theft Enforcement Section, Division of Motor Vehicles, Department of Transportation;
(13) Members of License and Theft Enforcement Section, Division of Motor Vehicles, Department of Transportation, designated by the Commissioner of Motor Vehicles as either 'inspectors' and uniformed weigh station personnel;
(14) Utilities Commission Transportation Inspectors and Special Investigators;
(15) North Carolina Ports Authority Police, Department of Commerce;
(16) Sworn State Law Enforcement Officers with the power of arrest, Department of Natural Resources and Community Development.

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(b) The following persons are entitled to benefits under this Article regardless of whether they are subject to the Criminal Justice Training and Standards Act:

(1) Driver License Examiners injured by accident arising out of and in the course of giving a road test, Division of Motor Vehicles, Department of Transportation.

"§ 143-166.9. The salary of any of the above listed persons shall be paid as long as his employment in that position continues, notwithstanding his total or partial incapacity to perform any duties to which he may be lawfully assigned, if that incapacity is the result of an injury by accident or an occupational disease arising out of and in the course of the performance by him of his official duties, except if that incapacity continues for more than two years from its inception, the person shall, during the further continuance of that incapacity, be subject to the provisions of Chapter 97 of the General Statutes pertaining to Worker's Compensation. Salary paid to a person pursuant to this Article shall cease upon the resumption of his regularly assigned duties, retirement, resignation, or death, whichever first occurs, except that temporary return to duty shall not prohibit payment of salary for a subsequent period of incapacity which can be shown to be directly related to the original injury.

"§ 143-166.10. Notwithstanding the provisions of G.S. 143-166.9 of this Article, the persons entitled to benefits shall be subject to the provisions of G.S. 97-27 during the two-year period of payment of full salary. All payments of salary shall be made at the same time and in the same manner as other salaries are paid to other persons in the same department.

"§ 143-166.11. The provisions of G.S. 143-166.9 shall be in lieu of all compensation provided for the first two years of incapacity by G.S. 97-29 and G.S. 97-30, but shall be in addition to any other benefits or compensation to which such person shall be entitled under the provisions of the Worker's Compensation Act. The provisions of G.S. 97-24 will commence at the end of the two-year period for which salary is paid pursuant to G.S. 143-166.9.

"§ 143-166.12. The period for which the salary of any person is paid pursuant to G.S. 143-166.9 while he is incapacitated as a result of an injury by accident or an occupational disease arising out of and in the course of the performance by him of his official duties, shall not be charged against any sick or other leave to which he shall be entitled under any other provision of law.

"§ 143-166.13. Any person designated in G.S. 143-166.8, who, as a result of an injury by accident arising out of and in the course of the performance by him of his official duties, is totally or partially incapacitated to perform any duties to which he may be lawfully assigned, shall report the incapacity as soon as practicable in the manner required by the secretary, or other head of the department to which the agency is assigned by statute, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol.

"§ 143-166.14. Upon the filing of the report, the secretary or other head of the department, or, in the case of the General Assembly, the Legislative Services Officer, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol, shall determine the cause of the incapacity and to what extent the claimant may be assigned to other than his normal duties. The finding of the secretary, other head of the department, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol, shall determine the right of the claimant to benefits under this Article. Notice of the finding shall be filed with the North Carolina Industrial Commission. Unless
the claimant, within 30 days after he receives notice, files with the North Carolina Industrial Commission, upon the form it shall require, a request for a hearing, the finding of the secretary, other department head, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol, shall be final. Upon the filing of a request, the North Carolina Industrial Commission, shall proceed to hear the matter in accordance with its regularly established procedure for hearing claims filed under the Worker’s Compensation Act, and shall report its findings to the secretary, or other head of the department, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol. From the decision of the North Carolina Industrial Commission an appeal shall lie as in other matters heard and determined by such commission. Any person who shall refuse to perform any duties to which he may properly be assigned as the result of the finding of the secretary, other head of the department, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol, or of the North Carolina Industrial Commission shall be entitled to no benefits pursuant to this Article so long as the refusal shall continue.”

Sec. 2. Chapter 20 of the General Statutes is amended by repealing G.S. 20-185(b) through 185(f).

Sec. 3. Chapter 114 of the General Statutes is amended by repealing the second paragraph of G.S. 114-13.

Sec. 4. The funds to implement this program shall come from the budgets of the several covered agencies, with no additional appropriations from the General Assembly.

Sec. 5. This act is effective upon ratification and shall apply to persons injured or contracting an occupational disease on or after January 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1633 CHAPTER 1273
AN ACT AMENDING CHAPTER 224 OF THE PRIVATE LAWS OF 1927 WITH RESPECT TO THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina enacts:

Section 1. The third sentence of Section 22 of Chapter 224 of the Private Laws of 1927 as amended, which begins “If any assessment,” is hereby rewritten to read as follows:

“If any assessment is not paid in cash, the first installment thereof with interest thereon shall become due and payable on January 1 of the year following the year of confirmation and one subsequent installment and interest thereon shall be due and payable on January 1 in each successive year until said assessment is paid in full; provided, however, that if the governing body shall so direct such installments shall become due and payable on the same date when property taxes are due and payable.”

Sec. 2. This act shall apply to the City of Winston-Salem only and shall apply to all special assessments under Chapter 224 of the Private Laws as amended confirmed after ratification of this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 1650  CHAPTER 1274

The General Assembly of North Carolina enacts:

Section 1. Section 9.8(b) of Article IX of the Charter of the City of High Point as it appears in Section 1 of Chapter 501 of the 1979 Session Laws is amended by adding at the end thereof the following:

"The city council, in carrying out any downtown development project, may accept gifts and donations, may appropriate tax or nontax funds, and may seek and use federal or State grants. So long as it is not inconsistent with the terms of the grant, the city is authorized to use any such grants in such manner as the council determines will best promote the public interest, including, by way of example but not limitation, allowing a private developer to have or use the funds for the construction of parts of the project that will become ultimately the property of the city."

Sec. 2. Section 9.8(a) of Article IX of the Charter of the City of High Point as it appears in Section 1 of Chapter 501 of the 1979 Session Laws is amended by inserting immediately before the period at the end of the section the following:

"., and the publicly owned part may be so constructed as to accommodate the construction of private parts above the public parts."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1677  CHAPTER 1275
AN ACT TO REMOVE CERTAIN AREAS FROM WITHIN THE CORPORATE LIMITS OF THE CITY OF RALEIGH AND THE TOWN OF CARY, RESPECTIVELY.

The General Assembly of North Carolina enacts:

Section 1. All the area included in the following property description is hereby removed from the corporate limits of the City of Raleigh, to wit:

Beginning at a point in the existing City Limits of Raleigh in the existing Northwest right of way of S. R. 1315 (Buck Jones Road), said point also being in a line normal to station 25 plus 00 Y revised in the western controlled right of way of proposed I-40 as shown on Sheet R/W-5 as found in Preliminary Plans, ROW Plans, Proposed I-40, State Project Reference No. 8.1475203; thence southwesterly with the existing city limits and the northwest right of way of S.R. 1315, 275 feet more or less to its point of intersection with the southern property line extended of Lot 259, Wake County Tax Map 574; thence with the existing City Limits and the southern property line extended of said Lot 259 S 87° 10’ E. 605 feet more or less to its point of intersection with the western controlled access right of way of I-40 as shown on Sheet R/W-5 of said Preliminary Plans for I-40; thence with said right of way of I-40 northwesterly 415 feet more or less to a concrete marker at a station designated as plus 20/280’ L on Sheet R/W-5 of said Preliminary Plans for I-40; thence with the western controlled access right of way of proposed I-40 southwesterly 190 feet more
or less to a concrete marker at a station designated as 25 plus 00, END FENCE, said point being on the southeastern side of S.R. 1315; thence northwesterly along a line normal to station 25 plus 00 Y revised in the western controlled access right of way of I-40 as found on Sheet R/W-5 of said Preliminary Plans for I-40, 62 feet more or less to the point of beginning. Further reference is made to State Highway Commission Right-of-Way Plans, Vol. I, p. 48-51, Wake County Registry.

Sec. 2. Section 1 of this act shall have no effect upon the validity of any liens of the City of Raleigh for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the City of Raleigh.

Sec. 3. As provided in G.S. 160A-360, the area described in Section 1 of this act shall be a part of the City of Raleigh’s extraterritorial jurisdictional area for purposes of planning and the regulations of development.

Sec. 4. All the area included in the following property description is hereby removed from the corporate limits of the Town of Cary, to wit:

Beginning at a point in the existing town limits of Cary in the existing northwest right of way of S.R. 1315 (Buck Jones Road), said point also being in a line normal to station 25 plus 00 Y revised in the Western controlled right of way of proposed I-40 as shown on Sheet R/W-5 as found in Preliminary Plans, ROW Plans, Proposed I-40, State Project Reference No. 8.1475203; thence northwesterly along a line normal to station 25 plus 00 Y revised in the Western controlled access right of way of I-40 as found on Sheet R/W-5 of said Preliminary Plans for I-40, 88 feet more or less to a concrete marker at a station designated as 25 plus 00, END FENCE, said point being on the northwestern side of S.R. 1315; thence northerly along the Western controlled access right of way of I-40, 4,525 feet more or less to a concrete marker, said marker being at the intersection of a line designated as “Begin I-40 Construction Participation” on Sheet 42 of the Preliminary Plans for the Proposed I-40, from existing I-40 approximately 2.3 miles West of Raleigh City Limits to just West of Buck Jones Road, Project Reference No. 8.1475302 and the Western controlled access right of I-40; thence northerly across this proposed Western Boulevard Extension along said line designated as “Begin I-40 Construction Participation” 320 feet more or less to a concrete marker in the Western controlled access right of way of I-40; thence northeasterly along the Western controlled access right of way of I-40, 160 feet more or less to a concrete marker in said right of way and ramp C, the exit ramp for southbound traffic from I-40 toward the proposed Western Boulevard Extension; thence with the Western controlled access right of way of I-40 and said Ramp C northerly 15 feet more or less to its point of intersection with the corporate limits of the Town of Cary; thence with the Cary Town Limits South 86°15’ East 860 feet more or less to a point located at the southeastern corner of the property of Frank Strother; runs thence North 4°15’ East 143 feet to an iron stake located at the northwestern corner of the land conveyed to Horace C. Powell by deed recorded in Book 1734, Page 171, Wake County Registry; runs thence North 89°35’ East 1335 feet to an iron pipe, located at the northeastern corner of said Powell property; runs thence South 1°45’ East 855.5 feet to an iron stake in the line of the
Ben Tucker Heirs property; runs thence South 2° West 1113.75 feet to an iron stake located in the northern line of the property of Watts and Bunn; runs thence along the northern line of said Watts and Bunn property in an eastern direction 589.9 feet to an iron stake; runs thence South along the property now or formerly owned by William A. Wilson South 4° West 612.46 feet to a stake located at the northeastern corner of the property of Zeb Jeffries; runs thence along said Jeffries property North 85° West 200 feet to a point; South 4° West 200 feet and South 85° East 200 feet to a point located in the northeastern corner of the property of Holden and Lee; thence with the Western line of the property of Riddle-Floyd North 4°45' West 218 feet more or less to the northwestern corner of said property of Riddle-Floyd; thence with the northern property line of the property of Riddle-Floyd South 86° 10' East 1565 feet more or less to its intersection with the Western right of way line of S.R. 1315 (Buck Jones Road); thence along the Western right of way of S.R. 1315 southwesterly 1,700 feet more or less to the point of beginning. Further reference is made to State Highway Commission Right-of-Way Plans, Volume I, pgs. 48-51, Wake County Register.

Sec. 5. Section 4 of this act shall have no effect upon the validity of any liens of the Town of Cary for ad valorem taxes and special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the Town of Cary.

Sec. 6. As provided in G.S. 160A-360, the area described in Section 4 of this act shall be a part of the Town of Cary's extraterritorial jurisdictional area for the purposes of planning and the regulation of development.

Sec. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 8. All laws and portions of laws in conflict with this act are hereby repealed.

Sec. 9. This act shall become effective June 30, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1678

CHAPTER 1276

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE TOWN OF FOREST CITY AND TO MODIFY THE APPLICATION OF G.S. 118-5, G.S. 118-6, AND G.S. 118-7 TO THE TOWN OF FOREST CITY.

The General Assembly of North Carolina enacts:

Section 1. Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the Town of Forest City shall as soon as practical after January 15th and July 15th, but in no event later than March 1st or September 1st, divide the income earned in the preceding calendar six months, upon investment of funds belonging to the
Local Firemen’s Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 2 of this act.

Sec. 2. Supplemental Retirement Benefits. (a) Each fireman of the town who has 20 years’ service or more and who has attained the age of 55 years and retires after the ratification of this act shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a fireman of the town; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars ($600.00).

(b) Any former or present fireman of the town who has five years’ service and who is not otherwise entitled under the supplemental retirement benefits under subsection (a) of this section shall nevertheless be entitled to such benefits in any calendar year in which the board of trustees makes the following written findings of fact:

1. that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

2. that, within 30 days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

3. that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the town a position of employment the normal duties of which he was capable of performing; and

4. that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; provided, that the board of trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in any subsequent calendar year unless there is valid reason to believe that he is able to return to normal duty.

Sec. 3. Intention. It is the intention of Sections 1 and 2 of this act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from the investments of funds belonging to the Local Firemen’s Relief Fund. Any of these funds not disbursed shall revert to the Local Firemen’s Relief Fund.

Sec. 4. Investment of Idle Funds. The board of trustees is hereby authorized and directed to invest all funds of the Local Firemen’s Relief Fund in one or more of the investments named in G.S. 159-30.

Sec. 5. Bond of Treasurer. The board of trustees shall bond the treasurer of the Local Firemen’s Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the board of trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The board of trustees shall pay from the Local Firemen’s Relief Fund the premiums on the bond of the treasurer.

Sec. 6. If any provision of this act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof.
which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1681  CHAPTER 1277

AN ACT TO AUTHORIZE THE COUNTY OF GUILFORD TO CONVEY CERTAIN REAL ESTATE IN THE CITY OF HIGH POINT BY PUBLIC OR PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. The County of Guilford is authorized to convey by sale or lease for adequate consideration the real estate in the City of High Point described in Section 2 to any purchaser or lessee. Provided, however, that any offer to purchase such property shall thereafter be subject to bid procedures as provided in G. S. 160A, Article 12; and provided further, that said Board of Commissioners may, in its discretion, reserve to itself a leasehold interest in said property for such a reasonable and appropriate period of time as said Board of Commissioners shall deem necessary or desirable for the purpose of providing the County adequate space for governmental offices and courthouse in the City of High Point.

Sec. 2. Said real estate is described as follows:

Tract 1

BEGINNING at a point in the western margin of South Hamilton Street, said point being located South 06 deg. 41 min. East, 201.05 feet from the southwest corner of East Commerce and South Hamilton Streets and running thence with the western margin of South Hamilton Street South 06 deg. 41 min. East, 205.00 feet to a point; thence South 83 deg. 38 min. West, about 290.18 feet to a point; thence North 06 deg. 41 min. West, 227.50 feet to a point; thence South 74 deg. 21 min. East, 64.71 feet to a point; thence North 83 deg. 39 min. East, 230.00 feet to the point and place of Beginning.

For a more perfect and accurate description, see plat prepared by Department of Public Works, City of High Point, entitled City of High Point and Guilford County, dated February 6, 1958.

Tax Map No. 5-2-1
Tract 2

BEGINNING at an iron post in the north property line of East Green Street and the west property line of South Hamilton Street, and running thence along the north property line of East Green Street South 84 deg. 11 min. West 255 feet to a stake; thence North 6 deg. 08 min. West 186.54 feet to a point in the north line of a brick wall; thence along the north line of said brick wall North 83 deg. 38 min. East 253.18 feet to a point in the west property line of South Hamilton Street; thence along the west property line of South Hamilton Street South 6 deg. 41 min. East 189 feet to an iron post, the point of beginning, according to a survey made by Wm. F. Freeman, Inc., Engineers, dated February 8, 1956, and designated as job B-1670.

Tax Map No. 5-2-2

Sec. 3. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1687

CHAPTER 1278
AN ACT TO RESTORE DISTRIBUTION OF APPELLATE DIVISION REPORTS TO CLERKS OF SUPERIOR COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-343.1 is amended by adding the following line beneath the line, "Judges of the Superior Court 1 ea.": "Clerks of the Superior Court 1 ea."

Sec. 2. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of one thousand dollars ($1,000) for the fiscal year 1980-81, to provide appellate division reports to the clerks of superior court.

Sec. 3. This act shall become effective on July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1690

CHAPTER 1279
AN ACT TO AMEND G.S. 20-309 AND G.S. 20-311 RELATING TO MOTOR VEHICLE REGISTRATION PLATE REVOCATION DUE TO TERMINATION OF LIABILITY INSURANCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-309 is hereby rewritten to read as follows:
"§ 20-309. Financial responsibility requisite to registration; must be maintained throughout registration period.-(a) No self-propelled motor vehicle shall be registered in this State unless the owner at the time of registration has financial responsibility for the operation of such motor vehicle, as provided in this Article. The owner of each motor vehicle registered in this State shall maintain financial responsibility continuously throughout the period of registration.

(b) Financial responsibility shall be a liability insurance policy or a financial security bond or a financial security deposit or by qualification as a self-insurer, as these terms are defined and described in Article 9A, Chapter 20 of the General Statutes of North Carolina, as amended.

(c) When it is certified that financial responsibility is a liability insurance policy, the Commissioner of Motor Vehicles may require that the owner produce records to prove the fact of such insurance, and failure to produce such records shall be prima facie evidence that no financial responsibility exists with regard to the vehicle concerned. It shall be the duty of insurance companies, upon request of the Division, to verify the accuracy of any owner's certification.

(d) When liability insurance with regard to any motor vehicle is terminated by cancellation or failure to renew, or the owner's financial responsibility for the operation of any motor vehicle is otherwise terminated, the owner shall forthwith surrender the registration certificate and plates of the vehicle to the Division of Motor Vehicles unless financial responsibility is maintained in some other manner in compliance with this Article.
(e) Upon termination by cancellation or otherwise of an insurance policy provided in subsection (d), the insurer shall notify the North Carolina Division of Motor Vehicles of such termination as directed by the Commissioner of the Division of Motor Vehicles in accordance with subsection (f) of this section. The Division of Motor Vehicles, upon receiving notice of cancellation or termination of an owner's financial responsibility as required by this Article, shall notify such owner of such cancellation or termination, and such owner shall, to retain the registration plate for the vehicle registered or required to be registered, within 15 days from date of notice given by the Division either:

(1) certify to the Division that he has financial responsibility effective on or prior to the date of such termination, or

(2) certify to the Division that he has financial responsibility effective on the date of certification and pay a fifteen dollar ($15.00) administrative fee for the cost of action taken.

Failure of the owner to certify that he has financial responsibility as herein required shall be prima facie evidence that no financial responsibility exists with regard to the vehicle concerned and, unless the owner's registration plate has been surrendered to the Division of Motor Vehicles by surrender to an agent or representative of the Division of Motor Vehicles designated by the Division of Motor Vehicles, or depositing the same in the United States mail, addressed to the Division of Motor Vehicles, Raleigh, North Carolina, the Division shall revoke the owner's registration plate for 60 days.

In no case shall any vehicle, the registration of which has been revoked for failure to have financial responsibility, be registered in the name of the registered owner, spouse, or any child of the spouse, or any child of such owner within less than 60 days after the date of receipt of the registration plate by the Division of Motor Vehicles, except that a spouse living separate and apart from the registered owner may register such vehicle immediately in such spouse's name. Provided, the revocation of the registration plate shall be rescinded by the Division of Motor Vehicles upon receipt of certification of current financial responsibility as required by this Article and payment of sixty dollars ($60.00) restoration fee. Any person, firm or corporation failing to give notice of termination shall be subject to a civil penalty of two hundred dollars ($200.00) to be assessed by the Commissioner of Insurance upon a finding by the Commissioner of Insurance that good cause is not shown for such failure to give notice of termination to the Division of Motor Vehicles.

(f) The Commissioner shall administer and enforce the provisions of this Article and may make rules and regulations necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the Commissioner under the provisions of this Article.”

Sec. 2. G.S. 20-311 is hereby amended by adding the following proviso to the end thereof:

“Provided the revocation of the registration plate shall be rescinded by the Division of Motor Vehicles upon receipt of certification of current financial responsibility as required by this Article and payment of a sixty dollar ($60.00) restoration fee.”

Sec. 3. This act shall become effective January 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 1691  CHAPTER 1280

AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHAPTER 20 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE STAGGERED REGISTRATION OF VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-65 is hereby repealed.

Sec. 2. G.S. 20-66 is hereby amended by striking in subsection (b1) thereof the words “farm trucks” appearing in line 7 thereof.

Sec. 3. G.S. 20-66 is hereby amended by inserting in subsection (d) thereof immediately after the word “the” and immediately before the word “year” appearing in line 3 the word “registration” and by adding four new subsections to be designated “(e)”, “(f)”, “(g)” and “(h)” to read as follows:

“(e) A vehicle license fee shall be computed by dividing the annual license fee by 12 and multiplying the quotient by the number of months remaining prior to the end of the month of expiration of the registration. Amounts so computed shall be rounded to the nearest multiple of twenty-five cents (25¢).

(f) No vehicle owner shall be required to pay the tax required by G.S. 20-88.1 at a rate greater than the annual rate prescribed in G.S. 20-88.1, because of Division of Motor Vehicles’ procedures for implementing this subsection. Compliance with this restriction may be accomplished by computing the tax for a portion of a year by dividing the annual amount by 12 and multiplying the quotient by the number of months remaining prior to the end of the month of expiration of the registration. Amounts so computed shall be rounded to the nearest multiple of twenty-five cents (25¢).

(g) Registration of all vehicles required to be registered under the staggered system shall expire at midnight on the last day of the month designated on the validation sticker, tab or other device issued by the Division of Motor Vehicles to validate that registration: Provided, however, that it shall not be unlawful to continue to operate any vehicle upon the highways of this State after the expiration of the registration of said vehicle, registration card and registration plate during the 15-day period, inclusive of the 15th day immediately following the last day of the month designated on the validation sticker, tab or other device issued by the Division of Motor Vehicles to validate that registration if the registration plate validation sticker, tab or other device is registered to the vehicle prior to the first day of expiration month.

(h) Registration of all vehicles not required to be registered under the staggered system shall expire at midnight on the 31st day of December of each year: Provided, however, that it shall not be unlawful to continue to operate any vehicle upon the highways of this State after the expiration of the registration of said vehicle, registration card and registration plate during the period between the 31st day of December and the 15th day of February, inclusive, if the license plate is registered to the vehicle on which it is being used prior to the 31st day of December. Provided further that the fee required under G.S. 20-88.1 shall be paid and collected in its entirety at any time such vehicles are registered and is not to be prorated.”

Sec. 4. The effective dates of this act shall be as follows: Section 1 shall become effective July 1, 1980. Section 2 shall become effective January 1, 1981. Subsection (e) of Section 3 shall become effective July 1, 1980. Subsections (f), (g) and (h) of Section 3 shall become effective January 1, 1981.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1705  CHAPTER 1281
AN ACT TO APPROPRIATE FUNDS FOR THE INSTALLATION OF CLIMATE CONTROL, SECURITY, AND RELATED SYSTEMS AT KERR MILL IN ROWAN COUNTY.

Whereas, Kerr Mill near Mill Bridge in Rowan County is of considerable historical and architectural importance to North Carolina as the only known Federal period brick grist mill in the State and as a well-preserved example of milling: an integral aspect of early rural economic and social life; and
Whereas, Kerr Mill is the property of the Rowan County Historic Properties Commission, which has developed plans for its restoration; and
Whereas, the Rowan County Historic Properties Commission will establish a milling museum in Kerr Mill when restoration is complete, which museum will serve as an educational and cultural resource for the citizens of Rowan County and the State of North Carolina as a whole; and
Whereas, no other museum in North Carolina has concentrated on the rural grist mill and its prominent place in rural society, a purpose which Kerr Mill will admirably fulfill; and
Whereas, the amount of twenty-five thousand dollars ($25,000) was appropriated by the 1975 North Carolina General Assembly to be used in the exterior restoration of Kerr Mill; and
Whereas, the installation of climate control, security, and related systems will prepare Kerr Mill to receive the valuable exhibits and artifacts which will become an essential part of its appearance and importance as a museum; and
Whereas, the installation of said systems is crucial to the protection and preservation of the said exhibits and artifacts; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, to be expended for the installation of climate control, security, and related systems in Kerr Mill, the sum of twenty-one thousand five hundred dollars ($21,500) for fiscal year 1980-81, on condition that a like amount of money is raised for this purpose by the Rowan County Historic Properties Commission.

Sec. 2. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, the sum of three thousand five hundred dollars ($3,500) for fiscal year 1980-81 contingent upon the matching of this sum with an equal amount by the friends of the church for the purpose of undertaking stabilization and protective measures, including measures necessary to allow adequate fire protection, to preserve the original qualities of the St. Andrews Episcopal church building and setting in Woodleaf.

Sec. 3. These funds shall be expended under regulations prescribed by the North Carolina Historical Commission.

Sec. 4. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
CHAPTER 1282 Session Laws—1979

H. B. 1716 CHAPTER 1282

AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS TO IMPOSE CERTAIN FEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-280 is hereby amended by adding the following new subsections:

"(d) Any person licensed as a nursing home administrator may receive a duplicate license by payment of a fee set by the Board not to exceed twenty-five dollars ($25.00).

(e) Any person licensed as a nursing home administrator who is not acting, serving, or holding himself out to be a nursing home administrator may have his name placed on an inactive list for such period of time not to exceed five years upon payment of a fee set by the Board not to exceed the amount of twenty-five dollars ($25.00)."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1719 CHAPTER 1283

AN ACT TO CREATE THE JUVENILE LAW STUDY COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. A new Article is added to 7A of the General Statutes to read as follows:

"ARTICLE 58.

"Juvenile Law Study Commission.

"§ 7A-740. Creation; members; terms; qualifications; vacancies.—The Juvenile Law Study Commission is hereby created. It shall consist of 15 voting members, 11 to be appointed by the Governor, two by the President of the Senate, and two by the Speaker of the House of Representatives. Of the members appointed by the Governor, two shall be district court judges, one from an urban district, one from a rural. Three shall be a Chief Court Counsellor and two Court Counsellors representing the Intake Division, one from an urban district, one from a rural. Two shall be from Social Services, one from the State level and one from the county. One shall be from the Division of Youth Services. One shall be from a local facility of Community Based Alternatives. One shall be from Law Enforcement. One shall be from the North Carolina Juvenile Detention Association. The district court judges and the Social Services members shall serve for three years. The Chief Court Counsellor and the Court Counsellors shall serve for two years. The representatives from the Division of Youth Services, Law Enforcement, Community Based Alternatives, and the Juvenile Detention Association shall serve for one year. Two of the legislative members shall serve for four-year terms; two shall serve for two years. All initial terms shall begin July 1, 1980. A vacancy in membership shall be filled by the appointing authority who made the initial appointment. When the members’ terms expire, their successors shall serve for the same length of time their predecessors served. A member whose term expires may be reappointed."
“§ 7A-741. Duties.—It shall be the duty of the Commission to make continuing studies of the law, both statutory and judicial, as it pertains to juveniles, of agency services available to juveniles and their families, and of any other matters the Commission identifies as being of importance to State consideration of juveniles. The Commission shall report to the Governor and the General Assembly on or before the first day of each full session. The report shall be in writing and shall set forth the Commission’s findings, conclusions, and recommendations including any proposed legislation.

“§ 7A-742. Chairman; meetings; compensation of members.—The Governor shall appoint a chairman. The term of the chairman is two years and he may be reappointed. The Commission shall meet at such times and places as the chairman shall designate. The facilities of the State Legislative Building shall be available to the Commission, subject to approval of the Legislative Services Commission. Legislative members of the Commission shall be reimbursed for subsistence and travel expenses at the rates set out in G.S. 120-3.1. Members of the Commission who are not officers or employees of the State shall receive compensation and reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5. Members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence expenses at the rate set out in G.S. 138-6.

“§ 7A-744. Supporting services.—The Commission may solicit, employ, or contract for technical assistance and clerical assistance, and may purchase or contract for the materials and services it needs. Subject to the approval of the Legislative Services Commission, the staff resources of the Legislative Services Commission shall be available to this Commission without cost except for travel, subsistence, supplies, and materials.”

Sec. 2. There is appropriated from the General Fund to the Juvenile Law Study Commission the sum of ten thousand one hundred ten dollars ($10,110) for the fiscal year 1980-81 to carry out the purpose of this Article.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1722  CHAPTER 1284

AN ACT TO PROVIDE FOR ADDITIONAL PUBLIC DEFENDERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-465 is amended by inserting between the present third and fourth paragraphs a new paragraph to read as follows:

“Effective January 1, 1981, the office of public defender is established in the third judicial district.”

Sec. 2. G.S. 7A-466 is amended by rewriting the first sentence of the section to read:

“The public defender in the third, twelfth, eighteenth, twenty-sixth and twenty-seventh A judicial districts shall be appointed by the Governor from a list of not less than two and not more than three names nominated by written ballot of the attorneys resident in the district who are licensed to practice law in North Carolina.”

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Sec. 3. Monies to fund the office established by Section 1 of this act will be taken from appropriations already made for counsel for the indigent appointed pursuant to G.S. 7A-450 et seq.

Sec. 4. This act shall become effective January 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1724 CHAPTER 1285
AN ACT TO MAKE TECHNICAL CORRECTIONS AND CLARIFYING AMENDMENTS TO CHAPTER 830 OF THE 1979 SESSION LAWS RELATING TO CONSOLIDATION OF THE WILDLIFE RESOURCES CONSERVATION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-129(1d), as added by Chapter 830 of the 1979 Session Laws, is amended to add the phrase “and which is” after the word “waters” and before the word “owned”.

Sec. 2. G.S. 113-133.1(e), as added by Chapter 830 of the 1979 Session Laws, is amended to correct references to local acts retained for particular counties as follows:

Alleghany: Delete “Session Laws 1979, Chapter 578” and add “Session Laws 1979, Chapter 556”.

Halifax: Delete in the first citation “Public-Local Laws 1929” and insert “Public-Local Laws 1925”.

Johnston: Add between Jackson and Jones, “Johnston: Session Laws 1975, Chapter 342”.

New Hanover: Delete “Public-Local Laws 1917, Chapter 673;”.

Rowan: Delete “Session Laws 1979, Chapter 578” and add “Session Laws 1979, Chapter 556”.

Stokes: Delete “Session Laws 1979, Chapter 578” and add “Session Laws 1979, Chapter 556”.

Sec. 3. G.S. 113-272.5(a), as added by Chapter 830 of the 1979 Session Laws, is amended to rewrite the first sentence to read:

“In the interests of humane treatment of wild animals and wild birds that are crippled, tame, or otherwise unfit for immediate release into their natural habitat, the Wildlife Resources Commission may license qualified individuals to hold at a specified location one or more of any particular species of wild animal or wild bird alive in captivity.”

Sec. 4. G.S. 113-291.1(a), as added by Chapter 830 of the 1979 Session Laws, is amended to rewrite the second sentence to read:

“Fur-bearing animals may be taken at any time during open trapping season with traps authorized under G.S. 113-291.6, and rabbits may be box-trapped in accordance with regulations of the Wildlife Resources Commission.”

Sec. 5. G.S. 113-291.1(c), as added by Chapter 830 of the 1979 Session Laws, is amended to add a sentence at the end to read:

“The Wildlife Resources Commission may prohibit individuals training dogs or taking particular species from carrying axes, saws, tree-climbing equipment, and other implements that may facilitate the unlawful taking of wildlife, except tree-climbing equipment may be carried and used by persons lawfully taking raccoons and opossums during open season.”
Sec. 6. G.S. 113-291.1(g), as added by Chapter 830 of the 1979 Session Laws, is amended to add a sentence at the end to read:

“The Wildlife Resources Commission may, however, restrict or prohibit the carrying of firearms during special seasons or in special areas reserved for the taking of wildlife with primitive weapons or other restricted methods.”

Sec. 7. G.S. 113-291.2(a), as added by Chapter 830 of the 1979 Session Laws, is amended to add a sentence at the end to read:

“Unless modified by regulations of the Wildlife Resources Commission, the seasons, shooting hours, bag limits, and possession limits fixed by the United States Department of Interior or any successor agency for migratory game birds in North Carolina must be followed, and a violation of the applicable federal regulations is hereby made unlawful.”

Sec. 8. G.S. 113-291.3(b)(7), as added by Chapter 830 of the 1979 Session Laws, is amended to delete the reference to “G.S. 113-274(1a)” and insert “G.S. 113-274(c)(1a)”.

Sec. 9. G.S. 113-300.1, as added by Chapter 830 of the 1979 Session Laws, is amended to delete in the second sentence the phrase “the taking of the wildlife by poison” and inserting “the taking of wildlife by poison”.

Sec. 10. G.S. 113-301.1, as added by Chapter 830 of the 1979 Session Laws, is amended to add a new subsection as follows:

“(e) Pending full implementation by the Attorney General of the publication requirements of Article 5 of Chapter 150A of the General Statutes, the Wildlife Resources Commission may in its discretion continue to file with the clerks of superior court in all counties affected the text of any new regulation or amending or rewritten regulation.”

Sec. 11. Section 14 of Chapter 830 of the 1979 Session Laws, as codified in G.S. 113-133.1(g), is amended as follows:

(a) The second sentence is rewritten to read: “The following local conservation act that specifies that it must be specifically repealed is so repealed: Chapter 441 of the Session Laws of 1977.”

(b) The third sentence is amended to insert a new clause following the citation to Section 11, Chapter 258, Session Laws of 1969: “Section 4, Chapter 434, Session Laws of 1977;”.

Sec. 12. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1726

CHAPTER 1286

AN ACT TO APPROPRIATE FUNDS FOR THE OVERMOUNTAIN VICTORY TRAIL ASSOCIATION’S PARTICIPATION IN THE 200TH ANNIVERSARY COMMEMORATION OF THE BATTLE OF KINGS MOUNTAIN.

Whereas, since 1975 the Overmountain Victory Trail Association with assistance from the Appalachian Consortium has coordinated a series of grassroots' celebrations in honor of the southern Appalachian frontiersmen who defeated British forces at the Battle of Kings Mountain; and

Whereas, a two-week long Overmountain Victory March will be held prior to the October 7, 1980, celebration of the Battle of Kings Mountain; North Carolinians will be joined by representatives from Georgia, South Carolina,
Virginia, and Tennessee for special events and programs along the Overmountain Victory Trail; and

Whereas, the commemorative activities organized by the Overmountain Victory Trail Association, Inc., are an important and symbolic reflection of our regional heritage; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Division of Archives and History of the Department of Cultural Resources for fiscal year 1980-81 the sum of two thousand five hundred dollars ($2,500) to be used by the Overmountain Victory Trail Association, Inc., for the planning and staging of appropriate activities and events and for the preparation of historical materials for the commemoration of historic events associated with the Overmountain Victory March.

Sec. 2. Prior to the release of funds by the Division of Archives and History that are appropriated in Section 1 of this act, the Overmountain Victory Trail Association must submit a plan for the use of said funds for review and approval by the North Carolina Historical Commission.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1727

CHAPTER 1287

AN ACT TO APPROPRIATE DEVELOPMENT FUNDS FOR STEVEN'S CENTER FOR THE PERFORMING ARTS.

Whereas, the Steven's Center for the Performing Arts will serve as a home-stage for touring North Carolina opera, theater and dance companies; and

Whereas, the Center will be the cornerstone of the downtown Winston-Salem "super block"; and

Whereas, the Center will attract artists and audiences from all over the country to Winston-Salem, thereby making it a national center for the performing arts and greatly increasing North Carolina's tourist industry; and

Whereas, matching funds are available to supplement the development funds of the Center; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Cultural Resources the sum of fifteen thousand dollars ($15,000) for fiscal year 1980-81, which will be available to the Steven's Center for the Performing Arts for the purpose of the development of said Center, provided a like amount is raised by the Steven's Center for the Performing Arts from sources other than State funds.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 1731  CHAPTER 1288
AN ACT TO INCREASE THE PHARMACISTS' DISPENSING FEE IN THE MEDICAID PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund to the Department of Human Resources, Division of Medical Assistance, the sum of one hundred twenty-seven thousand five hundred forty dollars ($127,540) in fiscal year 1980-81 for the purpose of increasing the dispensing fee, excluding refills, paid to pharmacists in the Medicaid program from $2.68 to $2.80.

Sec. 2. Section 23 of Chapter 838 of the 1979 Session Laws is amended in the chart headed:

"Services Payment Basis"
in the item "Drugs", by deleting the amount, "$2.68", and substituting "$2.80".

Sec. 3. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

H. B. 1733  CHAPTER 1289
AN ACT TO REIMBURSE BROOKS PHILLIPS FOR DAMAGES INCURRED AS A RESULT OF ACTIVITIES BY LAW ENFORCEMENT OFFICERS.

Whereas, on February 6, 1972, at approximately 1:30 a.m., the State Highway Patrol received a message that a Trailways bus had been hijacked and that the hijacker had robbed all the passengers, after which all passengers were forced from the bus, except one lady who was being held as a hostage; and

Whereas, after every effort to stop the hijacked bus failed, the bus had been driven by the hijacker through the Town of Rockwell at 60 miles per hour, all traffic lights being red, and had attempted to hit numerous motorists whom he had met on the highway, and due to the seriousness of the situation, it was determined that the hijacked bus must be stopped and a roadblock was ordered; and

Whereas, a tractor-trailer tanker, the property of A. C. Widenhouse Transport, along with the State Highway Patrol vehicle was used to set up the necessary roadblock as the highway was four lanes and heavy equipment was needed to stop the hijacked bus; and

Whereas, the hijacker operating the hijacked bus increased the speed of the bus to 70 to 75 miles per hour and attempted to run the roadblock, totalling the State Highway Patrol vehicle and damaging the trailer of the tractor-trailer tanker belonging to A.C. Widenhouse Transport in the amount of four hundred fifty-five dollars ($455.00); and

Whereas, House Bill 23 has been introduced and passed by the 1973 Session of the North Carolina General Assembly as Chapter 633 of the 1973 Session Laws awarding A. C. Widenhouse Transport the sum of four hundred fifty-five dollars ($455.00) for damages suffered to its vehicle; and

Whereas, the hijacker, operating the hijacked bus at high speeds, struck the roadblock consisting of A.C. Widenhouse Transport vehicle and State Highway Patrol vehicle, careening off this roadblock and striking a third vehicle which had been stopped by a law enforcement officer and belonging to a
CHAPTER 1289  Session Laws—1979

Mr. Brooks Phillips, totalling said automobile and permanently injuring Mr. Brooks Phillips; and

Whereas, hospital bills for Mr. Phillips have now gone beyond nine thousand dollars ($9,000), and said Mr. Phillips being maimed for life; and

Whereas, Mr. Phillips’ claim does not fall within the purview of the Torts Claim Act, nor does Mr. Phillips have a remedy at law. Therefore, Mr. Phillips seeks actual expenses in loss of automobile and actual expenses in hospital and doctor bills; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated out of the General Fund of the State to the Department of Transportation, Motor Vehicles Division, the sum of nine thousand two hundred forty-nine dollars and thirteen cents ($9,249.13) for the 1980-81 fiscal year, to be paid to Mr. Brooks Phillips to reimburse him for the damages to his automobile and to pay doctor bills and hospital bills; provided, however, that in the event damages or any portion thereof shall be recovered from a third party or parties, it shall be repaid to the General Fund of the State of North Carolina.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1739  CHAPTER 1290

AN ACT TO APPROPRIATE FUNDS TO THE UNC SCHOOL OF MEDICINE TO CONTINUE SUPPORT FOR THE TEACCH PROGRAM FOR AUTISTIC PERSONS, AND TO AMEND THE AUTHORIZING LEGISLATION FOR THE PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 1007, Session Laws of 1971, is repealed.

Sec. 2. Section 3 of Chapter 1007, Session Laws of 1971, is amended by deleting the word “children” each of the three places it appears and inserting in lieu thereof in each place the words “children and adults”.

Sec. 3. The first sentence of Section 3 of Chapter 1007, Session Laws of 1971, is amended by adding the following new language immediately before the period: “, including consultation to the existing four group homes”.

Sec. 4. There is appropriated from the General Fund to The University of North Carolina School of Medicine for fiscal year 1980-81 the sum of sixty thousand dollars ($60,000) for program support of the Institute for the Treatment and Education for Autistic and Related Communications Handicapped Children.

Sec. 5. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 1741  
CHAPTER 1291
AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT AND IMPROVEMENT OF THE SNOW CAMP DRAMA SOCIETY’S HISTORIC AND CULTURAL ACTIVITIES, PROGRAMS AND FACILITIES.

Whereas, the Snow Camp Drama Society was founded as an educational, historical and cultural nonprofit corporation on January 20, 1971; and
Whereas, the Snow Camp Drama Society has been in continuous operation and encouraged by widespread community support since 1971; and
Whereas, the Snow Camp Drama Society has produced the outdoor drama, “The Sword of Peace”, in Alamance County every year since 1974; and
Whereas, the outdoor drama, “The Sword of Peace”, has been seen by an estimated 45,000 people since productions began in 1974; and
Whereas, the outdoor drama, “The Sword of Peace”, has made major historical and cultural contributions to the State and nation; and
Whereas, the Quaker Museum located on the grounds of the outdoor drama depicts the life, times, teachings and contributions of the Quaker people in North Carolina and the nation; and
Whereas, the economic and cultural benefits of all the activities of the Snow Camp Drama Society have been significant; and
Whereas, the Drama Society’s facility housing “The Sword of Peace” will be more economically viable by being more accessible and comfortable; and
Whereas, “The Sword of Peace” deserves and needs increased financial support; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund the sum of fifteen thousand dollars ($15,000) for the fiscal year 1980-81 to the Department of Cultural Resources for the purpose of further developing and improving the amphitheatre facility of “The Sword of Peace” produced by the Snow Camp Drama Society.

Sec. 2. Funds appropriated in this act shall be expended in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1742  
CHAPTER 1292
AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR SMALL WATERSHED PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development for fiscal year 1980-81 the sum of two hundred ten thousand dollars ($210,000) for the purpose of establishing a Reserve for Small Watershed Projects.

Sec. 2. Funds appropriated under this act are in addition to the reserve for fiscal year 1980-81 established by Chapter 1043, Session Laws of 1979.

Sec. 3. Notwithstanding the provisions of G.S. 139-54, no funds appropriated by this act shall be used for State participation in the costs of land rights acquisition for small watershed projects, except that the sum of one
hundred fifty thousand dollars ($150,000) shall be used for land rights acquisition at Stewarts Lovill Creek Watershed because of recent flooding in that area.

Sec. 4. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1750    CHAPTER 1293

AN ACT TO APPROPRIATE MONEY FOR THE CLEVELAND COUNTY HISTORICAL MUSEUM AND THE HAYWOOD COUNTY ROUGH CREEK CLOGGERS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Cultural Resources in addition to all other funds appropriated the sum of two thousand five hundred dollars ($2,500) for fiscal year 1980-81 as a grant-in-aid for the Cleveland County Historical Museum for storage and exhibition purposes. The Museum must match, on a dollar-for-dollar basis, the funds made available under this act. The Museum may apply to the Department, from time to time, for the funds appropriated under this act, as it acquires the matching funds. Any appropriated money not used or not matched shall revert to the General Fund.

Sec. 2. There is further appropriated from the General Fund to the Department of Cultural Resources the sum of three thousand dollars ($3,000) for fiscal year 1980-81 for the Rough Creek Cloggers, Haywood County, to represent North Carolina at the Amicale Folklorique Internationale in France in 1980.

Sec. 3. Funds appropriated in Section 1 of this act shall be expended in accordance with G.S. 121-11.

Sec. 4. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1751    CHAPTER 1294

AN ACT TO PROVIDE FUNDS FOR CHATHAM TRADES.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Division of Vocational Rehabilitation of the Department of Human Resources for the 1980-81 fiscal year the sum of one hundred thirty thousand dollars ($130,000) for "Chatham Trades". These funds shall be used to establish a sheltered workshop.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 1754 CHAPTER 1295
AN ACT TO EXTEND THE TIME PERIOD FOR DEVELOPMENT AND OPERATION OF THE STATEWIDE EARLY CHILDHOOD DEVELOPMENT PROGRAM MANDATED BY G.S. 115-1.1.

The General Assembly of North Carolina enacts:
Section 1. G.S. 115-1.1(b)(1) is amended in the fourth sentence by deleting the date “June 30, 1980” and substituting “June 30, 1983”.
Sec. 2. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1755 CHAPTER 1296
AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF ARCHIVES AND HISTORY OF THE DEPARTMENT OF CULTURAL RESOURCES FOR A PUBLICATION COMMEMORATING THE HISTORY OF VANCE COUNTY.

Whereas, the County of Vance was formed by act of the General Assembly adopted May 5, 1881, and whereas the year 1981 shall mark the centennial of the formation of Vance County; and
Whereas, the said Vance County was so named to honor the service and achievements of Zebulon B. Vance, Governor and United States Senator; and
Whereas, the area comprising the said Vance County is an area of primary historical significance in North Carolina including Williamsborough, a center of Royal and Colonial political and social life and birthplace of the Regulator movement; Kittrell Springs, site of a major confederate hospital and cemetery; and Henderson, an early center for tobacco and cotton industrial development; and
Whereas, it is fitting that the centennial year of the formation of the said Vance County be made the occasion for commemorative publications and public ceremonies renewing among the citizenry knowledge and respect for regional history; Now, therefore,

The General Assembly of North Carolina enacts:
Section 1. There is appropriated the sum of two thousand five hundred dollars ($2,500) for the 1980-81 fiscal year from the General Fund to the Division of Archives and History of the Department of Cultural Resources for use in the publication of a centennial historical publication commemorating the history of the area comprising Vance County.
Sec. 2. These funds shall be in addition to all other sums appropriated.
Sec. 3. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.
CHAPTER 1297
AN ACT TO AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO PURCHASE HEALTH SERVICES ON A PREPAID BASIS FOR MEDICAID RECIPIENTS.

The General Assembly of North Carolina enacts:

Section 1. Section 23 of Chapter 838 of the 1979 Session Laws is amended by adding at the end the following:

"The Department of Human Resources, Division of Medical Assistance, is authorized, subject to approval of a change in the State Medicaid Plan by the Director of the Budget and the Advisory Services Budget Commission, to purchase health care services on a prepaid basis."

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

CHAPTER 1298
AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF LABOR TO COMPENSATE FOR A REDUCTION IN FEDERAL FUNDS FOR THE VETERANS' APPRENTICESHIP PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Labor, Apprenticeship Division, seventy-four thousand dollars ($74,000) for the 1980-81 fiscal year to compensate for a reduction in federal funds for apprenticeship and on-the-job training programs for veterans' benefits purposes.

Sec. 2. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

CHAPTER 1299
AN ACT TO MODIFY THE PROVISIONS OF THE LAW WITH REGARD TO THE PLACEMENT OF CHILDREN WITH SPECIAL NEEDS IN PRIVATE SCHOOLS, OUT-OF-STATE SCHOOLS, OR SCHOOLS IN OTHER LOCAL EDUCATIONAL AGENCIES.

The General Assembly of North Carolina enacts:

Section 1. Article 38B of Chapter 115 of the General Statutes is repealed.

Sec. 2. G.S. 115-377 is amended to read:

"§ 115-377. Placements in private schools, out-of-state schools and schools in other local educational agencies.—The Board shall adopt rules and regulations to assure that:

(1) There be no cost to the parents or guardian for the placement of a child in a private school, out-of-state school or a school in other local educational agencies if the child were so placed by the Board or by the appropriate local educational agency as the means of carrying out the requirement of this Article or any other applicable law requiring the provision of special education and related services to children within the State."
(2) No child shall be placed by the Board or by the local educational agency in a private or out-of-state school unless the Board has determined that the school meets standards that apply to State and local educational agencies and that the child so placed will have all the rights he would have if served by a State or local educational agency.

(3) If the placement of the child in a private school, out-of-state school or a school in another local educational agency determined by the Superintendent of Public Instruction to be the most cost-effective way to provide an appropriate education to that child and the child is not currently being educated by the Department of Human Resources or the Department of Corrections, the State will bear a portion of the cost of the placement of the child. The local school administrative unit shall pay an amount equal to what it receives per pupil from the State Public School Fund and from other State and federal funds for children with special needs for that child. The State shall pay the full cost of any remainder up to a maximum of fifty percent (50%) of the total cost. The State and local educational agencies shall be excused from payment of the costs of special education and related services in a private school if a child is placed in that school by his parents or guardian against the advice of the State or a local educational agency.”

Sec. 3. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1771 CHAPTER 1300
AN ACT TO EXCLUDE INDIVIDUALS IN STATE INSTITUTIONS FROM THE FEE FOR THE GENERAL EDUCATION DEVELOPMENT TEST.

The General Assembly of North Carolina enacts:

Section 1. Section 67 of Chapter 838 of the 1979 Session Laws is amended by adding at the end the following:

“This fee shall not be required from individuals incarcerated or receiving treatment in institutions operated by the Department of Correction and the Department of Human Resources.”

Sec. 2. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1695 CHAPTER 1301
AN ACT TO MAKE THE EFFECTIVE DATE OF THE INDIVIDUAL INCOME TAX PROVISION FOR THE SALE OF A PRINCIPAL RESIDENCE BY THE ELDERLY THE SAME AS THE FEDERAL PROVISION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-141(b)(26)a. is amended to delete the words and figures “January 1, 1979” and to insert in lieu thereof the words and numbers “July 27, 1978”.

Sec. 2. Section 102 of Chapter 801 of the 1979 Session Laws of North Carolina is amended to delete the figure “38” and to add the following new language at the end of the section:
“Section 38 shall become effective with respect to taxable years beginning on and after July 27, 1978.”

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1038

CHAPTER 1302

AN ACT TO RAISE THE DIVIDEND LIMIT ON MARKETING ASSOCIATION STOCK FROM EIGHT PERCENT TO TEN PERCENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 54-152(a) is amended by deleting the word “interest” each time it appears, and inserting each time in lieu thereof the word “dividends”.

Sec. 2. G.S. 54-152(a) is further amended by deleting the phrase “eight percent (8%)” each time it appears, and inserting each time in lieu thereof the phrase “ten percent (10%)”.

Sec. 3. G.S. 24-1.3 is repealed.

Sec. 4. This act is effective retroactive to June 25, 1975.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1045

CHAPTER 1303

AN ACT TO PROVIDE TWO-YEAR TERMS OF OFFICE FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF MOUNT OLIVE.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 201, Private Laws of 1905, as amended by Chapter 127, Private Laws of 1927, Chapter 331, Session Laws of 1947, and Chapter 476, Session Laws of 1977, is amended by rewriting the second sentence to read:

"The mayor and members of the board of commissioners shall be elected by the qualified voters of the town for a term of two years, beginning with the regular municipal elections to be held in November, 1981."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 330

CHAPTER 1304

AN ACT TO REPEAL THE LICENSE TAX ON BARBERSHOPS AND BEAUTY SHOPS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-75 is repealed.

Sec. 2. Article 1 of Chapter 105 is amended to add a new section to read as follows:

"§ 105-75.1. Municipal license tax on barbershops and beauty salons.—Cities and towns may levy a license tax on every person, firm, or corporation engaged in the business of conducting a barbershop, beauty salon, or other shop of like kind for the privilege of conducting such business at a rate not to exceed the following:
For each barber, manicurist, cosmetologist, beautician, or other operator employed in such barbershop or beauty shop or parlor - $2.50."

Sec. 3. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1335

CHAPTER 1305

AN ACT TO PROVIDE THAT BYSSINOSIS, KNOWN AS "BROWN LUNG DISEASE", SHALL BE DEEMED AN OCCUPATIONAL DISEASE WITHIN THE MEANING OF G.S. 97-53(13) FOR PURPOSES OF WORKMEN'S COMPENSATION CLAIMS REGARDLESS OF THE DATE THE DISEASE ORIGINATED.

The General Assembly of North Carolina enacts:

Section 1. Claims for "brown lung disease", which can be proved under G.S. 97-53(13) shall be compensable regardless of the employee's date of last injurious exposure.

Sec. 2. This act is effective upon ratification.

Sec. 3. This act will expire April 30, 1981; however, this provision does not apply to any claims filed prior to April 30, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1702

CHAPTER 1306

AN ACT TO PROVIDE FOR THE GOVERNMENT OF THE NORTH CAROLINA MUSEUM OF ART.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 140 of the General Statutes is rewritten to read as follows:

"Article 1.

"North Carolina Museum of Art.

"§ 140-1. Agency of State; functions.—The North Carolina Museum of Art is an agency of the State of North Carolina within the Department of Cultural Resources. The functions of the North Carolina Museum of Art shall be to acquire, preserve, and exhibit works of art for the education and enjoyment of the people of the State, and to conduct programs of education, research, and publication designed to encourage an interest in and an appreciation of art on the part of the people of the State.

"§ 140-2. Board of Trustees—establishment; members; selection; quorum; compensation; officers; meetings.—(a) It is the duty of the Department of Cultural Resources to develop policy and to establish and enforce standards for resources, services, and programs involving the arts and the cultural aspects of the lives of the citizens of North Carolina. To attain these objectives, there is hereby established within the Department of Cultural Resources the Board of Trustees of the North Carolina Museum of Art.

(b) The Board of Trustees of the North Carolina Museum of Art shall consist of 22 members, chosen as follows:
(1) The Governor shall appoint eight members; 
(2) The North Carolina Art Society, Incorporated, shall elect four members; 
(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members; 
(4) The Board of Trustees of the North Carolina Museum of Art shall elect four members; 
(5) The President of the Senate shall appoint one member; and 
(6) The Speaker of the House of Representatives shall appoint one member of the House of Representatives.

All regular appointments or elections except those by the President of the Senate or the Speaker of the House shall be for terms of six years, except that each member shall serve until his successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All regular appointments by the President of the Senate and the Speaker of the House of Representatives shall be for the then current legislative term, and no appointee of the President of the Senate or of the Speaker of the House may be appointed to more than two consecutive terms of two years.

c) Every vacancy occurring in the regular membership of the Board of Trustees prior to the expiration of a term shall be filled by the same authority and in the same manner as the vacating member was chosen, and the successor member so chosen shall serve for the remainder of the unexpired term of the vacating member.

d) All initial appointments and elections to the Board of Trustees shall be made on July 1, 1980, or as soon as feasible thereafter except as provided in this subsection, and the terms of all except the legislative members shall expire on June 30, 1983, or June 30, 1986, as the case may be. In order to establish regularly overlapping terms, initial appointments and elections to the Board of Trustees shall be made as follows:

(1) Four members at large shall be appointed by the Governor for initial terms of three years and four members at large shall be appointed by the Governor for initial terms of six years.

(2) One member shall be elected by the North Carolina Art Society, Incorporated, for an initial term of three years and two members shall be elected by that Society for initial terms of six years.

(3) One member shall be elected by the North Carolina Museum of Art Foundation, Incorporated, for an initial term of three years and two members shall be elected by that Foundation for initial terms of six years.

(4) One member shall be elected by the Art Commission prior to July 1, 1980, for an initial term of three years and two members shall be elected by that Commission for initial terms of six years. Upon the expiration of the terms of those three members, their successors shall be elected by the Board of Trustees of the North Carolina Museum of Art.

(5) Three members shall be elected by the State Art Museum Building Commission to serve until the termination of that Commission or until June 30, 1983, whichever shall first occur. Upon the termination of the terms of those three members, should such termination occur prior to June 30, 1983, their successors shall be elected as follows: one by the North Carolina Art Society, Incorporated, one by the North Carolina
Museum of Art Foundation, Incorporated, and one by the Board of Trustees of the North Carolina Museum of Art; the terms of the successor members so elected shall expire on June 30, 1983. On July 1, 1983, or as soon as feasible thereafter, the successors of these three members shall be elected for terms of six years, as follows: one by the North Carolina Art Society, Incorporated, one by the North Carolina Museum of Art Foundation, Incorporated, and one by the Board of Trustees of the North Carolina Museum of Art.

(6) One member shall be appointed by the President of the Senate to serve for the remainder of the then current legislative term.

(7) One member of the House of Representatives shall be appointed by the Speaker of the House of Representatives to serve for the remainder of his legislative term.

Every vacancy occurring in the initial membership of the Board of Trustees prior to the expiration of a term of office shall be filled by the same authority and in the same manner as the vacating member was chosen and the successor member so appointed shall serve for the remainder of the unexpired term of the vacating member.

(e) Any member of the Board of Trustees may be removed from office by the authority that appointed or elected that member for misfeasance, malfeasance, or nonfeasance in office. In the case of an appointment made by the Governor, removal shall be made in accordance with the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

(f) A public officer who is appointed or elected to serve on the Board of Trustees shall be deemed to serve thereon as a trustee ex officio and his duties as a trustee shall be deemed additional duties of his primary public office.

(g) The Board of Trustees shall have a Chairman, A Vice-Chairman, and such other officers as the Board deems necessary. The Chairman shall be designated by the Governor from among the members of the Board. The Vice-Chairman shall be elected by and from among the members of the Board. The Chairman and Vice-Chairman shall be elected for terms of two years or for so long as they are members of the Board, whichever is the shorter period. The Director of the North Carolina Museum of Art shall serve as Secretary to the Board of Trustees and shall attend all meetings, except when the Board is considering issues related to the Director’s performance of duties.

(h) The Board of Trustees shall meet at least once in each quarter. The Board may hold special meetings at any time and place within the State at the call of the Chairman. The Chairman may call a special meeting at his discretion, and he shall call a special meeting upon the written request of a majority of the authorized membership of the Board of Trustees.

(i) A majority of the authorized membership of the Board of Trustees shall constitute a quorum for the transaction of business.

(j) Members of the Board of Trustees who are officers or employees of State agencies or institutions shall receive from funds available to the Department of Cultural Resources subsistence and travel allowances at the rates authorized by G.S. 138-6. Legislative members of the Board of Trustees shall receive from funds available to the Department of Cultural Resources subsistence and travel allowances at the rates authorized by G.S. 120-3.1. All other members of the Board of Trustees shall receive from funds available to the Department of
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Cultural Resources per diem and travel and subsistence allowances at the rates authorized by G.S. 138-5.

(k) All clerical and administrative services required by the Board of Trustees shall be supplied by the office of the Director of the North Carolina Museum of Art.

"§ 140-3. Board of Trustees—powers and duties.—The Board of Trustees shall be the governing body of the North Carolina Museum of Art and shall have the following powers and duties:

(1) To adopt bylaws for its own government;
(2) To adopt policies, rules, and regulations for the conduct of the North Carolina Museum of Art;
(3) To prescribe the powers and duties of the Director of the North Carolina Museum of Art, consistent with the provisions of this Article;
(4) To establish such advisory boards and committees as it may deem advisable;
(5) To advise the Secretary of Cultural Resources with respect to inspecting, appraising, obtaining attributions and evaluations of, transporting, exhibiting, lending, storing, and receiving upon consignment or upon loan of statuary, paintings, and other works of art of any and every kind and description that are worthy of acquisition, preservation, and exhibition by the North Carolina Museum of Art;
(6) To advise the Secretary of Cultural Resources on the care, custody, storage, and preservation of all works of art acquired or received upon consignment or loan by the North Carolina Museum of Art;
(7) After consultation with the Secretary of Cultural Resources, on behalf of and in the name of the North Carolina Museum of Art, to acquire by purchase, gift, or will, absolutely or in trust, from individuals, corporations, the federal government, or from any other source, money, works of art, or other property which may be retained, sold, or otherwise used to promote the purposes of the North Carolina Museum of Art as provided in G.S. 140-1. The net proceeds of the sale of all property acquired under the provisions of this paragraph shall be deposited in the State Treasury to the credit of ‘The North Carolina Museum of Art Special Fund’;
(8) After consultation with the Secretary of Cultural Resources, to exchange works of art owned by the North Carolina Museum of Art for other works of art which, in the opinion of the Board, would improve the quality, value, or representative character of the art collection of the Museum;
(9) After consultation with the Secretary of Cultural Resources, to sell any work of art owned by the North Carolina Museum of Art if the Board finds that it is in the best interest of the Museum to do so, unless such sale would be contrary to the terms of acquisition. The net proceeds of each such sale, after deduction of the expenses attributable to that sale, shall be deposited in the State Treasury to the credit of ‘The North Carolina Museum of Art Special Fund’, and shall be used only for the purchase of other works of art. No work of art owned by the North Carolina Museum of Art may be pledged or mortgaged;
(10) To make a biennial report to the Governor and the General Assembly on the activities of the Board of Trustees and of the North Carolina Museum of Art;
(11) To adopt, amend, and rescind rules and regulations consistent with the provisions of this Article. All rules and regulations heretofore adopted by the
Art Commission shall remain in full force and effect unless and until repealed or superseded by action of the Board. All rules and regulations adopted by the Board shall be enforced by the Department of Cultural Resources;

(12) To determine the sites for expansion of the North Carolina Museum of Art with the approval of the Governor and Council of State and the North Carolina State Capital Planning Commission.

“§ 140-4. Director of Museum of Art—appointment; dismissal; powers and duties; staff.—(a) The Secretary of Cultural Resources shall appoint the Director of the North Carolina Museum of Art from a list of not fewer than two nominees recommended by the Board of Trustees of the North Carolina Museum of Art.

(b) The Secretary of Cultural Resources may dismiss the Director unless two-thirds of the authorized membership of the Board of Trustees shall vote to reverse that action in accordance with the following procedure: Upon dismissal of the Director, the Secretary shall give to the Chairman of the Board of Trustees written notice of that action. This notice shall be sent to the Chairman of the Board within 10 days after the Secretary makes a final decision on dismissal. The Chairman shall promptly communicate the notice of dismissal to all other Board members. Board action to consider reversal of the Secretary’s decision shall be taken at a regular or special meeting called pursuant to G.S. 140-2(h). Reversal of the Secretary’s order of dismissal may be effected only by resolution adopted by an affirmative vote of two-thirds of the authorized membership of the Board of Trustees at a meeting held within 30 days after the Chairman of the Board receives from the Secretary written notice of dismissal of the Director. All ex officio members of the Board shall be entitled to vote on this question. The failure of two-thirds of the authorized membership of the Board of Trustees to vote to reverse the Secretary’s order of dismissal within 30 days after the Chairman of the Board receives from the Secretary written notice of dismissal of the Director shall be deemed an affirmation of that order by the Board. A decision by the Board of Trustees to affirm or reverse the Secretary’s order of dismissal shall be deemed a final decision of the Department of Cultural Resources. An appeal from the final agency decision shall be taken pursuant to Chapter 150A of the General Statutes.

(c) The salary of the Director shall be fixed by the Governor with the approval of the Advisory Budget Commission after receiving the recommendation of the Board of Trustees.

(d) The Director shall have the following powers and duties:

(1) Under the supervision of the Board of Trustees, to direct and administer the North Carolina Museum of Art in accordance with the policies, rules, and regulations adopted by the Board of Trustees;

(2) To employ such persons as are necessary to perform the functions of the North Carolina Museum of Art and are provided for in the budget of the Museum and to promote, demote, and dismiss such persons in accordance with State personnel policies, rules, and regulations. This paragraph shall not apply to Associate Directors and curators;

(3) To serve as director of collections of the North Carolina Museum of Art;
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(4) To serve as Secretary to the Board of Trustees.

(e) The Director, Associate Directors, and curators shall be exempt from the provisions of the State Personnel Act. The Board of Trustees shall adopt, subject to the approval of the Secretary of Cultural Resources, rules and regulations governing the employment, promotion, demotion, and dismissal of Associate Directors and curators.

“§ 140-5. Gifts; special fund; exemption from taxation.—(a) All gifts of money to the North Carolina Museum of Art and all interest earned thereon shall be paid into the State Treasury and maintained as a fund to be designated ‘The North Carolina Museum of Art Special Fund’.

(b) All gifts made to the North Carolina Museum of Art shall be exempt from every form of taxation including, but not by way of limitation, ad valorem, intangible, gift, inheritance, and income taxation.

“§ 140-5.1. State Art Museum Building Commission.—No provision of this Article shall to any extent abrogate or diminish the powers and duties of the State Art Museum Building Commission, provided for in Article 1A of Chapter 140 and in Part 3, Article 2, of Chapter 143B of the General Statutes.”

Sec. 2. Part 3 of Article 2 of Chapter 143B of the General Statutes is amended by the insertion therein of a new section, which shall read as follows:

“§ 143B-61.1. Termination of the Art Museum Building Commission.—The Art Museum Building Commission shall continue to exercise its powers and perform its duties until:

1) The building now under construction, authorized, and to be designated as the North Carolina Museum of Art, is completed and has been dedicated and occupied;

2) The art collection of the State of North Carolina is suitably exhibited, displayed, or stored therein; and

3) The State Art Museum Building Commission has submitted its biennial report and any other report required by law, or until the State Art Museum Building Commission has made and submitted its final report to the General Assembly, whichever last occurs.

The Commission shall make a diligent effort to complete construction of the Museum building by the use of State funds already appropriated and gifts of private funds already pledged. Upon completion of the conditions set forth in paragraphs (1) through (3) of this section, Article 1A of Chapter 140 and Part 3 of Article 2 of Chapter 143B of the General Statutes shall no longer be pertinent.”

Sec. 3. Chapter 100 of the General Statutes is amended by deleting the words “the Art Commission or” from lines 5 and 10 of G.S. 100-2; lines 5, 6, 9, 10, and 11 of G.S. 100-3; lines 4 and 5 of G.S. 100-4; lines 2 and 3 of G.S. 100-5; lines 2 and 4 of G.S. 100-6; and line 7 of G.S. 100-7. The title of G.S. 100-4 is amended by deleting the words “Art Commission or”.

Chapter 100 of the General Statutes is further amended by deleting the words “as appropriate” from lines 6 and 11 of G.S. 100-2; lines 6, 10, and 12 of G.S. 100-3; line 5 of G.S. 100-4; line 3 of G.S. 100-5; lines 2, 3, and 5 of G.S. 100-6; and line 8 of G.S. 100-7.

Sec. 4. G.S. 100-2 is amended by deleting on line 12 the word “statute” and substituting therefor the word “statute”. G.S. 100-8 is amended by deleting on line 1 the word “statute” and substituting therefor the word “statute”.

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Sec. 5. Part 2 of Article 2 of Chapter 143B of the General Statutes is hereby repealed.

Sec. 6. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1715

CHAPTER 1307

AN ACT PLACING RETIREMENT BENEFITS UNDER THE NEW HANOVER COUNTY SCHOOL EMPLOYEES' RETIREMENT PLAN ON A PAR WITH THOSE RECEIVED UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT FUND IN SO FAR AS STATE INCOME TAXABILITY THEREOF IS CONCERNED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-141(b)(13) is amended by changing the period at the end thereof to a semicolon and by adding the following:

"provided, however, that the amounts received in lump sum or monthly payments of benefits under and pursuant to the provisions of the New Hanover County School Employees' Retirement Plan shall be exempt from income tax to the extent that they would have been exempt under the provisions of G.S. 128-31 if New Hanover County had elected to provide such retirement benefits under the provisions of the North Carolina Local Governmental Employees' Retirement System."

Sec. 2. It is the intent of this act to place the retirement benefits received under the New Hanover County School Employees' Retirement Plan on the same basis for State income tax purposes as benefits received under the North Carolina Local Governmental Employees' Retirement Fund.

Sec. 3. This act shall become effective January 1, 1981, and shall apply under the New Hanover County School Employees' Retirement Fund after January 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1618

CHAPTER 1308

AN ACT TO ALLOW THE TOWNS OF MAGNOLIA, ROSE HILL, AND WALLACE TO INCREASE THE TAX LEVY ON MOTOR VEHICLES TO A MAXIMUM OF FIVE DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-97(a) is amended by adding immediately after the words "City of Charlotte" each time those words appear the words "the Town of Magnolia", "the Town of Rose Hill, the Town of Wallace".

Sec. 2. Section 2 of Chapter 433, Session Laws of 1977 is amended by adding immediately after the words "City of Charlotte" the words "the Town of Magnolia", "the Town of Rose Hill, the Town of Wallace".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
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H. B. 1684  CHAPTER 1309
AN ACT TO ALLOW CHOWAN, PERQUIMANS, RANDOLPH AND PASQUOTANK COUNTIES AND MUNICIPALITIES WITHIN THOSE COUNTIES TO HIRE OUT PRISONERS WHO ARE INCARCERATED FOR CIVIL CONTEMPT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 162-42 is amended by inserting between the phrase "misdemeanor," and the word "or" the following phrase: "or upon being found in civil contempt,".

Sec. 2. This act applies only to Chowan County, Perquimans County, Randolph County, and Pasquotank County.

Sec. 3. This act shall become effective on July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1744  CHAPTER 1310
AN ACT TO PROVIDE FOR BETTER STATE RESPONSE TO MAN-MADE OR NATURAL DISASTERS OR ACCIDENTS AND TO CHANGE CIVIL PREPAREDNESS TO EMERGENCY MANAGEMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-476, as the same is found in Volume 3C of the General Statutes, 1978 Replacement, is hereby amended by adding new subsections (d), (e), (f) and (g) to read as follows:

"(d) Whenever the Secretary exercises the authority provided in subsection (c) of this section, he shall be authorized to utilize and allocate all available State resources as are reasonably necessary to cope with the emergency or disaster, including directing of personnel and functions of State agencies or units thereof for the purpose of performing or facilitating the initial response to the disaster or emergency. Following the initial response, the Secretary, in consultation with the heads of the State agencies which have or appear to have the responsibility for dealing with the emergency or disaster, shall designate one or more lead agencies to be responsible for subsequent phases of the response to the emergency or disaster. Pending an opportunity to consult with the heads of such agencies, the Secretary may make interim lead agencies designations.

(e) Every department of State government is required to report to the Secretary, by the fastest means practicable, all natural or man-made disasters or emergencies, including but not limited to wars, insurrections, riots, civil disturbances, or accidents which appear likely to require the utilization of the services of more than one subunit of State government.

(f) The Secretary is authorized to adopt rules and procedures for the implementation of this section.

(g) Nothing contained in this section shall be construed to supersede or modify those powers granted to the Governor or the Council of State to declare and react to a state of disaster as provided in Chapter 166A of the General Statutes, the Constitution or elsewhere."

Sec. 2. Chapter 166A of the North Carolina General Statutes, as the same is found in the 1979 Supplement to Volume 3D of the General Statutes,
1976 Replacement, is hereby renamed the North Carolina Emergency Management Act; this Chapter is further amended by deleting the words "Civil Preparedness" or "civil preparedness", each time they appear, and substituting in lieu thereof the words "Emergency Management" or "emergency management" respectively.

Sec. 3. Article 13 of Chapter 118A of the General Statutes as the same is found in the 1979 Supplement to Volume 3A, Part II, 1978 Replacement, is hereby repealed.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 715

CHAPTER 1311

AN ACT TO REVISE THE LAWS RELATING TO ESCEHATS AND ABANDONED PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 116A of the General Statutes is repealed and the following new Chapter 116B is enacted.

"Chapter 116B.

"Escheats and Abandoned Property.

"Article 1.

"Escheats.

"§ 116B-1. Escheats to Escheat Fund.—All real estate which has accrued to the State since June 30, 1971, or shall hereafter accrue from escheats, shall be vested in the Escheat Fund. Title to any such real property which has escheated to the Escheat Fund shall be conveyed by deed in the manner now provided by G.S. 146-74 through G.S. 146-78, except as is otherwise provided herein: Provided, that in any action in the superior court of North Carolina wherein the State Treasurer is a party, and wherein said court enters a judgment of escheat for any real property, then, upon petition of the State Treasurer in said action, said court shall have the authority to appoint the State Treasurer or his designated agent as a commissioner for the purpose of selling said real property at a public sale, for cash, at the courthouse door in the county in which the property is located, after properly advertising the sale according to law. The said commissioner, when appointed by the court, shall have the right to convey a valid title to the purchaser of the property at public sale. The funds derived from the sale of any such escheated real property by the commissioner so appointed shall thereafter be paid by him into the Escheat Fund.

"§ 116B-2. Unclaimed real and personal property escheats to the Escheat Fund.—Whenever the owner of any real or personal property situated or located within this State dies intestate, or dies testate but did not dispose of all real or personal property by will, without leaving surviving any heirs, as defined in G.S. 29-2(3), to inherit said property under the laws of this State, such real and personal property shall escheat. The State Treasurer shall have the right to institute a civil action in the superior court of any county in which such real or personal property is situated, against any administrator, executor, and unknown heirs or unknown claimants as party defendants, which unknown heirs or unknown claimants may be served with summons and notice of such action by
publication as is now provided by the laws of this State. If an administrator or executor has been appointed, he shall make a determination that there are no known heirs or unknown claimants and shall inform the State Treasurer of that determination. The superior court in which such civil action is instituted shall have the authority to enter a judgment therein declaring the real and personal property unclaimed as having escheated, and the real property may be sold according to the provisions of G.S. 116B-1. A default final judgment may be entered by the clerk of the superior court in such cases when no answer is filed by the administrator, executor, unknown heirs or unknown claimants to the complaint, or if any answer is filed, the allegations of the complaint are either admitted or not denied by such party defendants, and no claim is made in the answer to the property left by said deceased person. The funds derived from such sale shall be paid into the Escheat Fund where said funds, together with all other escheated funds, shall be held without liability for profit or interest, subject to any just claims therefor.

"§ 116B-3. Unclaimed personality on settlements of decedents' estates to the Escheat Fund.—All sums of money or other personal estate of whatever kind which shall remain in the hands of any administrator, executor, administrator c.t.a., or personal representative when the administration of an estate of a person dying intestate, or partially intestate, without leaving any known heirs to inherit same, is ready to be closed, unrecovered or unclaimed by suit, by creditors, heirs, or others entitled thereto, shall, prior to the closing of the administration of the estate, be paid or delivered by such administrator or executor to the State Treasurer as an escheat and shall be included in the disbursements in the final account of such estate. In such cases as above described, the State Treasurer is authorized to demand, sue for, recover, and collect such unclaimed monies or other personal estate of whatever kind from any administrator or executor after the estate is ready to be closed, or from the clerk of the superior court if the unclaimed assets have been paid over to him, and the State Treasurer shall hold the same without liability for profit or interest, subject to any just claims therefor. The provisions of this section and G.S. 116B-2 shall apply to the estate of a person missing for seven years and the State Treasurer may bring an action to have an administrator appointed in such case.

"§ 116B-4. Claim for escheated property.—Any escheated property or proceeds from the sale of escheated property held by the Escheat Fund pursuant to G.S. 116B-23 may be claimed by an heir of the decedent or by a creditor of the decedent who is not barred from presenting a claim under the provisions of Article 19 of Chapter 28A. The claim shall be made on a form prescribed by the Treasurer and shall be presented to the Treasurer. If the Treasurer determines that the claimant is entitled to all or a portion of the escheated property or the proceeds from its sale, he shall make payment of the claim or return of the property. The claimant shall agree to indemnify the State, the State Treasurer and the Escheat Fund from any claim arising out of or in connection with refund of the property claimed. The provisions of G.S. 116B-34(b) and (c) shall apply to a claim under this subsection.

"Article 2.
“Abandoned Property.

“§ 116B-10. Definitions.—For the purposes of Articles 2 and 3 of this Chapter, the following words shall have the following meanings, unless a different meaning is required by the context.

(1) Business association. ‘Business association’ shall mean any proprietorship, private corporation, joint stock company, business trust, partnership or association, two or more individuals having joint or common interest, or any other legal or commercial entity engaged in business, including corporations and organizations under the authority of Chapters 53A and 54.

(2) Commissioner. ‘Commissioner’ shall mean the duly elected and serving Commissioner of Insurance of North Carolina or his designated agent.

(3) Financial institution. ‘Financial institution’ shall mean any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or State law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business.

(4) Holder. ‘Holder’ shall mean any person in possession of property subject to this Chapter belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this Chapter.

(5) Insurer. ‘Insurer’ shall mean any business association doing business in this State, as a life, fire, casualty, motor vehicle liability, accident and health or other insurer referred to and regulated under Chapter 58 of the General Statutes.

(6) Owner. ‘Owner’ shall mean a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this Chapter, or his legal representative.

(7) Person. ‘Person’ shall mean any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(8) Terminate. ‘Terminate’ shall mean to end in any manner, including lapse, expire or cease under its terms or otherwise.

(9) Treasurer. ‘Treasurer’ shall mean the duly elected and serving Treasurer of the State of North Carolina or his designated agent.

(10) Utility. ‘Utility’ shall mean any person who owns or operates, for public use, any plant, equipment, property, franchise or license, for transportation of the public, the transmission of communications or the production, storage, transmission, sale, delivery or furnishing of electricity, water, steam or gas.

(11) Written instrument. ‘Written instrument’ shall mean a document in writing that evidences a legal right, obligation or interest.

“§ 116B-11. Property subject to custody and control of the State.—Personal property that is deemed unclaimed or abandoned under this Chapter is subject to the custody and control of the State if it is:

(1) Tangible. Tangible and physically located within the State; or

(2) Intangible. Intangible, and

a. the last known address of the owner, as shown by the records of the holder, is within the State; or
b. the last known address of the owner as shown by the records of the
holder is within a jurisdiction, the laws of which do not provide for the
escheat or custodial taking of the property, and the domicile of the
holder is within the State; or

c. no address of the owner appears on the records of the holder and the
domicile of the holder is within the State; or

d. no address of the owner appears on the records of the holder and the
domicile of the holder is not within the State, but it is proved that the
last known address of the owner is in the State; or

e. if the intangible property is a sum payable on a money order, traveler's
check or similar written instrument, and

1. the instrument was purchased within the State, as shown by the
records of the holder;

2. the place of purchase of the instrument is not shown in the records of
the holder and the holder's principal place of business is within the
State; or

3. the place of purchase of the instruments, as shown by the records of
the holder, is within a jurisdiction, the laws of which do not provide
for the escheat or custodial taking of the property, and the holder's
principal place of business is within the State.

“§ 116B-12. Property held by financial institutions.—(a) Deposits and funds.
Any demand, savings or matured time deposit in a financial institution, or any
funds paid toward the purchase of shares or other interest in a financial
institution shall be presumed abandoned if the financial institution receives
information that the owner no longer resides at the address listed in the
holder's records and is unable to locate the owner and if, within the preceding
five years, as to any demand deposit, or a savings or time deposit or interest
having a value of one thousand dollars ($1,000) or less, or within the preceding
10 years, as to any such savings or time deposit or interest having a value of
more than one thousand dollars ($1,000), the owner has not:

1. increased or decreased the amount of the deposit, shares or claim, or
   presented to the holder the passbook, evidence of deposit or other
   appropriate record for the crediting of interest or dividends;

2. corresponded in writing with the holder concerning the deposit, shares
   or claim; or

3. otherwise indicated an interest in the deposit, shares or claim as
   evidenced by a writing on file with the holder.

The financial institution shall make reasonable efforts to locate the owner and
to determine whether its records disclose a different address for the owner.

(b) Written instruments. Any sum payable on a check certified in the State or
on any written instrument issued in the State on which a financial institution is
directly liable shall be presumed abandoned if, within 10 years from the date
payable, or from the date of issuance, if payable on demand, the owner has not:

1. negotiated the instrument;

2. corresponded in writing with the financial institution concerning it; nor

3. otherwise indicated an interest by a writing on file with the financial
   institution.

(c) Traveler's checks. Any sum payable on a traveler's check, money order or
a similar written instrument on which a financial institution or other business
association is directly liable shall be presumed abandoned if, within 15 years

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from the date payable, or from the date of issuance, if payable on demand, the
owner has not:

(1) negotiated the instrument;
(2) corresponded in writing with the financial institution or other business
association concerning it; nor
(3) otherwise indicated an interest as indicated by a writing on file with
the financial institution or other business association.

(d) Safe deposit box. Any funds or other personal property, tangible or
intangible, contained in or removed from a safe deposit box or other safekeeping
repository shall be presumed abandoned if the owner has not claimed the
property within the period established by G.S. 53-43.7 and shall be delivered to
the State Treasurer.

(e) Charges, interest or dividends on abandoned property.

(1) Reasonable service charges may be levied against deposits or accounts
presumed to be abandoned, provided those charges may not exceed the
charges levied against similar active deposits or accounts or the actual
cost of administering the account or deposit.

(2) Interest or dividends due on any deposits, accounts, funds or shares
presumed to be abandoned shall not be discontinued or diverted because
of the inactivity or during the period prior to abandonment.

“§ 116B-13. Property held by life insurers.—(a) Funds owed under a policy or
contract. Any funds held or owing by a life insurer that are due and payable
under any life or endowment insurance policy or annuity contract which has
matured or terminated shall be presumed abandoned if they have not been
claimed or paid within 10 years after becoming due or payable as established
from the insurer’s records. Funds payable according to the insurer’s records are
deemed due and payable although the policy or contract has not been
surrendered as required. The insurer shall make reasonable efforts to locate the
insured or annuitant and to determine whether its records disclose a different
address for the insured or annuitant.

(b) Presumption of address of beneficiary. If a person other than the insured
or annuitant is entitled to the funds and no address of the person is known to
the insurer or if it is not definite and certain from the records of the insurer
what person is entitled to the funds, it is presumed that the last known address
of the person entitled to the funds is the same as the last known address of the
insured or annuitant according to the records of the insurer.

(c) Presumption of maturity. A life insurance policy not matured by actual
proof of the death of the insured is deemed to be matured, and the proceeds are
deemed to be due and payable if the policy was in force when the insured
attained the limiting age under the mortality table on which the reserve is
based, unless the person appearing entitled thereto has, within the preceding
five years, assigned, readjusted or paid premiums on the policy, negotiated a
dividend check, made payments on a loan, or corresponded in writing with the
life insurer concerning the policy.

“§ 116B-14. Property held by other insurers.—(a) Funds owed under a policy
or contract. Any funds held or owing by a fire, casualty, or any other insurer or
surety as defined in G.S. 58-2(3) that are due and payable, as established from
the records of the insurer or surety either to an insured, a principal, or other
claimant under any insurance policy or contract shall be presumed abandoned if
they have not been claimed or paid within five years after becoming due or
payable. Funds payable according to the insurer's or surety's records are deemed due and payable although the policy or contract has not been surrendered as required.

(b) Presumption of address of beneficiary. If a person other than the insured, the principal or the claimant is entitled to the funds and no address of the person is known to the insurer or surety or if it is not definite and certain from the records of the insurer or surety what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured, the principal or the claimant according to the records of the insurer or surety.

“§ 116B-15. Property held by utilities.—(a) Deposits. Any deposit, advance, toll, collateral, security or other property held by a utility to secure payment or as an advance for services to be furnished shall be presumed abandoned if it has not been claimed or returned within five years after:

(1) it was due to or demandable by the owner under the terms of the agreement; or

(2) the termination of services to the owner.

(b) Refunds. Any funds which a utility has been ordered to refund shall be presumed abandoned if they have not been claimed or paid within five years after the date they became payable in accordance with the final determination or order providing for the refund.

(c) Notice required. Unless other written notice is required by statutory provision or order of a court or other authority having jurisdiction, every utility shall give written notice, mailed or delivered to the last known address of the owner, of each deposit or refund within 30 days after the same shall be due and demandable. Such notice shall be in addition to, and not in lieu of, the notice required by G.S. 116B-24.

“§ 116B-16. Property held by business associations.—(a) Dividends. Any dividend, profit, distribution, interest, payment on principal or other funds held or owing by a business association for or to its shareholder, certificate holder, member, bond holder or other security holder, or a participating patron of a cooperative shall be presumed abandoned if within five years after the date prescribed for delivery or payment, it has not been claimed or the owner has not corresponded in writing with the holder concerning it.

(b) Stocks. Any intangible interest in a business association, as evidenced by stock records or membership records of the association, shall be presumed abandoned if, for five years:

(1) the owner of the interest has not claimed a dividend or other sum referred to in subsection (a); or

(2) the owner of the interest has not corresponded in writing with the association or otherwise indicated an interest as evidenced by a memorandum or other record on file with the association.

(c) Dividends on abandoned stocks. Any dividends or other distributions held for or owing to a person and attached to a stock or security deemed abandoned shall also be presumed abandoned and shall not be diverted or discontinued during the period prior to the abandonment.

“§ 116B-17. Property held in the course of dissolution or following merger.—(a) Dissolution. All property distributable in the course of a voluntary or involuntary dissolution of a business association, financial institution, insurer
or utility shall be presumed abandoned if it is unclaimed within six months of the date of final dissolution.

(b) Merger. All shares of stock that are not delivered following the merger of two or more corporations and are not claimed within two years from the date they became deliverable shall be presumed abandoned.

"§116B-18. Property held by fiduciary.—(a) Property. All property held in a fiduciary capacity for the benefit of another person shall be presumed abandoned if, within five years of its becoming payable or distributable, the owner has not:

(1) increased or decreased the principal; or
(2) accepted payment of principal or income; or
(3) corresponded in writing with the fiduciary concerning the property; or
(4) otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary.

(b) Income. Any income or increment due on property deemed abandoned under subsection (a) shall also be presumed abandoned and shall not be discontinued or diverted during the period prior to the abandonment.

"§116B-19. Property held by governmental agents.—All property not otherwise covered by this Chapter, and held for the owner by a court, public corporation or authority, or agent or instrumentality of the United States, this State or any other state, or by a public officer or political subdivision thereof, shall be presumed abandoned if it is not claimed within five years of becoming payable or distributable.

"§116B-20. Salary, wages or other compensation.—Unpaid and unclaimed salary, wages or other compensation held by or owing by any business association which are due to any person or persons shall be presumed abandoned if, within five years after the date that the unpaid and unclaimed salary, wages or other compensation became due and payable, the same have not been claimed by the owner.

"§116B-21. Property held in the ordinary course of business.—(a) Property. All property, not otherwise covered in this Chapter, held in the ordinary course of the holder's business, including accounts payable and other obligations, and whether one or more articles of property, accounts payable or obligations, which has a value or an aggregate value of five hundred dollars ($500.00) or more, shall be presumed abandoned if it has not been claimed within five years after becoming payable or distributable.

(b) Income and charges. Any income or increment due on property deemed abandoned under subsection (a) shall also be presumed abandoned and shall not be discontinued or diverted during the period prior to abandonment. Lawful charges may be deducted from property that is presumed to be abandoned, provided the lawful charges are specifically authorized by statute or by a valid enforceable contract.

"Article 3.

"Administration of Abandoned Property.

"§116B-23. Escheat Fund.—All property escheated or abandoned under the provisions of this Chapter and all property escheated or abandoned since June 30, 1971, under the provisions of former Chapter 116A, as amended, shall be paid into a fund to be administered by the Treasurer, which fund shall be designated the Escheat Fund. No escheated or abandoned property heretofore paid or delivered to The University of North Carolina pursuant to any
constitutional provision or statute of this State shall be subject to the provisions of this Chapter.

"§ 116B-24. Notice by holders to owners required.—(a) Insurers. Every insurer required to file a report pursuant to G.S. 116B-25 shall determine, prior to May 1st of each year, all owners who, as of the preceding December 31st, appear entitled to property of the value of fifty dollars ($50.00) or more, presumed abandoned under this Chapter, and, on or before May 1st, shall mail, first class postage prepaid, a notice to the last known address of each such owner.

(b) Other holders. Every holder, other than insurers, required to file a report pursuant to G.S. 116B-25 shall determine, prior to November 1st of each year, all owners who, as of the preceding June 30th, appear entitled to property of the value of fifty dollars ($50.00) or more, presumed abandoned under this Chapter, and, on or before November 1st, shall mail, first class postage prepaid, a notice to the last known address of each such owner.

(c) Contents. Each notice required by this section shall contain:

1. a statement that, according to the records of the holder, property is being held to which the addressee appears entitled and the amount or description of the property;
2. the name and address of the person holding the property and any necessary information regarding changes of name and address of the holder;
3. a statement that, if satisfactory proof of claim is not presented by the owner to the holder by the following February 1st, or if the holder is an insurer, by the following August 1st, the property will be placed in the custody of the State Treasurer, to whom all further claims shall be directed.

(d) Charges for notices. The holder shall be entitled to deduct from the property of each owner to whom notice is sent an amount not to exceed fifty cents (50¢) to defray the expense of mailing notice. If the property is other than cash in the possession of the holder, the holder may submit to the Escheat Fund, with the certification hereinafter provided for, a sworn itemized statement of charges for notices mailed, not to exceed fifty cents (50¢) per notice, which shall be paid by the Escheat Fund within 30 days following receipt of the statement. The Escheat Fund shall charge the accounts of the respective owners with any charges so paid to holders.

(e) Certification of mailing; penalties; right of owners. Every holder filing a report pursuant to G.S. 116B-25 shall certify to the Treasurer therewith that the notices required by subsections (a) and (b) of this section have been mailed to the last known address of every owner named in the report. Failure or refusal to certify after written demand by the Treasurer or filing false certification shall be a misdemeanor, punishable, upon conviction, by a fine of not less than five hundred dollars ($500.00) nor more than five thousand dollars ($5,000) as the court, in its discretion, shall determine. Any owner who has suffered loss or damage by reason of the failure of a holder to mail the notice required by this section may recover actual loss or damage from the holder in an appropriate action at law.

(f) Other notice. All holders shall make reasonable efforts to locate and communicate with the owner prior to filing the report required by G.S. 116B-26 in order to prevent abandonment from being presumed, including the exercise of
due diligence to determine whether he possesses a different address for the owner.

(g) The Department of Revenue may use the dates prescribed in subsection (a) of this section for insurers in mailing notices of unclaimed property.

"§ 116B-25. Report of abandoned property by holder to Commissioner of Insurance or Treasurer.—(a) Reports to Commissioner of Insurance and Treasurer. Every insurer holding property presumed abandoned under the provisions of G.S. 116B-13 or G.S. 116B-14, or both, shall report to the Commissioner of Insurance, with respect to that property; however, payment of such property shall be to the Treasurer in accordance with G.S. 116B-27. Every other person holding funds or other property, tangible or intangible, presumed abandoned under this Chapter shall report to the State Treasurer with respect to that property.

(b) Contents. The report shall be verified and shall include:

1. the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of twenty-five dollars ($25.00) or more;
2. in the case of unclaimed funds of an insurer, the full name of the insured or annuitant and his last known address according to the insurer's records;
3. the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under twenty-five dollars ($25.00) each may be reported in the aggregate;
4. the date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property; and
5. other information which the Treasurer prescribes by rule.

(c) Names of prior holders. If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) Time of filing. The report shall be filed before March 1st of each year as of the prior June 30th, but the report of insurers shall be filed before September 1st of each year as of the prior December 31st. The Treasurer, in his discretion, may postpone the reporting date for a period not exceeding six months upon written request by any person required to file a report. The Department of Revenue may use the dates prescribed in this subsection for insurers in filing reports of unclaimed property with the State Treasurer.

(e) Verification. Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

"§ 116B-26. Preparation of list of owners by State Treasurer.—(a) Listing of names. There shall be delivered to each clerk of superior court prior to November 1st a list prepared by the State Treasurer of escheated and abandoned property, which list shall contain:

1. the names, if known, in alphabetical order of surname, and last known addresses, if any, of owners of escheated and abandoned property;
2. the names and addresses of the holders of the abandoned property; and
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(3) a statement that claim and proof of legal entitlement to escheated or abandoned property shall be presented by the owner to the Treasurer, and setting forth where further information may be obtained.

(b) Notice. At the time the said lists are distributed to the clerks of superior court, the Treasurer shall cause to be published once each week for two consecutive weeks, in at least two newspapers having general circulation in this State, a notice stating the nature of such lists and that the same are available for inspection at the offices of the respective clerks of superior court, together with such other information as the Treasurer shall deem appropriate to appear in such notice.

(c) Property not required to be listed. The Treasurer is not required to include in any such list any item of a value, as determined by the Treasurer, in his discretion, of less than fifty dollars ($50.00), unless he deems inclusion of items of lesser amounts to be in the public interest.

(d) Lists retained by clerks. The clerks of superior court shall retain such lists on permanent file in their offices and shall make them available for public inspection.

(e) Lists not cumulative. The lists prepared by the Treasurer shall include only escheated and abandoned property reported for the current reporting date and are not required to be cumulative lists of escheated and abandoned property previously reported.

"§ 116B-27. Payment or delivery of abandoned property.—(a) Insurers. Every insurer shall remit or deliver to the Treasurer with the report required to be filed by G.S. 116B-25 any property deemed abandoned under the provisions of this Chapter.

(b) Other holders. All other holders shall remit or deliver to the Treasurer with the report required to be filed by G.S. 116B-25 any property deemed abandoned under the provisions of this Chapter.

(c) Tangible personal property. Prior to the delivery of any tangible personal property to the Treasurer, the holder shall report to the Treasurer the nature, condition and approximate value of each article of such property. The Treasurer may determine that delivery of specific tangible personal property is not in the best interest of the State, either because the sum or value is too small or for other good reason. The Treasurer shall notify the holder of the property of his determination and may refuse to accept delivery and custody of that property.

"§ 116B-28. Relief from liability by payment or delivery.—Upon the payment or delivery of abandoned property to the Treasurer, the State shall assume custody of the property and shall be responsible for its safekeeping. Any person who pays or delivers abandoned property to the Treasurer under this Chapter is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property.

"§ 116B-29. Income accruing after payment or delivery.—When property is paid or delivered to the Treasurer under this Chapter, the Treasurer shall hold the property without liability for profit or interest.

"§ 116B-30. Periods of limitation not a bar.—The expiration of any period of time specified by statutes or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being
presumed abandoned property, nor affect any duty to file a report under this Chapter or to pay or deliver abandoned property to the Treasurer.

“§ 116B-31. Sale, retention or disposal of abandoned property.—(a) Sale by auction. All abandoned property, other than money or securities or other property sold under subsection (b) or tangible property retained under subsection (c) delivered to the Treasurer under this Chapter shall, within three years after delivery, be sold by him to the highest bidder at public sale in whatever city in the State affords, in his judgment, the most favorable market for the property involved. The Treasurer may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale, if in his opinion, the probable cost of sale exceeds the value of the property. The Treasurer, in his discretion, may cause any abandoned or escheated property to be appraised prior to sale by one or more appraisers, but the Treasurer shall not be required to sell any property at the appraised value.

Each sale shall be preceded by a single publication of notice of the sale at least three weeks in advance in two newspapers of general circulation in the State.

(b) Securities and other property.

(1) Securities in which the Treasurer may invest funds of the Escheat Fund may be retained by the Treasurer, in his discretion, as an investment or may be sold by the Treasurer upon receipt or at such time thereafter as he shall deem appropriate. All other securities shall be sold as soon as reasonably possible following receipt. If valid claim is made for any securities in the possession of the Treasurer, he may transfer such securities to the claimant or, in his discretion, pay the claimant the value thereof as of the date claim is received, determined as hereinafter set out. Securities listed on an established stock exchange may be sold at the prevailing price on such exchange. Other securities may be sold over the counter at prevailing prices or by such other method as the Treasurer may determine to be advisable. United States Government Savings Bonds and United States War Bonds shall be presented to the United States for payment. Notice of sale of securities is not required.

(2) If the property is of a type customarily sold on a recognized market or of a type which is subject to widely distributed standard price quotations, the Treasurer may sell the property without notice by publication or otherwise.

(c) Retention of tangible property with historic value. The Treasurer may retain any tangible property delivered to him, if the property has recognized historic significance. The historic significance shall be certified by the Treasurer, with the advice of the Secretary of Cultural Resources; and a statement of the appraised value of the property shall be filed with the certification. Historic property retained under this subsection may be stored and displayed at any suitable location.

(d) Destruction of valueless property. The Treasurer may destroy or otherwise dispose of any property delivered to him, if the property has no apparent commercial or historic value. The lack of apparent commercial or historic value shall be certified by the State Auditor, and a description of the property shall be filed with the certification.
(e) Title. The purchaser at any sale conducted by the Treasurer pursuant to this Chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The Treasurer shall execute all documents necessary to complete the transfer of title.

"§ 116B-32. Administration of Escheat Fund; Escheat Account.—(a) Escheat Account. All funds received by the Treasurer as escheated or abandoned property and which were transferred prior to January 1, 1980, to the trust fund created under G.S. 116-209 shall remain in that trust fund and shall be placed in a special fund, designated the ‘Escheat Account’.

(b) Investment and transfer of assets; income. The Treasurer shall be the trustee of the Escheat Account and shall have full power to invest and reinvest the assets of the Escheat Account and the Escheat Fund. Subject to the Treasurer’s withholding an amount necessary to accomplish his duties as set out in this Chapter, including subsections (e), (f) and (g) of this section, the Treasurer shall transfer, at least annually, to the Escheat Account all monies then in his custody received as, or derived from the disposition of, escheated and abandoned property and shall disburse to the State Education Assistance Authority, as provided in G.S. 116B-33, the income derived from the investment of the Escheat Account and the Escheat Fund. All monies transferred to the Escheat Account under this section shall be accounted for and administered separately from other assets and money in the trust fund created under G.S. 116-209.

(c) Security interest in Escheat Account. The State Education Assistance Authority, in addition to other powers vested under G.S. 116-201 to G.S. 116-209.23, inclusive, is authorized to pledge and vest a security interest in all or any part of the Escheat Account, by resolution adopted or trust agreement approved by it, as security for or insurance respecting the payment of bonds or other obligations, as defined in G.S. 116-201, including principal, interest and redemption premium, if any; provided, that such pledge and security interest in the Escheat Account shall, in the determination of the Authority, constitute a use of the Escheat Fund to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. The Authority may submit to the Treasurer, from time to time as it deems necessary, requisitions for transfers of money in the Escheat Account to pay such bonds and other obligations to the extent necessary under such pledge of, or security interest in, the Escheat Account, or any part thereof, and the Treasurer is authorized and directed to pay such money so requisitioned to the Authority for such purposes.

(d) Limitation on amount of obligations secured. The principal amount of bonds and other obligations insured or secured by the Escheat Account shall not exceed 10 times the amount held for the credit of the Escheat Account, as certified from time to time by the Treasurer, and, in no event, shall exceed three hundred fifty million dollars ($350,000,000). If the amount held for the credit of the Escheat Account, as certified by the Treasurer, shall be ten percent (10%) or less of the principal amount of the bonds and other obligations so insured or secured, the Authority shall not issue any additional bonds or cause additional obligations to be insured or secured by the Escheat Account until such time as the amount held for the credit of the Escheat Account exceeds ten
percent (10%) of the principal amount of the bonds and other obligations secured or insured by the Escheat Account.

(e) Use of excess funds. If the amount held for the credit of the Escheat Account at any time shall exceed the sum of thirty-five million dollars ($35,000,000), such excess may be used by the State Education Assistance Authority, with the written approval of the Treasurer, for the purpose of either (i) making student loans or (ii) refunding outstanding bonds or other obligations issued by the Authority and secured by a pledge of, or a security interest in, the Escheat Account. Any excess so used shall be repaid by the Authority to the Escheat Account in the manner agreed between the Authority and the Treasurer.

(f) Refund reserve. The Treasurer shall retain in the Escheat Fund, as a permanent refund reserve, either the sum of five million dollars ($5,000,000) or a sum equal to the total value of escheated or abandoned property received in the preceding fiscal year, whichever is greater, for the purpose of payment of refunds of escheated or abandoned property to persons entitled thereto.

(g) Additional funds for refunds. If at any time the amount of the refund reserve shall be insufficient to make refunds required to be made, the Treasurer, in addition, may use all current receipts derived from escheated or abandoned property, exclusive of earnings and profits on investments of the Escheat Fund and the Escheat Account, for the purpose of making such refunds; and if all such funds shall be inadequate for such refunds, the Treasurer may apply to the Council of State, pursuant to the Executive Budget Act, to the limit of funds available from the Contingency and Emergency Fund, for a loan, without interest, to supply any deficiencies, in whole or in part. No receipts derived from escheated or abandoned property, other than earnings or profits on investments, shall be paid to the Authority until: (i) all valid claims for refund have been paid; (ii) the reserve for refund shall equal five million dollars ($5,000,000); and (iii) the amount loaned from the Contingency and Emergency Fund shall have been repaid by the Escheat Fund.

(h) Expenditures. The Treasurer may expend the funds in the Escheat Fund, other than funds in the Escheat Account, for the payment of claims for refunds to owners, holders and claimants under G.S. 116B-4; for the payment of costs of maintenance and upkeep of abandoned or escheated property; costs of preparing lists of names of owners of abandoned property to be furnished to clerks of superior court; costs of notice and publication; costs of appraisals; fees of persons employed pursuant to G.S. 116B-43; costs involved in determining whether a decedent died without heirs; costs of a title search of real property that has escheated; and costs of auction or sale under this Chapter. All other costs, including salaries of personnel, necessary to carry out the duties of the Treasurer under this Chapter, shall be appropriated from the funds of the Escheat Fund pursuant to the provisions of Article 1, Chapter 143 of the General Statutes.

(i) Records. Before making a deposit to the Escheat Fund, or retaining or destroying property, the Treasurer shall record the name and address of the holder, the name and last known address of each person appearing from the holder’s reports to be entitled to the abandoned property, the name and last known address of each insured person or annuitant, the amount or description of the property, and, with respect to each policy or contract listed in the report.
of an insurer, its number and the name of the corporation. The records shall be available for public inspection at all reasonable business hours.

“§ 116B-33. Distribution of income of fund.—The income derived from the investment or deposit of the Escheat Fund shall be distributed annually on or before July 15th to the State Education Assistance Authority for loans to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. Such loans shall be made upon terms, consistent with the provisions of this Chapter, pursuant to which the State Education Assistance Authority makes loans to other students under G.S. 116-201 to 116-209.23, Article 23.

“§ 116B-34. Claim for abandoned property paid or delivered.—(a) Filing. Any person claiming an interest in any property delivered to the Treasurer under this Chapter may file a claim to the property or to the proceeds from its sale. The claim shall be on a form prescribed by the Treasurer. The claim shall be made to the person originally holding the property, or to his successor or successors. If such person is satisfied that the claim is valid and that the claimant is the actual and true owner of the property, he shall so certify to the Treasurer by written statement attested by him under oath, or in case of a corporation, by two principal officers, or one principal officer and an authorized employee thereof. The determination of the holder that the claimant is the actual and true owner shall, in the absence of fraud, be binding upon the Treasurer and upon receipt of the certificate of the holder to this effect, the Treasurer shall forthwith authorize and make payment of the claim or return of the property, or if the property has been sold, the amount received from such sale to the owner, or to the holder in the event the owner has assigned the claim to the holder and the certificate of the holder is accompanied by such assignment. In the event the person originally holding the property rejects the claim made against him, the claimant may appeal to the Treasurer.

If the person originally holding the property, or his successor, is not available, the owner may file a claim with the Treasurer on a form prescribed by the Treasurer. In addition to any other information, the claim shall state the facts surrounding the unavailability of the person originally holding the property and the lack of a successor.

(b) Determination. The Treasurer shall consider each claim and make a determination on it within 90 days after it is filed. He may hold a hearing, which shall be held in the manner required by Article 3 of the Administrative Procedure Act, Chapter 150A, and the Treasurer may designate any individual as hearing officer. Each determination shall be in writing, shall state the reasons for the decision and shall be given or sent to the claimant. Each determination may be appealed as provided under Article 4 of Chapter 150A.

(c) Payment. If the claim is allowed, the Treasurer shall make payment forthwith. The claim shall be paid without deduction for costs of notices of sale or for the Treasurer’s administrative costs, other than cost of notice provided for in G.S. 116B-25.

(d) Payment by holder. Any holder who has paid monies to the Treasurer pursuant to this Chapter may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the Treasurer shall forthwith reimburse the holder for the payment.
(e) Indemnification. The claimant or claimants and the holder, if he certifies the claim under subsection (a) or receives reimbursement under subsection (d), shall agree to indemnify, save harmless and defend the State, the Treasurer and the Escheat Fund from any claim arising out of or in connection with refund of the property claimed. In like manner, the claimant or claimants shall also agree to indemnify, save harmless and defend the holder, if the holder certifies the claim under subsection (a) or pays a claim under subsection (d).

"§116B-35. Examination of records.—(a) Treasurer. The Treasurer and the Commissioner with respect to records of insurers, may at reasonable times and upon reasonable notice cause to be examined the records of any person with respect to holding, reporting, paying, or delivering any property that is required to be reported pursuant to this Chapter.

(b) Other examiner. When requested by the Treasurer, an examination shall be conducted by any administrative licensing or regulating agency otherwise empowered to examine the records of a holder. For the purpose of this section, the Commissioner of Banks is vested with full authority to examine the records of any financial institution doing business within the State, including those not organized under the laws or created in this State.

The Treasurer may also receive copies of any reports or forms filed by any person with any State agency, including the Department of Revenue, if he deems it necessary or appropriate to the proper administration of this Chapter. The Treasurer may also receive copies of any such reports or forms when an official of any such State agency is of the opinion that the person has failed to report such property.

(c) Confidentiality of records. Information derived by any examination of records or otherwise communicated to the Treasurer, the Commissioner or their respective representatives concerning abandoned property shall be confidential and not available for public inspection to the extent the Treasurer or the Commissioner finds necessary to protect the interest of the holder, the owner, the State and the public welfare; and, in any event, any such information or record which is confidential under any law of this State or of the United States when in the possession of a person, firm, corporation, agency or other entity named in such law shall also be confidential when revealed to or delivered into the possession of the Treasurer or the Commissioner and shall not be available for public inspection.

(d) Order. The Treasurer, and the Commissioner with respect to reports of insurers, for the purpose of ascertaining the correctness of any report, the necessity of making a report where none has been made or the payment or delivery of property required to be paid or delivered under this Chapter, shall have the power to examine, personally or by an agent designated by him, any books, records, papers or other data which may be relevant to or material to such inquiry; and the Treasurer or the Commissioner may order the person required to make such report or pay or deliver such property, or any officer or employee of such person, or any person having possession, custody, care or control of books, records, papers or other data relevant or material to the matters under inquiry, or any other person having knowledge in the premises, to appear before the Treasurer or the Commissioner or their respective agents, at a time and place named in the order, and to produce such books, records, papers or other data, and to give such testimony under oath as may be material or relevant to such inquiry, and the Treasurer or the Commissioner or their
respective agents may administer oaths to such person or persons. If any person
so ordered refuses to obey such order or to give testimony when ordered, the
Treasurer or the Commissioner may apply to the Superior Court of Wake
County for a summons and court order requiring such person or persons to
comply with the order of the Treasurer or the Commissioner; and failure to
comply with such court order shall be punished as for contempt.

"§ 116B-36. Proceeding to allow examination or compel delivery.—If any
person refuses to allow examination of records or to deliver property to the
Treasurer as required under this Chapter, the Treasurer, or the Commissioner
with respect to records of insurers, may bring an action in a court of appropriate
jurisdiction to enforce the examination or delivery.

"§ 116B-37. Penalties.— (a) Failure or refusal to file; false reports. Any holder
who shall willfully fail, neglect or refuse to make and file any required report or
files a false report or who shall willfully fail, neglect or refuse to pay or deliver
any property to the Escheat Fund shall be liable to the State of North Carolina
in the sum of three hundred dollars ($300.00) for each and every such failure,
neglect, refusal or false report, and an additional sum of ten dollars ($10.00) for
each and every day of the period of default, or a sum equal to one-half of the
value of the property, whichever is greater. Such penalty may be recovered by
the State in an appropriate legal proceeding instituted by the State upon the
relation of the Treasurer. The proceeds of any penalty or judgment recovered in
such action shall be paid to the Treasurer to be added to the Escheat Fund.

(b) Compelling compliance. The recovery of such penalty shall not relieve the
defendant-holder from the duty of making and filing said reports. The State of
North Carolina, upon relation of the State Treasurer or the Commissioner with
respect to records of insurers, may bring injunctive proceedings to compel
compliance with the requirements of this Chapter relative to the making and
filing of said reports, or the Treasurer may compel compliance by suit and/or
bill for discovery.

(c) Interest penalty. In addition to any other damages, penalties or fines, any
person who fails to render reports, files a false report, refuses to pay or deliver
abandoned property to the Treasurer or perform any other duties required
under this Chapter shall be charged interest at the rate of twelve percent (12%)
per annum on the property or its value from the date the property should have
been reported, paid, delivered or the day the false report was filed, until a
correct report is filed.

"§ 116B-38. Regulations.—The Treasurer or the Commissioner with respect
to insurers, may adopt or amend the regulations necessary to carry out the
provisions of this Chapter. These regulations shall be adopted or amended
under the procedures of the Administrative Procedures Act, Chapter 150A.

"§ 116B-39. Restriction on agreement to locate reported property.—(a) Limit
on fees. No agreement entered into after a report is filed under G.S. 116B-25 is
valid if any person undertakes thereby to locate or reveal the whereabouts of
property included in that report for a fee or compensation, unless the agreement
is:

(1) in writing and duly signed and acknowledged by the property owner; and

(2) clearly states the fee or compensation to be paid, which may not exceed
twenty-five percent (25%) of the actual value of the property recovered; and
(3) discloses the nature and value of the property; and
(4) discloses the name and address of the holder; or discloses that the
property has been paid or delivered to the Escheat Fund.

(b) Agreements not affected. Subsection (a) shall not apply to any agreement
made by any person, including personal representatives, guardians, trustees, and
others in a representative capacity, with another to discover property in which
such person has an interest for a fixed fee or hourly or daily rate, not contingent
upon the discovery of property or the value of property discovered; provided,
however, that any agreement entered into under this subsection for the purpose
of evading the provisions of subsection (a) shall be invalid and unenforceable.

(c) Excessive consideration. Nothing in this section shall be construed to
prevent an owner from asserting, at any time, that any agreement to locate or
reveal the whereabouts of properties is based on an excessive or unjust
consideration.

"§116B-40. Effect of laws of other states.—This Chapter shall not apply to
any property that has been presumed abandoned or escheated under the laws of
another state prior to the effective date of this Chapter.

"§116B-41. Severability.—If any provision of this Chapter or the application
thereof to any person or circumstances is held invalid, the invalidity shall not
affect other provisions or applications of the Chapter which can be given effect
without the invalid provisions, and to this end the provisions of this Chapter
are severable.

"§116B-42. Transition and application.—Any person holding property that
was not required to be reported, delivered or paid to any State agency as
abandoned property under the laws of this State prior to January 1, 1980, and
which, on December 31, 1979, has been held for a period greater than the period
for abandonment established by this Chapter, shall not be subject to the
reporting provisions of this Chapter. Such property shall be reported and
delivered or paid to the Treasurer, however, in such manner and at such time as
the Treasurer shall prescribe by rule adopted to promote the identification and
delivery or payment of the property and the reasonable convenience of the
holders.

Any person holding property that was subject to reporting, delivery or
payment to a State agency as abandoned property under the laws of this State
prior to January 1, 1980, and that is subject to a shorter period for
abandonment under this act, may report and deliver or pay to the Treasurer
that property between January 1, 1980, and June 30, 1980.

This act shall not effect any duty to file a report or deliver or pay to any
State agency any abandoned property under the laws of this State prior to
January 1, 1980.

"§116B-43. Employment of persons with specialized skills or knowledge.—
The Treasurer may employ the services of such independent consultants, real
estate managers and other persons possessing specialized skills or knowledge as
he shall deem necessary or appropriate for the administration of this Chapter,
including, but specifically not limited to, valuation, maintenance, upkeep,
management, sale and conveyance of property and determination of sources of
unreported abandoned property. The Treasurer may also employ the services of
an attorney to perform a title search or to provide an accurate legal description
of real property which he has reason to believe may have escheated.
"§116B-44. Agreements to coordinate the collection and administration of abandoned property.—(a) Coordination with United States and other states. The Treasurer is hereby authorized, with the approval of the Governor and Council of State, to enter into agreements with the United States government or any department or agency thereof, or with any state or political subdivision thereof, for the purpose of coordinating and improving the collection and administration of property abandoned or escheated under the laws of this State and collected and administered by the Treasurer with the collection and administration of property abandoned or escheated under the laws of the United States or any other state or political subdivision.

(b) Expenditures to effectuate agreements. The Treasurer, with the approval of the Governor and Council of State, is authorized and empowered to undertake such agreements and make such expenditures from the funds of the Escheat Fund as may be necessary to effectuate such agreements.

"§116B-45. Certification by holders with tax return.—(a) Certification. Every business association, including financial institutions and life insurers, holding property deemed unclaimed and abandoned under this Chapter, shall certify such holding in the income tax return required by Chapter 105 of the North Carolina General Statutes. The certification shall be a part of the tax return with which it is filed. If such business association is not required to file an income tax return under Chapter 105, the certification shall be made in the form and manner required by the Secretary of Revenue.

(b) Certification not confidential. The information appearing on the certification shall not be privileged or confidential, and such information shall be furnished by the Secretary of Revenue to the Escheat Fund on October 1 of each year, or if such date shall fall on a weekend or holiday, on the next regular business day thereafter.

Sec. 2. Article 22 of Chapter 28A is hereby amended by adding a new section thereto to read as follows:

"§28A-22-8. Distribution to known but unlocated devisees or heirs.—(a) If there are known but unlocated devisees or heirs, the personal representative may deliver the share of such devisee or heir to the clerk of superior court immediately prior to filing of the final account. If the devisee or heir is located after the final account has been filed, he may present a claim for the share to the clerk. If the clerk determines that the claimant is entitled to the share, he shall deliver the share to the devisee or claimant. If the clerk denies the claim, the claimant may take an appeal as in a special proceeding.

(b) The clerk shall hold the share without liability for profit or interest. If no claim has been presented within a period of five years after the filing of the final account, the clerk shall deliver the share to the State Treasurer as abandoned property.

(c) The clerk shall not be required to publish any notice to such devisee or heir and shall not be required to report such share to the State Treasurer. If the devisee or heir is located, the clerk shall inform the devisee or heir that he is entitled to file a claim with the State Treasurer for the share under the provisions of G.S. 116B-34(a)."

Sec. 3. G.S. 53-18, as the same appears in the 1975 Replacement Volume 2B, is hereby amended on line 30 by deleting the words "this Chapter as hereinafter provided" and inserting in lieu thereof the words "Chapter 116B".
Sec. 4. G.S. 53-20, as the same appears in the 1975 Replacement Volume 2B, is hereby amended by adding a new subsection at the end thereof, as follows:

“(x) Unlocated depositor. Any funds due a known but unlocated person shall be disposed in accordance with Chapter 116B of the General Statutes, except where the provisions of this Chapter specifically provide otherwise.”

Sec. 5. G.S. 53-43.7, as the same appears in the 1975 Replacement Volume 2B, is hereby amended as follows:

a. Subsection (b) is amended by striking the entire subsection and inserting in lieu thereof the following:

“(b) Any property, including documents or writings of a private nature, which has little or no apparent value, need not be sold but may be destroyed by the Treasurer or by the lessor, if retained by the lessor pursuant to a determination by the Treasurer under G.S. 116B-27(c).”;

b. Subsection (c) thereof is amended on lines 4 through 10 by deleting all of the language after the word “be” on line 4 and inserting in lieu thereof the following: “delivered to the State Treasurer as abandoned property under the provisions of Chapter 116B.”;

c. Subsection (d) thereof is amended by striking the entire subsection and by inserting in lieu thereof the following:

“(d) The lessor shall submit to the Treasurer a verified inventory of all of the contents of the safe-deposit box upon delivery of the contents of the box or such part thereof as shall be required by the Treasurer under G.S. 116B-27(c); but the lessor may deduct from any cash of the lessee in the safe-deposit box an amount equal to accumulated charges for rental and shall submit to the Treasurer a verified statement of such charges and deduction. If there is no cash, or insufficient cash to pay accumulated charges, in the safe-deposit box, the lessor may submit to the Treasurer a verified statement of accumulated charges or balance of accumulated charges due, and the Treasurer shall remit to the lessor the charges or balance due, up to the value of the property in the safe-deposit box delivered to him, less any costs or expenses of sale; but if the charges or balance due exceeds the value of such property, the Treasurer shall remit only the value of the property, less costs or expenses of sale. Any accumulated charges for safe-deposit box rental paid by the Treasurer to the lessor shall be deducted from the value of the property of the lessee delivered to the Treasurer.”;

d. Subsection (e) thereof is hereby repealed.

Sec. 6. G.S. 55-130, as the same appears in the 1975 Replacement Volume 2B, is hereby amended on lines 3 through 9 by deleting all of the language after the word “be” on line 3 and inserting in lieu thereof the following: “disposed of in accordance with Chapter 116B”.

Sec. 7. G.S. 58-241.15 as the same appears in the 1977 Cumulative Supplement to Volume 2B of the General Statutes, is hereby rewritten to read as follows:

“§ 58-241.15. Unclaimed funds of defunct burial associations.—All unclaimed funds of any burial association that is no longer in operation shall be disposed of in accordance with Chapter 116B.”

Sec. 8. This act shall become effective January 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
AN ACT TO AMEND G.S. 108-61.2 AND G.S. 108-61.4 RELATING TO SUBROGATION AND ASSIGNMENT RIGHTS UNDER THE MEDICAL ASSISTANCE PROGRAM AND, FURTHER, TO GIVE PRIORITY TO THE STATE AS TO THOSE RIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108-61.2(a), as the same appears in Part I, Volume 3A of the General Statutes, is hereby amended by deleting the first sentence thereof and substituting therefor the following sentence:

"Notwithstanding any other provisions of the law, to the extent of payments under this Part, the State, or the county providing medical assistance benefits, shall be subrogated to all rights of recovery, contractual or otherwise, of the beneficiary of such assistance, or of his personal representative, his heirs, or the administrator or executor of his estate, against any person."

Sec. 2. G.S. 108-61.2(a) is hereby further amended by deleting the second sentence thereof and substituting therefor the following sentence:

"It shall be the responsibility of the county attorney or an attorney retained by the county and/or the State to enforce this section, and said attorney shall be compensated for his services in accordance with the attorneys' fee arrangements approved by the Department of Human Resources."

Sec. 3. G.S. 108-61.4, as the same appears in Part I, Volume 3A of the General Statutes, is hereby amended by deleting from the catch line the word "insurance".

Sec. 4. G.S. 108-61.4(a), as the same appears in Part I, Volume 3A of the General Statutes, is hereby amended by deleting the first sentence thereof and substituting therefor the following sentence:

"Notwithstanding any other provisions of the law, by accepting medical assistance, the recipient shall be deemed to have made an assignment to the State of the right to third party benefits, contractual or otherwise, to which he may be entitled."

Sec. 5. G.S. 108-61.4(a) is hereby further amended by adding a new sentence at the end thereof to read as follows:

"It shall be the responsibility of the county attorney of the county from which the medical assistance benefits are received or an attorney retained by that county and/or the State to enforce this subsection, and said attorney shall be compensated for his services in accordance with the attorneys' fee arrangements approved by the Department of Human Resources."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
S. B. 941  CHAPTER 1313
AN ACT TO REQUIRE THAT COPIES OF PRETRIAL MENTAL EXAMINATIONS BE SENT TO THE DISTRICT ATTORNEY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1002(d) is amended by deleting the third sentence and rewriting the second sentence to read: "A copy of the full report must be forwarded to defense counsel, or to the defendant if he is not represented by counsel, and to the district attorney."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 968  CHAPTER 1314
AN ACT TO INCREASE THE MEMBERSHIP OF THE LEGISLATIVE RESEARCH COMMISSION'S ADMINISTRATIVE RULES REVIEW COMMITTEE AND TO ESTABLISH A QUORUM FOR THE COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. The second and third sentences of G.S. 120-30.26 are rewritten to read as follows:

"The Committee is composed of nine members. On October 1 of each odd-numbered year, the cochairmen of the Legislative Research Commission shall jointly appoint Committee members from the membership of the General Assembly for terms of two years, and the members appointed shall elect one of their number to serve as chairman."

Sec. 2. G.S. 120-30.27 is amended after the first sentence and before the second sentence by inserting the following:

"A quorum of the Committee shall consist of the chairman and three other Committee members, or a majority of the Committee, whichever is fewer."

Sec. 3. Notwithstanding the provisions of G.S. 120-30.26, the new appointments authorized by this act shall be made not later than July 15, 1980. The term of office of a new appointee shall be from time of appointment until October 1, 1981, or until the appointee ceases to be a member of the General Assembly, whichever occurs first.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
CHAPTER 1315 Session Laws—1979

S. B. 1048  CHAPTER 1315

AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR
FIREMEN IN THE CITY OF LAURINBURG AND TO MODIFY THE
APPLICATION OF G.S. 118-5, G.S. 118-6, AND G.S. 118-7 TO THE CITY
OF LAURINBURG, THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

Section 1. Supplemental Retirement Fund Created. The Board of
Trustees of the Local Firemen’s Relief Fund of the City of Laurinburg, as
established in accordance with G.S. 118-6, hereinafter called the Board of
Trustees, shall create and maintain a separate fund to be called the Laurinburg
Firemen’s Supplemental Retirement Fund, hereinafter called the Supplemental
Retirement Fund, and shall maintain books of account for such fund separate
from the books of account of the Local Firemen’s Relief Fund. The Board of
Trustees shall pay into the Supplemental Retirement Fund the funds
prescribed by this act.

Sec. 2. Transfers of Funds and Disbursements. Notwithstanding the
provisions of G.S. 118-7, the Board of Trustees of the Local Firemen’s Relief
Fund of the City of Laurinburg shall:

(a) prior to January 1, 1981, and prior to January 1 in each subsequent
calendar year, transfer to the Supplemental Retirement Fund all funds
belonging to the Local Firemen’s Relief Fund in excess of twenty-five thousand
dollars ($25,000);

(b) at any time when the amount of funds in the Local Firemen’s Relief
Fund shall, by reason of disbursements authorized by G.S. 118-7, be less than
twenty-five thousand dollars ($25,000), transfer from the Supplemental
Retirement Fund to the Local Firemen’s Relief Fund an amount sufficient to
maintain in the Local Firemen’s Relief Fund the sum of twenty-five thousand
dollars ($25,000);

(c) as soon as practical after January 1 of each year, but in no event later
than July 1, divide funds belonging to the Supplemental Retirement Fund into
equal shares and disburse the same as supplemental retirement benefits in
accordance with Section 3 of this act.

Sec. 3. Supplemental Retirement Benefits. Each retired fireman of the
City, whether volunteer or paid, who has previously retired with 20 years’
service, or more, as a fireman of the City of Laurinburg and has reached the age
of 55 years, shall be entitled to and shall receive in each calendar year following
the calendar year in which he retires the following supplemental retirement
benefits: one share for each full year of service as a fireman of the City of
Laurinburg; provided, in no event shall any retired fireman be entitled to or
receive in any year an annual supplemental retirement benefit in excess of one
thousand dollars ($1,000).

Sec. 4. Investment of Funds. The Board of Trustees is hereby
authorized to invest any funds, either of the Local Firemen’s Relief Fund or of
the Supplemental Retirement Fund, in any investment named in or authorized
by either G.S. 159-30 or G.S. 159-31, and is hereby directed to invest all of the
funds belonging to the Supplemental Retirement Fund in one or more such
investments; provided, that investment in certificates of deposit or time deposit
in any bank or trust company, or in shares of any savings and loan association,
shall not exceed the amount insured by the Federal Deposit Insurance

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Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, unless such deposits or investments in shares are secured in the manner provided by G.S. 159-30 or G.S. 159-31.

Sec. 5. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 6. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen’s Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees is hereby authorized to pay the premiums for the bond of the Treasurer from the Supplemental Retirement Fund.

Sec. 7. City Authorized to Make Payment. The governing body of the City of Laurinburg is hereby authorized and may at its discretion make appropriations and disburse funds to the Supplemental Retirement Fund.

Sec. 8. Section 2(a) and Section 2(b) of Chapter 208, Session Laws of 1979, is amended by deleting in each place they appear the words and figures “fifty thousand dollars ($50,000)” and inserting in lieu thereof the words “forty thousand dollars ($40,000)”.

Sec. 9. Section 2(c) of Chapter 208, Session Laws of 1979, is amended by deleting the words “funds belonging to”, and inserting in lieu thereof the words “interest collected from”.

Sec. 10. Section 3 of Chapter 208, Session Laws of 1979, is amended by deleting the words and figures “six hundred dollars ($600.00)”, and inserting in lieu thereof the words and figures “one thousand dollars ($1,000); provided, however, no supplemental retirement benefits shall be paid to any fireman who has not been a member of the North Carolina State Firemen’s Association for at least 20 years.”

Sec. 11. Severability. If any provision of this act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 12. Repealer. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 13. Effective Date. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1066  CHAPTER 1316

AN ACT TO AMEND AND POSTPONE THE EFFECTIVE DATE OF THE FAIR SENTENCING ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-1.1(a), to become effective July 1, 1980, is rewritten to read as follows:

“§ 14-1.1. Punishment for felonies.—(a) For felonies that occur on or after the effective date of Article 81A of Chapter 15A of the General Statutes, the following punishments shall be applicable:
(1) a Class A felony shall be punishable by death or life imprisonment as provided by Article 100 of Chapter 15A of the General Statutes;
(2) a Class B felony shall be punishable by life imprisonment;
(3) a Class C felony shall be punishable by imprisonment up to 50 years, or a fine or both;
(4) a Class D felony shall be punishable by imprisonment up to 40 years, or a fine or both;
(5) a Class E felony shall be punishable by imprisonment up to 30 years, or a fine or both;
(6) a Class F felony shall be punishable by imprisonment up to 20 years, or a fine or both;
(7) a Class G felony shall be punishable by imprisonment up to 15 years, or a fine or both;
(8) a Class H felony shall be punishable by imprisonment up to 10 years, or a fine or both;
(9) a Class I felony shall be punishable by imprisonment up to five years, or a fine or both;
(10) a Class J felony shall be punishable by imprisonment up to three years, or a fine or both."

Sec. 2. G.S. 14-3(b), as amended by Section 5, Chapter 760, Session Laws of 1979, to become effective July 1, 1980, is rewritten to read as follows:
"If a misdemeanor offense as to which no specific punishment is prescribed be infamous, done in secrecy and malice, or with deceit and intent to defraud, the offender shall, except where the offense is a conspiracy to commit a misdemeanor, be guilty of a Class H felony."

Sec. 3. G.S. 14-6, as amended by Chapter 760, Session Laws of 1979, to become effective July 1, 1980, is amended by deleting the second sentence of that section.

Sec. 4. G.S. 14-27.2 is amended in subsection (b), line two, by inserting "Class B" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 5. G.S. 14-27.3 is amended in subsection (b), line two, by inserting "Class D" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 6. G.S. 14-27.4 is amended, in subsection (b), line two, by inserting "Class B" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 7. G.S. 14-27.5 is amended in subsection (b), line two, by inserting "Class D" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 8. G.S. 14-27.6 is amended in line three by inserting "Class F" before "felony", a period after "felony", and deleting the remainder of the sentence. This section is further amended in line seven, by inserting "Class H" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 9. G.S. 14-27.7 is amended in line seven by inserting "Class G" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 10. G.S. 14-56 is amended in line seven by inserting "Class I" before "felony", a period after "felony", and deleting the remainder of the sentence.
That portion of Section 5, Chapter 760, Session Laws of 1979, which would have amended this section effective July 1, 1980, is repealed.

Sec. 11. G.S. 14-72(a), as amended by Section 5, Chapter 760, Public Laws of 1979, to become effective July 1, 1980, is rewritten to read as follows:

"Larceny of goods of the value of more than four hundred dollars ($400.00) is a Class H felony. The receiving or possessing of stolen goods of the value of more than four hundred dollars ($400.00) while knowing or having reasonable grounds to believe that the goods are stolen is a Class H felony. Larceny as provided in subsection (b) of this section is a Class H felony. Receiving or possession of stolen goods as provided in subsection (c) of this section is a Class H felony. Except as provided in subsections (b) and (c) of this section, larceny of property, or the receiving or possession of stolen goods knowing or having reasonable grounds to believe them to be stolen, where the value of the property or goods is not more than four hundred dollars ($400.00), is a misdemeanor punishable under G.S. 14-3(a). In all cases of doubt, the jury shall, in the verdict, fix the value of the property stolen."

Sec. 12. G.S. 14-87(a) as it appears in the editor’s note on page 452 of the 1979 Cumulative Supplement to Volume 1B of the General Statutes, to be effective July 1, 1980, is amended by deleting the words “felony and upon conviction thereof shall be punished by imprisonment for not less than seven years nor more than life imprisonment in the State’s prison” and inserting in lieu thereof the words “Class D felony”.

Sec. 13. G.S. 14-168.1 is amended in line eight by inserting “Class H” before “felony”.

Sec. 14. G.S. 14-221.2 is amended in line three by inserting “Class H” before “felony”.

Sec. 15. G.S. 14-225.2 is amended in subsection (a), line four, by inserting “Class I” before “felony”, a period after “felony”, and deleting the remainder of the sentence.

Sec. 16. G.S. 14-282, as set forth in Volume 1B (Replacement 1969) of the General Statutes, is amended in line four by inserting “Class H” before “felony”, changing the comma after “felony” to a period, and deleting the remainder of the sentence.

Sec. 17. G.S. 14-284.2 is amended in subsection (a), line seven, by inserting “Class H” before “felony”, changing the comma after “felony” to a period, deleting the remainder of the sentence, and inserting in lieu thereof:

“The fine authorized by G.S. 14-1.1(a)(8) for a conviction under this section may include a fine of up to one hundred thousand dollars ($100,000) per day of violation.”

Sec. 18. G.S. 14-318.4 is amended in subsection (a), line nine, by inserting “Class I” before “felony”, a period after “felony”, and deleting the remainder of the sentence.

Sec. 19. G.S. 14-454 is amended in subsection (a), line one, by inserting “Class H” before “felony”.

Sec. 20. G.S. 14-455 is amended in subsection (a), line two, by inserting “Class H” before “felony”.

Sec. 21. G.S. 14-457 is amended in line five by inserting “Class H” before “felony”. 
Sec. 22. G.S. 20-30 is amended in subdivision (7), line five, by inserting "Class J" before "felony", changing the comma after "felony" to a period, and deleting the remainder of the sentence.

Sec. 23. G.S. 21-42, as set forth in Volume 1D (Replacement 1965) of the General Statutes, is amended in line 13 by inserting "Class I" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 24. G.S. 108-48(b) is amended in line seven by inserting "Class I" before "felony", changing the comma after "felony" to a period, and deleting the remainder of the sentence.

Sec. 25. G.S. 108-61.5(c) is amended in line two by inserting "Class I" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 26. G.S. 108-61.6(b) is amended in line four by inserting "Class I" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 27. G.S. 163-275 is amended in line four by inserting "Class H" before "felony", inserting a period after "felony", and deleting the remainder of the sentence.

Sec. 28. G.S. 163-275 is amended in subdivision (14), line four, by inserting "Class H" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 29. G.S. 105-113.61(b), as it appears in Volume 2D (Replacement 1979) of the General Statutes of North Carolina, is amended in line four by inserting "Class I" before "felony", a period after "felony", and deleting the remainder of the sentence.

Sec. 30. G.S. 15A-1340.1(a) is rewritten to read as follows:
"This Article shall apply to the sentencing of all persons convicted of felonies, other than Class A or Class B felonies, that occur on or after March 1, 1981."

Sec. 31. G.S. 15A-1340.1(b) is repealed.

Sec. 32. G.S. 15A-1340.2(4) is amended by deleting the definition of "prior conviction", and inserting in lieu thereof:
"A person has received a prior conviction when he has been adjudged guilty of or has entered a plea of guilty or no contest to a criminal charge, and judgment has been entered thereon, and the time for appeal has expired, or the conviction has been finally upheld on direct appeal."

Sec. 33. G.S. 15A-1340.3 is amended in lines five and six by deleting "who have demonstrated a propensity to commit further crimes".

Sec. 34. G.S. 15A-1340.5 is transferred to G.S. Chapter 14, renumbered G.S. 14-2.2, and amended in line four by inserting, after the word "felony" and before the comma the words "in which a deadly weapon was used", and adding the following paragraphs at the end of the section:
"For the purpose of this section, the record or records of the prior felony conviction shall be admissible in evidence after conviction and before sentencing, but only for the purpose of proving that the person has been convicted of a previous felony. A judgment of a conviction or plea of guilty or no contest to such felony offense certified to a superior court in this State from the custodian of records of any other court of this State under the same name as that by which the defendant is charged shall be prima facie evidence that the
identity of such person is the same as the defendant so charged and shall be prima facie evidence of the facts so certified.

For the purposes of this section, a felony committed before a person attains the age of 18 years does not constitute a previous felony conviction.

Pleas of guilty or no contest to or convictions of felony offenses prior to September 1, 1977, are not felony offenses within the meaning of this section. Any felony offense to which a pardon has been extended does not for the purpose of this section constitute a felony. The burden of proving a pardon rests with the defendant and the State is not required to disprove a pardon."

Sec. 35. G.S. 15A-1340.6 is repealed.

Sec. 36. G.S. 15A-1340.7(a) is amended by deleting the last sentence thereof.

Sec. 37. G.S. 15A-1340.7(b) is amended in line seven by deleting the word "read" and inserting in lieu thereof the word "explained", and by deleting the last sentence.

Sec. 38. G.S. 15A-1340.7(d) is amended in line five by changing the period at the end of the sentence to a comma, and inserting thereafter "and Article 85 of Chapter 15A of the General Statutes".

Sec. 39. G.S. 15A-1345(c) is amended in line six by deleting "four" and inserting "seven" in lieu thereof.

Sec. 40. G.S. 15A-1354(a), as amended by Chapter 760, Session Laws of 1979, effective July 1, 1980, is amended by deleting the last sentence thereof.

Sec. 41. G.S. 15A-1370.1 is rewritten to read as follows: "This Article is applicable to all sentenced prisoners, including Class A and B felons and committed youthful offenders, who are not subject to Article 85A of this Chapter."

Sec. 42. G.S. 15A-1371 is amended by inserting therein after subsection (a) the following new subsection:

"(a1) A prisoner serving a term of life imprisonment with no minimum term is eligible for parole after serving 20 years. This subsection applies to offenses committed on and after March 1, 1981."

Sec. 43. G.S. 148-13(b), as enacted by Chapter 760, Session Laws of 1979, effective July 1, 1980, is amended by deleting the words "either for felonies that occurred before the effective date of Article 81A of Chapter 15A of the General Statutes, or for misdemeanors regardless of the date of occurrence", and inserting in lieu thereof "for offenses not subject to Article 81A of Chapter 15A of the General Statutes".

Sec. 44. G.S. 148-13(c), as enacted by Chapter 760, Session Laws of 1979, effective July 1, 1980, is amended by deleting "State prisoners serving prison terms", and inserting in lieu thereof "prisoners serving prison or jail terms"; by inserting "and local jail administrators" after "Secretary of Correction"; and by changing "section" to "subsection" in the last sentence.

Sec. 45. G.S. 148-13(d), as enacted by Chapter 760, Session Laws of 1979, effective July 1, 1980, is amended in the last sentence thereof by deleting "the rate of" in the two places these words appear in the proviso.

Sec. 46. G.S. 148-13(e), as enacted by Chapter 760, Session Laws of 1979, effective July 1, 1980, is rewritten to read as follows: "The Secretary's regulations concerning time deductions authorized by this section and his regulations concerning prisoner conduct issued pursuant to G.S.
15A-1340.7 shall be distributed to and followed by local jail administrators with regard to sentenced jail prisoners."

Sec. 47. Section 6 of Chapter 760 of the Session Laws of 1979 is amended by deleting "July 1, 1980" and inserting in lieu thereof "March 1, 1981."

Sec. 48. Sections 1 through 46 of this act shall become effective on March 1, 1981, and shall apply to offenses committed on or after that date. The remaining sections of this act are effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1067

CHAPTER 1317

AN ACT TO AMEND AND POSTPONE THE EFFECTIVE DATE OF CERTAIN PORTIONS OF THE SPEEDY TRIAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-701(al), as found in the 1979 Cumulative Supplement to Volume 1C, is amended by substituting the year, "1981" for the year "1980" in line 4 of the subsection.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1099

CHAPTER 1318

AN ACT TO MODIFY G.S. 105-130.26 AND G.S. 105-151.5 CONCERNING CREDIT AGAINST INCOME TAX FOR CONVERSION OF AN INDUSTRIAL BOILER OR KILN TO UTILIZE WOOD AS ITS PRIMARY FUEL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-130.26 is hereby amended on line 2 by inserting the words "and the associated fuel and residue handling equipment" between the words "kiln" and "used".

Sec. 2. G.S. 105-151.5 is hereby amended on line 2 by inserting the words "and the associated fuel and residue handling equipment" between the words "kiln" and "used".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 1651  CHAPTER 1319
AN ACT TO ALLOW BRUNSWICK COUNTY TO NAME PRIVATE ROADS IN UNINCORPORATED AREAS, AND SIMPLIFY THE PROCESS OF NAMING ROADS IN THAT COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-239 is rewritten to read:
“§ 153A-239. Public road defined.—In this Article ‘public road’ or ‘road’ means any road, street, highway, thoroughfare, or other way of passage that has been irrevocably dedicated to the public or in which the public has acquired rights by prescription, without regard to whether it is open for travel, except that in G.S. 153A-240, the word ‘road’ means both private roads and public roads.”

Sec. 2. G.S. 153A-240 is rewritten to read:
“§ 153A-240. Naming roads and assigning street numbers in unincorporated areas.—A county may by ordinance name or rename any road within the county and not within a city, and may assign or reassign street numbers for use on such a road. In naming or renaming a road, a county may not
(1) change the name, if any, given to the road by the Board of Transportation, unless the Board of Transportation agrees;
(2) change the number assigned to the road by the Board of Transportation, but may give the road a name in addition to its number; or
(3) give the road a name that is deceptively similar to the name of any other public road in the vicinity.
A county shall not name or rename a road or assign or reassign street numbers on a road until it has held a public hearing on the matter. At least 10 days before the day of the hearing, the board of commissioners shall cause notice of the time, place and subject matter of the hearing to be prominently posted at the county courthouse, in at least two public places in the township or townships where the road is located, and shall publish a notice of such hearing in a newspaper of general circulation published in the county. After naming or renaming a road, or assigning or reassigning street numbers on a road, a county shall cause notice of its action to be given to the local postmaster with jurisdiction over the road, to the Board of Transportation, and to any city within five miles of the road.”

Sec. 3. This act applies to Brunswick County only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
S. B. 811  CHAPTER 1320
AN ACT TO REQUIRE INSURANCE AGENTS' AND ADJUSTERS' EXAMS TO REFLECT CURRENT INSURANCE LAWS AND TO PROVIDE FOR THE AVAILABILITY OF STUDY MATERIALS TO EXAM CANDIDATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-41.1(c) is rewritten to read:
"(c) Each examination shall be as the Commissioner prescribes, shall be of sufficient scope to test the applicants' knowledge of:
(1) the terms and provisions of the policies or contracts of insurance he proposes to effect; or
(2) the types of claims or losses he proposes to adjust; and
(3) the duties and responsibilities of such a license; and
(4) the current laws of this State applicable to such a license."

Sec. 2. G.S. 58-41.1(e) is amended by adding a new sentence to read:
"The Commissioner shall make or cause to be made available to all applicants, for a reasonable fee to offset the costs of production, materials that he deems necessary for the applicants' proper preparation for such exams. The Commissioner is hereby empowered to contract directly with publishers and other suppliers for the production of such preparatory materials, and contracts so let by the Commissioner shall not be subject to Article 3, Chapter 143 of the General Statutes."

Sec. 3. This act shall become effective July 1, 1980.
In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1024  CHAPTER 1321
AN ACT TO AUTHORIZE THE REDEVELOPMENT COMMISSION OF THE CITY OF WILMINGTON TO PERMIT DISPOSITION OF LAND FOR A SPECIAL PURPOSE AT FAIR MARKET VALUE WITHOUT COMPETITIVE BIDDING: TO PERMIT DISPOSITION OF LAND ON THE BASIS OTHER THAN THE HIGHEST MONETARY BID, WHERE SUCH DISPOSITION IS FOUND TO SERVE THE BEST INTEREST OF THE MUNICIPALITY, AND TO DISPOSE OF PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-514 is hereby amended by adding the following subdivision (5) after subsection (e), subdivision (4):
"(5) After a public hearing advertised in accordance with the provisions of G.S. 160A-514(e) and subject to the approval of the governing body of the municipality, the Commission may determine that in the best interest of the municipality certain property should be developed for one purpose only, which purpose shall be designated. The Commission shall advertise such property and designated purpose, and shall invite redevelopment proposals by public notice, by publication once a week for two consecutive weeks in a newspaper having general circulation in the municipality, and shall make available all pertinent information to any persons interested in undertaking a purchase of such property and the redevelopment of such property or any part thereof. Any
property sold in accordance with this subsection shall be sold at public auction
to the highest bidder for cash at a price not less than the fair market value
thereof, as fixed by the Commission. All conveyances made under the authority
of this subsection shall contain restrictive covenants limiting the use of
property so conveyed to the designated purpose for which the conveyance is
made.”

Sec. 2. G.S. 160A-514(d) is hereby amended by inserting the following at
the end thereof:

“Regardless of the preceding provisions, the Commission may reject the
highest responsible bid and accept a lesser bid where it makes the following
specific findings and where such findings are verified and approved by the
governing body of the municipality after a public hearing advertised in
accordance with the provisions of G.S. 160A-514:

The general public welfare and proper development of the community will be
better served by the bid which was accepted than by the higher bid or bids
which were rejected, for one or more of the following reasons:

1. The proposed use or development of the land under the successful bid will
result in an assessed valuation for ad valorem taxation greater than that of the
use or uses proposed by the higher bidders;

2. The proposed use or development of the land under the successful bid will
have a substantially greater beneficial effect upon neighboring property, the
project area, and the community as a whole than the use or uses proposed by the
higher bidders and will tend to induce greater investment in the development of
other property in the area;

3. The proposed use or development of the land under the successful bid will
facilitate the relocation of persons or firms displaced by redevelopment projects
to a substantially greater degree than the use or uses proposed by the higher
bidders.”

Sec. 3. G.S. 160A-514(d) is hereby amended by inserting the following clause between the word “section” and the word “provided” in line 16: “or to a
developer under the special circumstances set forth in subdivision (6) of
subsection (e).”

Sec. 4. G.S. 160A-514(e) is hereby amended by adding the following new
subdivision (6):

“(6) Convey at private sale to any other redeveloper particular properties
within a redevelopment area where it finds the proposed redeveloper is the only
known available, qualified and willing redeveloper for the contemplated use and
makes one or more of the following findings and all such findings are verified
and approved by the governing body of the municipality after a public hearing,
notice of which shall be given once a week for two successive calendar weeks in
a newspaper published in the municipality, by posting such notice at four public
places in the municipality, said notice to be published the first time, or posted,
not less than 15 days prior to the date fixed for said hearing:

a. that the proposed use or redevelopment is necessary in order to facilitate
the relocation of persons or firms displaced by a redevelopment project or other
governmental action;

b. that the proposed use or redevelopment is reasonably necessary in order to
assure development which will have the desired beneficial effect upon
neighboring property, the project area and the community as a whole, as
contemplated by the redevelopment plan;
c. that the proposed use or redevelopment will assure that the property will not remain unused for an unduly long period and will result in a return to the local ad valorem rolls at a substantially earlier date than uses or redevelopments obtainable by other methods of disposition.

Such conveyance shall be for such consideration as may be agreed upon by the Commission and the redeveloper and approved by the governing body of the municipality, which shall not be less than the fair, actual value of the property as determined by the Commission and by the governing body of the municipality, based on competent evidence."

Sec. 5. This act shall apply only to the City of Wilmington.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1025

CHAPTER 1322

AN ACT TO ALLOW THE SHERIFFS OF CATAWBA COUNTY AND WAKE COUNTY A FEE OF THREE DOLLARS FOR WEAPONS PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-404 as the same appears in the 1969 Replacement Volume 1B of the General Statutes is hereby amended so that the last sentence thereof shall read:

"The sheriff shall charge for his services upon issuing such license or permit a fee of three dollars ($3.00)."

Sec. 2. This act shall apply only to Catawba County and Wake County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1769

CHAPTER 1323

AN ACT REGARDING THE IDENTITY OF A DRIVER WHO PASSES A STOPPED SCHOOL BUS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-217 is amended by designating the present language as subsection (a) and adding a new subsection to read:

“(b) Proof that a motor vehicle has passed a stopped school bus in violation of this section is prima facie evidence that that motor vehicle was operated at the time of the violation by the registered owner of the vehicle."

Sec. 2. This act shall become effective October 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
H. B. 1774  
CHAPTER 1324  
AN ACT CHANGING THE RACCOON HUNTING SEASON IN THE COUNTIES OF RUTHERFORD, CLEVELAND AND POLK.

The General Assembly of North Carolina enacts:

Section 1. Chapter 146 of the 1979 Session Laws is repealed.

Sec. 2. G.S. 113-133.1(e), as it appears in Section 1 of Chapter 830 of the 1979 Session Laws, is amended in the chart by deleting the language, "Session Laws 1979, Chapter 146" in the entries for Rutherford, Cleveland and Polk Counties.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1638  
CHAPTER 1325  
AN ACT OF LIMITED DURATION TO AUTHORIZE THE USE OF PAPER BALLOTS IN VOTING FOR PRESIDENT WHERE VOTING MACHINES ARE USED.

The General Assembly of North Carolina enacts:

Section 1. Article 14 of Chapter 163 of the General Statutes of North Carolina is amended by inserting a new section to read:

"§163-162.1. Temporary authority regarding voting for President.—The Executive Secretary-Director of the State Board of Elections is hereby authorized to permit any county using voting machines or systems, where limitations render impossible the placing of the entire ballot thereon, to prescribe temporary rules to such counties, upon written request, for the use of paper ballots for the office of President of the United States in precincts where voting machines are used for voting on all other offices in the November 4, 1980 general election. In the alternative, permission may be granted to use paper ballots for the office of soil conservation district board of supervisors."

Sec. 2. This act is effective upon ratification and shall cease to be in effect on and after January 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1775  
CHAPTER 1326  
AN ACT TO POSTPONE CHANGES IN THE JURY SUMMONS FORM IN WAKE, MECKLENBURG, AND BUNCOMBE COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 1207, Session Laws of 1979 (Second Session, 1980), is amended by adding the following new language immediately before the period: "provided that Section 3 shall not become effective in Wake, Mecklenburg, and Buncombe Counties until July 1, 1981".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

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CHAPTER 1327   Session Laws—1979

S. B. 583   CHAPTER 1327
AN ACT TO REMOVE ALL PRESUMPTIONS UNDER THEFT INSURANCE POLICY CLAIMS.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to Chapter 58 of the General Statutes to read:

§ 58-31.2. In any action for recovery under a burglary or theft insurance policy, as that term is defined in G.S. 58-72(7), there shall be no presumptions that the alleged loss was caused by theft or by mysterious disappearance.

Sec. 2. This act is effective upon ratification, but does not affect pending litigation.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 825   CHAPTER 1328
AN ACT TO REINSTATE ALL CHARGES UPON A DEFENDANT'S APPEAL FROM A NEGOTIATED PLEA OF GUILTY OR NO CONTEST IN THE DISTRICT COURT FOR TRIAL DE NOVO IN SUPERIOR COURT AND TO AMEND G.S. 7A-228 RELATING TO APPEALS FROM MAGISTRATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1431(b) is hereby amended by adding the following sentence to the end thereof:

“Upon the docketing in the Superior Court of an appeal from a judgment imposed pursuant to a plea arrangement between the State and the defendant, the jurisdiction of the Superior Court over any misdemeanor dismissed, reduced, or modified pursuant to that plea arrangement shall be the same as was had by the District Court prior to the plea arrangement.”

Sec. 2. G.S. 7A-271(b) is hereby amended by deleting the “period” following the word “instance” and adding the following phrase to the end thereof: “, and when that conviction resulted from a plea arrangement between the defendant and the State pursuant to which misdemeanor charges were dismissed, reduced, or modified, to try those charges in the form and to the extent that they subsisted in the District Court immediately prior to entry of the defendant and the State of the plea arrangement.”

Sec. 3. G.S. 7A-228 is amended by adding a new sentence to read:

“Whenever such appeal is docketed and is regularly set for trial, and the appellant fails to appear and prosecute his appeal, the presiding judge may have the appellant called and the appeal dismissed; and in such case the judgment of the magistrate shall be affirmed.”

Sec. 4. This act shall become effective on October 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

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S. B. 949  CHAPTER 1329
AN ACT TO REQUIRE LICENSING OF FUEL ALCOHOL DISTILLERS.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to the General Statutes to read:

"§ 18A-69. Distilleries for Fuel Alcohol.—Any person in possession of a Federal Operating Permit pursuant to Title 27, Code of Federal Regulations, Part 201.131 through 201.138 or Part 201.64 through 201.65 shall obtain a permit under this Article before manufacturing any alcohol. The permit entitles the permit holder to perform only those acts allowed by the Federal Operating Permit, and all conditions of the Federal Operating Permit apply to the State permit. The application fee for this permit is ten dollars ($10.00)."

Sec. 2. G.S. 105-113.72 is amended by adding a new subsection to read:

“(c) Any person, firm, or corporation authorized to manufacture fuel alcohol under G.S. 18A-69 shall pay an annual license tax of ten dollars ($10.00).”

Sec. 3. This act shall become effective on October 1, 1980, and applies to all persons holding or obtaining federal permits on or after that date.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1069  CHAPTER 1330
AN ACT TO AMEND G.S. 25A-15, G.S. 24-11, G.S. 53-173 AND G.S. 53-176 TO INCREASE CREDIT AVAILABILITY IN VARIOUS CONSUMER TRANSACTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 25A-15(b)(4) is amended to read as follows:

“Sixteen percent (16%) per annum where the amount financed is three thousand dollars ($3,000) or greater.”

Sec. 2. G.S. 25A-15(b)(5) is repealed.

Sec. 3. G.S. 24-11(b) is amended in line six thereof by deleting the words “one and one-quarter” and inserting in lieu thereof the words “one and one-half”; and by deleting lines seven, eight and nine thereof and inserting in lieu thereof the figure “(1 1/2%)”.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. B. 1027  CHAPTER 1331
AN ACT TO ALLOW THE TOWN OF APEX TO USE THE PROCEDURES OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 996, Session Laws of 1951, is amended by adding a new section to read:

“Sec. 1.1. Additional Procedure for Eminent Domain. In addition to any other powers granted by law to the Town of Apex by any general or local act, the town is also authorized in any case where it may acquire property by condemnation to use the procedure and authority prescribed in Article 9 of
Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided, further, that all reference in Article 9 of Chapter 136 of the General Statutes to 'Department of Transportation' shall be deemed to mean 'Town of Apex', all reference to the 'Secretary of Transportation' shall be deemed to mean 'Town Administrator' of the Town of Apex, all references to 'Raleigh' shall be deemed to mean 'Apex', and all other reference, directly or by implication, to the condemning authority or persons or agencies connected therewith shall be deemed to mean the Town of Apex.

Provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) unless the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the town, or otherwise first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation."

Sec. 2. No proceeding to acquire property pursuant to the authority granted by this act shall be commenced after January 1, 1981.

Sec. 3. This act is effective upon ratification, but shall only apply to civil actions instituted under this act on or before January 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. B. 1770

CHAPTER 1332

AN ACT TO PROVIDE THAT TRAINEE SCHOOL BUS DRIVERS ARE COVERED BY THE STATE TORT CLAIM ACT.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 143-300.1(a) is rewritten to read:

"(a) The North Carolina Industrial Commission shall have jurisdiction to hear and determine tort claims against any county board of education or any city board of education, which claims arise as a result of any alleged mechanical defects or other defects which may affect the safe operation of a public school bus or school transportation service vehicle resulting from an alleged negligent act of maintenance personnel or as a result of any alleged negligent act or omission of the driver of a public school bus or school transportation service vehicle when:

(1) the salary of that driver is paid or authorized to be paid from the State Public School Fund, and the driver is an employee of the county or city administrative unit of which that board is the governing body, or
(2) the driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the Department of Transportation, Division of Motor Vehicles, or an authorized employee of that board or a county or city administrative unit thereof, and which driver was at the time of the alleged negligent act or omission operating a public school bus or school transportation service vehicle in the course of his employment by or training for that administrative unit or board."

Sec. 2. G.S. 143-300.1(d) is amended by deleting the period at the end of the first sentence and adding the following:

"or when the driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the Department of Transportation,
Division of Motor Vehicles, or an authorized employee of a county or city board of education or administrative unit thereof."

Sec. 3. Awards and judgments rendered under the provisions of this act shall be paid, during fiscal year 1980-81, from funds appropriated to the Public School Fund for Workers' Compensation claims and for claims for injuries to pupils. If appropriated funds for these purposes are insufficient to pay all awards and judgments entered in fiscal year 1980-81, the controller of the State Board of Education shall apply to the Director of the Budget for permission to make an internal budget transfer within the Public School Fund to cover the deficit.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
RESOLUTIONS

S. R. 971    RESOLUTION 85

A JOINT RESOLUTION RELATING TO BILLS WHICH MAY BE CONSIDERED IN THE 1980 ADJOURNED SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1980 adjourned session of the General Assembly may consider, in addition to other matters properly before it, the following:

1. A bill to be entitled An Act to Extend the Time Period for Development and Operation of Statewide Early Childhood Development Program Mandated by G.S. 115-1.1.

2. A bill to be entitled An Act to Amend G.S. 24-1.1 and G.S. 24-1.2 Relating to Contract and Installment Loan Rates.


4. A bill to be entitled An Act to Control Trafficking in Certain Controlled Substances.

5. A bill to be entitled An Act to Provide for the Governing of the North Carolina Museum of Art and to Appropriate Funds for the Transition of its Governance.

6. A bill to be entitled An Act to Amend and Postpone the Effective Date of Certain Portions of the Speedy Trial Law.


8. A bill to be entitled An Act to Amend and Postpone the Effective Date of the Fair Sentencing Act.


11. Joint resolutions calling for Joint Sessions to consider confirmation of interim appointees of the Governor.

12. A bill to be entitled An Act to Establish a Personnel Administration Commission for Public School Employees.

13. A bill to be entitled An Act to Direct the State Board of Education to Develop Performance Standards and to Require an Annual Evaluation of Public School Employees.


15. A bill to be entitled An Act to Expand Implementation of the Public Defender System.


Sec. 2. This resolution is effective upon ratification.
In the General Assembly read three times and ratified, this the 9th day of June, 1980.

S. R. 1029  RESOLUTION 86
A JOINT RESOLUTION PROVIDING FOR JOINT SESSIONS OF THE SENATE AND HOUSE COMMITTEES ON UTILITIES TO CONSIDER THE GOVERNOR'S NOMINATIONS TO THE UTILITIES COMMISSION AND TO THE OFFICE OF EXECUTIVE DIRECTOR OF ITS PUBLIC STAFF AND PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES TO ACT ON CONFIRMATION OF NOMINATIONS MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION AND TO THE OFFICE OF EXECUTIVE DIRECTOR OF ITS PUBLIC STAFF.

Whereas, under the provisions of G.S. 62-10 a nomination made by the Governor to fill the vacancy in the membership of the North Carolina Utilities Commission is subject to confirmation by the General Assembly in joint session; and

Whereas, a vacancy on the Utilities Commission has occurred by reason of the resignation of a former member; and

Whereas, the Governor has nominated Douglas P. Leary to fill the vacancy subject to confirmation by the North Carolina General Assembly; and

Whereas, under the provisions of G.S. 62-15 a nomination made by the Governor to fill the vacancy in the office of Executive Director of the Public Staff of the North Carolina Utilities Commission is subject to confirmation by the General Assembly in joint session; and

Whereas, a vacancy in the office of Executive Director of the Public Staff of the North Carolina Utilities Commission has occurred by reason of the resignation of the former director; and

Whereas, the Governor has nominated Robert Fischbach to fill the vacancy subject to confirmation by the North Carolina General Assembly;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Senate Committee on Public Utilities and Energy and the House Committee on Public Utilities shall, in joint session, consider the nominee of the Governor for these vacancies, if the committees deem such action appropriate, and shall report their recommendations developed in joint session to a joint session of the Senate and House of Representatives.

Sec. 2. The Senate and House of Representatives shall meet in the House Chamber in joint session on June 19, 1980, at 1:00 P.M. to receive the report of their committees and for the purpose of voting on confirmation of the appointment of the Governor to fill the existing vacancies if the two houses deem such action appropriate.

Sec. 3. In any joint session of the Senate and House of Representatives for the purposes set out in Section 2 of this resolution, the roll of the Senate shall be called and the vote taken, then the roll of the House shall be called and
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the vote taken on the question of confirmation of the appointees, after which the vote in each house shall be tabulated and announced. Approval of a majority of each house shall be required for confirmation. Other proceedings in the joint session shall be governed by the Rules of the North Carolina House of Representatives insofar as those rules are applicable.

Sec. 4. In the event of failure of confirmation, the Governor shall be immediately notified of the failure to confirm.

Sec. 5. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1980.

S. R. 1052

RESOLUTION 87

A JOINT RESOLUTION AUTHORIZING CONSIDERATION OF A BILL VALIDATING CERTAIN SEALS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1979 General Assembly, Second Session 1980, may consider a bill to be entitled: "AN ACT RELATING TO VALIDATION OF RECORDED INSTRUMENTS WHERE SEALS HAVE BEEN OMITTED".

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.

S. R. 1020

RESOLUTION 88

A JOINT RESOLUTION AUTHORIZING CONSIDERATION OF A BILL RAISING THE MARKETING ASSOCIATION DIVIDEND LIMIT.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1979 General Assembly, Second Session 1980, may consider a bill to be entitled: "AN ACT TO RAISE THE DIVIDEND LIMIT ON MARKETING ASSOCIATION STOCK FROM EIGHT PERCENT (8%) TO TEN PERCENT (10%)."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.

S. R. 1011

RESOLUTION 89

A JOINT RESOLUTION AUTHORIZING THE CONSIDERATION OF A BILL ENTITLED AN ACT TO AMEND CHAPTER 1075 OF THE 1979 SESSION LAWS TO EXTEND THE DATE FOR THE SUBMISSION OF THE NEW STATUTORY CODE TO THE GENERAL ASSEMBLY AND TO MAKE TECHNICAL CHANGES.

Whereas, Chapter 1075 of the 1979 Session Laws provides that a recodification, revision, republication and indexing of the entire statutory law of general application of North Carolina be presented to the 1981 session of the General Assembly; and

Whereas, it has been the unanimous opinion of all publishers interested in undertaking the said recodification that the project cannot be completed in time for presentation to the 1981 General Assembly without a substantial and
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significant adverse impact on the quality of the new code, especially in regard to the compilation of a new index; and

Whereas, Chapter 1075 of the 1979 Session Laws calls for the production of the best possible code, which cannot be accomplished in time for presentation to the 1981 General Assembly; and

Whereas, the amendment of Chapter 1075 of the 1979 Session Laws extending the date for submission of the new code is necessary in order to produce the best possible code;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the 1979 General Assembly, Second Session 1980, may consider a bill to be entitled: “AN ACT TO AMEND CHAPTER 1075 OF THE 1979 SESSION LAWS TO EXTEND THE DATE FOR THE SUBMISSION OF THE NEW STATUTORY CODE TO THE GENERAL ASSEMBLY AND TO MAKE TECHNICAL CHANGES.”

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1980.

S. R. 814  RESOLUTION 90

A JOINT RESOLUTION AUTHORIZING THE SENATE AND HOUSE OF REPRESENTATIVES BY RESOLUTION TO OFFER FOR SALE TO CURRENT AND FORMER MEMBERS THE LEGISLATORS’ CHAIRS IN THE RESPECTIVE CHAMBERS.

Whereas, the chairs used by the legislators in the Senate and House Chambers are old and new chairs are needed; and

Whereas, these chairs have considerable sentimental value to legislators, the Presiding Officers of the Senate and House, the Senate and House Officers and the Staffs of both the Senate and House, who are using or have used them, and would probably bring a higher price if offered at private sale to those legislators, the Presiding Officers of the Senate and House, the Senate and House Officers and the Staffs of both the Senate and House, than they would bring if offered at public sale as surplus property, so that new chairs could be purchased with the proceeds of the sale of the existing chairs, without substantial additional cost to the State;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Services Commission is authorized to offer for sale to incumbent members, officers, and staff of the Senate and House of Representatives the chairs in the Senate and House chambers which were occupied respectively by the members, presiding officers, and other officers and staff of the Senate and House. The price to be charged for the chairs shall be determined by the Fiscal Research Division of the Legislative Services Office.

Sec. 2. If all chairs in a chamber are not claimed by incumbent members, officers, and staff of that chamber, the chairs shall be offered for sale at the price determined pursuant to Section 1 of this resolution to former members, officers, and staff of that chamber, with priority established according to seniority in years of service in that chamber.

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Sec. 3. The sale shall be conducted by the Legislative Services Officer, and the proceeds shall be used to purchase replacement chairs using ordinary purchasing channels and procedures. Any surplus of receipts, if any, from the sale of existing chairs over the cost of new chairs shall be remitted to the General Fund.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. R. 1668   RESOLUTION 91
A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY HALL WILSON.

Whereas, Henry Hall Wilson, Jr., the son of Henry Hall Wilson, Sr., and Annie Vernon Sanders Wilson, was born in Monroe, North Carolina, on December 6, 1921, and died July 22, 1979, in Charlotte;

Whereas, he is survived by his widow, Mrs. Mary Walters Wilson; a son, Henry Hall Wilson, III; two daughters, Mrs. Jean Mulvihill, and Nancy Wilson; and

Whereas, Henry Hall Wilson, Jr., was educated in the public schools of Monroe and at Duke University where he received his undergraduate and law degrees; and

Whereas, he served in the United States Army in World War II, attaining the rank of First Lieutenant; and

Whereas, he entered the practice of law in 1948 in Monroe, where he participated as a leader and worker in numerous civic, cultural and church projects and programs; and

Whereas, he served six years as a member of the North Carolina House of Representatives, where he earned the admiration and respect of his colleagues and the gratitude of the people of the entire State as a legislator of integrity, courage, vision and industry; and

Whereas, he played a major role in the successful campaign of Terry Sanford for the office of Governor of North Carolina in 1960, and as State campaign chairman for John F. Kennedy in his successful campaign for the Presidency in that same year; and

Whereas, he served as Administrative Assistant to Presidents Kennedy and Johnson, acting as liaison between those Presidents and the Congress of the United States—a role in which he served with great distinction and effectiveness, and in which he achieved major stature with the members of the Congress for his integrity and ability to work effectively at the highest levels of government; and

Whereas, in 1967 he became President and Chief Executive Officer of the Chicago Board of Trade, in which capacity for a period of some six years he demonstrated his ability in dealing effectively with international problems and policies relating to trade and commerce; and

Whereas, Henry Hall Wilson, Jr., was a man who combined to a most unusual degree the qualities of a true citizen of his community, his State, his nation, and the world, being always aware of the needs and the strengths of all, and loyal to each in its particular sphere—a man in whom all North Carolinians took pride; a man whose passing the State and the nation mourn;
NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCOURING:

SECTION 1. The General Assembly of North Carolina expresses its high regard for and appreciation of the life and service of Henry Hall Wilson, Jr., and joins his family in mourning the loss of a colleague, a friend and a great individual.

SEC. 2. The Secretary of State is directed to transmit a certified copy of this resolution to Mrs. Mary Walters Wilson.

SEC. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.

H. R. 1747  RESOLUTION 92

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HECTOR E. RAY.

Whereas, on Memorial Day morning, May 26, 1980, Hec Ray went to his downtown office in Fayetteville for the day's work he was never to begin. This was his appointed time. Death came abruptly with cardiac arrest. The vital, meaningful life of this extraordinary man ended with incredible suddenness; and

Whereas, Hec Ray's first involvement in politics began with his ardent support of his friend, Terry Sanford, in his successful campaign for Governor of North Carolina. In Governor Sanford's administration, he served for five years on the State Board of Electrical Examiners; and

Whereas, Hec Ray served as a member of the Board of County Commissioners from 1964 through 1972, and was chairman of that board for three successive terms. Thereafter, he was elected to the State House of Representatives and served two terms in the House of Representatives of the North Carolina General Assembly; and

Whereas, we who knew the great strength of his Christian faith, understand what made Hec Ray such an extraordinary man—a strong-willed, diligent man, a just and compassionate man, a devoted husband, father, grandfather, and a steadfast, warm-hearted friend; and

Whereas, many splendid county buildings erected in Cumberland County while Hec served as a commissioner are monuments attesting to the extraordinary leadership of Hec Ray as a member and as Chairman of the Board of County Commissioners. Cumberland County made great progress under Hec Ray's leadership. His more important bequest to future generations is his splendid example of honest, faithful service by a talented political leader, a man who served his beloved county and State with pride and zeal because he loved people and people loved him; and

Whereas, during his two terms in the General Assembly, Hec Ray distinguished himself with his direct, common-sense approach to the problems of State Government. His leadership was promptly recognized by the Governor, Lieutenant Governor, and the Speaker of the House, as well as by his colleagues in the House and Senate. He was a very effective legislator; and

Whereas, after returning to a private life and his electrical business, in which he was eminently successful, Hec Ray continued his avid interest in other problems of county government and in the political and civic affairs of the
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county. Most dear to him was his church. He was chosen Chairman of the Board of Deacons of First Baptist Church. He held this office at the time of his death; and

Whereas, he is survived by his wife, Dorothy, three daughters, Louise Bond Ray, Brenda Ray Hall (Joy), and Mary Elizabeth Ray, four grandchildren, Hector Neill Ray, Kelli Louise Ray, James David Hall, Jr., and Joy Elizabeth Hall, all now living in Fayetteville; and

Whereas, it seemed to us who knew him well that Hec Ray did all the good things he knew to do every day. He leaves us a vivid challenge to strive, as did he, to do our very best in every measured hour and day of life.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. We, the members of the General Assembly of the State of North Carolina, do by these presents express our sincere sorrow in the loss of our former colleague, Hector E. Ray of Cumberland County, and attest the great value of his life.

Sec. 2. With deep sincerity, we give thanks for the life of Hector E. Ray which was so beneficial to his family and to his friends and to his church and State.

Sec. 3. The Secretary of State is directed to send a certified copy of this resolution to Mrs. Dorothy Ray.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.

H. R. 1698

RESOLUTION 93

A JOINT RESOLUTION DIRECTING THE NORTH CAROLINA STATE BOARD OF OPTICIANS TO CONSIDER USE OF NATIONAL TESTING PROCEDURES IN CONJUNCTION WITH THE EXAMINATION CURRENTLY OFFERED BY THE BOARD FOR LICENSURE AS A DISPENSING OPTICIAN.

Whereas, the Governmental Evaluation Commission has conducted its evaluation of Article 17 of Chapter 90 of the General Statutes, entitled “Dispensing Opticians”; and

Whereas, the Commission feels that greater interstate mobility of opticians would result from the use of a national examination, thereby increasing the supply of opticians in North Carolina; and

Whereas, the Commission recognizes that certain skills required of dispensing opticians in this State are not required in all states, thereby continuing a need for State examination to test additional skills not covered by a national examination;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The North Carolina State Board of Opticians is hereby directed to continue its discussions with national testing agencies and to consider the use of national tests in conjunction with an examination on clinical or practical ability or other matters relating to skills needed in North Carolina but not covered by any such national examination.
Sec. 2. The knowledge to be examined under the procedures considered pursuant to Section 1 of this resolution shall include those skills necessary to the proper analysis of prescriptions, those skills necessary to the fitting and delivery of eyeglasses and contact lenses, and the applicant’s familiarity with the processes for manufacture of the products offered by dispensing opticians.

Sec. 3. The Board shall report the results of its discussions with national testing agencies and the resulting changes in its examination procedures to the 1981 General Assembly.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

S. R. 1073  RESOLUTION 94
A JOINT RESOLUTION AUTHORIZING CONSIDERATION OF A BILL CONCERNING THE ASHEVILLE FIREMEN’S RETIREMENT FUND.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1979 General Assembly, Second Session 1980, may consider a bill to be entitled: “AN ACT TO AMEND THE ASHEVILLE FIREMEN’S SUPPLEMENTAL RETIREMENT FUND ACT.”

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.

H. R. 1606  RESOLUTION 95
A JOINT RESOLUTION TO AUTHORIZE THE PUBLIC SCHOOL LAWS RECODIFICATION COMMITTEE TO REPORT TO THE 1981 GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. Section 5 of Resolution 51 of the 1979 Session Laws is amended to read:

“Sec. 5. The Committee shall report to the 1981 General Assembly.”

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.

S. R. 708  RESOLUTION 96
A JOINT RESOLUTION TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION, AS AUTHORIZED BY ARTICLE 6B OF CHAPTER 120 OF THE NORTH CAROLINA GENERAL STATUTES, TO CONDUCT A STUDY OF PUBLIC SCHOOL FOOD SERVICE AS AN AID TO THE GENERAL ASSEMBLY IN ITS FUTURE DETERMINATIONS OF FINANCIAL SUPPORT TO THIS PROGRAM.

Whereas, the public school food service program is a vast service operating under a complicated cover of federal government funding and regulations as well as State laws and rules, a broad understanding of these is needed in contemplation of future State actions; and

Whereas, federal support is expected to be reduced while costs increase, additional funds must be sought; and
Whereas, it is recognized that there exists a body of approximately 13,000 public school employees engaged in food service for whom the State provides no funds for their employment and for whom adequate and equitable salaries are needed;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Research Commission is hereby directed to conduct a comprehensive study of public school food service programs including, but not limited to, the following:
1. federal and State laws and regulations governing food service;
2. all sources of revenue;
3. current and projected operational costs;
4. administrative requirements at the local level;
5. staffing patterns and costs; and
6. facilities.

Sec. 2. The Commission shall make a written report of its study to the General Assembly, including recommendations for appropriate legislative action. The report shall be presented no later than the opening date of the 1981 General Assembly.

Sec. 3. This resolution shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

S. R. 970  RESOLUTION 97
A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE ITS STUDY OF THE USE OF RADAR AND OTHER ELECTRONIC DEVICES FOR THE DETECTION OF MOTOR VEHICLE SPEED.

Whereas, Resolution 71 of the 1979 General Assembly authorized the Legislative Research Commission to conduct a study of the use of radar and other electronic devices for metering motor vehicle speed and to report to the 1980 Session; and

Whereas, the National Highway Traffic Safety Administration and the National Bureau of Standards will be promulgating radar performance, maintenance, calibration, and operator training and certification program guidelines near or after the adjournment sine die of the 1979 General Assembly; and

Whereas, although the Legislative Research Commission has arrived at recommendations for consideration by the 1979 General Assembly in its 1980 Session, it would be in the public interest if the study could be extended to report to the 1981 General Assembly to allow the Radar Study Committee to consider the federal guidelines and other developments after the 1980 Session;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Research Commission is authorized to continue the study that was authorized by Resolution 71 of the 1979 General Assembly.
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Sec. 2. The Legislative Research Commission may make its report, with findings and recommendations, to the 1981 General Assembly.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. R. 1761  RESOLUTION 98

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MARY CORDELL NESBITT.

Whereas, Mary Cordell Nesbitt, a member of the House of Representatives from Buncombe County, died August 1, 1979; and

Whereas, Mary Nesbitt was born in Buncombe County on December 18, 1911, and lived there all of her life except for brief periods when her work in the field of public education required her temporary residence in Raleigh; and

Whereas, Mary Nesbitt was educated in the public schools of Buncombe County, at Asheville-Biltmore College, now the University of North Carolina at Asheville, and at Western Carolina University where she received the Bachelor’s and Master’s degrees; and

Whereas, Mary Nesbitt devoted her professional life to improving the quality of public education in North Carolina. She served as a dedicated teacher in the Buncombe County Schools at Candler, West Buncombe, and Haw Creek for 29 years. During this period she conducted summer reading clinics and served as a Reading Specialist who assisted English teachers in setting up reading programs for high school students. From 1967 to 1969 she served as President of the North Carolina Teachers’ Association, a division of the North Carolina Education Association. During this period she also served on Governor Dan Moore’s Commission to Study the Schools of North Carolina. From 1969 to 1973 she was a member of the staff of the North Carolina Association of Educators and worked over the entire State for some time and then served the western area of the State until her retirement in 1974. In April, 1980, she was named to the Educational Hall of Fame by the North Carolina Association of Educators; and

Whereas, as a member of the General Assembly of 1977 and 1979, Mary Nesbitt continued to work diligently for support of the public schools of the State, and served effectively on some eight different House Committees, including Education, Higher Education, and Human Resources, of which she was Vice-Chairman; and

Whereas, Mary Nesbitt married Martin L. Nesbitt, who predeceased her, and to this union were born two children, Mary Ann Dotson and Martin L. Nesbitt, Jr., who has taken his mother’s seat in the House of Representatives;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. In the death of Mary C. Nesbitt, the State of North Carolina and particularly the people of Buncombe County and Western North Carolina, have lost a valuable and devoted public servant and citizen and a great human being. Her community and State are stronger and better by reason of her life and work.

Sec. 2. The General Assembly joins her surviving children in mourning her loss.
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Sec. 3. The Secretary of State is directed to deliver a certified copy of this resolution to the surviving children of Mary C. Nesbitt.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

H. R. 1763

RESOLUTION 99

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF H. OTHA CARTER.

Whereas, H. Otha Carter, the son of Mr. and Mrs. H. O. Carter, was born in Stanly County on February 13, 1927, and died on March 27, 1980, in Albemarle, North Carolina; and

Whereas, he is survived by his widow, Mrs. Claudine Chandler Carter, and two sons, Ronnie and Michael Carter, of Route 2, New London; and

Whereas, H. Otha Carter was educated in the public schools of Stanly County and North Carolina State University; and

Whereas, he served in the United States Navy during World War II and was discharged honorably; and

Whereas, he was a church leader in his community and participated in numerous civic programs; and

Whereas, he was elected to the North Carolina House of Representatives in the 1979 Session, having served there until his death. In this Session, he earned the admiration and respect of his colleagues and the gratitude of the people of Stanly County and the entire State as being a Legislator with courage, vision and integrity; and

Whereas, the Republican Party of Stanly County elected him as party chairman; and

Whereas, he served the State of North Carolina as Executive Director of the A.S.C.S. and was appointed as Director of the Southeastern Region with headquarters in Washington, D. C.; and

Whereas, he served as Purchasing Officer of the State of North Carolina; and

Whereas, H. Otha Carter was a man of unusual qualities, a true citizen and statesman. He was keenly aware of the needs of his community, county, and State and was admired by all who knew him; a man whose passing the State and the nation mourn;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina expresses its high regard for and appreciation of the life and service of H. Otha Carter, and joins his family in mourning the loss of a colleague, a friend, and a great individual.

Sec. 2. The Secretary of State is directed to transmit a certified copy of the resolution to Mrs. Claudine Chandler Carter.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
RESOLUTION 100

A JOINT RESOLUTION AUTHORIZING AND CERTIFYING ANTICIPATED REVENUES FOR THE THREE FISCAL YEARS BEGINNING JULY 1, 1981, FOR STATE HIGHWAY CONTRACT PURPOSES.

Whereas, under G.S. 143-28.1 as enacted in the Budget Appropriations Act of 1980, the Director of the Budget is authorized to anticipate Highway Fund revenues as authorized and certified by the General Assembly; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly authorizes and certifies anticipated revenues of the Highway Fund as follows:

For Fiscal Year 1981-82 $429,000,000
For Fiscal Year 1982-83 $423,500,000
For Fiscal Year 1983-84 $416,300,000.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

RESOLUTION 101

A JOINT RESOLUTION AUTHORIZING THE CONSIDERATION OF A BILL TO BE ENTITLED AN ACT CHANGING THE RACCOON HUNTING SEASON IN THE COUNTIES OF RUTHERFORD, CLEVELAND AND POLK.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the 1979 General Assembly, Second Session 1980, may consider a bill to be entitled "AN ACT CHANGING THE RACCOON HUNTING SEASON IN THE COUNTIES OF RUTHERFORD, CLEVELAND AND POLK."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

RESOLUTION 102

A JOINT RESOLUTION AUTHORIZING CONSIDERATION OF A LOCAL BILL CONCERNING CONTENT OF JURY SUMMONS IN WAKE, BUNCOMBE, AND MECKLENBURG COUNTIES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1979 General Assembly, Second Session 1980, is authorized to consider a bill to be entitled: "AN ACT TO POSTPONE CHANGES IN THE JURY SUMMONS FORM IN WAKE, MECKLENBURG, AND BUNCOMBE COUNTIES."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
RESOLUTION 103

A JOINT RESOLUTION AUTHORIZING THE CONSIDERATION OF A BILL TO MAKE A TECHNICAL CORRECTION IN CHAPTER 929, SESSION LAWS OF 1979.

Be it resolved by the Senate, the House of Representatives concurring:


Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.

RESOLUTION 104

A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY ON WEDNESDAY, JUNE 25, 1980, AT 1:00 P.M.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Senate and the House of Representatives, constituting the General Assembly of 1979, do adjourn sine die on Wednesday, June 25, 1980, at 1:00 p.m.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.
STATE OF NORTH CAROLINA

DEPARTMENT OF STATE.

RALEIGH, JUNE 25, 1980

I, Thad Eure, Secretary of State of North Carolina hereby certify that the foregoing volume was printed under the direction of the Legislative Services Commission from ratified acts and resolutions on file in the office of the Secretary of State.

Secretary of State
# APPENDIX

EXECUTIVE ORDERS OF GOVERNOR JAMES B. HUNT, JR.

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WHEREAS, last year I created by Executive Order an Advisory Council to the Governor's Office of Citizen Affairs to assist in the development and promotion of citizen participation programs; and

WHEREAS, the Advisory Council to the Governor's Office of Citizen Affairs has encouraged volunteerism on all levels in North Carolina; and

WHEREAS, the Advisory Council to the Governor's Office of Citizen Affairs has greatly assisted in providing information to the citizens of North Carolina about the Governor's Office of Citizen Affairs; and

WHEREAS, I now desire to extend the Advisory Council to the Governor's Office of Citizen Affairs;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. The Advisory Council to the Governor's Office of Citizen Affairs as created by Executive Order Number 19 (March 29, 1978) is hereby extended for a period of one year, effective on the date of the signing of this Order.

Section 2. The Advisory Council shall consist of twenty-seven (27) members, which shall have the following duties and responsibilities:

(a) To help on the coordination and to assist in the development and promotion of state and local government citizen participation programs;

(b) To act as an advisor to the Executive Director of the Governor's Office of Citizen Affairs;

(c) To assist in providing information to the citizens of North Carolina about the Governor's Office of Citizen Affairs, state programs, services and activities;
(d) To provide assistance in the encouragement of citizen leadership and responsibility in improving communities and counties throughout the state;

(e) To encourage volunteerism on all levels in North Carolina; and

(f) To assist in establishing Involvement Councils in each county in North Carolina.

Section 3. The Council shall consist of not more than twenty-seven (27) members, all of whom shall be appointed by the Governor and shall serve for a period of one year, beginning upon execution of this Order. The Governor shall designate the Chairman and the Advisory Council shall meet at the call of the Chairman.

Section 4. This order shall become effective immediately.

Done in Raleigh, North Carolina, this the 8th day of October, 1979.
WHEREAS, Chapter 981 of the 1979 Session Laws created the State Task Force on Toxic Substances, consisting of one person designated by the Secretary of Administration, the Commissioner of Agriculture, the Secretary of Crime Control and Public Safety, the Secretary of human Resources, and the Secretary of Natural Resources and Community Development; and

WHEREAS, additional permanent or temporary members may be added to the Task Force by Executive order of the Governor; and

WHEREAS, the State Task Force is authorized to study and make recommendations for response to incidents involving toxic or hazardous substances, the movement of toxic or hazardous substances, the disposal of and storage sites for toxic or hazardous substances, and additions, deletions, or substitutions of substances on the toxic substance list; and

WHEREAS, the Department of Transportation is given responsibility to consult with the State Task Force; and

WHEREAS, the Governor's Office needs to be directly involved in these important tasks; and

WHEREAS, additional members need to be added to this Task Force for these purposes;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. One person designated by the Secretary of Transportation shall be added as a permanent member to the State Task Force on Toxic Substances.

Section 2. One person designated by the Governor from the Governor's Office shall be added as a permanent member to the State Task Force on Toxic Substances.
Section 3. This Order shall become effective immediately.

Done in Raleigh, North Carolina, this the 8th day of October, 1979.

[Signature]

GOVERNOR OF NORTH CAROLINA
WHEREAS, the State of North Carolina is in the process of developing a system for the compilation, storage, and use of information in the criminal justice system; and

WHEREAS, the compilation, storage and use of this information by various state and local agencies, and the access to this information by the public, presents significant policy issues to be determined on the state level; and

WHEREAS, there is a need for a broad-based study to develop these policy issues and prepare legislation to set appropriate decision-making procedures.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. There is hereby created The Task Force on Security and Privacy of Criminal Justice Information.

Section 2. The Task Force shall consist of 11 members to be selected as follows:

(a) Three members appointed by the Governor.

(b) Three members appointed by the Chief Justice of the Supreme Court.

(c) Three members appointed by the Attorney General.

(d) One member appointed by the Speaker of the House of Representatives.

(e) One member appointed by the Lieutenant Governor.

Section 3. The Chairman shall be elected by the members of the Task Force. He shall preside over meetings and have full voting rights as other members of The Task Force.
Section 4. The duties of the Task Force are as follows:

(a) To determine who shall have the authority to control access to criminal justice information.

(b) To submit to the Governor proposed legislation to implement the recommendation from Section 4(a).

Section 5. The Governor's Office and the Attorney General's Office shall provide staff services to The Task Force to assist in drafting legislation.

Section 6. Members of the Task Force shall be entitled to such per diem and reimbursement for travel and expenses as may be authorized for members of State Boards and Commissions generally.

Section 7. This Order shall become effective immediately and shall be in force until the legislative proposal of The Task Force is presented to the Governor.

Done in Raleigh, North Carolina, this the 19th day of October, 1979.

[Signature]

GOVERNOR OF NORTH CAROLINA
WHEREAS, rising energy costs have created a potentially life or health threatening situation for North Carolina's low income and elderly persons; and

WHEREAS, Congress has passed and the President has signed House Bill 4930, P.L. 96-126, to provide supplemental energy assistance for the Winter of 1979-80; and

WHEREAS, North Carolina has received 16.14 million dollars for allocation to North Carolina's low income and elderly persons; and

WHEREAS, North Carolina is committed to meeting the needs of low income and elderly persons; and

WHEREAS, I find that an imminent peril to the public health, safety and welfare of the citizens of North Carolina exists and that appropriate policies, rules and regulations must be adopted and implemented on an emergency basis in order to provide energy assistance to North Carolina's low income and elderly persons for the Winter of 1979-1980.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. Pursuant to the authority granted to me by the Constitution of North Carolina, Article III, Sections 1 and 5, and by North Carolina General Statute 147-12(1), (4) and (8), I order the Department of Human Resources and the Department of Natural Resources and Community Development to adopt such appropriate policies, rules and regulations governing the distribution of the State's Energy Assistance Program allocation and in so doing, to comply with the following guidelines:
(a) A total of 14.0 million dollars from the State's Energy Assistance Program allocation to be distributed to all Aid to Families with Dependent Children recipients. The Department of Human Resources shall administer these payments and shall issue a separate single payment to qualified recipients in the month of January, 1980.

(b) A total of 2.14 million dollars from the State's Energy Assistance Program allocation to be distributed through the existing Energy Crisis Assistance Program administered by the Department of Natural Resources and Community Development.

Section 2. The Secretary of the Department of Human Resources and the Secretary of the Department of Natural Resources and Community Development shall provide that all policies, rules and regulations required by federal regulations, by this Executive Order, and promulgated by those Departments be implemented without delay.

Section 3. This order shall become effective immediately.

Done in Raleigh, North Carolina, this 5th day of December, 1979.

[Signature]
GOVERNOR OF NORTH CAROLINA
WHEREAS, the North Carolina Industrial Commission has faced in recent months an increasing load of brown-lung compensation claims; and

WHEREAS, decisions on these claims often are delayed for considerable lengths of time, sometimes two years or more; and

WHEREAS, the claimants and the defendants have a right to expect prompt resolution of these claims,

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. There is hereby established a Special Brown Lung Study Group to conduct a 90-day study of the Industrial Commission's handling of these claims. The study group is instructed to report to me at the end of that time its findings and recommendations on that subject.

Section 2. The Study Group shall be composed of seven (7) members to be appointed by the Governor to serve at his pleasure. The Chairman shall be designated by the Governor.

Section 3. Members of the Special Brown Lung Study Group shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of North Carolina General Statutes 138-5.

DONE in Raleigh, North Carolina, this the 10th day of January, 1980.
SPECIAL STEERING COMMITTEE FOR EDUCATION AND ECONOMIC DEVELOPMENT

WHEREAS, there is a need to bring together leaders in business, government and education to examine and develop strategies for more effective use of our educational resources in reaching North Carolina goals of full employment and economic development; and

WHEREAS, a major conference will be held this Spring to plan our strategies in this area; and

WHEREAS, there is a need to prepare for this conference in order to best utilize our business, education and government resources;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby create the Special Steering Committee for Education and Economic Development.

Section 2. The Special Steering Committee shall be composed of not less than fifteen (15) persons to be appointed by the Governor and to serve at the pleasure of the Governor. The persons so named shall be representative of North Carolina’s educational, business and governmental institutions. The Governor shall designate one of the members as Chairman.

Section 3. The duties of the Steering Committee are as follows:

(1) Provide guidance for the preparation of the conference this Spring;

(2) Prepare a report to the Governor on the conference.

Section 4. The North Carolina Employment and Training Council and the Employment and Training Institute of North Carolina State University shall provide staff support services for the Committee.
Section 5. While engaged on official business, members of the Committee are entitled to such per diem and reimbursement for travel and subsistence as may be authorized for members of State Boards and Commissions generally. These funds shall be provided by the North Carolina Employment and Training Council of the Department of Natural Resources and Community Development.

Section 6. This Order shall become effective immediately.

DONE in Raleigh, North Carolina, this the 18th day of February, 1980.

[Signature]
GOVERNOR OF NORTH CAROLINA
WHEREAS, the State of North Carolina and its citizens have long noted and recognized the origins and early life of Andrew Jackson, the nation's seventh president, in the Waxhaws region along the North Carolina-South Carolina border; and

WHEREAS, Andrew Jackson, one of the nation's most important military leaders and statesman, had his historic roots, nativity, and early experiences in the Waxhaws, became the nation's first "log cabin" president, was wounded in the American Revolution while only thirteen years of age, was schooled in the Waxhaws region, had his legal training in Salisbury from 1784 to 1787, practiced law in western North Carolina during 1787 and 1788, and then participated in the creation of the State of Tennessee while that land was a part of North Carolina; and

WHEREAS, it is important that the State of North Carolina recognize the origins and early life of this outstanding national leader in western North Carolina; and

WHEREAS, it is necessary to plan an appropriate memorial in present day Union County, North Carolina, to commemorate and display for all Americans the origins and early life of Andrew Jackson, one of the nation's greatest leaders;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby create the Andrew Jackson Historic Memorial Committee.

Section 2. The Andrew Jackson Historic Memorial Committee shall consist of at least ten (10) members to be appointed by the Governor to serve at the pleasure of the Governor. At least three (3) of those members shall be professional historians with knowledge and experience in either North Carolina History or that period of American History immediately before, during or after the life of Andrew Jackson.
Section 3. The primary duties and responsibility of the Committee are as follows:

(a) To assist the Division of Archives and History, Department of Cultural Resources, in determining the need for a permanent memorial to the honor of Andrew Jackson to commemorate and display for all Americans the origins and early life of Jackson in the Waxhaws region;

(b) If the Committee determines that a memorial is needed, to assist the Division of Archives and History in determining the location of a memorial at one of the sites associated with the early life and career of Andrew Jackson. The Committee shall assist in developing a proposed design for the form and content of the memorial and in determining which historic themes and events should be highlighted in the memorial;

(c) To assist the Division of Archives and History in determining the most appropriate methods for proceeding with the establishment and operation of the memorial, including methods for obtaining the necessary financial resources for property acquisition, capital expenditures, and operational expenses; and

(d) To select appropriate qualified researchers and research institutions to assist the Committee in undertaking such studies as may be required to complete the Committee's duties and responsibilities.

Section 4. While engaged on official business, a member of the committee is entitled to such per diem and reimbursement for travel and subsistence as may be authorized for members of state boards and commissions generally, pursuant to G.S. 138-6.

Section 5. Administrative and staff services for the committee shall be provided by the Division of Archives and History, which shall also provide the Committee with information in its possession relating to past research concerning the origins and early life of Andrew Jackson. In addition, the Division shall assist the Committee in preparing a report for submission to the Governor.

Section 6. Funds for the operations of the Committee shall be provided by the Department of Cultural Resources.
Section 7. The Committee shall terminate upon the submission of its final report to the Governor, unless ordered otherwise by the Governor or by action of the North Carolina General Assembly.

Section 3. This order shall become effective immediately.

Done in Raleigh, North Carolina, this the 27th day of February, 1980.

[Signature]
Governor of North Carolina
EXECUTIVE ORDER NUMBER 46
GOVERNOR'S ADVISORY COMMITTEE ON TRAVEL AND TOURISM

WHEREAS, travel and tourism is one of the largest and most important industries in North Carolina, generating annual revenues in excess of $2 billion; and
WHEREAS, thousands of North Carolinians work in travel-related businesses; and
WHEREAS, this vital industry is seriously affected by inflation, energy, crime, education, transportation and other state and national issues; and
WHEREAS, State government and the travel industry need an appropriate forum in which to discuss issues affecting the travel industry and to provide that State government is aware of the needs and concerns of the travel industry.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby establish the Governor's Advisory Committee on Travel and Tourism.

Section 2. The Governor shall appoint at least 15 persons to serve on The Advisory Committee. Those persons appointed shall be representative of the various elements of the travel industry. The Governor shall designate the Chairman of the Advisory Committee. All members shall serve at the pleasure of the Governor.

Section 3. The Committee shall meet on a quarterly basis or as directed by the Governor.

Section 4. The Committee shall perform such duties as assigned by the Governor and shall work closely with the Travel and Tourism Committee of the North Carolina Economic Development Board.
Section 5. While on official business, members of the Committee shall be entitled to such per diem and reimbursement for travel and subsistence as may be authorized for members of State Boards and Commissions generally. The Secretary of the Department of Commerce shall provide funds for this purpose.

Section 6. This Order shall become effective immediately. Done in Raleigh, North Carolina, this the 19th day of March, 1980.
WHEREAS, The North Carolina General Assembly has enacted the Fair Sentencing Act in Chapter 760 of the 1979 Session Laws; and

WHEREAS, The Fair Sentencing Legislation will cause modifications in the sentencing practices in use in the State's criminal courts; and

WHEREAS, There is a need to ensure that The Fair Sentencing provisions are implemented smoothly and efficiently; and

WHEREAS, The Administrative Office of the Courts has received from the Governor's Crime Commission a Law Enforcement Assistance Administration Grant to create a Sentencing Procedures Committee to provide for the planning, implementation and review of the Fair Sentencing Act.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. There is hereby created The Fair Sentencing Procedures Committee.

Section 2. The Committee shall be composed of the following, to be appointed jointly by the Governor and the Chief Justice of the Supreme Court:

(a) At least five (5) Superior Court Judges;
(b) At least one (1) Justice or Judge of The Appellate Division of the General Court of Justice;
(c) At least one (1) District Court Judge;
(d) At least one (1) Clerk of Superior Court;
(e) At least one (1) District Attorney or Assistant District Attorney;
(f) At least one (1) legislator;
(g) At least two (2) attorneys in private practice with experience in the trial of criminal cases;

(h) One (1) member of the North Carolina Parole Commission;

(i) At least one (1) Probation/Parole Officer with experience in pre-sentence reports;

(j) At least one (1) member of the Governor's Crime Commission.

(k) One (1) member of the Governor's Staff;

After the initial appointments to the Committee, additional appointments from the groups listed above may be made if the need arises.

All members serve at the pleasure of the Governor and the Chief Justice or until the work of the Committee is completed.

The Governor and the Chief Justice shall designate the Chairman of the Committee.

The Committee is authorized to create subcommittees.

Section 2. The Committee's duties shall include the following tasks:

(a) Review the Fair Sentencing Act to ensure that the legislation is technically correct and draft legislation to make technical changes if they are needed;

(b) Develop for Supreme Court approval new sentencing procedures, which may include such items as superior court rules of procedure and procedures governing presentence reporting, to be used by Superior Court judges in applying the provisions of the Act;

(c) Develop guidelines for sentencing convicted felons that harmonize with the Act's provisions;

(d) Review the impact of the Act upon the criminal justice system and, if needed, recommend modifications to the law which may be needed to alleviate anticipated problems;

(e) Monitor the Courts' experience with the Act, including the overseeing of studies made of the Act after its implementation date.
Section 3. The Committee is authorized to engage staff support with an organizational consultant and to secure short-term consultants as desired by the Committee.

Section 4. While engaged on official business, members of the Committee are entitled to such per diem and reimbursement for travel and subsistence as may be authorized for members of State Boards and Commissions generally.

Section 5. This Order shall become effective immediately.

Done in Raleigh, North Carolina, this the __19th__ day of March, 1980.

Governor of North Carolina
WHEREAS, volunteers have dramatically increased and
strengthened the ability of government agencies to carry out their
programs, services, and activities for the benefit of their fellow
citizens; and

WHEREAS, the practice of volunteering enables private citizens
to enrich their lives and the lives of others through greater citi-
zen awareness of and personal involvement in state government pro-
grams, services, and activities.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby declare the policy of the State of North
Carolina to be that every citizen, regardless of his or her present
economic condition, political affiliation, religious affiliation,
race, sex or age, has the opportunity to be a volunteer in state
service. Every state agency is encouraged to involve volunteers to
enrich and increase the agency's ability to deliver services, programs
and activities for the citizens of this State.

Section 2. The following definitions are applicable to this
Order:

(a) "Agency" means any department, institution, commission,
committee, board, division or bureau of the State of
North Carolina;

(b) "Volunteer" means any person who provides goods or services
to any state agency of his or her own free will and for no
financial gain.

Section 3. Each state agency is hereby authorized and encour-
aged to recruit, train and accept the services of qualified volun-
teers to assist in programs carried out or administered by the state
agency or constituent unit thereof for the benefit of the people of
this State. While volunteering for service to state agencies, volunteers shall be exempt from the provisions of the State Personnel Act and other provisions of law and regulations governing grievance procedures for state employees. Volunteers shall comply with the appropriate agency rules, regulations and policies pertaining to conduct, record keeping, and any other policy necessary for the operating efficiency of the state agency.

Section 4. Each state agency is encouraged to develop policies for the administration of services by volunteers. Such policies should include rules governing the recruitment, screening, training, enrollment, responsibilities, and supervision of volunteers; documentation of volunteer activities; recognition of volunteers, contributions and services; performance evaluations of volunteers and the services rendered; and the development of an appreciation between paid staff and volunteers of their respective roles in fulfilling agency objectives.

Section 5. Each state agency shall recognize documented volunteer service as partial fulfillment of training and experience requirements for state employment, pursuant to policies adopted by the State Personnel Commission. To that end, agencies are encouraged to provide letters of documented volunteer service when requested by a volunteer.

Section 6. Volunteers enrolled in service to state agencies are recognized to be covered under Articles 31 and 31A of Chapter 143 of the General Statutes, governing Tort Claims Against State Departments and Agencies, and the Defense of State Employees. Volunteers enrolled in service to state agencies are not entitled to benefits under Chapter 97 of the General Statutes, the Worker's Compensation Act.

Section 7. This Order is effective immediately. It shall remain in effect until rescinded by Order of the Governor or preempted by legislative action.
Done in Raleigh, North Carolina, this the 21st day of April, 1930.
WHEREAS, there is a need to bring together leaders in private, independent, and church related non-public elementary and secondary schools and representatives of the citizenry at large to advise the Governor on matters of mutual concern to the State and to non-public schools.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby create the Special Advisory Committee for Non-Public Education.

Section 2. The Special Advisory Committee shall be composed of not more than fifteen (15) persons to be appointed by the Governor, to serve at the pleasure of the Governor. The persons so named shall be representative of North Carolina's non-public elementary and secondary educational institutions and the citizenry at large. The Governor shall designate one of the members as Chairman. The Committee shall meet quarterly or at the direction of the Governor.

Section 3. The duties of the Advisory Committee are as follows:

(1) Provide guidance for the Office of Non-Public Education; and

(2) Report periodically to the Governor on matters of mutual concern to non-public education and to the State.

Section 4. The Office of Non-Public Education shall provide staff support services for the Committee.

Section 5. While engaged on official business, members of the Committee are entitled to such per diem and reimbursement for travel and subsistence as may be authorized for members of State Boards and Commissions generally. These funds shall be provided by the Office of Non-Public Education, Office of the Governor.
Section 6. This Order shall become effective immediately.
DONE in Raleigh, North Carolina, this the 30 day of April, 1980.
JAMES B. HUNT, JR.
GOVERNOR
EXECUTIVE ORDER NUMBER 50
RIDESHARING TASK FORCE

WHEREAS, the American economy has become too dependant upon foreign oil;
WHEREAS, the cost of gasoline is forcing a sharp rise in commuting costs;
WHEREAS, the current economic situation makes it increasingly difficult to fund new roads or maintain existing roads;
WHEREAS, effective commuter transportation is critical to the economic well being and balanced growth of North Carolina;
WHEREAS, ridesharing can help lessen our dependence on foreign oil, reduce commuting costs, relieve congestion pressures on our State's roads, and promote balanced growth;
WHEREAS, President Carter is urging leaders in both the private and public sectors to actively encourage ridesharing among their employees;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby create the Governor's Task Force on Ridesharing to be composed of representatives of Consumers and business and transportation communities. The Governor shall, in his discretion, appoint as many members as he deems necessary to carry out the duties of the Task Force. All members shall serve at the pleasure of the Governor. The Governor shall designate one of the members as Chairman of the Task Force.

Section 2. The Task Force shall have the following duties:
(a) Provide guidance and direction to the state government ridesharing program, including carpooling, vanpooling, buspooling, and related parking management strategies;
(b) Assist in the development of the North Carolina Emergency Energy Conservation Plan;
(c) Support and assist in the promotion of local and regional ridesharing programs;

(d) Advise the Secretary of Transportation regarding his participation on the National Task Force on ridesharing;

(e) Investigate and develop incentives to promote ridesharing programs among employers and citizens;

(f) Review legal and institutional issues that may inhibit ridesharing opportunities and, where needed, recommend remedies, including legislation, to overcome any barriers;

(g) Review the Model State Law on Ridesharing and determine which sections may be beneficial to North Carolina;

(h) Participate in workshops, conferences and promotional events concerning ridesharing in order to encourage individuals and employers across the state to initiate ridesharing programming.

Section 3. The Department of Transportation shall provide the planning and administrative support for the Committee.

Section 4. Members of the Committee shall be reimbursed for such necessary travel and subsistence expenses as are authorized by G.S. 138-5.

Section 5. This Order shall become effective immediately.

Done in the City of Raleigh this the 15th day of May, 1980.
WHEREAS, the existence of successful small businesses in our State and Nation is essential to the preservation of the system of private capital; and

WHEREAS, a free enterprise economy cannot function without an active and effective small business sector; and

WHEREAS, North Carolina State Government agencies administer numerous programs which directly affect small businesses, and

WHEREAS, there is no uniform and comprehensive structural relationship within State Government which allows small businesses to participate in the State's decision making process with regard to these programs; and

WHEREAS, this administration is committed to providing small businesses with a more effective voice in the State's decision making process;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby establish the North Carolina Small Business Advocacy Council. The Council shall be composed of at least 20 members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall designate one of the members as Chairman.

Section 2. The Council shall meet at least once in each quarter and may hold special meetings at any time at the call of the Chairman, the Governor or the Secretary of Commerce.

Section 3. The members of the Council shall not receive any compensation, per diem, or reimbursement for travel and subsistence expenses for their services.

Section 4. Purposes of the Council. The purposes of the North Carolina Small Business Advocacy Council are as follows:
(A) To prepare and present recommendations to the Governor and General Assembly for changes in statutes, rules and regulations, including the State tax structure, which affect small businesses in North Carolina.

(B) To make recommendations to the Governor and General Assembly for new legislation, agency programs and other actions needed to assist small business growth and development.

(C) To assist the Small Business Development Section of the Business Assistance Division of the Department of Commerce in determining the need for programs for small businesses in education, training, marketing, funding resources, technological assistance and related areas.

(D) To plan and conduct the first and subsequent Governor's Conference on Small Business.

(E) The Council is authorized to hold public hearings, conduct interviews and solicit non-confidential information to carry out the provisions of (A), (B), (C) and (D), above.

Section 5. The Small Business Development Section of the Business Assistance Division of the Department of Commerce shall provide staff and support services for the Council.

Section 6. It shall be the responsibility of each Cabinet Department Secretary to make every reasonable effort for his or her department to cooperate with the North Carolina Small Business Advocacy Council to carry out the provisions of this Order.

Section 7. The elected heads of the Council of State Departments are encouraged and invited to join in the provisions of this Order. All services of the Council available to the Governor and his Cabinet under this Order shall be available to each of the heads of the Council of State Departments electing to participate.

Section 8. This Order shall be effectively immediately.
Done in the Capital City of Raleigh, North Carolina, this 16th day of May, 1980.
EXECUTIVE ORDER NUMBER 52

WHEREAS, in July 1977, I created by Executive Order Number 12 the Judicial Nominating Committee for Superior Court Judges to test the concepts of merit selection of judges; and,

WHEREAS, in December 1978, I extended the life of the Judicial Nominating Committee for a period of one year by Executive Order Number 30; and

WHEREAS, I now desire to again extend the Judicial Nominating Committee for Superior Court Judges to provide for the continued merit selection of persons to fill vacancies on the Superior Court;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. The Judicial Nominating Committee for Superior Court Judges as created by Executive Order Number 12 (July 28, 1977), amended by Executive Order Number 24 (May 15, 1978) and extended by Executive Order Number 30 (December 31, 1978) is hereby extended until December 31, 1980, effective on the date of the signing of this Order.

Section 2. The purpose, membership and functions of the Judicial Nominating Committee for Superior Court Judges as described in Executive Order Number 30 is hereby incorporated in its entirety and shall govern the activities of this Committee.

Section 3. This Order shall become effective immediately.

Done in Raleigh, North Carolina, this the 19th day of June, 1980.
### Numerical Index

**NUMERICAL INDEX TO SENATE AND HOUSE BILLS**

**RATIFIED NUMBER** refers to Chapter Number except when preceded by an R, in which case it refers to Resolution Number.

**SENATE BILLS-1979 GENERAL ASSEMBLY**

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Suggestions For Use

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