

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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1

HOUSE BILL 573

Short Title: Law Enforcement to CCPS.

(Public)

Sponsors: Representatives Thompson, Justus; Baker, Berry, J. Brown, Buchanan, Cansler, Clary, Creech, Daughtry, Eddins, Edwards, Hayes, Howard, Lemmond, Linney, McMahan, Mitchell, Morgan, Neely, Nichols, Pate, Pulley, Robinson, Russell, Sharpe, C. Wilson, and G. Wilson.

Referred to: Appropriations Subcommittee on Justice and Public Safety.

March 28, 1995

A BILL TO BE ENTITLED

1
2 **AN ACT TO TRANSFER THE STATE BUREAU OF INVESTIGATION, THE**
3 **ENFORCEMENT SECTION OF THE DIVISION OF MOTOR VEHICLES, THE**
4 **ENFORCEMENT SECTION OF THE WILDLIFE RESOURCES COMMISSION,**
5 **AND THE STATE CAPITOL POLICE TO THE DEPARTMENT OF CRIME**
6 **CONTROL AND PUBLIC SAFETY, AND TO DIRECT THE SECRETARY OF**
7 **CRIME CONTROL AND PUBLIC SAFETY TO ELIMINATE FIFTY PERCENT**
8 **OF MOTOR VEHICLE LAW ENFORCEMENT POSITIONS UPON TRANSFER.**

9 The General Assembly of North Carolina enacts:

10 Section 1. The statutory authority, powers, duties and functions, records,
11 personnel, property, unexpended balances of appropriations, allocations or other funds,
12 including the functions of budgeting and purchasing, of the State Bureau of Investigation
13 are transferred from the Department of Justice to the Department of Crime Control and
14 Public Safety.

15 Sec. 2. The statutory authority, powers, duties and functions, records,
16 personnel, property, unexpended balances of appropriations, allocations or other funds,
17 including the functions of budgeting and purchasing, of the Enforcement Section of the

1 Division of Motor Vehicles, Department of Transportation, are transferred to the
2 Department of Crime Control and Public Safety, and shall be established as the Motor
3 Vehicle Enforcement Section of the Highway Patrol Division.

4 Sec. 3. The statutory authority, powers, duties and functions, records,
5 personnel, property, unexpended balances of appropriations, allocations or other funds,
6 including the functions of budgeting and purchasing, of the Enforcement Section of the
7 Wildlife Resources Commission of the Department of Environment, Health, and Natural
8 Resources are transferred to the Department of Crime Control and Public Safety, and
9 shall be established as the Wildlife Enforcement Division.

10 Sec. 4. The statutory authority, powers, duties and functions, records,
11 personnel, property, unexpended balances of appropriations, allocations or other funds,
12 including the functions of budgeting and purchasing, of the State Capitol Police Section
13 of the Department of Administration are transferred to the Department of Crime Control
14 and Public Safety, and shall be established as the State Capitol Police Section of the
15 Highway Patrol Division.

16 Sec. 5. Article 4 of Chapter 114 of the General Statutes, G.S. 114-12 through
17 G.S. 114-20.1, is recodified as Part 2A of Article 11 of Chapter 143B of the General
18 Statutes, G.S. 143-477.1 through G.S. 143-477.19. The Revisor of Statutes shall correct
19 any cross-references to that Article or those sections, and shall change any references in
20 that Article to "Department of Justice" to "Department of Crime Control and Public
21 Safety", and any references to the "Attorney General" to the "Secretary of Crime Control
22 and Public Safety".

23 Sec. 6. G.S. 113-128(9) reads as rewritten:

24 "(9) Wildlife Protector. – An employee of the ~~North Carolina Wildlife~~
25 ~~Resources Commission~~ Department of Crime Control and Public Safety
26 sworn in as an officer and assigned to duties which include exercise of
27 law-enforcement ~~powers.~~ powers on behalf of the Wildlife Resources
28 Commission."

29 Sec. 7. (a) The Revisor of Statutes shall change any references in the General Statutes
30 to "law enforcement officers of the Wildlife Resources Commission" to "law
31 enforcement officers of the Wildlife Enforcement Division of the Department of Crime
32 Control and Public Safety".

33 (b) Any references in any laws other than those referred to in subsection (a) of this
34 section which refer to law enforcement officers of the Wildlife Resources Commission or
35 to enforcement by the Wildlife Resources Commission shall be construed to mean law
36 enforcement officers of, or enforcement by, the Wildlife Enforcement Division of the
37 Department of Crime Control and Public Safety.

38 Sec. 8. G.S. 143-166.13 reads as rewritten:

39 **"§ 143-166.13. Persons entitled to benefits under Article.**

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

42 (1) State Government Security Officers, Department of Administration;

43 (2) State Correctional Officers, Department of Corrections;

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

28 Sec. 9. G.S. 143B-80.11 reads as rewritten:

29 **"§ 143B-80.11. Capitol Preservation Commission – Powers and duties.**

30 The Commission shall have the following powers and duties and shall exercise those
31 powers and duties with the advice and consent of the Secretary of Cultural Resources:

- 32 (1) Develop a comprehensive plan and program for the historic preservation
33 and restoration of the State Capitol and Union Square.
34 (2) Make all repairs, alterations, and improvements to the State Capitol,
35 including the furnishing and refurnishing of the State Capitol, subject to
36 the availability of funds.
37 (3) Receive on behalf of the State, gifts or bequests of artifacts, documents,
38 and other historical objects or resources which contribute to the
39 historical significance of the State Capitol.
40 (4) Accept grants and subsidies from and enter into agreements or other
41 transactions with any federal agency, State agency, or other entity.
42 (5) Enter into contracts and execute all instruments necessary or convenient
43 for carrying on its operations.

- 1 (6) Make budgetary requests and recommendations to the Governor and the
- 2 General Assembly regarding the funds needed to properly preserve and
- 3 maintain the Capitol in accordance with Article 1 of Chapter 143 of the
- 4 General Statutes.
- 5 (7) Administer the Capitol Preservation Fund as provided in G.S. 143B-
- 6 80.13.
- 7 (8) Contract with the Department of ~~Administration~~ Crime Control and
- 8 Public Safety to provide the security needed for the Capitol and Union
- 9 Square.
- 10 (9) Do all other things necessary or convenient to carry out the powers
- 11 granted to it by this Part.
- 12 (10) Adopt rules to implement this Part."

13 Sec. 10. G.S. 147-45 reads as rewritten:

14 **"§ 147-45. Distribution of copies of State publications.**

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

	Session	Assembly
<u>Agency or Institution</u> <u>Laws</u> <u>Journals</u>		
22 Governor, Office of the	3	2
23 Lieutenant Governor, Office of the	1	1
24 Secretary of State, Department of the	3	3
25 Auditor, Department of the State	3	1
26 Treasurer, Department of the State	3	1
27 Local Government Commission	2	0
28 State Board of Education	1	0
29 Department of Public Instruction	3	1
30 Controller	1	0
31 Technical Assistance Centers	1 ea.	0
32 Department of Community Colleges	3	1
33 Justice, Department of		
34 Office of the Attorney General	25	3
35 Budget Bureau (Administration)	1	0
36 Property Control (Administration)	1	1
37 State Bureau of Investigation	4	0
38 Agriculture, Department of	3	1
39 Labor, Department of	5	1
40 Insurance, Department of	5	1
41 Administration, Department of	1	1
42 Budget Bureau	2	1
43 Controller	1	0

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

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

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

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

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

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

39 Sec. 11. The Secretary of Crime Control and Public Safety shall develop a
 40 plan for the elimination of fifty percent (50%) of the positions within the Law
 41 Enforcement Section of the Division of Motor Vehicles, and shall implement that plan
 42 upon transfer of that Section to the Highway Patrol Division of the Department of Crime
 43 Control and Public Safety pursuant to Section 2 of this act.

1 Sec. 12. Section 11 of this act is effective upon ratification. The remainder of
2 this act becomes effective July 1, 1995.