

Article 10.

Various Powers and Regulations.

§ 143-152. Injury to water supply misdemeanor.

If any person shall in any way intentionally or maliciously damage or obstruct any waterline of any public institution, or in any way contaminate or render the water impure or injurious, he shall be guilty of a Class 1 misdemeanor. (1893, c. 63, s. 3; Rev., s. 3458; C.S., s. 7526; 1993, c. 539, s. 1014; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 143-153. Keeping swine near State institutions; penalty.

On the petition of a majority of the legal voters living within a radius of one quarter of a mile of the administrative building of any State educational or charitable institution, it shall be unlawful for any person to keep swine or swine pens within such radius of one quarter of a mile. Any person violating this section shall be guilty of a Class 3 misdemeanor and shall be subject to only a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (1909, c. 706; C.S., s. 7527; 1993, c. 539, s. 1015; 1994, Ex. Sess., c. 14, s. 62, c. 24, s. 14(c).)

§ 143-154. Expenditures for departments and institutions; accounting and warrants.

All expenditures of any character allowed by the General Assembly in making appropriations and not covered in the appropriations named shall be charged against the department or institution for which the expense is incurred, and the warrant shall be made to show clearly for what purpose the expenditure is made. The warrant shall be charged against the department or institution, thereby showing the total amount expended for the maintenance and expenses of such department or institution. (1917, c. 289; C.S., s. 7528; 1983, c. 913, s. 35.)

§ 143-155. Repealed by Session Laws 1983, c. 913, s. 36, effective July 22, 1983.

§ 143-156. Certain institutions to report to Governor and General Assembly.

It shall be the duty of the boards of directors, managers, or trustees of the several State institutions for the insane, or the several institutions for the deaf, dumb, and blind, and of the State Prison to submit their respective reports to the Governor, to be transmitted by him with his message to the General Assembly. (1883, c. 60, ss. 2, 4; Rev., s. 5373; C.S., s. 7530.)

§ 143-157. Reports of departments and institutions; investigations and audits.

All State departments and State institutions shall make reports to the Governor from time to time as may be required by him, and the Governor is empowered to have all departments of the State government and State institutions examined and audited from time to time, and shall employ such experts to make audits and examinations and to analyze the reports of such institutions and departments as he may deem to be necessary. (1917, c. 58, s. 7; C.S., s. 7531.)

§ 143-157.1. Reports on gender-proportionate appointments to certain public bodies.

(a) Appointments. – In appointing members to public bodies set forth in subsections (b) and (d) of this section, the appointing authority should select, from among the most qualified persons, those persons whose appointment would promote membership on the body that accurately reflects the proportion that each gender represents in the population of the State as a whole or, in the case of a local body, in the population of the area represented by the body, as determined pursuant to the most recent federal decennial census, unless the law regulating the appointment

requires otherwise. If there are multiple appointing authorities for the body, they may consult with each other to accomplish the purposes of this section.

(b) Reports by State Boards. – By September 1 of each year, every board designated as a nonadvisory board by the State Ethics Commission under Chapter 138A of the General Statutes shall submit a report to the Secretary of State which discloses the following by appointing authority:

- (1) The number of appointments made during the preceding year.
- (2) The number of appointments of each gender made, expressed both in numerical terms and as a percentage of the total membership of the body.

(b1) Retention of Applications. – Each appointing authority shall designate a person responsible for retaining all applications for appointment, who shall ensure that information related to each applicant's gender and qualifications is available for public inspection during reasonable hours. Nothing in this section requires disclosure of an applicant's identity or of any other information made confidential by law.

(b2) Use of Prescribed Form. – The Secretary of State shall prescribe the form to be used for submitting reports required under subsections (b) and (d) of this section and shall accept reports in an electronic format to be instituted by the Secretary of State. From these reports, the Secretary of State shall generate an annual composite report that shall be published by December 1. Copies of the report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

(c) Repealed by Session Laws 2019-167, s. 1, effective July 26, 2019.

(d) Reporting by Local Units of Government. – By September 1 of each year and with regard to each local board listed in this subsection, the information required by subsection (b) of this section shall be submitted on behalf of the appointing authority to the Secretary of State by the clerk of that appointing authority. Appointments to each of the following local boards, whether established by State law or local decision, or appointments to those local boards having equivalent functions, however named or denominated, must be reported:

- (1) City or county ABC board, or local board created pursuant to G.S. 18B-703.
- (2) Adult Care Home Community Advisory Committee.
- (3) Airport Authority.
- (4) Community Child Protection Team or a Child Fatality Prevention Team.
- (5) Civil Service Board or similarly named board established by local act.
- (6) Community Relations Committee.
- (7) Council of Governments.
- (8) Criminal Justice Partnership Task Force.
- (9) Emergency Planning Committee.
- (10) Board of Equalization and Review.
- (11) Local Board of Health.
- (12) Hospital Authority.
- (13) Housing Authority.
- (14) Human Relations Commission.
- (15) County Industrial Facilities and Pollution Control Financing Authority.
- (16) Juvenile Crime Prevention Council.
- (17) Library Board of Trustees.
- (18) Repealed by Session Laws 2019-167, s. 1, effective July 26, 2019.
- (19) Economic development commission.

- (20) Area mental health, developmental disabilities, and substance abuse board.
- (21) Adult care home community advisory committee.
- (22) Local partnership for children.
- (23) Planning Board.
- (24) Recreation Board.
- (25) County board of social services.
- (26) A public transportation authority created pursuant to Article 25 of Chapter 160A of the General Statutes, a regional public transportation authority created pursuant to Article 26 of Chapter 160A of the General Statutes, or a regional transportation authority created pursuant to Article 27 of Chapter 160A of the General Statutes.
- (27) Local tourism development authority.
- (28) Water and sewer authority.
- (29) Workforce Development Board.
- (30) Zoning Board of Adjustment.
- (31) Planning and Zoning Board.
- (32) Board of Adjustment.
- (33) Historic Preservation Commission.
- (34) Redevelopment Commission.
- (35) City board of education (if appointive).
- (36) Metropolitan Planning Organization.
- (37) Rural Planning Organization. (1999, c. 457, s. 1(b), (c); 2007-167, s. 1; 2018-142, s. 19; 2019-167, s. 1.)

§ 143-158. Special investigations.

At any time, upon complaint made to him or upon his own motion, the Governor may appoint a special commission to investigate any State department or State institution, which commission shall have power to subpoena witnesses, require the production of books and papers, and to do all things necessary to a full and thorough investigation, and shall submit its findings to the Governor. The members of such special commission shall, while engaged in the performance of their duties, receive their actual expenses and a per diem of four dollars (\$4.00). (1917, c. 58, s. 8; C.S., s. 7532.)

§ 143-159. Governor given authority to direct investigation.

The Governor is hereby authorized and empowered to call upon and direct the Attorney General to investigate the management of or condition within any department, agency, bureau, division or institution of the State, or any other matters pertaining to the administration of the Executive Department, when the Governor shall determine that such an investigation shall be necessary. (1927, c. 234, s. 1.)

§ 143-160. Conduct of investigation.

Whenever called upon and requested by the Governor as set out in G.S. 143-159, the Attorney General shall conduct such investigation at such reasonable time and place as may be determined by him. He shall have power to issue subpoenas, administer oaths, compel the attendance of witnesses and the production of papers necessary and material in such investigation. All subpoenas issued by him shall be served by the sheriff or other officer of any county to which they may be

directed. Parties interested in such investigation may appear at the hearing and be represented by counsel, who shall have the right to examine or cross-examine witnesses.

All persons subpoenaed to attend any hearing before the Attorney General shall, for a failure so to attend and testify, be subject to the same penalties as prescribed by law for such failure in the superior court. (1927, c. 234, s. 2.)

§ 143-161. Stenographic record of proceedings.

A stenographic record of the proceedings had in such investigation shall be taken and copy thereof forwarded by the Attorney General to the Governor with his report. (1927, c. 234, s. 3.)

§ 143-162: Repealed by Session Laws 1955, c. 984.

§ 143-162.1. First menu operator access.

(a) The General Assembly finds that:

- (1) Some telephone systems operated by State government agencies require callers to proceed through several menus to finally reach an individual extension, an arrangement that can be intimidating to the caller;
- (2) Many State telephone systems also make it difficult to reach an attendant or operator at the agency; and
- (3) While automated telephone systems and voice mail are intended to improve the efficiency of government, the first duty of government is to serve the people, and efficiency should not impede the average citizen in attempting to contact a State agency for service or information.

(b) State agency telephone systems routing calls to multiple extensions shall be reprogrammed by September 1, 1997, to minimize the number of menus that a caller must go through to reach the desired extension, and to allow the caller to reach an attendant or operator after accessing not more than two menus from the first menu when calling during normal business hours. As used in this section, the term "menu" refers to the first point in the call at which the caller is asked to choose from two or more options, regardless of whether that choice is referred to as a menu, router, or other term within the telephone industry itself.

This act shall be implemented by State agencies with existing personnel at no additional cost to the State.

(c) All State agencies shall include the agency's telephone number or numbers in a prominent place on all agency letterhead.

(d) The provisions of subsection (b) of this section shall not apply to any "511" traveler information system operated by the Department of Transportation.

(e) The provisions of subsection (b) of this section shall not apply to any call center operated under the Department of State Treasurer. (1997-351, ss. 1, 2; 1999-429, ss. 1, 2; 2003-184, s. 4; 2020-29, s. 3.)

§ 143-162.2. Use of public property by production companies.

If a State agency makes real property available to a production company for a production, it shall not charge any fee other than reimbursement of actual costs incurred and actual revenues lost by the agency. As used in this section, the term "production company" has the meaning provided in G.S. 105-164.3. This section does not require a State agency to make real property available to a production company for a production. (2000-153, s. 3.)

§ 143-162.5. Use of mobile electronic devices.

(a) Every executive branch agency within State government shall develop a policy to limit the issuance and use of mobile electronic devices to the minimum required to carry out the agency's mission. As used herein, mobile communication device includes goods provided by commercial mobile radio service providers and services for mobile telecommunications governed by Title 47 of the Code of Federal Regulations. By September 1, 2011, each agency shall provide a copy of its policy to the Chairs of the Appropriations Committee and the Appropriations Subcommittee on General Government of the House of Representatives, the Chairs of the Appropriations/Base Budget Committee and the Appropriations Committee on General Government and Information Technology of the Senate, the Chairs of the Joint Legislative Oversight Committee on Information Technology, the Fiscal Research Division, and the Office of State Budget and Management.

State-issued mobile electronic devices shall be used only for State business. Agencies shall limit the issuance of cell phones, smart phones, and any other mobile electronic devices to employees for whom access to a mobile electronic device is a critical requirement for job performance. The device issued and the plan selected shall be the minimum required to support the employees' work requirements. This shall include considering the use of pagers in lieu of a more sophisticated device. The requirement for each mobile electronic device issued shall be documented in a written justification that shall be maintained by the agency and reviewed annually. All State agency heads, in consultation with the Office of Information Technology Services and the Office of State Budget and Management, shall document and review all authorized cell phone, smart phone, and other mobile electronic communications device procurement, and related phone, data, Internet, and other usage plans for and by their employees. Agencies shall conduct periodic audits of mobile device usage to ensure that State employees and contractors are complying with agency policies and State requirements for their use.

Beginning October 1, 2012, each agency shall report annually to the Chairs of the House of Representatives Committee on Appropriations and the House of Representatives Subcommittee on General Government, the Chairs of the Senate Committee on Appropriations and the Senate Appropriations Committee on General Government and Information Technology, the Joint Legislative Oversight Committee on Information Technology, the Fiscal Research Division, and the Office of State Budget and Management on the following:

- (1) Any changes to agency policies on the use of mobile devices.
- (2) The number and types of new devices issued since the last report.
- (3) The total number of mobile devices issued by the agency.
- (4) The total cost of mobile devices issued by the agency.
- (5) The number of each type of mobile device issued, with the total cost for each type.

(b) This section does not apply to the legislative branch or the judicial branch of State government. (2011-145, s. 6A.14(a), (b); 2011-391, s. 11(f); 2012-142, s. 6A.7; 2015-286, s. 3.1.)

§ 143-162.6. Use of ESG and ETI prohibited in employment decisions.

(a) As used in this section, "environmental, social, and governance (ESG) criteria" or "economically targeted investments (ETI) requirements" means using a set of standards to screen potential investments based upon the perceived impact to the environment and the social relationships between a company's employees and the community. The term also includes how a company's leadership is structured in support of those standards.

(b) No State agency, political subdivision of the State, trust, committee, or commission of any political subdivision of the State shall use, enforce, provide data for use in, or otherwise participate in the creation or use of ESG or ETI policies related to hiring, firing, or evaluating employees.

(c) Except as allowed by law, ESG, ETI, or related criteria shall not be considered in the awarding of State contracts. (2023-64, s. 1(a).)

§ 143-162.10. Discrimination against persons based on refusal of COVID-19 vaccination and exemption.

(a) No State agency, city, county, or political subdivision of the State shall deny or refuse employment to any person or discharge any person from employment due to the person's refusal to provide proof of a COVID-19 vaccination or the person's refusal to submit to a COVID-19 vaccination or a series of COVID-19 vaccinations, unless the exemption in subsection (c) of this section applies. This section shall not be construed to prevent the person from being discharged for cause. As used in this section, the term "COVID-19" means the coronavirus disease of 2019.

(b) No State agency, city, county, or political subdivision of the State shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint; initiate any inquiry, investigation, inspection, proceeding, or other action; or testify or provide information to any person with respect to the provisions of subsection (a) of this section.

(c) An exemption to subsections (a) and (b) of this section applies to the following:

- (1) Any employee, vendor, volunteer, trainee, or student that is required by a facility certified by the Centers for Medicare and Medicaid Services to show proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination or COVID-19 series of vaccinations.
- (2) An employee employed by any entity that receives federal funding if complying with subsection (a) or (b) of this section would result in the loss of that federal funding.
- (3) An employee employed by the Department of Health and Human Services in the Division of State Operated Healthcare Facilities if the Department requires the COVID-19 vaccination or series of vaccinations for that employee. (2023-134, s. 5.8(a).)