

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 927

Short Title: Positive Campaigns.

(Public)

Sponsors: Senator Cooper.

Referred to: Judiciary.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH NORTH CAROLINIANS FOR POSITIVE CAMPAIGNS
AND MAKE RELATED CHANGES.

The General Assembly of North Carolina enacts:

Section 1. (a) Article 22C of Chapter 163 is repealed.

(b) The State Treasurer shall transfer all funds in the North Carolina
Candidates Financing Fund, created in Article 22C of Chapter 163 of the General
Statutes, to the Fund of North Carolinians for Positive Campaigns, created pursuant to
Article 22D of Chapter 163 of the General Statutes, as enacted by Section 2 of this act.

Section 2. Chapter 163 of the General Statutes is amended by adding a new
Article to read as follows:

"ARTICLE 22D.

"NORTH CAROLINIANS FOR POSITIVE CAMPAIGNS.

"§ 163-278.60. Definitions.

The following definitions apply in this Article:

(1) Board. – The Board of Directors for North Carolinians for Positive
Campaigns.

(2) Candidate. – Defined in G.S. 163-278.6(4).

- 1 (3) Competitive election. – A contested election for a political office in
2 North Carolina in which two or more candidates received in excess of
3 thirty percent (30%) of the votes cast in that election.
- 4 (4) Fund. – The Fund of North Carolinians for Positive Campaigns.
- 5 (5) Signing candidate. – A candidate who signs the affidavit in G.S. 163-
6 278.62 or G.S. 163-278.63 or both.
- 7 (6) Public office. – Defined in G.S. 163-278.6(18).
- 8 (7) Qualifying candidate. – A signing candidate who meets the
9 requirements for NCPC money value in a primary election in
10 accordance with G.S. 163-278.63 or in a general election in accordance
11 with G.S. 163-278.62.
- 12 (8) Refusing candidate. – A candidate who refuses to sign the affidavit in
13 G.S. 163-278.62 or G.S. 163-278.63 or both.

14 **"§ 163-278.61. North Carolinians for Positive Campaigns, Inc.; conditions.**

15 (a) Contracting With Corporation. – The State Board of Elections shall contract
16 with a privately chartered, not-for-profit corporation governed by a Board of Directors.
17 The corporation shall be called North Carolinians for Positive Campaigns, Inc., (NCPC).
18 The Department of Revenue and the Attorney General shall expedite the application of
19 NCPC for tax-exempt status under section 501(c)(3) of the Internal Revenue Code of
20 1986, as amended.

21 The General Assembly finds that if NCPC meets all of the conditions of this section,
22 it will lessen the burdens of government by assuming responsibility for functions of the
23 State's process for the election of candidates. Accordingly, the Secretary of Revenue
24 shall, as part of the application for tax-exempt status, affirm that NCPC would lessen the
25 burdens of government.

26 (b) Eligibility for Contract. – In order to fulfill its contract with the State Board of
27 Elections and to be funded under this Article, NCPC shall meet the following conditions:

- 28 (1) Board of NCPC shall consist of 12 members as follows:
- 29 a. Three members appointed by the Majority Leader of the North
30 Carolina House of Representatives, of whom one member must
31 be registered as an 'unaffiliated' voter.
- 32 b. Three members appointed by the Minority Leader of the North
33 Carolina House of Representatives, of whom one member must
34 be registered as an 'unaffiliated' voter.
- 35 c. Three members appointed by the Majority Leader of the North
36 Carolina Senate, of whom one member must be registered as an
37 'unaffiliated' voter.
- 38 d. Three members appointed by the Minority Leader of the North
39 Carolina Senate, of whom one member must be registered as an
40 'unaffiliated' voter.
- 41 (2) Members shall serve four-year terms, except in the case of initial terms
42 as follows:

- 1 a. Two members appointed by the Majority Leader of the North
2 Carolina House of Representatives, two members appointed by
3 the Minority Leader of the North Carolina Senate, one member
4 appointed by the Minority Leader of the North Carolina House of
5 Representatives, and one member appointed by the Majority
6 Leader of the North Carolina Senate, shall expire July 1, 1999.
- 7 b. Two members appointed by the Minority Leader of the North
8 Carolina House of Representatives, two members appointed by
9 the Majority Leader of the North Carolina Senate, one member
10 appointed by the Majority Leader of the North Carolina House of
11 Representatives, and one member appointed by the Minority
12 Leader of the North Carolina Senate, shall expire July 1, 2001.
- 13 (3) At the end of a term, a member shall continue to serve until a successor
14 is appointed. A member who is appointed after a term has begun serves
15 only for the remainder of the term and until a successor is appointed. A
16 member who serves two consecutive full four-year terms shall not be
17 reappointed until four years after completion of those terms. A vacancy
18 in a legislative appointment shall be filled in accordance with G.S. 120-
19 122.
- 20 (4) The Board shall elect officers biennially. Officers shall serve no more
21 than two consecutive terms in an office.
- 22 (5) The Board shall appoint an executive director who shall serve at the
23 pleasure of the Board. The executive director shall administer the
24 affairs of the Board. The executive director may employ and direct staff
25 necessary to carry out the provisions of this Article.
- 26 (6) The Board shall meet as needed at the times and places it determines.
- 27 (7) The Board shall agree to adopt procedures for its operations that are
28 comparable to those of the North Carolina Open Meetings Law, Article
29 33C of Chapter 143 of the General Statutes. A majority of the fully
30 authorized membership of the Board is a quorum.
- 31 (8) Each of the three appointing authorities in subdivision (1) of this
32 subsection shall appoint two persons who:
- 33 a. Have not and whose spouses have not contributed more than two
34 hundred fifty dollars (\$250.00) to a single candidate for political
35 office in North Carolina or any political action committee in
36 North Carolina for a period of five years preceding the date of his
37 or her appointment; and
- 38 b. Have not and whose spouses have not run in an election for
39 public office during the 10 years prior to appointment to the
40 Board.
- 41 (9) No current elected official, officer of a political party, or government
42 employee shall be appointed to serve on the Board.

1 (10) Any Board member who files for or whose spouse files for public office
2 or publicly declares an intent to run for public office shall resign or be
3 removed from the Board.

4 (11) NCPC shall provide NCPC money value in the elections for Governor
5 and Lieutenant Governor and shall comply with all the provisions of
6 this Article.

7 **"§ 163-278.62. Candidate participation requirements in a general election.**

8 (a) Affidavit. – A candidate who desires to qualify for the benefits of NCPC
9 money value provided by NCPC in a general election shall sign and submit an affidavit
10 prepared by the State Board of Elections, stating that the candidate agrees to follow the
11 campaign finance practices established under G.S. 163-278.65. The candidate shall
12 swear, subscribe, and notarize the affidavit within 10 days after the last primary election
13 that results in the nomination of a candidate running for the same office.

14 (b) Threshold Showing of Support. – A signing candidate shall qualify to receive
15 the benefits of NCPC money value provided by NCPC if the candidate:

16 (1) Is the nominee of a party whose nominee in the last gubernatorial
17 election won at least thirty percent (30%) of the votes cast; or

18 (2) Demonstrates substantial popular support by filing with the State Board
19 of Elections, on or before the thirtieth calendar day after the primary
20 election day for the office, an officially authorized petition containing
21 the signatures of registered voters totaling no less than ten percent
22 (10%) of the number of votes cast in the last competitive general
23 election for the office.

24 **"§ 163-278.63. Candidate participation requirements in a primary election.**

25 (a) Affidavit. – A candidate who desires to qualify for the benefits of NCPC
26 money value provided by NCPC in a first and second primary election shall sign and
27 submit, at the same time that the candidate's committee files its initial organizational
28 report with the State Board of Elections, an affidavit prepared by the State Board of
29 Elections, stating that the candidate agrees to follow the campaign finance practices
30 established under G.S. 163-278.65. The candidate shall swear, subscribe, and notarize
31 the affidavit. A candidate with a preexisting campaign committee shall submit the
32 affidavit at a time designated by the State Board of Elections.

33 (b) Threshold Showing of Support. – A signing candidate shall qualify to receive
34 the benefits of NCPC money value provided by NCPC if the candidate does either of the
35 following:

36 (1) Presents proof to the State Board of Elections, on or before the sixtieth
37 day preceding the primary election day for the office, that he or she has
38 met the threshold of raising ten percent (10%) of the total spending limit
39 for that office during the primary election. Only the first two hundred
40 fifty dollars (\$250.00) of a contribution shall be applicable for the
41 purposes of meeting this threshold.

42 (2) Demonstrates substantial popular support by filing with the State Board
43 of Elections, on or before the sixtieth calendar day before the primary

1 election day for the office, an officially authorized petition containing
2 the signatures of registered voters totaling no less than ten percent
3 (10%) of the number of votes cast in the last competitive primary
4 election for the office.

5 **"§ 163-278.64. Designation of qualifying candidates.**

6 Within seven days of the receipt of a candidate's contribution report or petitions
7 pursuant to G.S. 163-278.62 or G.S. 163-278.63, the State Board of Elections shall
8 designate whether such a candidate is qualified for NCPC money value provided by
9 NCPC.

10 **"§ 163-278.65. Campaign finance practices of signing and qualifying candidates.**

11 (a) Total Spending Limits. –

12 (1) Signing and qualifying candidates shall agree to a total spending limit
13 for privately raised contributions in each election (primary, second
14 primary, and general election). For elections in the year 2000, the total
15 spending limit shall consist of a base amount. In elections thereafter,
16 the spending limit shall consist of a base amount increased by a cost-of-
17 election index.

18 (2) In each election (primary, second primary, and general election) for
19 Governor, the base amount shall be equal to two dollars (\$2.00) per the
20 total number of votes cast in the most recent competitive election
21 (primary, second primary, and general election) for that office. The
22 base amount shall be computed in the same way for each election
23 pertaining to the Office of the Lieutenant Governor, except the per voter
24 rate shall be one dollar (\$1.00).

25 (3) The State Board of Elections shall formulate a 'cost-of-election' index
26 rate which takes into account changes in the State's population, the
27 spending limit for previous elections, and the consumer price indices for
28 North Carolina.

29 (4) All expenditures shall be computed to be made for the election reporting
30 period during which they are reportable, unless the State Board of
31 Elections promulgates rules regarding the treatment of specific
32 expenditures.

33 (b) Contribution Limits. –

34 (1) Signing and qualifying candidates shall agree to accept a total of no
35 more than two thousand dollars (\$2,000) per election in money or in-
36 kind contributions from any of the following:

37 a. Any individual including the candidate's spouse or any other
38 member of the candidate's family; or

39 b. Any political committee, including a political party committee.

40 (2) Signing and qualifying candidates shall agree to contribute or loan a
41 total of no more than thirty thousand dollars (\$30,000) per election in
42 money or in-kind contributions to their own campaign.

- 1 (3) For the election year 2000, the contribution limit agreement shall apply
2 to all contributions received from January 1, 1998, forward. For
3 subsequent election years, the agreement will apply for all contributions.

4 **"§ 163-278.66. Refusing candidates.**

5 No refusing candidate shall receive more than five hundred dollars (\$500.00) per
6 election in money or in-kind contributions from any of the following:

- 7 (1) Any individual including the candidate's spouse or any other member of
8 the candidate's family; or
9 (2) Any political committee, including a political party committee.

10 If this lower contribution level for refusing candidates is held unconstitutional, the
11 contribution limit shall be the same as that for signing and qualifying candidates.

12 **"§ 163-278.67. Reporting requirements.**

13 In order to fulfill the purposes of this act regarding expenditure and contribution
14 practices in G.S. 163-278.66, the State Board of Elections shall promulgate rules
15 regarding disclosure of contributions and expenditures, including special reporting during
16 the final 15 days before an election.

17 **"§ 163-278.68. Financing rules of the Fund.**

18 (a) The Fund is authorized to accept funds received through General Fund
19 appropriations made by the General Assembly and through other appropriate and lawful
20 means. The Fund may accept grants or other contributions in any amount from
21 corporations, labor organizations, or any other person who can contribute or expend
22 funds in a noncandidate ballot campaign. The Fund shall provide contributors with
23 written instructions for claiming the tax credit provided in G.S. 105-129.26. The State
24 Board of Elections shall promulgate rules requiring on a periodic basis the Fund's
25 disclosure of the source and amount of each grant and private contribution. The Fund
26 may accept grants in any amount from charitable or other civic organizations.

27 (b) NCPC is authorized to expend monies from its media account to purchase
28 media access for qualifying candidates in the forms established pursuant to G.S. 163-
29 278.69. NCPC shall allocate money value for all qualifying candidates for an office in
30 equal amounts regardless of whether a candidate may have received more than one party
31 nomination.

32 (c) None of the money value that NCPC allocates for qualifying candidates shall
33 be included in the expenditure limits for private contributions under G.S. 163-278.65.

34 (d) In addition to its media account, NCPC shall establish a separate administrative
35 account for all monies to be used for operation of the NCPC. Of monies reclaimed from
36 the North Carolina Candidates Financing Fund, one hundred thousand dollars (\$100,000)
37 shall be allocated to the NCPC administrative account to finance the initial expenses of
38 NCPC. No more than one dollar (\$1.00) out of every five dollars (\$5.00) contributed to
39 NCPC may be allocated to the administrative account.

40 (e) NCPC is authorized to provide money value in elections involving candidates
41 for Governor and Lieutenant Governor. By July 1 of the year before an election, NCPC
42 shall disclose to the State Board of Elections whether it shall be providing money value
43 in the primary, second primary, or general election for Governor and Lieutenant

1 Governor and the minimum amount of money value to be provided in any of these races.
2 At the same time, NCPC shall establish its financial capacity to expend these minimum
3 amounts by demonstrating that its media account contains an amount equal to at least one
4 hundred percent (100%) of the minimum amounts to be expended. At least the first three
5 million dollars (\$3,000,000) in the media account shall be allocated for the gubernatorial
6 race. If three million dollars (\$3,000,000) or more cannot be allocated for the Governor's
7 race, then candidates for Governor shall not be required to adhere to spending limits
8 pursuant to G.S. 163-278.65. If less than one million five hundred thousand dollars
9 (\$1,500,000) is allocated for the Lieutenant Governor's race, then candidates for
10 Lieutenant Governor shall not be required to adhere to spending limits pursuant to G.S.
11 163-278.65. NCPC shall allocate at least a majority of its funds to the general election
12 for Governor.

13 **"§ 163-278.69. NCPC-sponsored activities.**

14 (a) NCPC shall seek to concentrate its purchase of media advertisements and
15 debates for qualifying candidates during the last 14 calendar days preceding the day of
16 election.

17 (b) NCPC shall seek to purchase or otherwise negotiate access to television time
18 for debates involving all qualifying candidates in an election. The format of the debates
19 as well as positive advertisements, the purchase and placement of the debates, and other
20 aspects will follow the guidelines established in subsections (c) through (h) of this
21 section.

22 (c) Debate Guidelines. –

23 (1) During each debate sponsored by NCPC, it shall be announced to the
24 television audience that each candidate has been requested to refrain
25 from mentioning an opponent's name or engaging in any critical
26 reference to an opponent. This information shall be announced at the
27 beginning and end of each debate as well as at least three additional
28 times during each debate.

29 (2) NCPC may cosponsor any of its election debates with other nonprofit
30 organizations that it deems to be appropriate.

31 (3) NCPC shall make its best effort to gain live television coverage of each
32 debate on the affiliate of at least one national television network in
33 every television market in the State. NCPC shall seek negotiations with
34 all such network affiliates and other television stations to carry live
35 coverage of each debate at the lowest possible charge rate. NCPC may
36 decide to announce or otherwise display the names of particular
37 financial supporters of the funding during any debate and otherwise
38 publicize their support.

39 (4) Qualifying candidates may participate in debates not sponsored by
40 NCPC.

41 (d) For additional recommendations regarding debate format, NCPC shall seek to
42 appoint an advisory committee composed of two designees of the president of the North
43 Carolina Association of Broadcasters (NCAB), and two designees of the North Carolina

1 Press Association (NCPA). If the president of either organization fails to make such
2 designations, the Board shall make its own designations from members of these
3 organizations. NCPC shall either accept or reject a recommended debate format of the
4 advisory committee in total, but shall specify points of objection. NCPC shall adopt
5 debate formats for elections at least one year in advance of the date of the general
6 election for that election cycle.

7 (e) Regarding any election for which NCPC allocates money value for qualifying
8 candidates, and which contains only one qualifying candidate, NCPC may purchase or
9 otherwise negotiate access for the qualifying candidate to obtain 30-minute advertising
10 segments.

11 (f) The advertisements which NCPC sponsors or for which it otherwise negotiates
12 access shall be one minute in length. Such advertisements shall contain the following:

13 (1) An introduction of 15 seconds or less during which it shall be
14 announced that the program is sponsored by North Carolinians for
15 Positive Campaigns and that the candidate has been requested to refrain
16 from mentioning any opponent's name or engaging in any critical
17 reference to any opponent or any opponent's supporters.

18 (2) A middle segment of 30 seconds or more whose content and format
19 shall be produced according to the candidate's discretion.

20 (3) A concluding segment of 15 seconds or less during which the sponsor of
21 the advertisement is again announced and it is repeated that the
22 candidate was requested to refrain from mentioning any opponent's
23 name or engaging in any critical reference to any opponent or any
24 opponent's supporters.

25 (4) The disclosure of sponsorship by NCPC in subdivisions (1) through (3)
26 of this subsection shall be deemed to satisfy the sponsorship disclosure
27 requirements under State law. It shall be the responsibility of NCPC to
28 satisfy federal disclosure requirements during its first or last segments
29 of the advertisement.

30 (g) The advisory committee designated to recommend additional debate rules shall
31 also recommend the content of the questions and aspects of the format established above
32 in subsection (e) and subsection (f).

33 (h) NCPC shall contract with a corporate organization or organizations
34 experienced in purchasing access for advertisements on television in North Carolina. The
35 contracting process shall occur on an open and competitive basis. The selected
36 organization or organizations shall prepare a plan which will recommend a statewide
37 schedule for the broadcast of the positive-issue advertisements in each election. NCPC
38 shall accept or reject a recommended plan in total, but shall specify points of objection.
39 An accepted plan shall require the placement of some, but not all, NCPC-issue
40 advertisements during similar time periods and in all media markets. The plan shall
41 provide some options so that the campaigns of qualifying candidates can choose some
42 time slots, some of the particular NCPC-issue advertisements to be aired, and some of the
43 markets in which the advertisements will be shown.

1 **"§ 163-278.70. Enforcement.**

2 Any individual, person, candidate, political committee, or treasurer who willfully and
3 intentionally violates any of the provisions of this Article shall be guilty of a Class I
4 felony. A signing or qualifying candidate who violates any terms in that candidate's
5 signed affidavit regarding expenditure and contribution limits shall be liable to NCPC for
6 a monetary award in a civil action brought by the State Board of Elections. The amount
7 of the award shall be treble the dollar amount that constitutes each violation. A signing
8 candidate who does not meet the requirements to qualify for NCPC money value may
9 decide to withdraw his or her affidavit within 10 days following the deadlines set forth in
10 G.S. 163-278.62 and G.S. 163-278.63 for qualifying candidates in an election. From the
11 date of withdrawal forward, those withdrawing candidates may accept contributions in
12 the amounts allowed to refusing candidates pursuant to G.S. 163-278.66.

13 **"§ 163-278.71. Rule-making authority for State Board of Elections.**

14 The State Board of Elections may adopt rules to enforce the provisions of this
15 Article."

16 Section 3. Chapter 105 of the General Statutes is amended by adding a new
17 Article to read:

18 **"ARTICLE 3C.**

19 **"TAX CREDITS FOR CONTRIBUTIONS FOR POSITIVE CAMPAIGNS.**

20 **"§ 105-129.25. Definitions.**

21 The definitions provided in Article 22D of Chapter 163 of the General Statutes apply
22 in this Article.

23 **"§ 105-129.26. Credit for contribution to Fund of North Carolinians for Positive**
24 **Campaigns.**

25 (a) Corporations. – Subject to the limitations contained in G.S. 105-129.27, a
26 taxpayer who makes a contribution of cash during the taxable year to the Fund of North
27 Carolinians for Positive Campaigns, created pursuant to Article 22D of Chapter 163 of
28 the General Statutes, is allowed as a credit against the tax imposed by Division I of
29 Article 4 of this Chapter for the taxable year an amount equal to fifty percent (50%) of
30 the amount of the contribution. The credit allowed by this subsection may not exceed
31 two hundred fifty thousand dollars (\$250,000) for the taxable year.

32 (b) Individuals. – Subject to the limitations contained in G.S. 105-129.27, a
33 taxpayer who makes a contribution of cash during the taxable year to the Fund of North
34 Carolinians for Positive Campaigns, created pursuant to Article 22D of Chapter 163 of
35 the General Statutes, is allowed as a credit against the tax imposed by Division II of
36 Article 4 of this Chapter for the taxable year an amount equal to fifty percent (50%) of
37 the amount of the contribution. The credit allowed by this subsection may not exceed
38 fifty thousand dollars (\$50,000) for the taxable year.

39 (c) Substantiation. – To be eligible for the tax credit provided in this section, the
40 taxpayer must provide with the tax return on which the credit is claimed any supporting
41 documentation that the Secretary may require.

42 **"§ 105-129.27. Limit; carryover.**

1 The credit allowed a taxpayer under G.S. 105-129.26 may not exceed the amount of
2 income tax imposed by Article 4 of this Chapter for the taxable year reduced by the sum
3 of all other credits allowable except tax payments made by or on behalf of the taxpayer.
4 The amount of unused credit allowed under G.S. 105-129.26 may be carried forward for
5 the next five succeeding years. The fifty thousand dollar (\$50,000) and two hundred fifty
6 thousand dollar (\$250,000) limitations on the amount of credit allowed a taxpayer under
7 G.S. 105-129.26 do not apply to unused amounts carried forward under this section.

8 **"§ 105-129.28. Repeal.**

9 (a) Repeal When Threshold Exceeded. – The Secretary shall certify to the State
10 Board of Elections, the Legislative Research Commission, and the Joint Legislative
11 Commission on Governmental Operations by October 1 of each year the total amount of
12 credit taken under this Article and the number of taxpayers that claimed a credit under
13 this Article, during the preceding fiscal year and during every fiscal year since this
14 Article was enacted. If the Secretary certifies that the total amount of credit taken under
15 this Article since this Article was enacted equals or exceeds three million dollars
16 (\$3,000,000), this Article is repealed effective for contributions made on or after the
17 following January 1.

18 (b) Repeal When Tax-Exempt Status Achieved. – Within 10 days after it is
19 granted tax-exempt status under section 501(c)(3) of the Code, North Carolinians for
20 Positive Campaigns, Inc., shall certify to the Secretary that it has been granted tax-
21 exempt status under the Code. This Article is repealed effective for contributions made
22 on or after January 1 following the certification by North Carolinians for Positive
23 Campaigns, Inc., to the Secretary required by this subsection.

24 (c) Effect of Repeal. – Repeal of this Article does not affect the rights or liabilities
25 of the State, a taxpayer, or another person arising under this Article with respect to
26 contributions made before the effective date of its repeal; nor does it affect the right to
27 any refund or credit of a tax that accrued under this Article with respect to contributions
28 made before the effective date of its repeal. G.S. 105-134.6(c)(5)c. is repealed effective
29 on the date that this Article is repealed."

30 Section 4. G.S. 105-134.6(c)(5) reads as rewritten:

31 "(5) The following amounts for which the taxpayer claims a credit for the
32 taxable year:

33 a. The fair market value, up to a maximum of one hundred
34 thousand dollars (\$100,000), of the donated property interest for
35 which the taxpayer claims a credit for the taxable year under G.S.
36 ~~105-151.12~~ and the under G.S. 105-151.12.

37 b. The market price of the gleaned crop for which the taxpayer
38 claims a credit for the taxable year under G.S. 105-151.14.

39 c. The amount of the contributions for which the taxpayer claims a
40 credit under G.S. 105-129.26."

41 Section 5. G.S. 105-135.5(a)(10) reads as rewritten:

42 "(10) The total amount of contributions for which the taxpayer was
43 allowed a credit under G.S. 105-129.25 during the taxable year plus

1 the total amounts allowed under this Article under other provisions of
2 this Chapter during the taxable year as a credit against the taxpayer's
3 income tax. A corporation that apportions part of its income to this
4 State shall make the addition required by this subdivision after it
5 determines the amount of its income that is apportioned and
6 allocated to this State and shall not apply to a credit taken under this
7 Article the apportionment factor used by it in determining the
8 amount of its apportioned income."

9 Section 6. Sections 3 through 5 of this act are effective for taxable years
10 beginning on or after January 1, 1997, and apply to contributions made on or after
11 January 1, 1997. The remainder of this act becomes effective January 1, 1998. Section 5
12 of this act is repealed on the effective date that Article 3C of Chapter 105 of the General
13 Statutes, as enacted by this act, is repealed pursuant to G.S. 105-129.28, as enacted by
14 this act.