

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 291
HOUSE BILL 967

AN ACT TO PERMIT CERTAIN CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO BECOME MEMBERS OF A JOINT MUNICIPAL ASSISTANCE AGENCY AND TO PERMIT ASSOCIATE MEMBERSHIPS TO SUCH AGENCY.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 159B of the General Statutes is amended by adding a new section to read:

"§ 159B-48. Nonmunicipal members; constituent institutions of The University of North Carolina.

Notwithstanding the provisions of Article 1 of Chapter 159B of the General Statutes or any other provision of law, any constituent institution of The University of North Carolina, as defined in Article 1 of Chapter 116 of the General Statutes, that owns a system or facility for the generation, transmission, or distribution of electric power and energy for public and private use, may become a member of a joint municipal assistance agency. The Commissioner and one or more alternate Commissioners designated by any such members shall be appointed by its local governing board. As a member, the constituent institution has all the rights, privileges, immunities, powers, authority, and responsibilities of a municipal member of a joint municipal assistance agency under Article 3 of this Chapter, including, the protection and immunities granted under Article 3 to those employed, appointed or otherwise acting on behalf of the constituent institutions, and the power and authority to enter into contracts and arrangements with a joint municipal assistance agency."

Sec. 2. Article 3 of Chapter 159B of the General Statutes is amended by adding a new section to read:

"§ 159B-49. Associate members.

Notwithstanding the provisions of Article 1 of Chapter 159B of the General Statutes or any other provision of law, a joint municipal assistance agency may, in its bylaws, create associate memberships. An associate member of a joint municipal assistance agency shall have only those rights, privileges, immunities, powers, authority, and responsibilities as set forth in the bylaws of the joint municipal assistance agency; provided, that:

- (1) An associate member shall not have the right to appoint a commissioner or alternate commissioner, have the right to vote or otherwise participate in decisions of the joint municipal assistance agency;

- (2) An associate member shall not have the right to a distribution of assets upon dissolution of the joint municipal assistance agency; and
- (3) Income from the joint municipal assistance agency shall not accrue to, or otherwise inure to the benefit of, an associate member."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 13th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives