



The Daily Bulletin: 2019-08-07

PUBLIC/HOUSE BILLS

H 431 (2019-2020) **FIBER NC ACT**. Filed Mar 21 2019, *AN ACT TO FOSTER INFRASTRUCTURE FOR BROADBAND EXPANSION AND RESOURCES IN NORTH CAROLINA BY AUTHORIZING COUNTIES AND CITIES TO INSTALL AND LEASE BROADBAND INFRASTRUCTURE TO INCREASE ADEQUATE BROADBAND SERVICES TO ATTRACT INVESTMENT IN LOCAL ECONOMIES, PROVIDE FOR EDUCATIONAL AND CAREER OPPORTUNITIES, MODERNIZE FARMING TECHNOLOGIES, AND TO PROVIDE FOR IMPROVED HEALTH CARE.*

House committee substitute deletes the provisions of the 1st edition and provides the following.

Enacts GS 153A-458 and GS 160-499.5, authorizing counties and cities to install or maintain broadband infrastructure to be leased to a private provider pursuant to GS 160A-272.5, as enacted. Defines *broadband infrastructure* to mean wireline or wireless infrastructure capable of providing terrestrially deployed internet access service with specified minimum transmission speeds. Limits the authority granted to counties to instances in which (1) the lessee is a person operating for profit in NC to provide broadband services and (2) the county either has more than 4.75% of the county without a broadband infrastructure provider or has a major military installation. Limits the authority granted to cities to instances in which the lessee is a person operating for profit in this state to provide broadband services to customers and the city has at least 60% of its population lying in a county described in GS 153A-458 as authorized to install or maintain broadband infrastructure to be leased (one that has either 4.75% of the county without a broadband infrastructure provider or a major military installation). Authorizes boards of commissioners and cities to use ad valorem taxes, grants, or any other unencumbered funds in exercising authority granted under the statute. Prior to installation, requires a county or city to prepare a report containing a business plan for providing broadband infrastructure and the results of a feasibility study determining the needs and available resources, as specified, including a map of the location and type of broadband infrastructure proposed to be installed. Requires the report be available in the office of the clerk for at least 90 days prior to the date of the public hearing. Requires the board of commissioners or city to hold a public hearing with at least one week's public notice, stating the intent to install and lease the broadband infrastructure. Clarifies that the statute does not authorize a county or city to use broadband infrastructure constructed pursuant to the statute to provide communications services pursuant to Article 16A of GS Chapter 160A.

Makes conforming changes to GS 153A-149 and GS 160A-209, adding construction of broadband infrastructure to the purposes for which counties and cities can levy property taxes. Effective for taxes imposed for taxable years beginning on or after July 1, 2020.

Amends GS 159-81 to authorize broadband services for the purpose of leasing in accordance with GS 160A-272.5 to be revenue bond projects.

Enacts GS 160A-272.5 to set forth requirements for the lease of broadband infrastructure installed or maintained pursuant to GS 153A-458 or GS 160A-499.5, as enacted, to private providers for delivery of services to customers. Requires the appropriate governing board to authorize the execution of the lease agreement by adopting a resolution at a regular board meeting upon 30 days' public notice. Limits lease terms to 25 years, inclusive of any options to renew or extend the lease. Details further requirements, including that the lease be entered into on a technology-neutral basis, the lease be open to similarly situated private providers on comparable terms and conditions, and the appropriate governing board solicit requests for proposals prior to adopting the authorizing resolution in accordance with the specified procedures, which provide for advertisement parameters and allow proposals to be rejected for any reason. Applies to leases entered into on or after October 1, 2019.

Amends GS 153A-349.60 to allow counties to provide grants to qualified private providers of highspeed Internet access to expand service in unserved areas in the county (previously, more narrowly limited to expanding service in unserved areas for economic development in the county). Makes further clarifying changes.

Amends GS 160A-321 to prohibit cities from selling, leasing, or discontinuing a city-owned public enterprise in its entirety without approval from a majority of voters (previously, did not specify that the prohibition applies to the sale, lease, or discontinuance of the public enterprise *in its entirety*). Makes further clarifying and organizational changes.

Makes conforming changes to GS 160A-340.2 to explicitly prohibit cities from using broadband infrastructure constructed by the city pursuant to new GS 160A-272.5 from being used to provide communications services under Article 16A.

Effective October 1, 2019.

Makes conforming changes to the act's long title.

Intro. by Dobson, Lewis, Szoka, Corbin.

[GS 153A](#), [GS 159](#), [GS 160A](#)

[View summary](#)

Government, Local Government, Public Enterprises and Utilities

H 597 (2019-2020) [WILDLIFE RESOURCES COMMISSION AMENDS](#). Filed Apr 3 2019, *AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE WILDLIFE RESOURCES COMMISSION*.

Senate amendments make the following changes to the 6th edition.

Amendment #1 changes the effective date of Sections 1 through 6 of the act, which amends GS 75A-5, GS 143-250.1, and various provisions of GS Chapter 113, from August 1, 2019, to September 1, 2019.

Amendment #2 amends proposed GS 113-276(o) to permit an eligible member of a volunteer fire department for five consecutive fiscal years, including the prior fiscal year, to be issued any adult resident lifetime license issued and administered by the Wildlife Resources Commission (was, any adult resident lifetime license issuable under Article 21) for 50% of the applicable license fee amount.

Intro. by Adams, Henson, Wray, Yarborough.

[GS 14](#), [GS 75A](#), [GS 106](#), [GS 113](#), [GS 143](#)

[View summary](#)

Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Environment, Aquaculture and Fisheries, Government, Public Safety and Emergency Management, Local Government, Transportation

H 597 (2019-2020) [WILDLIFE RESOURCES COMMISSION AMENDS](#). Filed Apr 3 2019, *AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE WILDLIFE RESOURCES COMMISSION*.

Senate amendment #3 make the following changes to the 6th edition, as amended.

Changes the effective date of Section 10 of the act, which amends various provisions of GS Chapter 14 regulating reptiles, from the date the act becomes law to December 1, 2019. Additionally, specifies that the provisions apply to offenses committed on or after December 1, 2019.

Intro. by Adams, Henson, Wray, Yarborough.

[GS 14](#), [GS 75A](#), [GS 106](#), [GS 113](#), [GS 143](#)

[View summary](#)

Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Environment, Aquaculture and Fisheries, Government, Public Safety and Emergency Management, Local Government, Transportation

H 604 (2019-2020) [SMALL BUSINESS RETIREMENT PROGRAM](#). Filed Apr 4 2019, *AN ACT TO CREATE THE JOINT LEGISLATIVE STUDY COMMITTEE ON SMALL BUSINESS RETIREMENT OPTIONS*.

Senate amendment makes the following changes to the 1st edition.

Modifies the membership requirements of the Joint Legislative Study Committee on Small Business Retirement Options, now requiring one public member appointed by the Speaker of the House of Representatives to be a retiree with professional knowledge of and experience working in the private retirement services industry (previously, only specified retiree).

Intro. by Hanig, Hardister.

STUDY

[View summary](#)

Business and Commerce, Employment and Retirement

PUBLIC/SENATE BILLS

S 86 (2019-2020) [SMALL BUSINESS HEALTHCARE ACT](#). Filed Feb 19 2019, *AN ACT TO ESTABLISH STANDARDS FOR ASSOCIATION HEALTH PLANS AND 3 MULTIPLE EMPLOYER WELFARE ARRANGEMENTS*.

House amendment makes the following changes to the 3rd edition.

Makes technical changes by changing the numbering of the definitions in new GS 58-50A-1. Also makes a clarifying change to the definition of Path 2 MEWA.

Intro. by Bishop, Krawiec, Edwards.

STUDY, GS 58

[View summary](#)

Business and Commerce, Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Insurance

S 295 (2019-2020) [STANDARDS OF STUDENT CONDUCT. \(NEW\)](#) Filed Mar 19 2019, *AN ACT TO MAKE VARIOUS CHANGES TO LOCAL STANDARDS OF STUDENT CONDUCT AND TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO DEVELOP A PLAN OF EMPLOYMENT FOR TEACHERS WITH THE NORTH CAROLINA VIRTUAL PUBLIC SCHOOL AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE*.

House amendment #4 makes the following changes to the 3rd edition, as amended.

Amends the proposed changes to GS 115C-390.2(f), to maintain the examples set forth of conduct that would not be deemed serious violations, including the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve weapons or injury (previously, the examples were removed from the provision). Also modifies proposed GS 115C-390.2(m) to qualify that neither the statute nor the Chapter regulates public school units' discretion concerning personal appearance codes, except as provided in subsection (f).

Intro. by Tillman.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Department of Public Instruction, State Government, State Personnel

S 353 (2019-2020) [EXPAND CARTWAY PATH/SEPTIC TANK LAWS. \(NEW\)](#) Filed Mar 25 2019, *AN ACT TO ALLOW FOR THE LAYING OFF OF A CARTWAY OF UP TO THIRTY FEET AND TO CLARIFY CERTAIN SEPTIC TANK SETBACKS*.

House committee substitute to the 2nd edition adds the following.

Requires the minimum horizontal distance between every sanitary sewage treatment and disposal system and downslope interceptor drains, foundation drains, and storm water diversion to be 15 feet, notwithstanding the specified administrative rule. Applies to applications and development plans submitted on or before August 1, 2019.

Makes conforming changes to the act's titles and effective date provisions.

Intro. by McInnis, Gunn, Wells.

GS 14, GS 75A, GS 106, GS 113, GS 136, GS 143

[View summary](#)

Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Building and Construction, Environment, Aquaculture and Fisheries, Government, Local Government, Health and Human Services, Health, Public Health, Transportation

S 361 (2019-2020) **HEALTHY NC. (NEW)** Filed Mar 26 2019, *AN ACT TO ENACT THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT, ALLOW LICENSED MARRIAGE AND FAMILY THERAPISTS TO CONDUCT FIRST-LEVEL COMMITMENT EXAMINATIONS, ELIMINATE REDUNDANCY IN ADULT CARE HOME INSPECTIONS, RAISE AWARENESS OF LUPUS AND CREATE THE LUPUS ADVISORY COUNCIL, ENSURE THE PROPER ADMINISTRATION OF STEP THERAPY PROTOCOLS, ENSURE EQUAL COVERAGE FOR ORAL ANTICANCER DRUGS MODERNIZE MEDICAID TELEMEDICINE POLICIES, INCREASE ACCESS TO TELEHEALTH SERVICES, AND CREATE THE NORTH CAROLINA HEALTHCARE SOLUTIONS TASK FORCE.*

House committee substitute to the 4th edition makes the following changes.

Part VI.

Deletes the proposed provisions of new GS 58-3-282, concerning coverage for certain anticancer drugs, and instead provides the following provisions. Limits the scope of the statute to health benefit plans sold on the individual market that provide coverage for prescribed, orally-administered anticancer drugs that are used to kill or slow the growth of cancerous cells and that provides coverage for intravenously administered or injected anticancer drugs. Prohibits health benefit plans from imposing a copayment, coinsurance percentage, or deductive or any combination thereof to the insured for oral originator oncology products that are great than that charged to the insured for intravenously administered or injected anticancer drugs. Defines coinsurance percentage. Deems an insurer that limits the total amount paid by a covered person through all in-network, cost-sharing requirements to no more than \$300 per filled prescription for any oral originator oncology product to be in compliance with the requirements. Defines cost-sharing requirements. Provides for the limit amount described to be indexed for subsequent years, as specified, and requires the price indexed maximum cost sharing amount be posted by the Commissioner of Insurance by April 1 of each year, applicable to policies renewed and purchased the following calendar year. Exempts plans that do not meet the minimum essential coverage requirement of the Patient Protection and Affordable Care Act, a grandfathered or transitional plan under the Affordable Care Act, a high deductible health benefit plan or policy that is qualified to be used in conjunction with a health savings account, a medical savings account, or other similar program authorized by specified federal law.

Maintains that the provisions apply to insurance contracts issued, renewed, or amended on or after January 1, 2020, and that the statute will not become effective if it is determined by the federal government to create a state-required benefit that is in excess of the essential health benefits pursuant to 45 C.F.R. 155.170(a)(3); if such a determination is made, then requires the Department of Insurance to notify the Revisor of Statutes.

Part IX.

Increases the membership of the North Carolina Healthcare Solutions Task Force (Task Force) required to be convened by the North Carolina Area Health Education Centers Program. Adds two members from the medical school of a private institution of higher education, one each appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Amends the act's short title.

Intro. by Krawiec, Bishop, Hise.

APPROP, STUDY, GS 58, GS 90, GS 103, GS 130A, GS 131D, GS 148

Government, Budget/Appropriations, Cultural Resources and Museums, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Social Services, Public Assistance

[View summary](#)

S 380 (2019-2020) **REESTABLISH NC MILK COMMISSION. (NEW)** Filed Mar 27 2019, *AN ACT TO REESTABLISH THE NORTH CAROLINA MILK COMMISSION.*

Senate committee substitute to the 2nd edition makes the following changes. Deletes the content of the previous edition and replaces it with the following.

Amends GS 106-266.7 to reestablish the Milk Commission (Commission) of the Department of Agriculture and Consumer Services (was, of the Department of Commerce). Makes organizational and clarifying changes to the provisions governing the appointment of the ten Commission members. Requires that appointments made by the NCGA be in accordance with GS 120-121 (requiring that when the NCGA is called upon by law to appoint a member to any board or commission, that appointment must be made by enactment of a bill). Sets up staggered terms with five specified members appointed to terms ending on June 30 of odd-numbered years that follow by one year a year evenly divisible by four with the remaining members appointed to terms ending June 30 of odd-numbered years that precede by one year a year evenly divisible by four. Amends the procedure for removing members by requiring that the appointing authority for a member being removed initiate the appointment (was, removal was initiated by the person holding the office that originally made the appointment of such member). Makes conforming changes. Removes obsolete language. Requires the compensation of the Commission's administrator be determined by the Office of State Human Resources (was, set according to law). Allows meeting notices to be provided by email or first-class mail.

Amends the Commission's powers under GS 106-266.8 as follows. Adds investigating all matters pertaining to the transportation of milk for consumption in this State. Adds supervising and regulating the production of milk for consumption in the State and limits the supervision and regulation of the transportation, processing, storage, distribution, delivery and sale of milk to milk for consumption in this State. Removes references to the adoption and enforcement of regulations. Requires that rules and orders be available on the Commission's website (was, be posted in the main office of the Commission). No longer requires that a certified copy of all general administrative rules and regulations or rules of practice and procedure be filed as required by GS Chapter 150B and a certified copy be mailed to all licensed distributors and associations of producers in the State. Requires the Commission to provide adopted rules concerning fixed prices to the Codifier of Rules (was, file any rule with the Director of the Office of Administrative Hearings) within two working days of its adoption. Allows the Commission to also set the maximum retail prices to be charged for milk in any market areas by any person subject to the statute, after investigation and public hearing and making the necessary finding. Adds that the Commission does not have the authority to establish a minimum retail price for milk, except upon determining, after a public hearing, that the absence of a minimum retail price has caused or is about to cause a disruption in the North Carolina milk market or some segment of the market that is likely to depress the producer price or has caused or is likely to cause a substantial reduction in competition between processor-distributors in an area, so as to adversely affect the public health and welfare that requires an adequate supply of milk at reasonable and fair prices. Allows the Commission to issue emergency rules to establish minimum retail prices before public hearing. Sets out additional requirements for the minimum retail price. Requires the Commission to prepare and adopt a system of accounting designed to show, for each distributor of milk and milk products, under the Commission's supervision, the total purchases by any distributor of each grade or class of milk, the total sales by each distributor and the resulting revenue, for each grade or class of milk and the quantity thereof. Requires that the system show total purchases as well as the total sales and the respective classes or grades of milk sold. Requires distributors of milk and milk products under the Commission's supervision to use the accounting system. Makes it unlawful for any distributor to pay for milk upon any such basis of grade or class lower than that upon which such milk is sold or used by the distributor. Makes it unlawful for any distributor to fail to use the prescribed accounting system or to refuse to allow the system to be inspected or

audited. Requires that fines from penalties be paid to the State Treasurer and placed in the Civil Fines and Forfeitures Fund (was, for disposition in the same manner as assessments).

Amends GS 106-266.9 by making language gender neutral.

Amend GS 106-266.11 to require the Commission to collect money required for the annual budget from the licensed distributors in markets where the provisions of the Article are in operation (was, from the distribution through a monthly assessment). Requires that the Commission's expenses be met by an assessment in the specified amounts on milk and cream with the amounts varying based on whether it is handled by distributors or sold by producers. Sets out further requirements for the payment of the assessments. Requires Commission officers and employees who handle Commission funds or who sign or countersign checks to severally give bond in the amounts and with the sureties determined by the Commission. The costs of the bonds is to be paid by the Commission.

Amends GS 106-266.12 as follows. Instead of placing receipts from assessments in the Milk Commission Account, establishes the Milk Commission Fund. Provides that revenue in the fund does not revert at the end of the fiscal year, and interest and other investment income earned by the fund accrues to the fund.

Amends GS 106-266.15 to refer to a Commission order to set (was, fix) milk price.

Amends GS 106-266.17 to provide that no provisions of this Article are in conflict with the duty imposed upon the Secretary of the Department of Health and Human Services under GS 130A-5 to make sanitary and health inquiries and investigations. Makes conforming changes by referring to setting (was, fixing) prices.

Make additional technical and clarifying changes.

Provides that the specified five Commission members are to serve initial terms expiring June 30, 2021, and thereafter those seats are to be filled in the manner described in statute. The remaining Commission members are to be appointed to initial terms expiring on June 30, 2023, and thereafter those seats are to be filled in the manner described in statute.

Allows the Commission re-created by this act to adopt emergency rules to carry out its powers and duties for which the adoption of rules would otherwise be required under Article 2A of GS Chapter 150B.

Makes conforming changes to the act's titles.

Intro. by Wells, Hise, Daniel.

GS 106

[View summary](#)

Agriculture, Government, State Agencies, Department of Agriculture and Consumer Services

S 438 (2019-2020) **EXCELLENT PUBLIC SCHOOLS ACT OF 2019**. Filed Apr 1 2019, *AN ACT TO MODIFY THE IMPLEMENTATION OF THE NORTH CAROLINA READ TO ACHIEVE PROGRAM IN ORDER TO ATTAIN STATEWIDE READING PROFICIENCY BY THE THIRD GRADE.*

Conference report makes the following changes to the 4th edition.

Deletes Part XII of the act, which amended GS 115C-83.6 and GS 115C-174.11 to authorize local boards of education to select diagnostic assessments for kindergarten through third grade.

Intro. by Berger.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Department of Public Instruction, State Board of Education, Local Government

ACTIONS ON BILLS**PUBLIC BILLS****H 206: VARIOUS TRANSPORTATION CHANGES. (NEW)**

Senate: Conf Report Adopted

House: Conf Report Adopted

House: Ordered Enrolled

H 217: DIT CHANGES.-AB

Senate: Conf Report Adopted

House: Conf Report Adopted

House: Ordered Enrolled

H 226: 2019 AOC LEGISLATIVE CHANGES.-AB

Senate: Withdrawn From Cal

Senate: Placed On Cal For 08/09/2019

H 283: CONNER'S LAW.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 08/09/2019

H 431: FIBER NC ACT.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 597: WILDLIFE RESOURCES COMMISSION AMENDS.

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Passed 2nd Reading

Senate: Amend Adopted A3

Senate: Passed 3rd Reading

Senate: Engrossed

H 604: SMALL BUSINESS RETIREMENT PROGRAM.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 633: STRENGTHEN CRIMINAL GANG LAWS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 08/09/2019

H 645: REVISIONS TO OUTDOOR ADVERTISING LAWS.

House: Concurred In S Com Sub

House: Ordered Enrolled

S 5: SCHOOL SAFETY OMNIBUS. (NEW)

Senate: Withdrawn From Cal

Senate: Re-ref Com On Education/Higher Education

S 68: RELOCATION OF WATER/SEWER LINE COSTS.

Senate: Ratified

S 86: SMALL BUSINESS HEALTHCARE ACT.

House: Amend Adopted A1

House: Amend Tabled A2

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

S 123: GEO ISO SCH/TRANSP EFF BUFF/CURRITUCK CTY SCH. (NEW)

Senate: Withdrawn From Cal

Senate: Re-ref Com On Education/Higher Education

S 230: NC MILITARY AND VETERAN ACT OF 2019. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received For Concurrence in H Com Sub

S 295: STANDARDS OF STUDENT CONDUCT. (NEW)

House: Amend Adopted A4

House: Passed 3rd Reading

House: Ordered Engrossed

S 321: FEDERAL MOTOR CARRIER SAFETY/PRISM. (NEW)

Senate: Ratified

S 353: EXPAND CARTWAY PATH/SEPTIC TANK LAWS. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 08/08/2019

S 356: SURP. PROCEEDS; CERT. SEIZED VEH. SALES. (NEW)

House: Conf Com Appointed

S 361: HEALTHY NC. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 08/08/2019

S 380: REESTABLISH NC MILK COMMISSION. (NEW)

House: Reptd Com Sub w/o Prejud

House: Re-ref Com On Judiciary

S 438: EXCELLENT PUBLIC SCHOOLS ACT OF 2019.

Senate: Conf Com Reported

Senate: Placed on Today's Calendar

Senate: Conf Report Adopted

House: Conf Com Reported

House: Cal Pursuant Rule 44(d)

House: Placed On Cal For 08/08/2019

S 458: PTS DAY/CARDIAC TASK FORCE/TITUS'S LAW/DATA. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received For Concurrence in H Com Sub

S 522: LOW-PERF. SCHOOLS/STAND. STUDENT CONDUCT. (NEW)

Senate: Withdrawn From Cal

Senate: Re-ref Com On Education/Higher Education

S 537: ACH PMT/COUNSELOR-SA-SW ACT AMEND/DHHS REV. (NEW)

Senate: Failed Concur In H Com Sub

S 574: GAMING COMMISSION. (NEW)

Senate: Failed Concur In H Com Sub

S 584: CRIMINAL LAW REFORM.

Senate: Ratified

S 681: RUR HLTH CARE/LOC. SALES TAX FLEX/UTIL. ACCT. (NEW)

House: Passed 3rd Reading

S 687: SBOE CONFIRMATION/JT. SESSION.

Senate: Regular Message Sent To House

No local actions on bills

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