



The Daily Bulletin: 2021-02-03

PUBLIC/HOUSE BILLS

H 4 (2021-2022) [EXTEND ABC PERMIT RENEWAL FEE DEFERRAL](#). Filed Jan 27 2021, *AN ACT TO EXTEND THE DELAY ON THE PAYMENT DEADLINE FOR CERTAIN ABC PERMIT RENEWALS*.

House committee substitute amends the 1st edition as follows.

Repeals Section 2 of SL 2020-94, which provides for ABC permittees who are prohibited from operating under Executive Order No. 141 and who have paid renewal or registration fees prior to June 30, 2020, to request a refund of fees paid and provides for fee repayment within 90 days of the Governor rescinding orders prohibiting permittee operations. Enacts new refund provisions, allowing for any ABC permittee to request a refund from the ABC Commission (Commission) if the permittee is prohibited from operating under Executive Order No. 141, or subject to any COVID-19 executive order limiting its full operation, and has paid renewal or registration fees for 2020-21. Requires written request, which may be electronic, and mandates granting requests regardless of whether the permittee is operating at limited capacity. Requires repayment of the fee within 90 days after the date all executive orders responding to the COVID-19 pandemic and limiting the full operation of the permittee are rescinded or expire.

Regarding mandatory reinstatement of any ABC permits canceled or moved to inactive status due to the Commission's previous implementation of Section 1 of SL 2020-94, allows permittees to request refunds as provided above if the permittee has paid a permit fee for reinstatement or reactivation.

Changes the act's long title.

Intro. by Moffitt, Boles, Bell, Paré.

UNCODIFIED

[View summary](#)

Alcoholic Beverage Control, Government, Public Safety and Emergency Management

H 49 (2021-2022) [CONCEALED CARRY PERMIT LAPSE/REVISE LAW](#). Filed Feb 3 2021, *AN ACT PROVIDING THAT A CONCEALED CARRY PERMITTEE WHO ALLOWS THE PERMIT TO LAPSE DOES NOT HAVE TO TAKE ANOTHER FIREARMS SAFETY AND TRAINING COURSE UPON APPLYING FOR RENEWAL UNDER CERTAIN CONDITIONS*.

Amends GS 14-415.16 to require rather than allow sheriffs to waive the requirement of taking another firearms safety and training course if a concealed carry permittee applies for permit renewal no more than 60 days after permit expiration. Adds new provisions to require sheriffs to waive the same requirement if the permittee applies for permit renewal after 60 days but within 180 days of permit expiration, if the permittee completes and submits documentation of completion of a refresher course on the state laws governing firearm use and safety certified or sponsored by the NC Criminal Justice Education and Training Standards Commission (Commission), the National Rifle Association (NRA), or a law enforcement agency, college, institution or organization, or firearms training school, taught by instructors certified by the Commission or the NRA.

Applies to renewal applications submitted on or after October 1, 2021.

Intro. by Cleveland, Warren, Adams, Clampitt.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Local Government

H 52 (2021-2022) [EQUAL TAX TREATMENT OF GOV'T RETIREES](#). Filed Feb 3 2021, *AN ACT TO PROVIDE EQUAL INCOME TAX TREATMENT OF GOVERNMENT RETIREES' BENEFITS*.

Amends GS 105-153.5 to allow taxpayers to deduct from their adjusted gross income the amount received during the taxable year from one or more State, local, or federal government retirement plans. Sets out a chart phasing in the deduction beginning in 2021 for taxpayers vested on or before August 1992 through 2030 for those vested on or before August 2021. Effective for taxable years beginning on or after January 1, 2021, and repealed for taxable years beginning on or after January 1, 2031.

Amends GS 105-153.5, effective for taxable years beginning on or after January 1, 2031, to allow a deduction from adjusted gross income any of the following: (1) amount received during the taxable year under NC state and local government retirement plans and under federal government retirement plans and (2) amount received during the taxable year under a state or local government retirement plan of a state other than North Carolina to the extent the other state would not subject to individual income tax the equivalent amount received under a NC state or local government retirement plan.

Amends GS 105-153.3 by defining the term *retirement plan*.

Intro. by Cleveland, Blackwell, Hurley, Clampitt.

[GS 105](#)

[View summary](#)

[Employment and Retirement, Government, Tax](#)

H 53 (2021-2022) [EDUC. CHANGES FOR MILITARY-CONNECTED STUDENTS](#). Filed Feb 3 2021, *AN ACT TO AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO THE MILITARY ORDERS OF THE PARENT AND TO CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS ARE ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION*.

Part I

Amends GS 115C-366 to modify the conditions that permit a student who is not a domiciliary of a local school administrative unit to attend a public school of that unit without payment. Currently, allows for the student to attend if he or she resides with an adult who is a domiciliary of the unit and the parent or legal guardian is on active military duty and is deployed out of the local school administrative unit in which the student resides. Replaces the provision to provide for situations in which the student resides with an adult who is a domiciliary of the administrative unit and the parent or legal guardian is on active military duty and his or her commanding officer provides a signed letter that the parent or legal guardian's military orders prevent the parent or legal guardian from physically residing with the student. Conditions assignment upon the commanding officer's letter including the required affidavits (existing requirement) of the student's parent, guardian or legal custodian, as well as an indication of the time period that the military orders will be in effect. Maintains that the term activity duty military excludes periods of active duty for training for less than 30 days. Amends the statute further to specify that no requirement of legal guardianship by the caregiver is required for a student to qualify for enrollment under these provisions.

Enacts GS 115C-366(a10) to establish that a student who is not a domiciliary of a local school administrative unit is permitted to register for enrollment in the public schools of that unit if the student resides in that unit with a parent, legal guardian, or legal custodian on active military duty who is assigned by official military order to a military installation or reservation in the State. Clarifies that this new provision does not curtail a unit's authority to deny admission to students previously suspended under GS 115C-366(a5).

Applies beginning with the 2021-22 school year.

Part II

Enacts GS 116-143.3(c1) to permit a dependent relative who resides with a member of the Armed Forces who is reassigned outside of the State incident to active duty military to remain eligible to be charged the in-State tuition rate at a state community college or UNC institution if two criteria are met: (1) at the time the dependent relative applies for admission, he or she is enrolled in a NC high school and meets the existing requirements for admission set out in subsection (c) of the act; and

(2) the dependent relative enrolls no later than the fall academic year immediately following admission and remains continuously enrolled at the institution of higher education.

Applies to students admitted for the fall academic semester of 2021 and thereafter.

Intro. by Cleveland, Bell, Martin.

GS 115C, GS 116

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Military and Veteran's Affairs

PUBLIC/SENATE BILLS

S 36 (2021-2022) **2020 COVID RELIEF BILL MODIFICATIONS**. Filed Feb 1 2021, *AN ACT TO MAKE CERTAIN MODIFICATIONS TO 2020 COVID-19 RELIEF LEGISLATION*.

Senate amendment amends the 1st edition as follows.

Section 3.3

Modifies the proposed changes to Section 1.7 of SL 2020-4, as amended, to require the NC Pandemic Recovery Office (NCPRO) to include in its March 1, 2021, report the number of full-time equivalent positions established by State agencies with funds allocated from the Coronavirus Relief Fund (Fund) (previously, did not clarify establishment by State agencies). Changes the date of the monthly reporting requirement of NCPRO to the specified NCGA committee and division on allocations from the fund not fully expended as of December 30, 2020, to begin reporting on April 10, 2021, rather than April 1, 2021.

Section 5

Regarding the appropriation of and authorization to use funds received from federal grants authorized under the federal Consolidated Appropriations Act, 2021, for COVID-19 Vaccine Preparedness, for Elementary and Secondary School Emergency Relief Fund II, and for Emergency Rental Assistance, names the Office of Recovery and Resiliency, Department of Public Safety and the Office of State Budget and Management as the responsible agencies for the Emergency Rental Assistance program (was, the Office of Recovery and Resiliency only).

Intro. by B. Jackson, Harrington, Hise.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Government, Public Safety and Emergency Management, State Agencies, UNC System, Department of Information Technology, Department of Public Instruction, Department of Revenue, Office of State Budget and Management, State Board of Education, Tax, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health, Social Services, Public Assistance, Nonprofits, Public Enterprises and Utilities

S 50 (2021-2022) **ESTATE PLANNING LAW CHANGES**. Filed Feb 3 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE GENERAL STATUTES REGARDING ESTATES AND TRUSTS, AS RECOMMENDED BY THE ESTATE PLANNING & FIDUCIARY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION*.

Part I

Enacts Article 4C, *Judicial Establishment of Validity of a Revocable Trust*, of GS Chapter 36C. Gives a settlor the right to petition for judicial declaration establishing the validity of a revocable trust during the settlor's lifetime. Requires filing the petition in superior court, producing necessary evidence at a hearing, with service of summonses to interested parties. Allows for joinder with a claim for judicial declaration establishing the validity of the petitioner's will or codicil under state laws governing living probate, to be heard in superior court. Specifies that failure to use the procedures of Article 4C does not have any evidentiary or procedural effect on any future proceedings. Provides for required contents in the petition, including the petitioner's NC residency, valid preparation and execution of the revocable trust, capacity and free will, identification of interested parties, and the petitioner attaching a copy of the revocable trust and any effective amendments to the petition. Requires affixing a certificate of validity to a revocable trust and amendments which was declared valid by order. Details the binding nature of a judicial declaration of validity, including barring parties from challenging the validity of the revocable trust once that trust becomes irrevocable. Allows the petitioner or the court to motion for an order to prevent revocation of the trust unless the revocation or subsequent amendment is validated pursuant to the Article. Further provides for later revocation after declared validity. Allows for parties to motion that the file be sealed and kept confidential. Provides for exceptions.

Amends GS 36C-2-204 to establish that the proper venue for cases to establish the validity of a revocable trust before death is the county in which the petitioner whose revocable trust is the subject of the petition resides.

Amends GS 36C-10-1004 to allow for attorneys' fees for attorneys of a party contesting the proceeding to establish the validity of a revocable trust if the court finds reasonable grounds for contest.

Amends GS 36C-2-203 to exclude actions to establish the validity of a revocable trust from the subject matter jurisdiction of superior court clerks.

Applies to proceedings initiated on or after October 1, 2021.

Part II

Amends GS 35A-1120 to require appointment of a guardian of a minor pursuant to the provisions of Subchapter II, *Guardian and Ward*, upon proper application for appointment under Article 6.

Enacts GS 35A-1121, authorizing a superior court clerk to enter into a protective arrangement or other transactions to meet the foreseeable needs of a minor or incompetent person if it is established in a proper proceeding that a basis exists for the appointment of a guardian of a minor or an incompetent person. Details authorized actions and preconditions required. Authorizes the clerk to appoint a limited guardian to assist in authorized actions. Applies to proceedings initiated on or after October 1, 2021.

Part III

Amends GS 36C-2-204, concerning venue for trust proceedings. Eliminates language providing that the stated rules apply notwithstanding applicable Rules of Civil Procedure. No longer provides for the governing instrument to vary from the statutory provisions regarding venue where trustees are required to account to the superior court clerk. Instead, enacts a new rule to require objections to improper venue in trust proceedings to be governed by the Rules of Civil Procedure for superior court proceedings. For proceedings before superior court clerks, requires the objection to be made as part of a timely served response to the complaint or petition, or within 20 days of service if no response is filed. Establishes that the validity of a trust proceeding is not affected by any error in venue. Makes technical changes.

Amends GS 28A-2-6 and GS 36C-2-205 to make Rules 52(b), 58, and 59 of the Rules of Civil Procedure (regarding entry of judgments and amendments to findings and judgements) applicable to estate and trust proceedings, unless the clerk directs otherwise. Further amends GS 36C-2-205 to extend the time joined respondents to contested trust proceedings must answer the petition from 10 to 20 days after service.

Amends GS 1-301.3, concerning appeals of trust and estate matters. Requires filing notice of appeal with the clerk within 10 days of service of the order on that party (was, within 10 days of entry of the order or judgement after service). Adds that the 10-day period for taking appeal is tolled as to all parties if a timely motion to amend the judgment is made by any party for relief under Rule 52(b) or 59 of the Rules of Civil Procedure. Provides for the 10-day period to run as to each party from service of the order disposing of that motion. Adds new language regarding the judge's duty on appeal to require a judge who retains jurisdiction and either excludes evidence that the clerk considered or considers evidence that the clerk excluded to review the issues of fact and law de novo based on the record from the hearing, as modified, and any new evidence heard by

the court. Makes technical changes to GS 28A-9-4, regarding the procedure for appeals from clerk orders granting or denying revocation, to refer to estate proceeding appeals under GS 1-301.3.

Applies to proceedings initiated on or after October 1, 2021.

Part IV

Amends GS 31D-2-201 to no longer include in the criteria for creating a power of appointment that the creating instrument for a power of appointment transfer the appointive property.

Amends GS 31D-3-305 to authorize the power holder of a nongeneral power to create a nongeneral power in a permissible appointee to appoint one or more persons if the permissible appointees of the new nongeneral power include one or more permissible appointees of the original nongeneral power, unless the terms of the instrument creating a power of appointment manifest a contrary intent. Makes technical changes.

Part V

Includes a severability clause.

Intro. by Daniel, Galey.

GS 1, GS 28A, GS 31D, GS 35A, GS 36C

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Health and Human Services, Mental Health](#)

S 52 (2021-2022) [SEX OFFENDER RESIDENCE RESTRICTION/CLARIFY](#). Filed Feb 3 2021, *AN ACT TO AMEND THE LAW THAT IMPOSES RESIDENTIAL RESTRICTIONS ON SEX OFFENDERS TO PROVIDE THAT THE ONE THOUSAND FOOT RESTRICTION IS TO BE MEASURED FROM THE PROPERTY LINE OR LINES OF THE PROPERTY ON WHICH THE SCHOOL OR CHILD CARE CENTER IS LOCATED.*

Amends GS 14-208.16 to prohibit a registered sex offender from knowingly residing within 1,000 feet of any point of the property line or lines of the property (was, within 1,000 feet of the property) on which a school or childcare center is located.

Applies to persons registered or required to register on or after the date that the act becomes law; does not apply to a person who has established a residence prior to the effective date of this act.

Intro. by Sawyer, Perry, Johnson.

GS 14

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure](#)

S 54 (2021-2022) [CONFIRM GOVERNOR'S APPTS/MINING COMMISSION](#). Filed Feb 3 2021, *A JOINT RESOLUTION CONFIRMING THE APPOINTMENTS OF SAMUEL T. BRATTON AND BRIAN K. NORTH TO THE NORTH CAROLINA MINING COMMISSION.*

Includes whereas clauses. Confirms the appointment of Samuel Bratton and Brian North to the NC Mining Commission for a term beginning January 1, 2021, and expiring December 31, 2024.

Intro. by Sanderson, B. Jackson, Edwards.

JOINT RES

[View summary](#)

[Environment, Environment/Natural Resources, Public Enterprises and Utilities](#)

S 55 (2021-2022) [CONFIRM REID WILSON/SEC. N & AMP CR.](#) Filed Feb 3 2021, *A SENATE RESOLUTION RELATING TO THE APPOINTMENT, NOMINATION, AND CONFIRMATION OF D. REID WILSON AS SECRETARY OF THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES.*

Includes whereas clauses. Directs the Senate to consider the confirmation of Reid Wilson as Secretary of the Department of Natural and Cultural Resources.

Intro. by Sanderson, B. Jackson, Edwards.

[SENATE RES](#)

[View summary](#)

[Government, General Assembly, State Agencies, Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\)](#)

LOCAL/HOUSE BILLS

H 50 (2021-2022) [CALYPSO ANNEXATION.](#) Filed Feb 3 2021, *AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CALYPSO.*

Adds the described property to the corporate limits of the Town of Calypso, effective June 30, 2021. Specifies that property in the described territory as of January 1, 2021, is subject to municipal taxes imposed for taxable years beginning on or after July 1, 2021.

Intro. by Dixon.

[Duplin](#)

[View summary](#)

LOCAL/SENATE BILLS

S 45 (2021-2022) [22ND SENATORIAL DISTRICT LOCAL ACT-1.](#) Filed Feb 3 2021, *AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.*

Blank bill.

Intro. by Woodard.

[Durham, Granville, Person](#)

[View summary](#)

S 46 (2021-2022) [29TH SENATORIAL DISTRICT LOCAL ACT-1.](#) Filed Feb 3 2021, *AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Jarvis.

[Davidson, Montgomery](#)

[View summary](#)

S 47 (2021-2022) [34TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 3 2021, *AN ACT RELATING TO THE 34TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Sawyer.

[Iredell, Yadkin](#)

[View summary](#)

S 48 (2021-2022) [28TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 3 2021, *AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Robinson.

[Guilford](#)

[View summary](#)

S 49 (2021-2022) [16TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 3 2021, *AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Nickel.

[Wake](#)

[View summary](#)

S 51 (2021-2022) [EVEN-YEAR ELECTIONS/TOWN OF TRENT WOODS](#). Filed Feb 3 2021, *AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF TRENT WOODS SHALL BE HELD IN EVEN-NUMBERED YEARS AND TO EXTEND THE TERMS OF TOWN OFFICERS ELECTED IN 2019 BY ONE YEAR*.

Amends the Trent Woods Town Charter, SL 1959-718, as amended, as follows. Requires that beginning in 2022 regular municipal elections be held in each even-numbered year. Specifies that the Mayor and commissioners serve two-year terms; requires that beginning in 2022, the Mayor and commissioners be elected to serve two-year terms.

Specifies that no municipal elections are to be held in Trent Woods in 2021. Extends the terms of the Mayor and commissioners elected in 2019 by one year until 2022.

Intro. by Sanderson.

[Craven](#)

[View summary](#)

[Government, Elections](#)

S 53 (2021-2022) [50TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 3 2021, *AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Corbin.

[Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 4: EXTEND ABC PERMIT RENEWAL FEE DEFERRAL.

House: Reptd Fav Com Substitute

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 41: AMEND LAWFUL AGE TO MARRY/18 YEARS OF AGE.

House: Passed 1st Reading

House: Ref to the Com on Families, Children, and Aging Policy, if favorable, Rules, Calendar, and Operations of the House

H 42: 2020 COVID RELIEF BILL MODIFICATIONS.

House: Passed 1st Reading

House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 43: PROTECT NORTH CAROLINA WORKERS ACT.

House: Passed 1st Reading

House: Ref to the Com on Commerce, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

H 44: CLARIFY TERMINAL GROIN DEFINITION.

House: Passed 1st Reading

House: Ref to the Com on Environment, if favorable, Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

H 45: FUNDS/TRANSPORTATION MUSEUM.

House: Passed 1st Reading

House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 46: SHRA/STRONGER WHISTLEBLOWER PROTECTION.

House: Passed 1st Reading

House: Ref to the Com on State Personnel, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

H 47: CONCEALED CARRY IN THE GENERAL ASSEMBLY.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 3, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House

H 49: CONCEALED CARRY PERMIT LAPSE/REVISE LAW.

House: Filed

H 52: EQUAL TAX TREATMENT OF GOV'T RETIREES.

House: Filed

H 53: EDUC. CHANGES FOR MILITARY-CONNECTED STUDENTS.

House: Filed

S 36: 2020 COVID RELIEF BILL MODIFICATIONS.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

Senate: Special Message Sent To House

House: Special Message Received From Senate

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

S 37: IN-PERSON LEARNING CHOICE FOR FAMILIES.

Senate: Reptd Fav

S 43: PROTECT RELIGIOUS MEETING PLACES.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 50: ESTATE PLANNING LAW CHANGES.

Senate: Filed

S 52: SEX OFFENDER RESIDENCE RESTRICTION/CLARIFY.

Senate: Filed

S 54: CONFIRM GOVERNOR'S APPTS/MINING COMMISSION.

Senate: Filed

S 55: CONFIRM REID WILSON/SEC. N & AMP CR.

Senate: Filed

LOCAL BILLS

H 50: CALYPSO ANNEXATION.

House: Filed

H 51: EASTERN COUNTIES/PUBLIC NOTICES.

House: Filed

S 41: STANLEY/REMOVE SATELLITE ANNEXATION CAP.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

S 42: 13TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 44: 8TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 45: 22ND SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 46: 29TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 47: 34TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 48: 28TH SENATORIAL DISTRICT LOCAL ACT-1.*Senate: Filed***S 49: 16TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed***S 51: EVEN-YEAR ELECTIONS/TOWN OF TRENT WOODS.***Senate: Filed***S 53: 50TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed*

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