

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**HOUSE BILL 113**

Short Title: National Guard Post Exchanges.

(Public)

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Sponsors: Representatives Balmer; Baddour, Joye, and Justus.

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Referred to: State Government.

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February 10, 1993

**A BILL TO BE ENTITLED**

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2 **AN ACT TO AUTHORIZE THE NATIONAL GUARD TO OPEN POST**  
3 **EXCHANGES AT THE AIR NATIONAL GUARD BASE IN CHARLOTTE AND**  
4 **THE NATIONAL GUARD HEADQUARTERS IN RALEIGH.**

5       Whereas, the North Carolina National Guard, including the Army National  
6 Guard and the Air National Guard, includes more than 13,000 full-time and part-time  
7 soldiers; and

8       Whereas, the North Carolina National Guard Headquarters located at the  
9 Claude T. Bowers Military Center at 4105 Reedy Creek Road, Raleigh, is the site of  
10 employment for over 500 full-time military personnel and over 300 additional part-time  
11 personnel who attend inactive duty training drills at least one weekend per month; and

12       Whereas, the North Carolina Air National Guard Headquarters located at  
13 Douglas International Airport at 5225 Morris Field Drive, Charlotte, is the site of  
14 employment for over 275 full-time military personnel and over 1,000 additional part-  
15 time personnel who attend inactive duty training drills at least one weekend per month;  
16 and

17       Whereas, there are thousands of military-related people including military  
18 retirees; military personnel of all branches of service of the active, guard, and reserve  
19 components; military dependents; Reserve Officer Training Corps cadets; and patients  
20 and employees of Veterans Administration hospitals all living or working here in North  
21 Carolina, and, in particular, living and working within a 15-mile radius of Charlotte and  
22 Raleigh; and

1           Whereas, there is no active military center with an active-duty post exchange  
2 within 50 miles of these two cities to provide a readily accessible service to those  
3 military-related people; and

4           Whereas, the North Carolina National Guard, in conjunction with the Army  
5 and Air Force Exchange Service, desires to establish an exchange outlet or outlets to  
6 serve these military-related people at the Military Center in Raleigh and at the Air  
7 National Guard Center in Charlotte; and

8           Whereas, to implement the establishment of these exchanges would require  
9 amendments to certain existing North Carolina statutes; Now, therefore,  
10 The General Assembly of North Carolina enacts:

11           Section 1. Chapter 127A of the General Statutes is amended by adding a new  
12 section to read:

13 **"§ 127A-156. Establishment of post exchanges.**

14           The North Carolina National Guard, in conjunction with the Army and Air Force  
15 Exchange Service, may establish post exchanges at the Claude T. Bowers Military  
16 Center in Raleigh, at the Air National Guard Center in Charlotte, and at other locations  
17 approved by the Adjutant General of North Carolina."

18           Sec. 2. G.S. 66-58(c) reads as rewritten:

19           "(c) The provisions of subsection (a) shall not prohibit:

- 20           (1) The sale of products of experiment stations or test farms.
- 21           (2) The sale of learned journals, works of art, books or publications of the  
22 Department of Cultural Resources or other agencies, or the Supreme  
23 Court Reports or Session Laws of the General Assembly.
- 24           (3) The business operation of endowment funds established for the  
25 purpose of producing income for educational purposes; for purposes of  
26 this section, the phrase 'operation of endowment funds' shall include  
27 the operation by public postsecondary educational institutions of  
28 campus stores, the profits from which are used exclusively for  
29 awarding scholarships to defray the expenses of students attending the  
30 institution; provided, that the operation of such stores must be  
31 approved by the board of trustees of the institution, and the  
32 merchandise sold shall be limited to educational materials and  
33 supplies, gift items and miscellaneous personal-use articles. Provided  
34 further that sales at campus stores are limited to employees of the  
35 institution and members of their immediate families, to duly enrolled  
36 students and their immediate families, to other campus stores and to  
37 other persons who are on campus other than for the purpose of  
38 purchasing merchandise from campus stores. It is the intent of this  
39 subdivision that campus stores be established and operated for the  
40 purpose of assuring the availability of merchandise described in this  
41 Article for sale to persons enumerated herein and not for the purpose  
42 of competing with stores operated in the communities surrounding the  
43 campuses of the University of North Carolina.

- 1 (4) The operation of lunch counters by the Department of Human  
2 Resources as blind enterprises of the type operated on January 1, 1951,  
3 in State buildings in the City of Raleigh.
- 4 (5) The operation of a snack bar and cafeteria in the State Legislative  
5 Building.
- 6 (6) The maintenance by the prison system authorities of eating and  
7 sleeping facilities at units of the State prison system for prisoners and  
8 for members of the prison staff while on duty, or the maintenance by  
9 the highway system authorities of eating and sleeping facilities for  
10 working crews on highway construction or maintenance when actually  
11 engaged in such work on parts of the highway system.
- 12 (7) The operation by penal, correctional or facilities operated by the  
13 Department of Human Resources or by the State Department of  
14 Agriculture, of dining rooms for the inmates or clients or members of  
15 the staff while on duty and for the accommodation of persons visiting  
16 such inmates or clients, and other bona fide visitors.
- 17 (8) The sale by the Department of Agriculture of livestock, poultry and  
18 publications in keeping with its present livestock and farm program.
- 19 (9) The operation by the public schools of school cafeterias.
- 20 (10) Sale by any State correctional or other institution of farm, dairy,  
21 livestock or poultry products raised or produced by it in its normal  
22 operations as authorized by the act creating it.
- 23 (11) The sale of textbooks, library books, forms, bulletins, and instructional  
24 supplies by the State Board of Education, State Department of Public  
25 Instruction, and local school authorities.
- 26 (12) The sale of North Carolina flags by or through the auspices of the  
27 Department of Administration, to the citizens of North Carolina.
- 28 (13) The operation by the Department of Correction of forestry  
29 management programs on State-owned lands, including the sale on the  
30 open market of timber cut as a part of such management program.
- 31 (14) The operation by the Department of Correction of facilities to  
32 manufacture and produce traffic and street name signs for use on the  
33 public streets and highways of the State.
- 34 (15) The operation by the Department of Correction of facilities to  
35 manufacture and produce paint for use on the public streets and  
36 highways of the State.
- 37 (16) The operation of post exchanges by the Army and Air Force Exchange  
38 Service and the North Carolina National Guard at the North Carolina  
39 Army National Guard State Headquarters Military Center in Raleigh  
40 and the North Carolina National State Air National Guard  
41 Headquarters Center in Charlotte."

42 Sec. 3. This act is effective upon ratification.