

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS1780\*-LK246(5.10)

FILED - SENATE

S 1201 MAY 15 1996

PRINCIPAL CLERK

Short Title: Lumberton Supp. Fire Pension Fund.

(Local)

Sponsors: Senator Parnell.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO PERMIT THE LUMBERTON FIREMEN'S SUPPLEMENTARY  
3 PENSION FUND TO INCREASE THE MONTHLY BENEFITS TO ITS  
4 MEMBERS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 4 of Chapter 792 of the 1991 Session Laws reads as  
7 rewritten:

8 "Sec. 4. Any full time paid member of the fire department who retires or is  
9 retired under the provisions of Section 3 of this act shall receive monthly for the  
10 remainder of his life from the 'Supplementary Pension Fund' an amount equal to ~~two~~  
11 ~~dollars and fifty cents (\$2.50)~~ three dollars and twenty-five cents (\$3.25) for each full  
12 year of service with the Fire Department, with the exception that, if a person who has  
13 been retired as a member of the Lumberton Fire Department is receiving disability  
14 retirement benefits under the provisions of the North Carolina Local Governmental  
15 Employees' Retirement System as set out in Article 3 of Chapter 128 of the General  
16 Statutes and as participated in by the City of Lumberton, that person shall receive  
17 from the Fund the benefit amount equivalent to which a person retired with 30 years  
18 of service is entitled. If, for any reason, the Fund created and made available for  
19 any purpose covered by this Chapter shall be insufficient to pay in full any pension  
20 benefits, or other changes, then all benefits and payments shall be reduced pro rata  
21 for as long as the deficiency in amount exists. No claim shall accrue with respect to  
22 any amount by which a pension or benefit payment shall have been reduced."

23 Sec. 2. This act becomes effective July 1, 1996.



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1836/49-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

PARNELL  
LUMBERTON SUPP. FIRE PENSION FUND  
HOUSE COM SUB/2ND EDITION

SENATE BILL 1201

MOTION 8  
TO CONCUR

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 44 | ALBERTSON  | DAVIS     | KERR      | PERDUE  |
|     |    | ALLRAN     | EAST      | LEDBETTER | PLEXICO |
|     |    | BALLANTINE | EDWARDS   | LITTLE    | RAND    |
|     |    | BLACKMON   | FORRESTER | LUCAS     | SHAW    |
|     |    | BLUST      | FOXX      | MARTIN R. | SHERRON |
|     |    | CARRINGTON | GULLEY    | MARTIN W. | SIMPSON |
|     |    | CLARK      | HARTSELL  | MCDANIEL  | SOLES   |
|     |    | COCHRANE   | HOBBS     | MCKOY     | SPEED   |
|     |    | CONDER     | HORTON    | ODOM      | WARREN  |
|     |    | COOPER     | HOYLE     | PAGE      | WEBSTER |
|     |    | DANNELLY   | JORDAN    | PARNELL   | WINNER  |

NO 0

EXCUSED 0

|          |   |          |           |        |       |
|----------|---|----------|-----------|--------|-------|
| NOT CAST | 6 | BALLANCE | CARPENTER | PLYLER | SMITH |
|          |   | BASNIGHT | KINCAID   |        |       |

ABSENT 0

PAIRS 0  
AYE  
NO

(INUED)

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1869/82-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

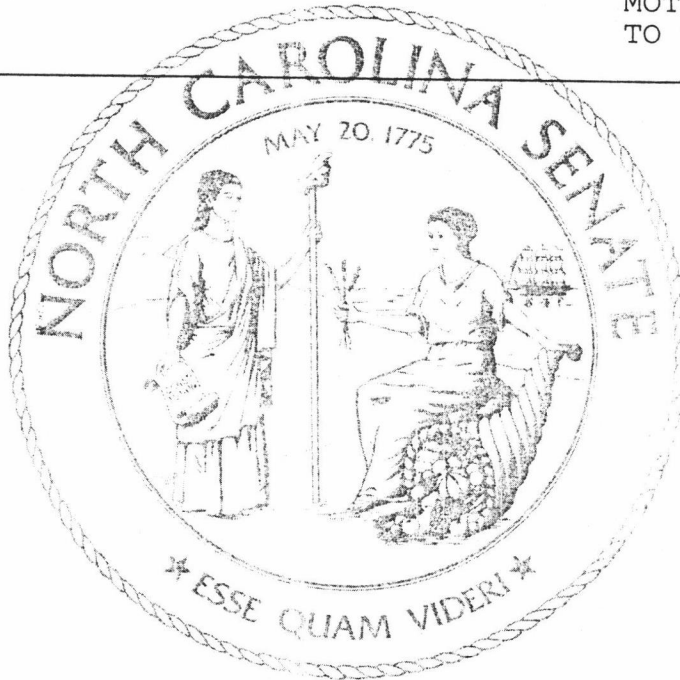
-- Presiding

PARNELL  
LUMBERTON SUPP. FIRE PENSION FUND  
HOUSE COM SUB/2ND EDITION

SENATE BILL 1201

MOTION 8  
TO CONCUR

RECORDED  
ABSENT 1 SMITH  
ADJUSTED TOTAL  
AYE 44  
NO 0  
NOT CAST 5  
ABSENT 1



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1869/82-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

PARNELL  
LUMBERTON SUPP. FIRE PENSION FUND  
HOUSE COM SUB/2ND EDITION

SENATE BILL 1201

MOTION 8  
TO CONCUR

|     |    |            |           |            |         |
|-----|----|------------|-----------|------------|---------|
| AYE | 44 | ALBERTSON  | DAVIS     | KERR       | PERDUE  |
|     |    | ALLRAN     | EAST      | LEOBETTER  | PLEXICO |
|     |    | BALLANTINE | EDWARDS   | LITTLE     | RAND    |
|     |    | BLACKMON   | FORRESTER | LUCAS      | SHAW    |
|     |    | BLUST      | FQXX      | MARTIN, R. | SHERRON |
|     |    | CARRINGTON | GULLEY    | MARTIN, W. | SIMPSON |
|     |    | CLARK      | HARTSELL  | MCDANIEL   | SOLES   |
|     |    | COCHRANE   | HOBBS     | MCKOY      | SPEED   |
|     |    | CONDER     | HORTON    | ODOM       | WARREN  |
|     |    | COOPER     | HOYLE     | PAGE       | WEBSTER |
|     |    | DANNELLY   | JORDAN    | PARNELL    | WINNER  |

NO 0

EXCUSED 0

|          |   |          |           |         |        |
|----------|---|----------|-----------|---------|--------|
| NOT CAST | 5 | BALLANCE | CARPENTER | KINCAID | PLYLER |
|          |   | BASNIGHT |           |         |        |

ABSENT 1 SMITH

PAIRS 0  
AYE  
NO

COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D.

SENATE DRSA672-LR194A(2.14)

§ 1202

MAY 15 1996

PRINCIPAL CLERK

Short Title: Local Consent for Condemnation.

(Local)

Sponsors: Senator East.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO INCLUDE ALLEGHANY COUNTY AND SURRY COUNTY  
3 AMONG THOSE COUNTIES THAT REQUIRE CONSENT OF THE BOARD  
4 OF COUNTY COMMISSIONERS BEFORE LAND MAY BE CONDEMNED  
5 OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE  
6 COUNTY.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. G.S. 153A-15(c) reads as rewritten:  
9 "(c) This section applies to Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick,  
10 Burke, Buncombe, Caldwell, Caswell, Catawba, Cleveland, Columbus, Cumberland,  
11 Davidson, Davie, Duplin, Durham, Forsyth, Franklin, Gaston, Graham, Granville,  
12 Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Lee, Lincoln,  
13 Madison, Martin, McDowell, Mecklenburg, Montgomery, New Hanover, Onslow,  
14 Pender, Person, Robeson, Rockingham, Rowan, Sampson, Scotland, Stokes, Surry,  
15 Swain, Transylvania, Union, Vance, Wake, Warren, and Wilkes counties only. This  
16 section does not apply as to any:  
17 (1) Condemnation; or  
18 (2) Acquisition of real property or an interest in real property  
19 by a city where the property to be condemned or acquired is within the corporate  
20 limits of that city."  
21 Sec. 2. This act is effective upon ratification.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1202

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)  
Page 1 of 1

S1202-ALK-1

Date 6/6/, 1996

Comm. Sub. ☐  
Amends Title ☒ [YES]

Senator East

- 1 moves to amend the bill on page 1, line 6,  
2 by rewriting that line to read:  
3 "COUNTY AND TO PERMIT SURRY COUNTY TO CONSTRUCT AN EMERGENCY MEDICAL  
4 SERVICES BUILDING.";  
5 and further moves to amend the bill on page 1, line 21,  
6 by rewriting that line to read:  
7 "Sec. 2. Surry County may contract for the design and  
8 construction of an Emergency Medical Services building without being  
9 subject to the requirements of G.S. 143-128, 143-129, 143-131, and  
10 143-132. The contract for design and construction may provide for  
11 use of a single-prime contractor, for the design-build method of  
12 construction, or any other method of construction that Surry County  
13 determines is most efficient. The cost of construction of this  
14 building shall not exceed four hundred thousand dollars (\$400,000)  
15 and construction shall be completed within two years of the  
16 effective date of this act.  
17 Sec. 3. This act is effective upon ratification."

SIGNED  
Sponsor

*[Signature]*

SIGNED  
Amendment Sponsor

*[Signature]*

Adopted (V)  
6/10/96

*[Signature]*

CHANGES TITLE

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1203 MAY 15 1996 D

SENATE DRS2679-LB419(4.24) PRINCIPAL CLERK

Short Title: Bessemer City Conveyance.

(Local)

Sponsors: Senator Hoyle.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE CITY OF BESSEMER CITY TO CONVEY CERTAIN  
3 DESCRIBED PROPERTY AT PRIVATE SALE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Notwithstanding Article 12 of Chapter 160A of the General  
6 Statutes, the City of Bessemer City may convey to the Bessemer City Chamber of  
7 Commerce, Inc., by private sale, with or without monetary consideration, any or all  
8 of its right, title, and interest in the following described property: Lots 21, 22, 23, and  
9 24, Block 15, Section 3, Plat of Bessemer City as recorded in the Gaston County  
10 Register of Deeds Office in Plat Book 1 at page 75.  
11 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS1778\*-LK247(5.13)

S 1204 MAY 15 1996

PRINCIPAL CLERK

Short Title: Fire Pensions Increased.

(Public)

Sponsors: Senator Martin of Pitt.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE MONTHLY PENSION PAYMENTS FOR  
3 QUALIFIED FIREMEN AND ELIGIBLE RESCUE SQUAD WORKERS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 58-86-55 reads as rewritten:  
6 "§ 58-86-55. Monthly pensions upon retirement.  
7 Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue  
8 squad worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S.  
9 58-86-30, and who has attained the age of 55 years is entitled to be paid a monthly  
10 pension from this fund. The monthly pension shall be in the amount of one hundred  
11 ~~thirty-five dollars (\$135.00)~~ forty dollars (\$140.00) per month. Any retired fireman  
12 receiving a pension of one hundred ~~ten dollars (\$110.00)~~ thirty-five dollars (\$135.00)  
13 per month shall, effective July 1, ~~1995~~, 1996, receive a pension of one hundred  
14 ~~thirty-five dollars (\$135.00)~~ forty dollars (\$140.00) per month.  
15 Members shall pay ten dollars (\$10.00) per month as required by G.S. 58-86-35  
16 and G.S. 58-86-40 for a period of no longer than 20 years. No 'eligible rescue squad  
17 member' shall receive a pension prior to July 1, 1983. No member shall be entitled to  
18 a pension hereunder until the member's official duties as a fireman or rescue squad  
19 worker for which the member is paid compensation shall have been terminated and  
20 the member shall have retired as such according to standards or rules fixed by the  
21 board of trustees.  
22 A member who is totally and permanently disabled while in the discharge of the  
23 member's official duties as a result of bodily injuries sustained or as a result of  
24 extreme exercise or extreme activity experienced in the course and scope of those  
25 official duties and who leaves the fire or rescue squad service because of this



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS8698\*-LH228(3.18) FILED - SENATE

S 1205 MAY 15 1996

Short Title: Princeville Cemetery/Funds.

PRINCIPAL CLERK (Public)

Sponsors: Senator Martin of Pitt.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE DEPARTMENT OF CULTURAL  
3 RESOURCES SHALL STUDY THE HISTORIC SIGNIFICANCE OF THE  
4 PRINCEVILLE CEMETERY AND TO APPROPRIATE FUNDS FOR THE  
5 STUDY.

6 Whereas, the town of Princeville, incorporated on February 20, 1885, has  
7 the distinction of being not only the oldest incorporated African-American  
8 community in North Carolina, but also the oldest incorporated African-American  
9 municipality on the North American continent; and

10 Whereas, some of Princeville's most influential citizens included Robert  
11 Taylor, a school teacher who served as county justice of peace, a two-term State  
12 Senator, and editor of the Edgecombe Watchman and William Mason, a teacher and  
13 minister who was elected to the State House of Representatives and the Senate and  
14 was a member to the North Carolina Constitutional Convention of 1875; and

15 Whereas, Princeville was named for Turner Prince, who had been born a  
16 slave in North Carolina in 1843 and was one of the town's earliest residents; and

17 Whereas, the history of Princeville, its founders, and its earliest citizens is  
18 unique and significant; and

19 Whereas, the cemetery in Princeville is the eternal resting place of some  
20 of Princeville's early citizens, former slaves whose contribution in establishing the  
21 first African-American community in North America is noteworthy; and

22 Whereas, the cemetery of Princeville should be preserved and its  
23 historical significance documented; Now, therefore,

24 The General Assembly of North Carolina enacts:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS8693-LKZ244(5.1)S 1206 MAY 15 1996

PRINCIPAL CLERK

Short Title: Create Butner Advisory Council.

(Public)

Sponsors: Senators Gulley and Lucas.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE BUTNER ADVISORY COUNCIL AND TO  
3 ENUMERATE ITS DUTIES.  
4 Whereas, the 1995 General Assembly created a Study Commission on the  
5 Transfer of Butner Public Safety Division to review the costs and provision of public  
6 safety services to the residents and public agencies at the Camp Butner Reservation  
7 located, for the most part, in Granville and Durham Counties; and  
8 Whereas, the Study Commission held meetings at Butner; toured the  
9 residential areas and the State and federal facilities located there; and determined  
10 that the Camp Butner Reservation is a unique State resource requiring a novel  
11 approach to its governance and operations; and  
12 Whereas, the Study Commission determined that the residents of the  
13 Camp Butner Reservation desire increased involvement and input into the provision  
14 of the "municipal" services and planning for the future of Camp Butner, while the  
15 concentration of State and federal facilities located at Butner are currently receiving  
16 "municipal" services from the State of North Carolina would, if those services were  
17 transferred to an incorporated town, place a significant burden on the residents of the  
18 town to provide tax revenues to pay for the services; and  
19 Whereas, under current statutes, the State of North Carolina provides  
20 "municipal" services through the Department of Human Resources; Now, therefore,  
21 The General Assembly of North Carolina enacts:  
22 Section 1. The General Assembly finds that the Camp Butner  
23 Reservation and the Community of Butner, as regulated by Article 6 of Chapter 122C  
24 of the General Statutes, is a unique State resource that is and should continue to be  
25 administered by the State of North Carolina through the Office of the Secretary of

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS4664\*-RHZ001.2(5.6)

FILED - SENATE

S 1207 MAY 15 1996

Short Title: Education of Gifted Students.

PRINCIPAL CLERK (Public)

Sponsors: Senators Winner, Dannelly, Hartsell, Hobbs, Lucas, Perdue, Plexico, and Simpson.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPROVE THE  
4 PROGRAM AND SERVICES FOR GIFTED STUDENTS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-81(b)(1) reads as rewritten:

7 "(1) A core curriculum for all students that takes into account the  
8 special needs of children and includes appropriate modifications  
9 for the learning disabled, ~~the academically gifted~~, the gifted  
10 students, and the students with discipline and emotional  
11 problems;"

12 Sec. 2. G.S. 115C-109 reads as rewritten:

13 "**§ 115C-109. Definition of children with special needs.**

14 The term 'children with special needs' includes, without limitation, all children  
15 from age five through age 20 who because of permanent or temporary mental,  
16 physical or emotional handicaps need special education, are unable to have all their  
17 needs met in a regular class without special education or related services, or are  
18 unable to be adequately educated in the public schools. It includes those who are  
19 mentally retarded, epileptic, learning disabled, cerebral palsied, seriously emotionally  
20 disturbed, orthopedically impaired, autistic, multiply handicapped, pregnant,  
21 hearing-impaired, speech-impaired, blind or visually impaired, and other health  
22 impaired, and academically gifted. impaired."

23 Sec. 3. G.S. 115C-110(d) reads as rewritten:

24 "(d) The Board shall adopt rules or regulations covering:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS1783-LL248(5.14)

FILED - SENATE

S 1208 MAY 15 1996

Short Title: Summit House Funds.

PRINCIPAL CLERK  
(Public)

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Sponsors: Senator Odom.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION OF SERVICES AT  
3 SUMMIT HOUSE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the  
6 Department of Correction the sum of three hundred thousand dollars (\$300,000) for  
7 the 1996-97 fiscal year for the expansion of services provided by Summit House, a  
8 community-based residential alternative to incarceration for mothers and pregnant  
9 women convicted of nonviolent crimes with programs based in Greensboro and  
10 Mecklenburg and Wake counties.  
11 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS7725\*-RUZ007.1(5.7)

FILED - SENATE D

81209 MAY 15 1996

PRINCIPAL CLERK

Short Title: Fin. Inst. Holiday Amended.

(Public)

Sponsors: Senator Warren.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE LEGISLATIVE  
3 RESEARCH COMMISSION'S FINANCIAL INSTITUTIONS ISSUES  
4 COMMITTEE TO AUTHORIZE STATE-CHARTERED BANKS, SAVINGS  
5 AND LOAN ASSOCIATIONS, AND SAVINGS BANKS TO OBSERVE  
6 HOLIDAYS AS DETERMINED BY THEIR BOARDS OF DIRECTORS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 53-77.2A is repealed.

9 Sec. 2. G.S. 53-77.1A reads as rewritten:

10 "§ 53-77.1A. Days and hours of operation.

11 ~~Except as provided in G.S. 53-77.2A, a~~ A bank as defined in G.S. 53-1 or G.S. 53-  
12 136, ~~including national banking associations and federal reserve banks,~~ or any branch  
13 or limited service facility ~~of the foregoing thereof~~ located in this State, may operate  
14 on such days and during such ~~hours~~ hours, and may observe such holidays, as the  
15 bank's board of directors shall designate."

16 Sec. 3. G.S. 54B-110 reads as rewritten:

17 "§ 54B-110. Holidays. Days and hours of operation.

18 (a) ~~Each State and federal association, including every branch or office thereof,~~  
19 ~~domiciled in North Carolina shall observe the following as legal holidays and shall~~  
20 ~~not open for the transaction of business with the public on those days:~~

21 (1) New Year's Day, January 1;

22 (2) ~~Monday, January 2, when January 1 (New Year's Day) falls on~~  
23 ~~Sunday;~~

24 (3) ~~Monday, January 3, when January 1 (New Year's Day) falls on a~~  
25 ~~Saturday;~~

S

PRINCIPAL CLERK<sup>D</sup>

SENATE JOINT RESOLUTION DRSJR5671-LG217(12.13)

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Sponsors: Senator Horton.

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Referred to:

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1 A JOINT RESOLUTION HONORING THE MEMORY OF JAMES GORDON  
2 HANES, JR., FORMER STATE SENATOR AND INDUSTRIALIST.

3 Whereas, James Gordon Hanes, Jr., a native and lifelong resident of  
4 Winston-Salem, industrialist, legislator, philanthropist, and civic leader, died on  
5 August 31, 1995, at the age of 79; and

6 Whereas, in the passing of James Gordon Hanes, Jr., North Carolina and  
7 Forsyth County lost one of its most beloved and respected citizens; and

8 Whereas, James Gordon Hanes, Jr. was born on March 3, 1916, to James  
9 Gordon and Emmie Drewry Hanes; and

10 Whereas, James Gordon Hanes, Jr. graduated from Yale University in  
11 1937, with a Bachelor of Arts degree; and

12 Whereas, James Gordon Hanes, Jr. began working at Hanes Hosiery Mills  
13 Company, the family-owned business, in 1939; and

14 Whereas, James Gordon Hanes, Jr. worked for the company for 40 years,  
15 retiring as Chair and Chief Executive Officer of the Hanes Corporation, the parent  
16 company of P.H. Hanes Knitting Company and Hanes Hosiery Mills Company; and

17 Whereas, James Gordon Hanes, Jr. served with distinction as a member  
18 of the North Carolina State Senate for two terms during the 1963 and 1965 Sessions  
19 of the General Assembly; and

20 Whereas, during his tenure in the General Assembly, James Gordon  
21 Hanes, Jr. actively supported conservation and environmental protection issues and  
22 an increase in the minimum wage; and

23 Whereas, James Gordon Hanes, Jr. served his community, State, and  
24 country in many worthwhile capacities, devoting his time, talents, and energy on  
25 numerous boards, commissions, and committees on the local, State, and national  
26 levels; and

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

5 1 21 1

MAY 15 1996

PRINCIPAL CLERK

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D

SENATE JOINT RESOLUTION DRSJR5676-LG226(3.13)

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Sponsors: Senator Horton.

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Referred to:

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1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF  
2 GOVERNOR JOHN MOTLEY MOREHEAD ON THE TWO HUNDREDTH  
3 ANNIVERSARY OF HIS BIRTH.

4       Whereas, the State of North Carolina has benefitted greatly from the life  
5 and legacy of service that John Motley Morehead left to all the people of this State;  
6 and

7       Whereas, John Motley Morehead, the eldest son of John and Obedience  
8 Motley Morehead, was born on July 4, 1796, in Pittsylvania County, Virginia; and

9       Whereas, at the age of two, John Motley Morehead's family moved to  
10 Rockingham County, North Carolina; and

11       Whereas, after graduating from the University of North Carolina in 1817,  
12 John Motley Morehead began to study law, later practicing law in Rockingham and  
13 Guilford Counties; and

14       Whereas, John Motley Morehead married Ann Eliza Lindsay in 1821, and  
15 was the father of eight children: Letitia Harper Morehead, Mary Corinna Morehead,  
16 Ann Eliza Morehead, Mary Louise Morehead, Emma Victoria Morehead, John  
17 Lindsay Morehead, James Turner Morehead, and Eugene Lindsay Morehead; and

18       Whereas, John Motley Morehead settled his family in Guilford County  
19 and erected his "Blandwood" home in 1825, which is preserved as a National Historic  
20 Landmark; and

21       Whereas, John Motley Morehead was a true statesman, serving in the  
22 House of Commons in 1821, 1826, 1827, and 1858, in the Senate in 1860, in the  
23 Provisional Congress and the Peace Conference in 1861, and as a delegate to the  
24 State Constitutional Convention in 1835; and

25       Whereas, John Motley Morehead served as Governor of North Carolina  
26 from 1841 to 1845; and



51212

FILED - SENATE

GENERAL ASSEMBLY OF NORTH CAROLINA

MAY 16 1996

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS5696-LGQ244(5.14)

Short Title: Cabarrus Co. Mediation Ctr. Funds.

(Public)

Sponsors: Senator Hartsell.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE CABARRUS COUNTY  
3 MEDIATION CENTER, INC., A NONPROFIT ORGANIZATION, FOR  
4 OPERATING EXPENSES.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the Cabarrus  
7 County Mediation Center, Inc., a nonprofit organization, the sum of twenty-five  
8 thousand dollars (\$25,000) for the 1996-97 fiscal year for operating expenses incurred  
9 while providing conflict resolution services to the citizens of Cabarrus County.  
10 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS5697-LL231(4.23)

FILED - SENATE D

S 1 21 3 MAY 18 1996

PRINCIPAL CLERK

Short Title: Buncombe/Cancellation by Exhibition.

(Local)

Sponsors: Senator Ledbetter.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW CANCELLATION BY EXHIBITION OF A NOTE  
3 SECURED BY A DEED OF TRUST OR MORTGAGE IN BUNCOMBE  
4 COUNTY REGARDLESS OF THE DATE OF ENDORSEMENT.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 45-37(a) reads as rewritten:  
7 "(a) Subject to the provisions of G.S. 45-73 relating to secured instruments which  
8 secure future advances, any deed of trust or mortgage or other instrument intended to  
9 secure the payment of money or the performance of any other obligation registered as  
10 required by law may be discharged and released of record in the following manner:  
11 (1) By acknowledgment of the satisfaction of the provisions of such  
12 deed of trust, mortgage or other instrument in the presence of the  
13 register of deeds by:  
14 a. The trustee,  
15 b. The mortgagee,  
16 c. The legal representative of a trustee or mortgagee, or  
17 d. A duly authorized agent or attorney of any of the above.  
18 The register of deeds is not required to verify or make inquiry  
19 concerning the authority of the person acknowledging the  
20 satisfaction to do so. Upon acknowledgment of satisfaction, the  
21 register of deeds shall record a record of satisfaction as described  
22 in G.S. 45-37.2, and may forthwith make upon the margin of the  
23 record of such deed of trust, mortgage or other instrument an entry  
24 of such acknowledgment of satisfaction which shall be signed by  
25 the trustee, mortgagee, legal representative, agent or attorney and

FILED - SENATE

## GENERAL ASSEMBLY OF NORTH CAROLINA

51214

MAY 16 1996

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRSA676\*-LHZ226C(4.22)

Short Title: Assault Law Officer/Firefighter.

(Public)

Sponsors: Senators Ballance and Blackmon.

Referred to:

1 A BILL TO BE ENTITLED  
 2 AN ACT TO MAKE IT A CLASS F FELONY OFFENSE TO ASSAULT A LAW  
 3 ENFORCEMENT OFFICER AND INFLICT SERIOUS BODILY INJURY AND  
 4 TO CREATE A NEW CRIMINAL OFFENSE OF ASSAULTING A  
 5 FIREFIGHTER AS RECOMMENDED BY THE LEGISLATIVE RESEARCH  
 6 COMMISSION'S STUDY COMMITTEE ON CRIMINAL LAWS,  
 7 PROCEDURES, AND SENTENCING.

8 The General Assembly of North Carolina enacts:

9 Section 1. Article 8 of Chapter 14 of the General Statutes is amended by  
 10 adding a new section to read:

11 "§ 14-34.7. Assault on a law enforcement officer.

12 Unless covered under some other provision of law providing greater punishment, a  
 13 person is guilty of a Class F felony if the person assaults a law enforcement officer  
 14 while the law enforcement officer is discharging or attempting to discharge his or her  
 15 official duties and inflicts serious bodily injury on the law enforcement officer."

16 Sec. 2. G.S. 143-34.6 reads as rewritten:

17 "§ 14-34.6. Assault or affray on a firefighter; an emergency medical technician,  
 18 ambulance attendant, emergency department nurse, or emergency department  
 19 physician.

20 (a) A person is guilty of a Class A1 misdemeanor if the person commits an assault  
 21 or an affray on any of the following persons who are discharging or attempting to  
 22 discharge their official duties:

23 (1) an An emergency medical ~~technician,~~ technician.

24 (2) An ambulance ~~attendant,~~ attendant.

25 (3) An emergency department ~~nurse, or~~ nurse.

S1215

FILED - SENATE

GENERAL ASSEMBLY OF NORTH CAROLINA

MAY 16 1996

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRSA675-LG242(5.13)

Short Title: Stanly County Airport Funds.

(Public)

Sponsors: Senators Plyler and Conder.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE STANLY COUNTY AIRPORT  
3 AUTHORITY FOR AIRPORT EXPANSION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the Stanly  
6 County Airport Authority the sum of two hundred fifty thousand dollars (\$250,000)  
7 for the 1996-97 fiscal year to purchase property adjacent to the Stanly County Airport  
8 for expansion of the airport and to accommodate economic development initiatives  
9 and general aviation.  
10 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1995

FILED - SENATE  
S 1216 MAY 16 1996  
PRINCIPAL CLERK  
D

S

SENATE DRSA678-LL249(5.15)

Short Title: Martin Beaver Manage. Funds.

(Public)

Sponsors: Senator Martin of Pitt.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO EXTEND THE BEAVER DAMAGE CONTROL PROGRAM AND  
3 TO ADD MARTIN COUNTY TO THAT PROGRAM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Subsection (b) of Section 69 of Chapter 1044 of the 1991  
6 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws,  
7 by Section 27.3 of Chapter 769 of the 1993 Session Laws, and by Section 26.6 of  
8 Chapter 507 of the 1995 Session Laws, reads as rewritten:  
9 "(b) The Beaver Damage Control Advisory Board shall develop a pilot program  
10 to control beaver damage on private and public lands. Bladen, Brunswick, Carteret,  
11 Chatham, Craven, Columbus, Duplin, Edgecombe, Franklin, Greene, Halifax,  
12 Hertford, Johnston, Lincoln, Martin, Nash, Onslow, Pamlico, Pender, Pitt, Robeson,  
13 Sampson, Scotland, Vance, Warren, Washington, Wayne, and Wilson Counties shall  
14 participate in the pilot program. The Beaver Damage Control Advisory Board shall  
15 act in an advisory capacity to the Wildlife Resources Commission in the  
16 implementation of the program. In developing the program, the Board shall:  
17 (1) Orient the program primarily toward public health and safety and  
18 toward landowner assistance, providing some relief to landowners  
19 through beaver control and management rather than eradication;  
20 (2) Develop a priority system for responding to complaints about  
21 beaver damage;  
22 (3) Develop a system for documenting all activities associated with  
23 beaver damage control, so as to facilitate evaluation of the  
24 program;

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

51217 MAY 16 1996

S

D

PRINCIPAL CLERK

SENATE DRS6657\*-LDZ225F(4.17)

Short Title: Animal Waste Csmn. Recommendations.

(Public)

Sponsors: Senator Albertson.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE BLUE RIBBON  
3 STUDY COMMISSION ON AGRICULTURAL WASTE.  
4 The General Assembly of North Carolina enacts:  
5 PART I. PERMITS/INSPECTIONS/FEEES FOR ANIMAL WASTE MANAGEMENT  
6 SYSTEMS.  
7 Section 1. G.S. 143-215.1(a) reads as rewritten:  
8 "(a) Activities for Which Permits Required. -- No person shall do any of the  
9 following things or carry out any of the following activities ~~until or unless such~~ that  
10 person ~~shall have applied for and shall have~~ has received a permit from the  
11 Commission ~~a permit therefor and shall have~~ and has complied with ~~such conditions,~~  
12 ~~if any, as are prescribed by such~~ all conditions set forth in the permit:  
13 (1) Make any outlets into the waters of the ~~State;~~ State.  
14 (2) Construct or operate any sewer system, treatment works, or  
15 disposal system within the ~~State;~~ State.  
16 (3) Alter, extend, or change the construction or method of operation  
17 of any sewer system, treatment works, or disposal system within the  
18 ~~State;~~ State.  
19 (4) Increase the quantity of waste discharged through any outlet or  
20 processed in any treatment works or disposal system to any extent  
21 ~~which that~~ which that would result in any violation of the effluent standards  
22 or limitations established for any point source or ~~which that~~ which that would  
23 adversely affect the condition of the receiving waters to the extent  
24 of violating any ~~of the standards applicable to such water;~~  
25 applicable standards.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1217

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)  
Page 1 of L

SI217-SARD-001.

June 18, 1996

Comm. Sub. [YES]  
Amends Title []  
SI217-PCS6696-RD008

Senator Webster

- 1 moves to amend the Proposed Committee Substitute for SB 1217 on page
- 2 9, line 9,
- 3 by deleting the phrase, "Animal waste" and by substituting the
- 4 phrase "Liquid animal waste" and by renumbering the definitions
- 5 under subsections (1), (2), and (3) to be in alphabetical order.
- 6

SIGNED [Signature]  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

Withdrawn



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. PC5 6696

H. B. No. \_\_\_\_\_

DATE 5-18-96

S. B. No. 1217

Amendment No. 2 (Two)  
(to be filled in by  
Principal Clerk)

COMMITTEE SUBSTITUTE yes (NO, 2)

Rep.)

Sen.)

Kincaid

1 moves to amend the bill on page 2, line 6

2 ( ) WHICH CHANGES THE TITLE

3 by \_\_\_\_\_

4 ~~delete number "200" and substitute~~  
5 ~~"500"~~ delete number "100"  
6 Add substitute "200"

7 \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

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11 \_\_\_\_\_

12 \_\_\_\_\_

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14 \_\_\_\_\_

15 \_\_\_\_\_

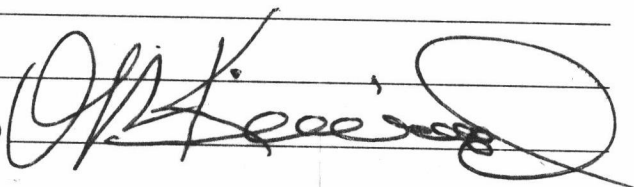
16 \_\_\_\_\_

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19 \_\_\_\_\_

SIGNED



ADOPTED \_\_\_\_\_

FAILED

22-27

6/18/96

TABLED

L. J. H.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1691/13-- 5:03 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
ANIMAL WASTE RECOMMENDATIONS  
COM SUB NO. 2/3RD EDITION

SENATE BILL 1217

AMEND 2

|     |    |  |  |  |   |
|-----|----|--|--|--|---|
| AYE | 22 | ALLRAN<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON       | CLARK<br>COCHRANE<br>DAVIS<br>EAST<br>FORRESTER<br>FOXX          | HARTSELL<br>KINCAID<br>LEDBETTER<br>LITTLE<br>MCDANIEL               | PAGE<br>SHAW<br>SIMPSON<br>SMITH<br>WEBSTER           |
|     | 27 | ALBERTSON<br>BALLANCE<br>BASNIGHT<br>CONDER<br>COOPER<br>EDWARDS<br>GULLEY | HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR<br>LUCAS<br>MARTIN R. | MARTIN W.<br>MCKOY<br>ODOM<br>PARNELL<br>PERDUE<br>PLEXICO<br>PLYLER | RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |

EXCUSED 0

NOT CAST 0

ABSENT 1 DANNELLY

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1690/12-- 4:19 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
ANIMAL WASTE RECOMMENDATIONS  
COM SUB NO. 2/3RD EDITION

SENATE BILL 1217

MOTION 0  
IMMED. CONSID.

|     |    |  |  |  |  |
|-----|----|--|--|--|--|
| AYE | 35 | ALBERTSON<br>BALLANCE<br>BASNIGHT<br>BLUST<br>CARPENTER<br>COCHRANE<br>CONDER<br>COOPER<br>EDWARDS | FORRESTER<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR<br>LEDBETTER | LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCKOY<br>ODOM<br>PARNELL<br>PERDUE<br>PLEXICO | PLYLER<br>RAND<br>SHERRON<br>SIMPSON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 13 | ALLRAN<br>BALLANTINE<br>BLACKMON<br>CARRINGTON   | CLARK<br>DAVIS<br>EAST   | FOXX<br>KINCAID<br>MCDANIEL  | PAGE<br>SHAW<br>WEBSTER  |

|          |   |          |
|----------|---|----------|
| EXCUSED  | 0 |          |
| NOT CAST | 1 | SMITH    |
| ABSENT   | 1 | DANNELLY |
| PAIRS    | 0 |          |
| AYE      |   |          |
| NO       |   |          |

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1692/14-- 5:13 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
ANIMAL WASTE RECOMMENDATIONS  
COM SUB NO. 2/3RD EDITION

SENATE BILL 1217  
READING 2

|     |    |   |  |  |  |
|-----|----|---|--|--|--|
| AYE | 40 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>COCHRANE<br>CONDER | COOPER<br>EDWARDS<br>FORRESTER<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 9  | CARRINGTON<br>CLARK<br>DAVIS  | EAST<br>FOXX   | KINCAID<br>MCDANIEL  | SHAW<br>WEBSTER  |

EXCUSED 0

NOT CAST 0

ABSENT 1 DANNELLY

PAIRS 0

AYE

NO

## NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Page 1 of 2

EDITION No. 3

H. B. No. \_\_\_\_\_

DATE 6/19/96S. B. No. 1217Amendment No. 3 (three)(to be filled in by  
Principal Clerk)COMMITTEE SUBSTITUTE No 2~~Rep.~~ McDaniel  
Sen.)1 moves to amend the bill on page 2, line 19

2 ( ) WHICH CHANGES THE TITLE

3 by inserting a new paragraph (4) to  
4 read as follows:5 "(4) a 'dairy operator' means the  
6 owner or operator of an  
7 animal operation involving 100  
8 or more confined cattle."  
910  
11 and by re-numbering the remaining sub-  
12 paragraphs (4) through (6) accordingly.  
1314 And further moves to amend the bill on  
15 page 14, lines 13-15 by deleting lines  
16 13-15 and inserting in lieu thereof  
17 the following:18 "support) with a maximum of fifteen  
19 thousand dollars (\$15,000)SIGNED J. McDaniel

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

see p 2

(Please type or use ballpoint pen)

Page 292

EDITION No. 3

H. B. No. \_\_\_\_\_

S. B. No. 1217COMMITTEE SUBSTITUTE No 2DATE 6/19/96Amendment No. 3 (THREE)(to be filled in by  
Principal Clerk)

Rep.)

Sen.)

McDaniel

1 moves to amend the bill on page \_\_\_\_\_, line \_\_\_\_\_

2 ( ) WHICH CHANGES THE TITLE

3 by \_\_\_\_\_

4 per year to each applicant who is  
5 not a dairy operator and a maxi-  
6 mum of seventy-five thousand dollars  
7 (\$75,000) per year to each applicant  
8 who is a dairy operator."

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

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19 \_\_\_\_\_

SIGNED

J. McDaniel

ADOPTED \_\_\_\_\_

22-27

FAILED

6/19/96

TABLED \_\_\_\_\_

S. Finch

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1724/13-- 2:53 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
ANIMAL WASTE RECOMMENDATIONS  
COM SUB NO. 2/3RD EDITION

SENATE BILL 1217

AMEND 3

|     |    |  |   |   |   |
|-----|----|--|---|---|---|
| AYE | 22 | ALLRAN<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON         | CLARK<br>COCHRANE<br>DAVIS<br>EAST<br>FORRESTER<br>FOXX         | HARTSELL<br>HORTON<br>KINCAID<br>LEDBETTER<br>MCDANIEL              | MCKOY<br>SHAW<br>SIMPSON<br>SMITH<br>WEBSTER          |
|     | 27 | ALBERTSON<br>BALLANCE<br>BASNIGHT<br>CONDER<br>COOPER<br>DANNELLY<br>EDWARDS | GULLEY<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR<br>LUCAS<br>MARTIN R | MARTIN W.<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE<br>PLEXICO<br>PLYLER | RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |

EXCUSED 0

NOT CAST 0

ABSENT 1 LITTLE

PAIRS 0

AYE

NO





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1217

AMENDMENT NO. 4 (four)  
(to be filled in by  
Principal Clerk)  
Page 1 of 1

SI217-ARF-001

Date 6/19/, 1996

Comm. Sub. [YES]  
Amends Title []

Senator RL MARTIN

- 1 moves to amend the bill on page 14, line 3,
- 2 by rewriting that line to read:
- 3 "closure of lagoons, emergency spillways, riparian buffers or
- 4 equivalent controls, odor".
- 5

SIGNED RL Martin  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 6/19/96 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_  
41-7

S. J. J. J.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1725/14-- 2:55 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
ANIMAL WASTE RECOMMENDATIONS  
COM SUB NO. 2/3RD EDITION

SENATE BILL 1217

AMEND 4

|     |    |   |  |   |   |
|-----|----|---|--|---|---|
| AYE | 41 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BASNIGHT<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER<br>DANNELLY | DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HOBBS<br>HOYLE<br>JORDAN<br>KINCAID | LEDBETTER<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PARNELL<br>PERDUE<br>PLEXICO | PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 7  | BALLANTINE<br>BLACKMON  | BLUST<br>HARTSELL  | HORTON<br>PAGE  | SIMPSON   |

EXCUSED 0

NOT CAST 1 KERR

ABSENT 1 LITTLE

PAIRS 0

AYE

NO



*Ballantine*

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1217

AMENDMENT NO. 5 (five)  
(to be filled in by  
Principal Clerk)

S1217-ARD-001

Page 1 of 2

Date 6-19, 1996

Comm. Sub. [YES] *No 2*  
Amends Title [ ]  
Third Edition

Senator Ballantine

1 moves to amend the bill on page 18, lines 28 and 29,  
2 by inserting the following language between those lines:

3 "Sec. 25.1. G.S. 153A-340 reads as rewritten:  
4 ' § 153A-340. Grant of power.

5 For the purpose of promoting health, safety, morals, or the  
6 general welfare, a county may regulate and restrict the height,  
7 number of stories and size of buildings and other structures, the  
8 percentage of lots that may be occupied, the size of yards, courts  
9 and other open spaces, the density of population, and the location  
10 and use of buildings, structures, and land for trade, industry,  
11 residence, or other purposes, and to provide density credits or  
12 severable development rights for dedicated rights-of-way pursuant to  
13 G.S. 136-66.10 or G.S. 136-66.11.

14 These regulations may not affect bona fide farms; farms; provided,  
15 however, that Pender County and Onslow County may regulate the  
16 location and use of structures for intensive livestock operations,  
17 but any use of farm property for nonfarm purposes is subject to the  
18 regulations. Bona fide farm purposes include the production and  
19 activities relating or incidental to the production of crops,  
20 fruits, vegetables, ornamental and flowering plants, dairy,  
21 livestock, poultry, and all other forms of agricultural products  
22 having a domestic or foreign market. The regulations may provide  
23 that a board of adjustment may determine and vary their application  
24 in harmony with their general purpose and intent and in accordance  
25 with general or specific rules therein contained. The regulations  
26 may also provide that the board of adjustment or the board of  
27 commissioners may issue special use permits or conditional use  
28 permits in the classes of cases or situations and in accordance with  
29 the principles, conditions, safeguards, and procedures specified  
30 therein and may impose reasonable and appropriate conditions and  
31 safeguards upon these permits. Where appropriate, the conditions  
32 may include requirements that street and utility rights-of-way be  
33 dedicated to the public and that recreational space be provided.

*all p 2*



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1217

C.S. No 2

AMENDMENT NO. 5 (five)  
(to be filled in by  
Principal Clerk)

S1217-ARD-001

Page 2 of 2

1 When issuing or denying special use permits or conditional use  
2 permits, the board of commissioners shall follow the procedures for  
3 boards of adjustment except that no vote greater than a majority  
4 vote shall be required for the board of commissioners to issue such  
5 permits, and every such decision of the board of commissioners shall  
6 be subject to review by the superior court by proceedings in the  
7 nature of certiorari.

8 A county may regulate the development over estuarine waters and  
9 over lands covered by navigable waters owned by the State pursuant  
10 to G.S. 146-12, within the bounds of that county.

11 For the purpose of this section, the term "structures" shall  
12 include floating homes. Any petition for review by the superior  
13 court shall be filed with the clerk of superior court within 30 days  
14 after the decision of the board of commissioners is filed in such  
15 office as the ordinance specifies, or after a written copy thereof  
16 is delivered to every aggrieved party who has filed a written  
17 request for such copy with the clerk at the time of the hearing of  
18 the case, whichever is later. The decision of the board of  
19 commissioners may be delivered to the aggrieved party either by  
20 personal service or by registered mail or certified mail return  
21 receipt requested.'

22 Sec. 25.2. The provisions of Section 25.1 of this act  
23 apply only in Pender County and Onslow County."  
24

SIGNED \_\_\_\_\_  
Amendment Sponsor

*Peter J. Ballantyne*

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED

23-26

TABLED \_\_\_\_\_

6/19/96

*S. J. Hink*

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1726/15-- 3:13 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
ANIMAL WASTE RECOMMENDATIONS  
COM SUB NO. 2/3RD EDITION

SENATE BILL 1217

AMEND 5

|     |    |  |  |   |   |
|-----|----|--|--|---|---|
| AYE | 23 | ALLRAN<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON         | CLARK<br>COCHRANE<br>DAVIS<br>EAST<br>FORRESTER<br>FOXX          | HARTSELL<br>HORTON<br>KINCAID<br>LEDBETTER<br>MCDANIEL<br>MCKOY | PAGE<br>SHAW<br>SIMPSON<br>SMITH<br>WEBSTER           |
|     | 26 | ALBERTSON<br>BALLANCE<br>BASNIGHT<br>CONDER<br>COOPER<br>DANNELLY<br>EDWARDS | GULLEY<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR<br>LUCAS<br>MARTIN R. | MARTIN W.<br>ODOM<br>FARNELL<br>PERDUE<br>PLEXICO<br>PLYLER     | RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |

EXCUSED 0

NOT CAST 0

ABSENT 1 LITTLE

PAIRS 0

AYE  
NO

# NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 3

H. B. No. \_\_\_\_\_

DATE JUNE 19, 1996

S. B. No. 1217

Amendment No. 6 (SIX)

COMMITTEE SUBSTITUTE No 2

(to be filled in by  
Principal Clerk)

Rep. )

Sen. )

PAGE

1 moves to amend the bill on page 2, line 7

2 ( ) WHICH CHANGES THE TITLE

3 by INSERTING AFTER THE WORD "MORE" THE WORD

4 "CONFINED"

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

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19 \_\_\_\_\_

SIGNED *Amiel Poy*

ADOPTED \_\_\_\_\_

FAILED 6/19/96

TABLED \_\_\_\_\_

22-26

*Stubb*

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1727/16-- 3:21 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
ANIMAL WASTE RECOMMENDATIONS  
COM SUB NO. 2/3RD EDITION

SENATE BILL 1217

AMEND 6

|     |    |  |  |   |   |
|-----|----|--|--|---|---|
| AYE | 22 | ALLRAN<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON         | CLARK<br>COCHRANE<br>DAVIS<br>FORRESTER<br>FOXX<br>HARTSELL      | HORTON<br>KINCAID<br>LEDBETTER<br>MCDANIEL<br>MCKOY         | PAGE<br>SHAW<br>SIMPSON<br>SMITH<br>WEBSTER           |
|     | 26 | ALBERTSON<br>BALLANCE<br>BASNIGHT<br>CONDER<br>COOPER<br>DANNELLY<br>EDWARDS | GULLEY<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR<br>LUCAS<br>MARTIN R. | MARTIN W.<br>ODOM<br>FARNELL<br>PERDUE<br>PLEXICO<br>PLYLER | RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |

EXCUSED 0

NOT CAST 1 EAST

ABSENT 1 LITTLE

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1728/17-- 3:22 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

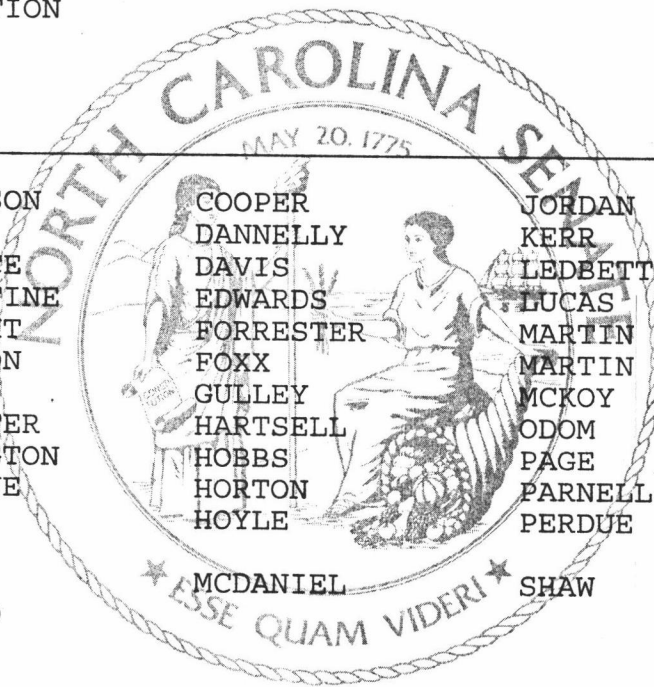
LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
ANIMAL WASTE RECOMMENDATIONS  
COM SUB NO. 2/3RD EDITION

SENATE BILL 1217  
READING 3

|     |    |   |   |  |  |
|-----|----|---|---|--|--|
| AYE | 43 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>COCHRANE<br>CONDER | COOPER<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | JORDAN<br>KERR<br>LEDBETTER<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 5  | CLARK<br>KINCAID  | MCDANIEL  | SHAW   | WEBSTER  |



EXCUSED 0

NOT CAST 1 EAST

ABSENT 1 LITTLE

PAIRS 0

AYE

NO



# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

### ROLL CALL

EV

S# 2114  
LEGISLATIVE DAY 134  
S1217SCS  
READING 2

6/20/96  
8:11 PM

IN CHAIR: SPEAKER

#### ANIMAL WASTE RECOMMENDATIONS

MOTION #3 - *Rep. Daughtry calls previous question*

#### AYES - 89

|               |            |             |            |
|---------------|------------|-------------|------------|
| SPEAKER       | CREECH     | HOWARD      | PULLEY     |
| ADAMS         | CULP       | HURLEY      | RAMSEY     |
| ALDRIDGE      | CULPEPPER  | IVES        | RAYFIELD   |
| ALLRED        | CUMMINGS   | KISER       | REYNOLDS   |
| ARNOLD        | CUNNINGHAM | LEE         | ROGERS     |
| BAKER         | DAUGHTRY   | LINNEY      | RUSSELL    |
| BARBEE        | DAVIS      | LOCKE       | SEXTON     |
| BARNES        | DECKER     | MCCALLISTER | SHARPE     |
| BERRY         | DOCKHAM    | MCCOMBS     | SHAW       |
| BLACK         | EARLE      | MCCRARY     | SHERRILL   |
| BOWEN         | EDDINS     | MCPAHAN     | SHUBERT    |
| BOWIE         | EDWARDS    | MERCER      | SUTTON     |
| BOYD-MCINTYRE | ELLIS      | MILLER, G.  | TALLENT    |
| BRASWELL      | ESPOSITO   | MINER       | THOMPSON   |
| BRAWLEY       | GARDNER    | MITCHELL    | TOLSON     |
| BROWN, J.     | GRADY      | MORGAN      | WATSON     |
| BROWN, W.     | GRAY       | NEELY       | WEATHERLY  |
| BUCHANAN      | HAYES      | NICHOLS     | WILSON, C. |
| CANSLER       | HIATT      | NYE         | WILSON, G. |
| CAPPS         | HIGHTOWER  | OWENS       | WOMBLE     |
| CARPENTER     | HILL       | PATE        | WOOD       |
| CHURCH        | HOLMES     | PRESTON     | YONGUE     |
| CRAWFORD      |            |             |            |

#### NOES - 15

|            |            |            |            |
|------------|------------|------------|------------|
| ALEXANDER  | HENSLEY    | MCCOMAS    | WAINWRIGHT |
| EASTERLING | HUNTER, H. | MICHAUX    | WILKINS    |
| FITCH      | HUNTER, R. | REDWINE    | WRIGHT     |
| HACKNEY    | LUEBKE     | RICHARDSON |            |

#### EXCUSED ABSENCE - 7

|       |      |              |        |
|-------|------|--------------|--------|
| BEALL | FOX  | OLDHAM       | WARNER |
| BLUE  | HUNT | ROBINSON, G. |        |

#### EXCUSED VOTE - 0

#### NOT VOTING - 9

|             |        |            |              |
|-------------|--------|------------|--------------|
| CLARY       | GAMBLE | LEMOND     | MILLER, K.   |
| COCKLEREECE | JUSTUS | MCLAUGHLIN | ROBINSON, J. |
| DICKSON     |        |            |              |

S1217SCS

S# 2115  
LEGISLATIVE DAY 134  
S1217SCS  
READING 2

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES



RC  
6/20/96  
8:11 PM  
IN CHAIR: SPEAKER

ANIMAL WASTE RECOMMENDATIONS

AYES - 103

|               |            |            |              |
|---------------|------------|------------|--------------|
| SPEAKER       | CUMMINGS   | IVES       | REDWINE      |
| ADAMS         | CUNNINGHAM | KISER      | REYNOLDS     |
| ALDRIDGE      | DAUGHTRY   | LEE        | RICHARDSON   |
| ALEXANDER     | DAVIS      | LINNEY     | ROBINSON, J. |
| ALLRED        | DECKER     | LOCKE      | ROGERS       |
| ARNOLD        | DOCKHAM    | LUEBKE     | RUSSELL      |
| BAKER         | EARLE      | MCALLISTER | SEXTON       |
| BARBEE        | EASTERLING | MCCOMAS    | SHARPE       |
| BARNES        | EDDINS     | MCCOMBS    | SHAW         |
| BERRY         | EDWARDS    | MCCRARY    | SHERRILL     |
| BLACK         | ELLIS      | MCMAHAN    | SHUBERT      |
| BOWEN         | ESPOSITO   | MERCER     | SUTTON       |
| BOWIE         | GARDNER    | MICHAUX    | TALLENT      |
| BOYD-MCINTYRE | GRADY      | MILLER, G. | THOMPSON     |
| BRASWELL      | GRAY       | MINER      | TOLSON       |
| BRAWLEY       | HACKNEY    | MITCHELL   | WAINWRIGHT   |
| BROWN, W.     | HAYES      | MORGAN     | WATSON       |
| BUCHANAN      | HENSLEY    | NEELY      | WEATHERLY    |
| CANSLER       | HIATT      | NICHOLS    | WILKINS      |
| CAPPS         | HIGHTOWER  | NYE        | WILSON, C.   |
| CARPENTER     | HILL       | OWENS      | WILSON, G.   |
| CHURCH        | HOLMES     | PATE       | WOMBLE       |
| CRAWFORD      | HOWARD     | PRESTON    | WOOD         |
| CREECH        | HUNTER, H. | PULLEY     | WRIGHT       |
| CULP          | HUNTER, R. | RAMSEY     | YONGUE       |
| CULPEPPER     | HURLEY     | RAYFIELD   |              |

NOES - 2

BROWN, J.      FITCH

EXCUSED ABSENCE - 7

|       |      |              |        |
|-------|------|--------------|--------|
| BEALL | FOX  | OLDHAM       | WARNER |
| BLUE  | HUNT | ROBINSON, G. |        |

EXCUSED VOTE - 0

NOT VOTING - 8

|             |         |         |            |
|-------------|---------|---------|------------|
| CLARY       | DICKSON | JUSTUS  | MCLAUGHLIN |
| COCKLEREECE | GAMBLE  | LEMMOND | MILLER, K. |

S1217SCS

# 2116  
LEGISLATIVE DAY 134  
S1217SCS  
READING 3

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

6/20/96  
8:13 PM  
IN CHAIR: SPEAKER

RC

ANIMAL WASTE RECOMMENDATIONS

AYES - 103

|               |            |            |              |
|---------------|------------|------------|--------------|
| SPEAKER       | CUMMINGS   | IVES       | REDWINE      |
| ADAMS         | CUNNINGHAM | KISER      | REYNOLDS     |
| ALDRIDGE      | DAUGHTRY   | LEE        | RICHARDSON   |
| ALEXANDER     | DAVIS      | LINNEY     | ROBINSON, J. |
| ALLRED        | DECKER     | LOCKE      | ROGERS       |
| ARNOLD        | DOCKHAM    | LUEBKE     | RUSSELL      |
| BAKER         | EARLE      | MCALLISTER | SEXTON       |
| BARBEE        | EASTERLING | MCCOMAS    | SHARPE       |
| BARNES        | EDDINS     | MCCOMBS    | SHAW         |
| BERRY         | EDWARDS    | MCCRARY    | SHERRILL     |
| BLACK         | ELLIS      | MCMAHAN    | SHUBERT      |
| BOWEN         | ESPOSITO   | MERCER     | SUTTON       |
| BOWIE         | GARDNER    | MICHAUX    | TALLENT      |
| BOYD-MCINTYRE | GRADY      | MILLER, G. | THOMPSON     |
| BRASWELL      | GRAY       | MINER      | TOLSON       |
| BRAWLEY       | HACKNEY    | MITCHELL   | WAINWRIGHT   |
| BROWN, W.     | HAYES      | MORGAN     | WATSON       |
| BUCHANAN      | HENSLEY    | NEELY      | WEATHERLY    |
| CANSLER       | HIATT      | NICHOLS    | WILKINS      |
| CAPPS         | HIGHTOWER  | NYE        | WILSON, C.   |
| CARPENTER     | HILL       | OWENS      | WILSON, G.   |
| CHURCH        | HOLMES     | PATE       | WOMBLE       |
| CRAWFORD      | HOWARD     | PRESTON    | WOOD         |
| CREECH        | HUNTER, H. | PULLEY     | WRIGHT       |
| CULP          | HUNTER, R. | RAMSEY     | YONGUE       |
| CULPEPPER     | HURLEY     | RAYFIELD   |              |

NOES - 2

BROWN, J.      FITCH

EXCUSED ABSENCE - 7

|       |      |              |        |
|-------|------|--------------|--------|
| BEALL | FOX  | OLDHAM       | WARNER |
| BLUE  | HUNT | ROBINSON, G. |        |

EXCUSED VOTE - 0

NOT VOTING - 8

|             |         |         |            |
|-------------|---------|---------|------------|
| CLARY       | DICKSON | JUSTUS  | MCLAUGHLIN |
| COCKLEREECE | GAMBLE  | LEMMOND | MILLER, K. |

S1217SCS

## GENERAL ASSEMBLY OF NORTH CAROLINA 1218

MAY 16 1996

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS4675-LR224(5.14)

Short Title: Convey Old Maple Hill School.

(Local)

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Sponsors: Senators Jordan, Albertson, and Ballantine.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE PENDER COUNTY BOARD OF EDUCATION  
3 TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE TO THE MAPLE  
4 HILL CIVIC CLUB, INC., A NONPROFIT CORPORATION.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Notwithstanding G.S. 115C-518(a) and Article 12 of Chapter  
7 160A of the General Statutes, the Pender County Board of Education may convey at  
8 private sale, with or without monetary consideration, any or all of its right, title, and  
9 interest in the old Maple Hill School, consisting of the property described in a deed  
10 recorded at Book 358, Page 417 of the Pender County Registry, to the Maple Hill  
11 Civic Club, Inc., a nonprofit corporation.  
12 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE  
S1219

MAY 16 1996

S

PRINCIPAL CLERK D

SENATE DRS5698\*-LDZ226C(5.15)

Short Title: Animal Waste Funds.

(Public)

Sponsors: Senator Albertson.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO SUPPORT CERTAIN  
3 RECOMMENDATIONS OF THE BLUE RIBBON STUDY COMMISSION ON  
4 AGRICULTURAL WASTE.

5 The General Assembly of North Carolina enacts:

6 Section 1. (a) There is appropriated from the General Fund to the  
7 Division of Soil and Water Conservation, Department of Environment, Health, and  
8 Natural Resources, the sum of three million eight hundred thousand dollars  
9 (\$3,800,000) for the 1996-97 fiscal year for the Agriculture Cost Share Program for  
10 Nonpoint Source Pollution Control to be used for the costs associated with obtaining  
11 an approved animal waste management plan.

12 (b) G.S. 143-215.74(b)(5) reads as rewritten:

13 "(5) Funding may be provided to assist practices including conservation  
14 tillage, diversions, filter strips, field borders, critical area plantings,  
15 sediment control structures, sod-based rotations, grassed waterways,  
16 strip-cropping, terraces, cropland conversion to permanent  
17 vegetation, grade control structures, water control structures,  
18 emergency spillways, riparian buffers or equivalent controls, odor  
19 control best management practices, insect control best management  
20 practices, and animal waste managements systems and application.  
21 Funding for animal waste management shall be allocated for  
22 projects in river basins such that the funds will have the greatest  
23 impact in improving water quality."

24 (c) G.S. 143-215.74(b)(6) reads as rewritten:

FILED - SENATE

S 1220

MAY 16 1996

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS1782-LE184(5.13)

Short Title: Kings Mountain School Pay Date Change.

(Local)

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Sponsors: Senator Davis.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE LOCAL PAY DATE FOR THE KINGS MOUNTAIN  
3 SCHOOLS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Section 2 of Chapter 106 of the 1991 Session Laws is repealed.  
6 Sec. 2. The pay date of all employees of the Kings Mountain School  
7 Administrative Unit shall be established in accordance with the provisions of Chapter  
8 115C of the General Statutes.  
9 Sec. 3. This act becomes effective July 1, 1996.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1618/6-- 8:20 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

DAVIS  
CHANGE LOCAL SCHOOL PAY DATES  
COM SUB/2ND EDITION

SENATE BILL 1220  
READING 2

AYE

49 ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
COOPER  
DANNELLY

DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

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CONDER

ABSENT

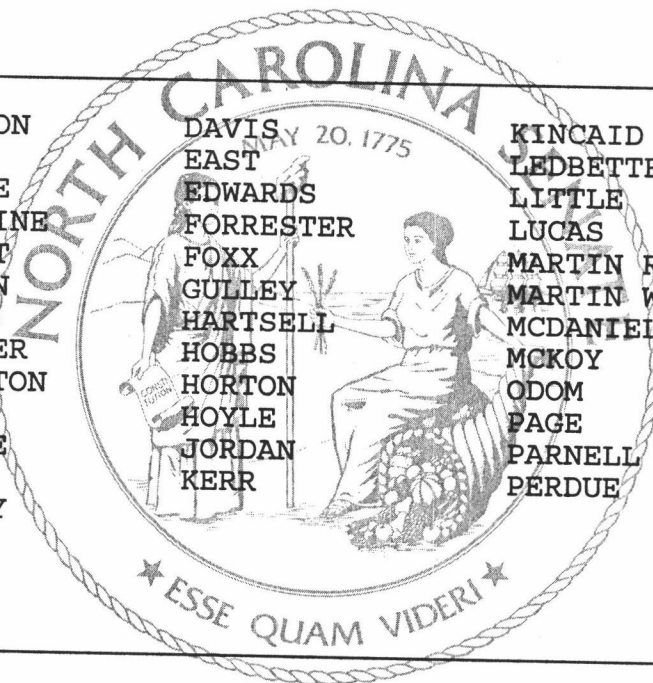
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PAIRS

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AYE

NO



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1626/14-- 8:21 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

DAVIS  
CHANGE LOCAL SCHOOL PAY DATES  
COM SUB/2ND EDITION

SENATE BILL 1220  
READING 3

|     |    |  |   |  |   |
|-----|----|--|---|--|---|
| AYE | 49 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
|-----|----|--|---|--|---|

NO 0

EXCUSED 0

NOT CAST 1 MARTIN R.

ABSENT 0

PAIRS 0

AYE  
NO



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA677-LB455(5.14)

FILED - SENATE  
S.1 221 MAY 20 1995  
D  
PRINCIPAL CLERK

Short Title: Winston-Salem Unclaimed Property.

(Local)

Sponsors: Senator McDaniel.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO SALES OF SEIZED, UNCLAIMED PROPERTY BY  
3 THE CITY OF WINSTON-SALEM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 15-13 reads as rewritten:  
6 "§ 15-13. Public sale 30 days after publication of notice.  
7 If said articles shall remain unclaimed or satisfactory evidence of ownership thereof  
8 not be presented to the sheriff or police department, as the case may be, for a period  
9 of 30 days after the publication of the notice provided for in G.S. 15-12, then the said  
10 sheriff or police department in whose custody such articles may be is hereby  
11 authorized and empowered to sell the same at public auction or by sealed bid for  
12 cash to the highest bidder, either at the courthouse door of the county, the county  
13 law enforcement headquarters if the sale is conducted by the sheriff, ~~or~~ at the police  
14 headquarters of the municipality in which the said articles of property are located, or  
15 if the sale is by sealed bid, in the office of the purchasing department, and at such  
16 sale to deliver the same to the purchaser or purchasers thereof."  
17 Sec. 2. This act applies to the City of Winston-Salem only.  
18 Sec. 3. This act is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1619/7-- 8:20 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

MCDANIEL  
WINSTON-SALEM UNCLAIMED PROPERTY

SENATE BILL 1221  
READING 2

AYE

49 ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
COOPER  
DANNELLY

DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

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EXCUSED

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PAIRS

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AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1627/15-- 8:21 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

MCDANIEL  
WINSTON-SALEM UNCLAIMED PROPERTY

SENATE BILL 1221  
READING 3

AYE

49

ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN

KERR  
KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

1

MARTIN R.

ABSENT

0

PAIRS

0

AYE

NO

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA673-LB453(5.14)

FILED - SENATE D

S 1222

MAY 20 1996

PRINCIPAL CLERK

Short Title: Winston-Salem Property.

(Local)

Sponsors: Senator McDaniel.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM  
3 RELATING TO THE SALE OF PROPERTY.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Section 110 of Chapter 232 of the 1927 Private Laws, as  
6 amended by Chapter 440, Public-Local Laws of 1939, Chapter 63 of the 1969 Session  
7 Laws, and Chapters 105 and 121 of the 1971 Session Laws is repealed.  
8 Sec. 2. This act is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1620/8-- 8:20 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

MCDANIEL  
WINSTON-SALEM PROPERTY

SENATE BILL 1222  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 49 | ALBERTSON  | DAVIS     | KINCAID   | PLEXICO |
|     |    | ALLRAN     | EAST      | LEDBETTER | PLYLER  |
|     |    | BALLANCE   | EDWARDS   | LITTLE    | RAND    |
|     |    | BALLANTINE | FORRESTER | LUCAS     | SHAW    |
|     |    | BASNIGHT   | FOXX      | MARTIN R. | SHERRON |
|     |    | BLACKMON   | GULLEY    | MARTIN W. | SIMPSON |
|     |    | BLUST      | HARTSELL  | MCDANIEL  | SMITH   |
|     |    | CARPENTER  | HOBBS     | MCKOY     | SOLES   |
|     |    | CARRINGTON | HORTON    | ODOM      | SPEED   |
|     |    | CLARK      | HOYLE     | PAGE      | WARREN  |
|     |    | COCHRANE   | JORDAN    | PARNELL   | WEBSTER |
|     |    | COOPER     | KERR      | PERDUE    | WINNER  |
|     |    | DANNELLY   |           |           |         |

NO 0

EXCUSED 0

NOT CAST 1 CONDER

ABSENT 0

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1628/16-- 8:21 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

MCDANIEL  
WINSTON-SALEM PROPERTY

SENATE BILL 1222  
READING 3

AYE

49 ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN

KERR  
KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

1

MARTIN R.

ABSENT

0

PAIRS

0

AYE

NO

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRSA674-LB454(5.14)

Short Title: Winston-Salem Deposits.

(Local)

Sponsors: Senator McDaniel.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO THE DAILY DEPOSIT OF COLLECTIONS AND  
3 RECEIPTS BY THE CITY OF WINSTON-SALEM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Section 2 of Chapter 79 of the 1995 Session Laws reads as  
6 rewritten:  
7 "Sec. 2. This act applies to the ~~City~~ Cities of Greensboro and Winston-Salem  
8 only."  
9 Sec. 2. This act is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1621/9-- 8:20 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

MCDANIEL  
WINSTON-SALEM DEPOSITS

SENATE BILL 1223  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 49 | ALBERTSON  | DAVIS     | KINCAID   | PLEXICO |
|     |    | ALLRAN     | EAST      | LEDBETTER | PLYLER  |
|     |    | BALLANCE   | EDWARDS   | LITTLE    | RAND    |
|     |    | BALLANTINE | FORRESTER | LUCAS     | SHAW    |
|     |    | BASNIGHT   | FOXX      | MARTIN R. | SHERRON |
|     |    | BLACKMON   | GULLEY    | MARTIN W. | SIMPSON |
|     |    | BLUST      | HARTSELL  | MCDANIEL  | SMITH   |
|     |    | CARPENTER  | HOBBS     | MCKOY     | SOLES   |
|     |    | CARRINGTON | HORTON    | ODOM      | SPEED   |
|     |    | CLARK      | HOYLE     | PAGE      | WARREN  |
|     |    | COCHRANE   | JORDAN    | PARNELL   | WEBSTER |
|     |    | COOPER     | KERR      | PERDUE    | WINNER  |
|     |    | DANNELLY   |           |           |         |

NO 0

EXCUSED 0

NOT CAST 1 CONDER

ABSENT 0

PAIRS 0

AYE  
NO



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1629/17-- 8:21 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

MCDANIEL  
WINSTON-SALEM DEPOSITS

SENATE BILL 1223  
READING 3

|     |    |  |   |  |   |
|-----|----|--|---|--|---|
| AYE | 49 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
|-----|----|--|---|--|---|

NO 0

EXCUSED 0

NOT CAST 1 MARTIN R.

ABSENT 0

PAIRS 0

AYE  
NO

S1224

FILED - SENATE

GENERAL ASSEMBLY OF NORTH CAROLINA

S1224

MAY 20 1996

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRSA681-LG240(5.9)

Short Title: Domestic Violence Funds.

(Public)

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Sponsors: Senator Perdue.

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Referred to:

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1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 ADMINISTRATION, NORTH CAROLINA COUNCIL FOR WOMEN, FOR  
4 DOMESTIC VIOLENCE, RAPE CRISIS, AND CHILD VICTIM ASSISTANCE  
5 PROGRAMS.

6 The General Assembly of North Carolina enacts:

7 Section 1. There is appropriated from the General Fund to the  
8 Department of Administration, North Carolina Council for Women, the sum of two  
9 million dollars (\$2,000,000) for the 1996-97 fiscal year for domestic violence, rape  
10 crisis, and child victim assistance programs.

11 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

81 225 MAY 20 1996

SENATE DRS5701-LT129(1.12)

PRINCIPAL CLERK

Short Title: Dry Hydrant Funds.

(Public)

Sponsors: Senator Conder.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE INSTALLATION OF  
3 NONPRESSURIZED DRY FIRE HYDRANTS IN RURAL AREAS OF THE  
4 STATE.  
5 Whereas, there are approximately 950 Rural Volunteer Fire Departments  
6 serving over 4,000 square miles of privately owned land and property in North  
7 Carolina; and  
8 Whereas, many areas of the State lack water mains and domestic fire  
9 hydrants, which causes a delayed response time to fire emergencies; and  
10 Whereas, nonpressurized dry hydrants can be placed on existing natural  
11 and man-made water sources such as ponds, rivers, creeks, drainage canals, and lakes  
12 to provide dependable fire protection in all weather conditions; and  
13 Whereas, dry hydrants provide safe water intake points for volunteer fire-  
14 fighting personnel; and  
15 Whereas, the use of dry hydrants will increase rural fire protection  
16 capability and efficiency and may save lives and reduce property loss; Now, therefore,  
17 The General Assembly of North Carolina enacts:  
18 Section 1. There is appropriated from the General Fund to the  
19 Department of Environment, Health, and Natural Resources the sum of one million  
20 four hundred thirty-two thousand six hundred twenty dollars (\$1,432,620) for the  
21 1996-97 fiscal year for the North Carolina Resource Conservation and Development  
22 Association, a nonprofit corporation, to be used to provide all counties of the State  
23 with materials and equipment to install approximately 3,411 dry hydrants in rural  
24 areas, consisting of at least 10 dry hydrants per county upon application of the  
25 county.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1226 MAY 20 1996

SENATE DRSA671\*-LCXZ304G(2.2) PRINCIPAL CLERK

Short Title: 1996 Tax Reform Act.

(Public)

Sponsors: Senators Kerr, Cochrane, Cooper, and Soles.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE TAX REFORM AND TAX RELIEF FOR THE CITIZENS  
3 OF NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5

6 TABLE OF CONTENTS

7 I. REFORM UNCONSTITUTIONAL TAX PROVISIONS

8 II. VOLUNTARY USE TAX COLLECTION

9 III. PROVIDE AUTOMATIC ANNUAL INCOME TAX REDUCTIONS

10 IV. REPEAL STATE PRIVILEGE LICENSE TAXES

11 V. SIMPLIFY AND REDUCE INHERITANCE TAXES; REPEAL GIFT TAXES

12 VI. EFFECTIVE DATES

13

14 PART I. REFORM UNCONSTITUTIONAL TAX PROVISIONS

15 Section 1. G.S. 105-130.38, 105-151.15, and 105-151.19 are repealed.

16 Sec. 2. G.S. 105-130.7 reads as rewritten:

17 "§ 105-130.7. Deductible portion of dividends.

18 Dividends from stock issued by any a corporation shall be deducted to the extent  
19 herein provided. are deductible to the extent provided in this section.

20 (1) ~~As soon as may be practicable after September 30 of each year, the~~  
21 ~~Secretary of Revenue shall determine from the corporate income~~  
22 ~~tax return filed during the year ending September 30 by each~~  
23 ~~corporation required to file a return during that period the~~  
24 ~~proportion of the entire net income or loss of the corporation~~  
25 ~~allocable to this State under the provisions of G.S. 105-130.4,~~

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

81 227

MAY 20 1996

PRINCIPAL CLERK  
D

S

SENATE JOINT RESOLUTION DRSJR6663-LG250(5.14)

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Sponsors: Senator Gulley.

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Referred to:

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1 A JOINT RESOLUTION HONORING JOHN CARTERET, EARL OF  
2 GRANVILLE, FOR WHOM GRANVILLE COUNTY WAS NAMED UPON  
3 THE OCCASION OF THE TWO HUNDRED FIFTIETH ANNIVERSARY OF  
4 GRANVILLE COUNTY.

5 Whereas, Granville County was named for Sir John Carteret, who was  
6 Earl of Granville and owner of the Granville District, the area in which Granville  
7 County is now located; and

8 Whereas, in 1729, John Carteret refused to sell his land rights to the  
9 Crown and was assigned the land in 1744; and

10 Whereas, Granville County was established by an act of the General  
11 Assembly of the Colony of North Carolina on June 28, 1746; and

12 Whereas, the citizens of Granville County have made plans to celebrate  
13 that County's 250th anniversary during 1996; and

14 Whereas, Granville County's anniversary is an event worthy of  
15 celebration and should be enjoyed and supported by all of North Carolina's citizens;  
16 and

17 Whereas, special events during the year include a Reunion Day to be  
18 held in the county seat of Oxford on June 28, 1996; and

19 Whereas, the Reunion Day will include proclamations and presentations  
20 and entertainment appropriate to the occasion; and

21 Whereas, Granville county has extended an invitation to the people of  
22 adjoining counties and to the elected leaders of the State of North Carolina to join in  
23 this happy celebration;

24 Now, therefore, be it resolved by the Senate, the House of Representatives  
25 concurring:

81228

FILED - SENATE

GENERAL ASSEMBLY OF NORTH CAROLINA

81228 MAY 20 1996

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS7750-RGZ006(5.10)

Short Title: Community Penalties/Record Checks.

(Public)

Sponsors: Senators Gulley, Ballantine, and Rand.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW COMMUNITY PENALTIES PROGRAMS TO OBTAIN  
3 CRIMINAL RECORD CHECKS OF TARGETED OFFENDERS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Chapter 7A of the General Statutes is amended by adding the  
6 following new section to read:  
7 "**§ 7A-778. Criminal record checks of targeted offenders.**  
8 (a) The Department of Justice may provide to the director of a local community  
9 penalties program established pursuant to G.S. 7A-772(b) a criminal record check of  
10 a targeted offender. The community penalties program may use the information in  
11 preparing a community penalties plan for the offender and may present the  
12 information to the court for sentencing purposes, but the information itself shall not  
13 be made a part of any public court record.  
14 (b) The Department of Justice shall charge a reasonable fee for conducting a  
15 criminal record check under this section. The fee shall not exceed the actual cost of  
16 locating, editing, researching, and retrieving the information. The fee shall be paid by  
17 the offender as a condition of probation if the offender's community penalties plan is  
18 approved by the court."  
19 Sec. 2. This act becomes effective December 1, 1996.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1228

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

SI228-ARB-1

Page 1 of 1

Date June 20, 1996

Comm. Sub. ☐  
Amends Title ☐

Senator Cooper

1 moves to amend the bill on page 1, line 10, by inserting after the  
2 word "offender." the following sentence:  
3 "The fingerprints of the individual shall be forwarded to the State  
4 Bureau of Investigation for a search of the State criminal history  
5 record file and the State Bureau of Investigation shall forward a  
6 set of fingerprints to the Federal Bureau of Investigation for a  
7 national criminal history record check."

SIGNED [Signature]  
Amendment Sponsor

SIGNED [Signature]  
Committee Chair if Senate Committee Amendment

ADOPTED 6/20/95 FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

(V)

[Signature]

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

**S1229** MAY 20 1996

SENATE DRS4677-RSZ004(5.10)

PRINCIPAL CLERK

Short Title: Jurisdictional Amount Increase.

(Public)

Sponsors: Senators Gulley, Ballantine, and Rand.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO INCREASE THE AMOUNT THAT MAY BE IN CONTROVERSY  
3 IN DISTRICT AND SUPERIOR CIVIL COURTS AND TO MAKE  
4 CORRESPONDING CHANGES TO THE RULES OF CIVIL PROCEDURE  
5 AND NONBINDING ARBITRATION.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 7A-243 reads as rewritten:

8 "§ 7A-243. Proper division for trial of civil actions generally determined by amount  
9 in controversy.

10 Except as otherwise provided in this Article, the district court division is the  
11 proper division for the trial of all civil actions in which the amount in controversy is  
12 ~~ten thousand dollars (\$10,000)~~ twenty-five thousand dollars (\$25,000) or less; and the  
13 superior court division is the proper division for the trial of all civil actions in which  
14 the amount in controversy exceeds ~~ten thousand dollars (\$10,000)~~ twenty-five  
15 thousand dollars (\$25,000).

16 For purposes of determining the amount in controversy, the following rules apply  
17 whether the relief prayed is monetary or nonmonetary, or both, and with respect to  
18 claims asserted by complaint, counterclaim, cross-complaint or third-party complaint:

- 19 (1) The amount in controversy is computed without regard to interest  
20 and costs.  
21 (2) Where monetary relief is prayed, the amount prayed for is in  
22 controversy unless the pleading in question shows to a legal  
23 certainty that the amount claimed cannot be recovered under the  
24 applicable measure of damages. The value of any property seized  
25 in attachment, claim and delivery, or other ancillary proceeding, is



GENERAL ASSEMBLY OF NORTH CAROLINA

FILED - SENATE

SESSION 1995

81230 MAY 20 1996

S

PRINCIPAL CLERK

SENATE DRSA684\*-RWZ004A(5.10)

Short Title: Expedite Towed Vehicle Disposal.

(Public)

Sponsors: Senator Gulley.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPEDITE DISPOSAL OF UNCLAIMED VEHICLES BY TOWING  
3 AND STORAGE BUSINESSES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 20-77(d) reads as rewritten:  
6 "(d) An operator of a place of business for garaging, repairing, parking or storing  
7 vehicles for the public in which a vehicle remains unclaimed for ~~30 days~~, 10 days, or  
8 the landowners upon whose property a motor vehicle has been abandoned for more  
9 than ~~60 days~~, 30 days, shall, within five days after the expiration of that period, report  
10 the vehicle as unclaimed to the Division. Failure to make such report shall constitute  
11 a Class 3 misdemeanor.  
12 Any vehicle which remains unclaimed after report is made to the Division may be  
13 sold by such operator or landowner in accordance with the provisions relating to the  
14 enforcement of liens and the application of proceeds of sale of Article 1 of Chapter  
15 44A."  
16 Sec. 2. G.S. 44A-4(a) reads as rewritten:  
17 "(a) Enforcement by Sale. -- If the charges for which the lien is claimed under this  
18 Article remain unpaid or unsatisfied for 30 days ~~days~~ or, in the case of towing and  
19 storage charges on a motor vehicle, 10 days following the maturity of the obligation  
20 to pay any such charges, the lienor may enforce the lien by public or private sale as  
21 provided in this section. The lienor may bring an action on the debt in any court of  
22 competent jurisdiction at any time following maturity of the obligation. Failure of  
23 the lienor to bring such action within a 180-day period following the commencement  
24 of storage shall constitute a waiver of any right to collect storage charges which  
25 accrue after such period. Provided that when property is placed in storage pursuant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS1789-RGZ004(5.10)S 1 2 3 1 MAY 20 1996

PRINCIPAL CLERK

Short Title: Clerks of Court on Commissions.

(Public)

Sponsors: Senators Rand and Gulley.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ADD CLERKS OF COURT TO THE SENTENCING AND POLICY  
3 ADVISORY COMMISSION, THE CRIMINAL JUSTICE ADVISORY BOARD,  
4 AND THE GOVERNOR'S CRIME COMMISSION.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 164-37 reads as rewritten:  
7 "**§ 164-37. Membership; chairman; meetings; quorum.**  
8 The Commission shall consist of ~~28~~ 29 members as follows:  
9 (1) The Chief Justice of the North Carolina Supreme Court shall  
10 appoint a sitting or former Justice or judge of the General Court of  
11 Justice, who shall serve as Chairman of the Commission;  
12 (2) The Chief Judge of the North Carolina Court of Appeals, or  
13 another judge on the Court of Appeals, serving as his designee;  
14 (3) The Secretary of Correction or his designee;  
15 (4) The Secretary of Crime Control and Public Safety or his designee;  
16 (5) The Chairman of the Parole Commission, or his designee;  
17 (6) The President of the Conference of Superior Court Judges or his  
18 designee;  
19 (7) The President of the District Court Judges Association or his  
20 designee;  
21 (8) The President of the North Carolina Sheriff's Association or his  
22 designee;  
23 (9) The President of the North Carolina Association of Chiefs of  
24 Police or his designee;

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS6658-LL238(5.8)

ST 232

MAY 20 1996

PRINCIPAL CLERK

Short Title: Civil Procedure Study Funds.

(Public)

Sponsors: Senator Rand.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF THE CIVIL  
3 PROCEDURE STUDY COMMISSION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. (a) The Civil Procedure Study Commission is created. The  
6 Commission shall consist of 18 voting members, six members to be appointed by the  
7 President Pro Tempore of the Senate, six members to be appointed by the Speaker of  
8 the House of Representatives, and six members to be appointed by the Chief Justice  
9 of the North Carolina Supreme Court. No more than four members appointed by the  
10 President Pro Tempore of the Senate and no more than four members appointed by  
11 the Speaker of the House of Representatives may be members of the General  
12 Assembly. No more than four of the members appointed by any one of the three  
13 appointing authorities may be members of the same political party.  
14 (b) The Commission shall:  
15 (1) Study all practices and procedures that affect the speed, fairness,  
16 and accuracy with which civil actions are disposed of in the trial  
17 divisions of the General Court of Justice, including the rules of  
18 civil procedure, rules of evidence, other relevant statutes, statewide  
19 and local court-adopted rules of practice and procedure,  
20 administrative rules, appellate opinions and all other relevant  
21 practices, customs, and traditions in the trial courts of North  
22 Carolina; and  
23 (2) Devise and recommend improved practices and procedures that (i)  
24 reduce the time required to dispose of civil actions in the trial  
25 divisions; (ii) simplify pretrial and trial procedure; (iii) guarantee

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS6659-LL239(5.8)

S 1233 MAY 20 1996

PRINCIPAL CLERK

Short Title: Criminal Procedure Study Funds.

(Public)

Sponsors: Senator Rand.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF THE  
3 CRIMINAL PROCEDURE STUDY COMMISSION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. (a) The Criminal Procedure Study Commission is created.  
6 The Commission shall consist of 18 voting members, six members to be appointed by  
7 the President Pro Tempore of the Senate, six members to be appointed by the  
8 Speaker of the House of Representatives, and six members to be appointed by the  
9 Chief Justice of the North Carolina Supreme Court. No more than four members  
10 appointed by the President Pro Tempore of the Senate and no more than four  
11 members appointed by the Speaker of the House of Representatives may be members  
12 of the General Assembly. No more than four of the members appointed by any one  
13 of the three appointing authorities may be members of the same political party.  
14 (b) The Commission shall:  
15 (1) Study all practices and procedures that affect the trial and  
16 disposition of criminal prosecutions in the trial divisions of the  
17 General Court of Justice, including the Criminal Procedure Act,  
18 rules of evidence, other relevant statutes, statewide and local court-  
19 adopted rules of practice and procedure, administrative rules,  
20 appellate opinions and all other relevant practices, customs, and  
21 traditions in the trial courts of North Carolina; and  
22 (2) Devise and recommend improved practices and procedures that (i)  
23 reduce the time required to dispose of criminal prosecutions in the  
24 trial divisions; (ii) simplify pretrial and trial procedure; (iii)  
25 guarantee the full realization of the interests of the State, the rights

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

81234

MAY 20 1996

S

D

SENATE DRS1774-LCX327(4.2)

PRINCIPAL CLERK

Short Title: Refund Intangibles Tax.

(Public)

Sponsors: Senator Odom.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID  
3 ON STOCK FOR THE PAST TWO YEARS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Effective retroactively for the 1993 and 1994 tax years, G.S.  
6 105-203 is repealed.

7 Sec. 2. G.S. 105-266(c) is amended by adding a new subdivision to read:

8 "(5) Repealed Tax. -- If an act of the General Assembly repeals a tax  
9 retroactively, each taxpayer's payment of the repealed tax is an  
10 overpayment for the purpose of this section. On the date the act  
11 becomes law, the Secretary shall discover these overpayments of  
12 the repealed tax; the Secretary's discoveries are timely for the  
13 purposes of this section."

14 Sec. 3. (a) Notwithstanding the provisions of G.S. 105-266(a), before  
15 refunding taxpayers for the tax repealed by this act, the Secretary of Revenue shall  
16 send to each taxpayer who is entitled to a refund a written notice of the amount of  
17 the refund to which the taxpayer is entitled and the estimated amount of interest on  
18 the refund. The notice shall state that the taxpayer may choose to (i) receive a check  
19 for the amount of the refund; (ii) apply the amount of the refund as a credit against  
20 the taxpayer's State income tax for the 1996 taxable year; or (iii) direct the Secretary  
21 to contribute the refund to one of the following:

22 (1) The Parks and Recreation Trust Fund established under G.S. 113-  
23 44.15, for State parks.

24 (2) The Natural Heritage Trust Fund established under G.S. 113-77.7,  
25 for the preservation and conservation of natural areas in the State.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

81235 MAY 20 1996 D

SENATE DRS4676-RGZ003(SEN) PRINCIPAL CLERK

Short Title: Clerks/Year's Allowance.

(Public)

Sponsors: Senators Odom, Ballantine, Gulley, and Rand.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE CLERKS TO ALLOCATE SPOUSE'S AND  
3 CHILDREN'S YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 30-16 reads as rewritten:

6 "**§ 30-16. Duty of personal representative or magistrate to assign allowance.**

7 It shall be the duty of every administrator, collector, or executor of a will, on  
8 application in writing, signed by the surviving spouse, at any time within one year  
9 after the death of the deceased spouse, to assign to the surviving spouse the year's  
10 allowance as provided in this Article.

11 If there shall be no administration, or if the personal representative shall fail or  
12 refuse to apply to a ~~magistrate~~, magistrate or clerk of court, as provided in G.S.  
13 30-20, for 10 days after the surviving spouse has filed the aforesaid application, or if  
14 the surviving spouse is the personal representative, the surviving spouse may make  
15 application to the ~~magistrate~~, magistrate or clerk, and it shall be the duty of the  
16 magistrate or clerk to proceed in the same manner as though the application had  
17 been made by the personal representative.

18 Where any personal property of the deceased spouse shall be located outside the  
19 township or county where the deceased spouse resided at the time of his death, the  
20 personal representative or the surviving spouse may apply to any magistrate or to any  
21 clerk of court of any township or county where such personal property is located, and  
22 it shall be the duty of such magistrate or clerk to assign the year's allowance as if the  
23 deceased spouse had resided and died in that township."

24 Sec. 2. G.S. 30-17 reads as rewritten:

25 "**§ 30-17. When children entitled to an allowance.**



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1235

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

Page 1 of 1

S1235-ARV-1

Date June 4, 1996

Comm. Sub. ☐  
Amends Title ☐

Senator Ballance

- 1 moves to amend the bill on page 1, line 6,  
2 by inserting a comma after the word "representative" and deleting  
3 the word "or", and by inserting after the word "magistrate" the  
4 phrase "or clerk of court";  
5  
6 and on page 3, line 7,  
7 by inserting after the word "magistrate" and before the period the  
8 phrase "or clerk of court";  
9  
10 and on page 4, line 1,  
11 by deleting "[G.S.]" and substituting "G.S.".

SIGNED Frank Ballance  
Amendment Sponsor

SIGNED W.S.  
Committee Chair if Senate Committee Amendment

ADOPTED 6/4/96

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

(V)

S. J. H.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRSA688\*-LFZ307(3,15)

81236 MAY 20 1996

PRINCIPAL CLERK

Short Title: CFTF Data Report.

(Public)

Sponsors: Senators Martin of Guilford, Allran, Cooper, Martin of Pitt, and Winner.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO  
3 REQUIRE ALL STATE AGENCIES THAT DEAL WITH CHILD HEALTH  
4 AND WELFARE TO REPORT DATA COLLECTION TO THE CHILD  
5 FATALITY TASK FORCE.

6 The General Assembly of North Carolina enacts:

7 Section 1. (a) The General Assembly finds that the types of child health  
8 and welfare data collected by the various State agencies involved with child health  
9 and welfare and their methods of collection vary widely and that agencies are often  
10 unable to share their data and other information. The General Assembly further  
11 finds that the North Carolina Child Fatality Task Force is the appropriate State  
12 agency to study all the State agencies' data and their methods of data collection and  
13 to make recommendations on ways to improve the collection and sharing of data on  
14 child health and welfare in order to enable all State agencies to improve the delivery  
15 of health and welfare services to children and families.

16 (b) Article 62 of Chapter 143 of the General Statutes is amended by  
17 inserting a new section to read:

18 "**§ 143-578.1. Child health and welfare data reports.**

19 All State agencies that deal with child health and welfare shall provide the Task  
20 Force by October 1, 1996, information on the types of data they collect, the  
21 methodology of their data collection, and the barriers that exist in law or policy to  
22 the collecting and sharing of this data. The Task Force shall provide the State  
23 agencies the format for the report. These State agencies include the Divisions of  
24 Social Services and Youth Services of the Department of Human Resources, the



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

81237

MAY 20 1996

D

SENATE DRSA687\*-LFZ304A(3.15)

CLERK

Short Title: CFTF Confidential Records Change.

(Public)

Sponsors: Senators Martin of Guilford, Allran, Cooper, Martin of Pitt, and Winner.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO  
3 BROADEN THE ACCESS TO CONFIDENTIAL RECORDS FOR THE  
4 PURPOSES OF CHILD FATALITY REVIEW AND PREVENTION.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 143-578 reads as rewritten:  
7 "§ 143-578. Access to records.  
8 (a) The Chair of the State Team, a Local Team, or the Task Force during its  
9 existence, may make a written demand for any information or reports, whether or not  
10 confidential, that may in the Chair's opinion be relevant to a review of a child's  
11 death or maltreatment pursuant to this Article. Upon the Chair's request, and unless  
12 protected by the attorney-client privilege, any public or private agency or individual  
13 shall provide access to and copies of this confidential information and these records  
14 to the extent permitted by federal law and regulations. Any public or private agency  
15 or individual acting in good faith in providing this access is immune from any civil or  
16 criminal liability that might otherwise be incurred or imposed. The State Team, the  
17 Local Teams, and the Task Force during its existence, shall have access to all medical  
18 records, hospital records, and records maintained by this State, any county, or any  
19 local agency as necessary to carry out the purposes of this Article, including police  
20 investigations data, medical examiner investigative data, health records, mental health  
21 records, and social services records. The State Team, the Task Force, and the Local  
22 Teams shall not, as part of the reviews authorized under this Article, contact,  
23 question, or interview the child, the parent of the child, or any other family member  
24 of the child whose record is being reviewed. Any member of a Local Team may

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS4673-RMZ021B(5.15) FILED - SENATE

51238 MAY 20 1996

Short Title: Consolidation Incentive Funding.

PRINCIPAL CLERK (Public)

Sponsors: Senator Cooper.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE LOCAL  
3 PUBLIC HEALTH DELIVERY SYSTEM BY APPROPRIATING FUNDS TO  
4 THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL  
5 RESOURCES TO CREATE INCENTIVES FOR SMALL COUNTY HEALTH  
6 DEPARTMENTS TO FORM DISTRICT HEALTH DEPARTMENTS.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. (a) Six million dollars (\$6,000,000) is appropriated from the  
9 General Fund to the Department of Environment, Health, and Natural Resources and  
10 shall be credited to a nonreverting account within the Department. Funds in the  
11 account shall establish a local public health infrastructure fund to promote the  
12 formation of district public health departments through the provision of incentive  
13 funding according to the allocation formula as provided for in this section.  
14 (b) Counties with populations of 75,000 or less shall be eligible to  
15 receive incentive funding. Counties with populations above 75,000 and district health  
16 departments in existence on the effective date of this act shall be eligible for incentive  
17 funds only if they district with a county with a population of 75,000 or less. Incentive  
18 funds shall be allocated according to the following allocation formula: (i) two dollars  
19 (\$2.00) per capita per year shall be allocated for each county or each existing district  
20 with a minimum allocation of fifty thousand dollars (\$50,000) per year per county or  
21 district and a maximum allocation of one hundred thousand dollars (\$100,000) per  
22 year per county or district; (ii) funding shall be limited to three consecutive yearly  
23 allocations; (iii) incentive funds shall be granted only after adoption of resolutions to  
24 create the new district health department in accordance with G.S. 130A-36.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

81239

MAY 20 1996 D

S

SENATE DRS2703-RB001(5.15) PRINCIPAL CLERK

Short Title: Tax Free Samples of Prescription Drugs-2.

(Public)

Sponsors: Senator Cooper.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT FROM SALES AND USE TAX FREE SAMPLES OF  
3 PRESCRIPTION DRUGS DISTRIBUTED BY THE MANUFACTURER.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 105-164.13 is amended by adding a new subdivision to  
6 read:  
7 "(13b) Prescription drugs distributed free of charge by the manufacturer,  
8 including the constituent elements and ingredients used to produce  
9 the drugs, the packaging materials, and any instructions or  
10 information about the product included in the package with the  
11 drugs."  
12 Sec. 2. G.S. 105-164.3 is amended by adding a new subdivision to read:  
13 "(11a) 'Prescription drug' means a drug that under federal law is  
14 required, prior to being dispensed or delivered, to be labeled with  
15 the following statement: 'Caution: Federal law prohibits  
16 dispensing without prescription'."  
17 Sec. 3. This act is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1639/27-- 8:40 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

LT. GOVERNOR WICKER

-- Presiding

COOPER  
SAMPLES OF PRESCRIPTION DRUGS-2

SENATE BILL 1239  
READING 2

AYE

50

ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

0

ABSENT

0

PAIRS

0

AYE

NO

# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

### ROLL CALL

EV

S # 2127  
LEGISLATIVE DAY 134  
S1239  
READING 2

6/20/96  
8:35 PM

IN CHAIR: SPEAKER

TAX FREE SAMPLES OF PRESCRIPTION DRUGS-2

#### AYES - 102

|               |            |             |              |
|---------------|------------|-------------|--------------|
| SPEAKER       | DAVIS      | IVES        | RAMSEY       |
| ADAMS         | DECKER     | JUSTUS      | RAYFIELD     |
| ALDRIDGE      | DICKSON    | KISER       | REDWINE      |
| ALEXANDER     | DOCKHAM    | LEE         | REYNOLDS     |
| ARNOLD        | EARLE      | LINNEY      | RICHARDSON   |
| BAKER         | EASTERLING | LOCKE       | ROBINSON, J. |
| BARBEE        | EDDINS     | LUEBKE      | ROGERS       |
| BARNES        | EDWARDS    | MCCALLISTER | RUSSELL      |
| BERRY         | ELLIS      | MCCOMAS     | SEXTON       |
| BLACK         | ESPOSITO   | MCCOMBS     | SHARPE       |
| BOWEN         | FITCH      | MCCRARY     | SHERRILL     |
| BOYD-MCINTYRE | GAMBLE     | MCMAHAN     | SHUBERT      |
| BROWN, J.     | GARDNER    | MERCER      | TALLENT      |
| BUCHANAN      | GRADY      | MICHAUX     | THOMPSON     |
| CANSLER       | GRAY       | MILLER, G.  | TOLSON       |
| CAPPS         | HACKNEY    | MINER       | WAINWRIGHT   |
| CARPENTER     | HAYES      | MITCHELL    | WATSON       |
| CHURCH        | HENSLEY    | MORGAN      | WEATHERLY    |
| CLARY         | HIATT      | NEELY       | WILKINS      |
| COCKLEREECE   | HIGHTOWER  | NICHOLS     | WILSON, C.   |
| CRAWFORD      | HILL       | NYE         | WILSON, G.   |
| CREECH        | HOLMES     | OWENS       | WOMBLE       |
| CULP          | HOWARD     | PATE        | WOOD         |
| CUMMINGS      | HUNTER, H. | PRESTON     | WRIGHT       |
| CUNNINGHAM    | HUNTER, R. | PULLEY      | YONGUE       |
| DAUGHTRY      | HURLEY     |             |              |

#### NOES - 0

#### EXCUSED ABSENCE - 7

|       |      |              |        |
|-------|------|--------------|--------|
| BEALL | FOX  | OLDHAM       | WARNER |
| BLUE  | HUNT | ROBINSON, G. |        |

#### EXCUSED VOTE - 1

ALLRED

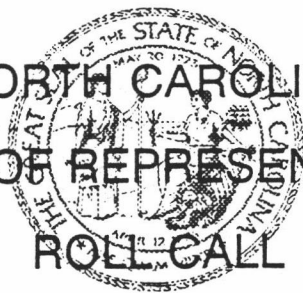
#### NOT VOTING - 10

|          |           |            |        |
|----------|-----------|------------|--------|
| BOWIE    | BROWN, W. | MCLAUGHLIN | SHAW   |
| BRASWELL | CULPEPPER | MILLER, K. | SUTTON |
| BRAWLEY  | LEMMOND   |            |        |

S1239

# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES



6/21/96  
12:25 PM  
IN CHAIR: SPEAKER

S # 2155  
LEGISLATIVE DAY 135  
S1239  
READING 3

### TAX FREE SAMPLES OF PRESCRIPTION DRUGS

#### AYES - 103

|               |            |            |              |
|---------------|------------|------------|--------------|
| SPEAKER       | CUMMINGS   | HUNTER, H. | PULLEY       |
| ADAMS         | CUNNINGHAM | HURLEY     | RAYFIELD     |
| ALEXANDER     | DAUGHTRY   | IVES       | REDWINE      |
| ARNOLD        | DAVIS      | KISER      | REYNOLDS     |
| BAKER         | DECKER     | LEE        | RICHARDSON   |
| BARBEE        | DICKSON    | LEMMOND    | ROBINSON, J. |
| BARNES        | DOCKHAM    | LINNEY     | RUSSELL      |
| BERRY         | EARLE      | LOCKE      | SEXTON       |
| BLACK         | EASTERLING | LUEBKE     | SHARPE       |
| BOWEN         | EDDINS     | MCALLISTER | SHAW         |
| BOWIE         | EDWARDS    | MCCOMAS    | SHERRILL     |
| BOYD-MCINTYRE | ELLIS      | MCCOMBS    | SHUBERT      |
| BRASWELL      | ESPOSITO   | MCCRARY    | SUTTON       |
| BRAWLEY       | FITCH      | MCPAHAN    | TALLENT      |
| BROWN, W.     | GAMBLE     | MERCER     | THOMPSON     |
| BUCHANAN      | GARDNER    | MICHAUX    | TOLSON       |
| CANSLER       | GRADY      | MILLER, G. | WAINWRIGHT   |
| CAPPS         | GRAY       | MINER      | WATSON       |
| CARPENTER     | HACKNEY    | MITCHELL   | WILKINS      |
| CHURCH        | HAYES      | MORGAN     | WILSON, C.   |
| CLARY         | HENSLEY    | NEELY      | WILSON, G.   |
| COCKLEREECE   | HIATT      | NICHOLS    | WOMBLE       |
| CRAWFORD      | HIGHTOWER  | NYE        | WOOD         |
| CREECH        | HILL       | OWENS      | WRIGHT       |
| CULP          | HOLMES     | PATE       | YONGUE       |
| CULPEPPER     | HOWARD     | PRESTON    |              |

#### NOES - 0

#### EXCUSED ABSENCE - 8

|          |      |        |              |
|----------|------|--------|--------------|
| ALDRIDGE | BLUE | HUNT   | ROBINSON, G. |
| BEALL    | FOX  | OLDHAM | WARNER       |

#### EXCUSED VOTE - 1

ALLRED

#### NOT VOTING - 8

|            |            |            |           |
|------------|------------|------------|-----------|
| BROWN, J.  | JUSTUS     | MILLER, K. | ROGERS    |
| HUNTER, R. | MCLAUGHLIN | RAMSEY     | WEATHERLY |

S1239

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

1240 MAY 20 1996

S

D

PRINCIPAL CLERK

SENATE DRS6664-LF325(4.25)

Short Title: Coalition 2001 '96 Funds.

(Public)

Sponsors: Senators Winner, Carpenter, Conder, Lucas, Martin of Guilford, and Martin of Pitt.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR MENTAL HEALTH,  
3 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES,  
4 AS REQUESTED BY COALITION 2001.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the Division  
7 of Mental Health, Developmental Disabilities, and Substance Abuse Services,  
8 Department of Human Resources, the sum of fifteen million dollars (\$15,000,000) for  
9 the 1996-97 fiscal year for mental health, developmental disabilities, and substance  
10 abuse programs and services, as requested by Coalition 2001. These funds shall be  
11 allocated as follows:  
12 (1) Mental Health:  
13 a. Residential Services - \$905,000 to provide required start-up  
14 and operating dollars to support HUD Grant Housing, as  
15 requested by the Mental Health Association of North  
16 Carolina, for persons with severe and persistent mental  
17 illness. Of these funds, \$545,000 shall be allocated for adult  
18 residences and \$360,000 shall be allocated for children's  
19 residences;  
20 b. Services for the Deaf Mentally Ill - \$125,000 to provide  
21 interpreters to enable the deaf mentally ill to take advantage  
22 of a variety of mental health services in the community,  
23 including individual and group therapy day treatment and  
24 residential services, as required by the 504 Settlement

GENERAL ASSEMBLY OF NORTH CAROLINA - SENATE

SESSION 1995

S 1241 MAY 20 1996 D  
PRINCIPAL CLERK

S

SENATE DRS7753\*-LFZ305(3.15)

Short Title: Dependent Juv. Def. Change.

(Public)

Sponsors: Senators Winner, Allran, Cooper, Martin of Guilford, and Martin of Pitt.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO  
3 IMPROVE THE DEFINITION OF "DEPENDENT JUVENILE".  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 7A-517(13) reads as rewritten:  
6 "(13) Dependent Juvenile. -- A juvenile in need of assistance or  
7 placement because ~~he~~ the juvenile has no parent, guardian, or  
8 custodian responsible for the juvenile's care or supervision or  
9 whose parent, guardian, or ~~eustodian, due to physical or mental~~  
10 ~~ineapacity and the absence of an appropriate alternative child care~~  
11 ~~arrangement, custodian~~ is unable to provide for the care or  
12 ~~supervision. supervision and lacks an appropriate alternative child~~  
13 ~~care arrangement."~~  
14 Sec. 2. This act becomes effective October 1, 1996, and applies to  
15 adjudications of dependency made on or after that date.



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1710/32-- 7:19 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

WINNER

DEPENDENT JUVENILE DEF. CHANGE

SENATE BILL  
READING

1241  
2

AYE

41

ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER

COOPER  
DAVIS  
EAST  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
KERR

LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
FARNELL

PERDUE  
PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SOLES  
SPEED  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

6

EDWARDS  
JORDAN

KINCAID  
SIMPSON

SMITH

WARREN

ABSENT

3

ALBERTSON

DANNELLY

FORRESTER

PAIRS

0

AYE

NO

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE  
S 1242 MAY 21 1995

S

PRINCIPAL CLERK<sup>D</sup>

SENATE DRS8685\*-LK238A(4.8)

Short Title: Repeal Safety Inspection.

(Public)

Sponsors: Senator Carpenter.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE MOTOR VEHICLE SAFETY INSPECTION.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. G.S. 20-183.2 reads as rewritten:  
5 "§ 20-183.2. Description of vehicles subject to ~~safety or~~ emissions inspection;  
6 definitions.  
7 ~~(a) Safety. A motor vehicle is subject to a safety inspection in accordance with~~  
8 ~~this Part if it meets all of the following requirements:~~  
9 (1) ~~It is subject to registration with the Division under Article 3 of this~~  
10 ~~Chapter.~~  
11 (2) ~~It is not subject to inspection under 49 C.F.R. Part 396, the federal~~  
12 ~~Motor Carrier Safety Regulations.~~  
13 (3) ~~It is not a trailer whose gross weight is less than 4,000 pounds or a~~  
14 ~~house trailer.~~  
15 (b) Emissions. -- A motor vehicle is subject to an emissions inspection in  
16 accordance with this Part if it meets all of the following requirements:  
17 (1) It is subject to registration with the Division under Article 3 of this  
18 Chapter.  
19 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a  
20 house trailer, or a motorcycle.  
21 (3) It is a 1975 or later model.  
22 (4) It is powered or designed so that it could be powered by gasoline.  
23 (5) It meets any of the following descriptions:  
24 a. It is required to be registered in an emissions county.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE  
S1243 MAY 21 1996

S

PRINCIPAL CLERK

D

SENATE DRSA679\*-LL244(5.14)

Short Title: Lake Hickory No-Wake Zone.

(Local)

Sponsors: Senator Allran.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO ESTABLISH A NO-WAKE ZONE ON A PORTION OF LAKE  
3 HICKORY.

4 The General Assembly of North Carolina enacts:

5 Section 1. It is unlawful to operate a vessel at greater than a no-wake  
6 speed in the small cove lying between Gull Cove Lane and Quiet Cove Lane on  
7 Lake Hickory in Catawba County. No-wake speed is idle speed or a slow speed  
8 creating no appreciable wake.

9 Sec. 2. With regard to marking the no-wake speed zone established in  
10 Section 1 of this act, Catawba County or its designee may place and maintain the  
11 markers in accordance with the Uniform Waterway Marking System and any  
12 supplementary standards for that system adopted by the Wildlife Resources  
13 Commission. All markers of the no-wake speed zone must be buoys or floating signs  
14 placed in the water and must be sufficient in number and size so as to give adequate  
15 warning of the no-wake speed zone to vessels approaching from various directions.

16 Sec. 3. This act is enforceable under G.S. 75A-17 as if it were a  
17 provision of Chapter 75A of the General Statutes.

18 Sec. 4. Violation of this act is a Class 3 misdemeanor.

19 Sec. 5. This act is effective upon ratification, and is enforceable after  
20 markers complying with Section 2 of this act are placed in the water.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1244 MAY 2 1996

SENATE DRS1792-LBX457(5.15) PRINCIPAL CLERK

Short Title: Wallace Satellite Annexation.

(Local)

Sponsors: Senator Albertson.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO GRANT THE TOWN OF WALLACE A TEMPORARY  
3 EXEMPTION FROM THE TOTAL AMOUNT OF NONCONTIGUOUS  
4 TERRITORY THAT MAY BE ANNEXED.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 160A-58.1(b)(5) reads as rewritten:

7 "(5) The area within the proposed satellite corporate limits, when  
8 added to the area within all other satellite corporate limits, may  
9 not exceed ~~ten percent (10%)~~ twenty percent (20%) of the area  
10 within the primary corporate limits of the annexing city."

11 Sec. 2. This act applies only to the Town of Wallace, and only with  
12 respect to annexation ordinances adopted on or before December 31, 2001.

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

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1565/4--12:47 PM

MAY 30, 1996

LEGISLATIVE DAY 121

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
WALLACE SATELLITE ANNEXATION

SENATE BILL 1244  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 46 | ALBERTSON  | DANNELLY  | KERR      | PERDUE  |
|     |    | ALLRAN     | DAVIS     | KINCAID   | PLEXICO |
|     |    | BALLANTINE | EAST      | LEDBETTER | PLYLER  |
|     |    | BASNIGHT   | EDWARDS   | LITTLE    | RAND    |
|     |    | BLACKMON   | FORRESTER | LUCAS     | SIMPSON |
|     |    | BLUST      | FOXX      | MARTIN R. | SMITH   |
|     |    | CARPENTER  | GULLEY    | MARTIN W. | SOLES   |
|     |    | CARRINGTON | HARTSELL  | MCDANIEL  | SPEED   |
|     |    | CLARK      | HOBBS     | ODOM      | WARREN  |
|     |    | COCHRANE   | HORTON    | PAGE      | WEBSTER |
|     |    | CONDER     | HOYLE     | PARNELL   | WINNER  |
|     |    | COOPER     | JORDAN    |           |         |

NO 0

EXCUSED 0

NOT CAST 3 BALLANCE SHAW SHERRON

ABSENT 1 MCKOY

PAIRS 0

AYE  
NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1574/3-- 7:27 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
WALLACE SATELLITE ANNEXATION

SENATE BILL 1244  
READING 3

|     |    |  |   |   |   |
|-----|----|--|---|---|---|
| AYE | 50 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
|-----|----|--|---|---|---|

NO 0

EXCUSED 0

NOT CAST 0

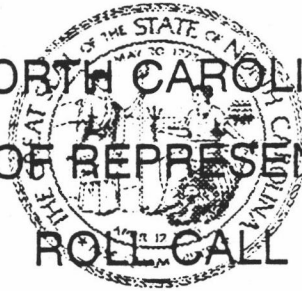
ABSENT 0

PAIRS 0

AYE  
NO

SEQ # 2124  
LEGISLATIVE DAY 134  
SR4  
READING 2

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES



6/20/96  
8:28 PM  
IN CHAIR: SPEAKER

RC

AYES - 104

|               |            |             |              |
|---------------|------------|-------------|--------------|
| ADAMS         | CUNNINGHAM | HUNTER, R.  | RAMSEY       |
| ALDRIDGE      | DAUGHTRY   | HURLEY      | RAYFIELD     |
| ALEXANDER     | DAVIS      | IVES        | REDWINE      |
| ALLRED        | DECKER     | JUSTUS      | REYNOLDS     |
| ARNOLD        | DICKSON    | KISER       | RICHARDSON   |
| BAKER         | DOCKHAM    | LEE         | ROBINSON, J. |
| BARBEE        | EARLE      | LINNEY      | ROGERS       |
| BARNES        | EASTERLING | LOCKE       | RUSSELL      |
| BERRY         | EDDINS     | LUEBKE      | SEXTON       |
| BLACK         | EDWARDS    | MCCALLISTER | SHARPE       |
| BOWEN         | ELLIS      | MCCOMAS     | SHERILL      |
| BOYD-MCINTYRE | ESPOSITO   | MCCOMBS     | SHUBERT      |
| BRAWLEY       | FITCH      | MCCRARY     | SUTTON       |
| BROWN, J.     | GAMBLE     | MCMAHAN     | TALLENT      |
| BROWN, W.     | GARDNER    | MERCER      | THOMPSON     |
| BUCHANAN      | GRADY      | MICHAUX     | TOLSON       |
| CAPPS         | GRAY       | MILLER, G.  | WAINWRIGHT   |
| CARPENTER     | HACKNEY    | MINER       | WATSON       |
| CHURCH        | HAYES      | MITCHELL    | WEATHERLY    |
| CLARY         | HENSLEY    | MORGAN      | WILKINS      |
| COCKLEREECE   | HIATT      | NICHOLS     | WILSON, C.   |
| CRAWFORD      | HIGHTOWER  | NYE         | WILSON, G.   |
| CREECH        | HILL       | OWENS       | WOMBLE       |
| CULP          | HOLMES     | PATE        | WOOD         |
| CULPEPPER     | HOWARD     | PRESTON     | WRIGHT       |
| CUMMINGS      | HUNTER, H. | PULLEY      | YONGUE       |

NOES - 0

EXCUSED ABSENCE - 7

|       |      |              |        |
|-------|------|--------------|--------|
| BEALL | FOX  | OLDHAM       | WARNER |
| BLUE  | HUNT | ROBINSON, G. |        |

EXCUSED VOTE - 0

NOT VOTING - 9

|          |         |            |       |
|----------|---------|------------|-------|
| SPEAKER  | CANSLER | MCLAUGHLIN | NEELY |
| BOWIE    | LEMOND  | MILLER, K. | SHAW  |
| BRASWELL |         |            |       |

SHORT ROLL: H1098

S1244HCS

S1397

S1365

S1244

RC

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

# 2142  
LEGISLATIVE DAY 135  
SR12  
READING 3

6/21/96  
11:46 AM  
IN CHAIR: RUSSELL

AYES - 104

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | CUMMINGS   | IVES       | RAMSEY       |
| ALEXANDER     | CUNNINGHAM | JUSTUS     | RAYFIELD     |
| ALLRED        | DAUGHTRY   | KISER      | REDWINE      |
| ARNOLD        | DAVIS      | LEE        | REYNOLDS     |
| BAKER         | DECKER     | LEMOND     | RICHARDSON   |
| BARBEE        | DICKSON    | LINNEY     | ROBINSON, J. |
| BARNES        | DOCKHAM    | LOCKE      | ROGERS       |
| BERRY         | EARLE      | LUEBKE     | SEXTON       |
| BLACK         | EASTERLING | MCALLISTER | SHARPE       |
| BOWEN         | EDDINS     | MCCOMAS    | SHAW         |
| BOWIE         | EDWARDS    | MCCOMBS    | SHERRILL     |
| BOYD-MCINTYRE | ELLIS      | MCCRARY    | SHUBERT      |
| BRAWLEY       | ESPOSITO   | MCLAUGHLIN | SUTTON       |
| BROWN, J.     | FITCH      | MCMAHAN    | TALLENT      |
| BROWN, W.     | GAMBLE     | MERCER     | THOMPSON     |
| BUCHANAN      | GARDNER    | MICHAUX    | TOLSON       |
| CANSLER       | GRADY      | MILLER, G. | WAINWRIGHT   |
| CAPPS         | HACKNEY    | MITCHELL   | WATSON       |
| CARPENTER     | HAYES      | MORGAN     | WEATHERLY    |
| CHURCH        | HENSLEY    | NEELY      | WILKINS      |
| CLARY         | HIATT      | NICHOLS    | WILSON, C.   |
| COCKLEREECE   | HIGHTOWER  | NYE        | WILSON, G.   |
| CRAWFORD      | HILL       | OWENS      | WOMBLE       |
| CREECH        | HOWARD     | PATE       | WOOD         |
| CULP          | HUNTER, R. | PRESTON    | WRIGHT       |
| CULPEPPER     | HURLEY     | PULLEY     | YONGUE       |

NOES - 0

EXCUSED ABSENCE - 8

|          |      |        |              |
|----------|------|--------|--------------|
| ALDRIDGE | BLUE | HUNT   | ROBINSON, G. |
| BEALL    | FOX  | OLDHAM | WARNER       |

EXCUSED VOTE - 0

NOT VOTING - 8

|          |        |            |         |
|----------|--------|------------|---------|
| SPEAKER  | GRAY   | HUNTER, H. | MINER   |
| BRASWELL | HOLMES | MILLER, K. | RUSSELL |

S. ROLL: H1307HCS H1378 H1390 H1422HCS H1138HCS H1098  
S282 S662 SCS S580 S1389 S598SCS S1244HCS



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1824/37-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

ALBERTSON  
WALLACE SATELLITE ANNEXATION  
HOUSE COM SUB/2ND EDITION

SENATE BILL 1244

MOTION 8  
TO CONCUR

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 39 | ALBERTSON  | DANNELLY  | JORDAN    | PARNELL |
|     |    | ALLRAN     | DAVIS     | KINCAID   | PLEXICO |
|     |    | BALLANCE   | EAST      | LEDBETTER | PLYLER  |
|     |    | BALLANTINE | EDWARDS   | LITTLE    | RAND    |
|     |    | BLACKMON   | FORRESTER | LUCAS     | SHAW    |
|     |    | BLUST      | FOXX      | MARTIN R. | SHERRON |
|     |    | CARPENTER  | HARTSELL  | MARTIN W. | SOLES   |
|     |    | CARRINGTON | HOBBS     | MCKOY     | WARREN  |
|     |    | CLARK      | HORTON    | ODOM      | WEBSTER |
|     |    | COOPER     | HOYLE     | PAGE      |         |

NO 0

EXCUSED 0

|          |    |          |          |         |        |
|----------|----|----------|----------|---------|--------|
| NOT CAST | 10 | BASNIGHT | GULLEY   | PERDUE  | SPEED  |
|          |    | COCHRANE | KERR     | SIMPSON | WINNER |
|          |    | CONDER   | MCDANIEL |         |        |

ABSENT 1 SMITH

PAIRS 0  
AYE  
NO

COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1245

MAY 21 1996

S

D

SENATE DRS6656\*-LR191A(1.18)

PRINCIPAL CLERK

Short Title: Rose Hill Subdivision Definition.

(Local)

Sponsors: Senator Albertson.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT CONCERNING THE DEFINITION OF SUBDIVISION FOR THE TOWN  
3 OF ROSE HILL.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 160A-376 reads as rewritten:

6 "§ 160A-376. Definition.

7 For the purpose of this Part, 'subdivision' means all divisions of a tract or parcel of  
8 land into two or more lots, building sites, or other divisions for the purpose of sale or  
9 building development (whether immediate or future) and shall include all divisions of  
10 land involving the dedication of a new street or a change in existing streets; but the  
11 following shall not be included within this definition nor be subject to the regulations  
12 authorized by this Part:

- 13 (1) The combination or recombination of portions of previously  
14 subdivided and recorded lots where the total number of lots is not  
15 increased and the resultant lots are equal to or exceed the  
16 standards of the municipality as shown in its subdivision  
17 regulations;
- 18 (2) The division of land into parcels greater than 10 acres where no  
19 street right-of-way dedication is involved;
- 20 (3) The public acquisition by purchase of strips of land for the  
21 widening or opening of streets; and
- 22 (4) The Within the corporate limits of the municipality, the division of  
23 a tract in single ownership whose entire area is no greater than two  
24 acres into not more than three lots, where no street right-of-way  
25 dedication is involved and where the resultant lots are equal to or

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS1795-LK248(5.13)

FILED - SENATE  
S1 246 MAY 21 1996  
D  
PRINCIPAL CLERK

Short Title: Landis ABC-Charter Modification.

(Local)

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Sponsors: Senator Hartsell.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL A SECTION OF THE CHARTER OF THE TOWN OF  
3 LANDIS RELATING TO ABC IN CONFLICT WITH GENERAL LAW.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Section 11.1 of the Charter of the Town of Landis, codified as  
6 Chapter 213 of the 1975 Session Laws, is repealed.  
7 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1247 MAY 21 1996 D

SENATE DRS1794-LGQ254(5.14)

PRINCIPAL CLERK

Short Title: Northern Wayne Sewer Funds.

(Public)

Sponsors: Senator Kerr.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC  
3 DEVELOPMENT CENTER, INC., TO EXTEND SEWER LINES TO  
4 NORTHERN WAYNE COUNTY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the Rural  
7 Economic Development Center, Inc., a nonprofit corporation, the sum of two  
8 hundred fifty thousand dollars (\$250,000) for the 1996-97 fiscal year to extend sewer  
9 lines to the Northern Wayne County Schools and to the Towns of Fremont and  
10 Pikeville in Wayne County.  
11 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1248

NOV 21 1995

D

PRINCIPAL CLERK

S

SENATE DRS6667-LB465A(5.20)

Short Title: Pro Tem Appointments.

(Public)

Sponsors: Senator Rand.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE  
3 RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE  
4 SENATE.

5 Whereas, G.S. 120-121 authorizes the General Assembly to make certain  
6 appointments to public offices upon the recommendation of the President Pro  
7 Tempore of the Senate; and

8 Whereas, the President Pro Tempore of the Senate has made  
9 recommendations; Now, therefore,

10 The General Assembly of North Carolina enacts:

11 Section 1. Except as provided otherwise, all terms under this act  
12 commence July 1, 1996.

13 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA691-LB465(5.20)

FILED - SENATE

S1249 MAY 21 1996

PRINCIPAL CLERK

Short Title: Pro Tem Appointments.

(Public)

Sponsors: Senator Rand.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE  
3 RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE  
4 SENATE.  
5 Whereas, G.S. 120-121 authorizes the General Assembly to make certain  
6 appointments to public offices upon the recommendation of the President Pro  
7 Tempore of the Senate; and  
8 Whereas, the President Pro Tempore of the Senate has made  
9 recommendations; Now, therefore,  
10 The General Assembly of North Carolina enacts:  
11 Section 1. Roy Alexander of Mecklenburg County and Annie Kathryn  
12 Sherron of Wake County are appointed to the North Carolina Parks and Recreation  
13 Authority for terms to expire June 30, 1998.  
14 Sec. 2. Except as provided otherwise, all terms under this act commence  
15 July 1, 1996.  
16 Sec. 3. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1250 MAY 21 1996

SENATE DRS5693-LJZ36(5.13)

PRINCIPAL CLERK

Short Title: Privatize All DMV Tag Offices.

(Public)

Sponsors: Senators Horton, Hoyle, Kerr, Martin of Pitt, Rand, and Smith.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL VEHICLE REGISTRATION OFFICES OF THE  
DIVISION OF MOTOR VEHICLES TO BE OPERATED BY A CONTRACT  
AGENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-63(h) reads as rewritten:

"(h) Commission Contracts for Issuance of Plates and Certificates. -- All  
registration plates, registration ~~certificates~~ cards, and certificates of title issued by the  
Division, outside of those ~~issued from the Raleigh offices of the said Division and~~  
~~those issued and handled through the United States mail, shall be issued insofar as~~  
~~practicable and possible through commission contracts entered into by the Division~~  
~~for the issuance of such plates and certificates in localities throughout North Carolina~~  
~~with persons, firms, corporations or governmental subdivisions of the State of North~~  
~~Carolina and the Division shall make a reasonable effort in every locality, except as~~  
~~hereinbefore noted, to enter into a commission contract for the issuance of such~~  
~~plates and certificates and a record of these efforts shall be maintained in the~~  
~~Division. In the event the Division is unsuccessful in making commission contracts as~~  
~~hereinbefore set out it shall then issue said plates and certificates through the regular~~  
~~employees of the Division. Whenever registration plates, registration certificates and~~  
~~certificates of title are issued by the Division through commission contract~~  
~~arrangements, the Division shall provide proper supervision of such distribution.~~  
contracts with one or more entities. The Division must supervise the performance of  
the entities with whom it contracts. Commission contracts entered under this  
subsection shall provide for the payment of compensation ~~at a rate of sixty cents~~  
~~(60¢) per transaction.~~ based on a specified rate for each transaction performed under

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE

SENATE DRS4682-LG258(5.16)

S 1251 MAY 21 1995

PRINCIPAL CLERK

Short Title: Adopt-A-Trail Funds.

(Public)

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Sponsors: Senator Martin of Pitt.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FOR THE  
4 ADOPT-A-TRAILS PROGRAM.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the  
7 Department of Environment, Health, and Natural Resources the sum of one hundred  
8 thousand dollars (\$100,000) for the 1996-97 fiscal year for the Adopt-A-Trails  
9 Program.  
10 Sec. 2. This act becomes effective July 1, 1996.



## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS1785\*-RRZ065.1(5.8)

Short Title: Loss Costs Cleanup.

(Public)

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Sponsors: Senators Kincaid, Kerr, Warren, and Soles.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE 1995 WORKERS'  
3 COMPENSATION INSURANCE LOSS COSTS RATING LAWS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 58-36-100(m) reads as rewritten:  
6 "(m) The Bureau shall file all of the following with the Commissioner:  
7 (1) Final workers' compensation rates and rating plans for the residual  
8 market.  
9 (2) The uniform classification plan and rules.  
10 (3) The uniform experience rating plan and rules.  
11 (4) A uniform policy form to be used by member insurers for  
12 voluntary and residual market business.  
13 (5) Advisory manual workers' compensation rates to be used for the  
14 sole purpose purposes of calculating deviations under G.S. 58-2-  
15 145(c) and Article 36 of this Chapter and of computing the  
16 premium tax liability of self-insurers under G.S. 105-228.5."  
17 Sec. 2. G.S. 58-2-145 reads as rewritten:  
18 "(c) Each self-insured employer group must determine its individual member  
19 employers' premiums or contributions using the current rates and classifications filed  
20 by the North Carolina Rate Bureau ~~and approved by~~ with the Commissioner under  
21 ~~Article 36 of this Chapter.~~ G.S. 58-36-100(m)(5). Deviations from these rates or  
22 classifications are permitted only in accordance with Article 36 of this Chapter,  
23 except that no deviation is required to be filed with the Rate Bureau.  
24 The Commissioner shall approve a request filed for a deviation to reduce  
25 premiums or contributions or provide discounts if the filed request is accompanied by

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS1784-RNZ006(5.8)

Short Title: Workers' Comp. Fraud.

(Public)

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Sponsors: Senators Kincaid, Kerr, Warren, and Soles.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO CONFORM THE PENALTY FOR WORKERS' COMPENSATION  
3 FRAUD TO THE PENALTY FOR INSURANCE FRAUD AND TO RAISE THE  
4 PENALTIES FOR CERTAIN OTHER WORKERS' COMPENSATION  
5 OFFENSES FROM CLASS 1 MISDEMEANORS TO CLASS H FELONIES.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 97-88.2 reads as rewritten:  
8 "§ 97-88.2. Penalty for misrepresentation.  
9 (a) Any person who willfully makes a false statement or representation of a  
10 material fact for the purpose of obtaining or denying any benefit or payment, or  
11 assisting another to obtain or deny any benefit or payment under this Article, shall be  
12 guilty of a ~~Class 1 misdemeanor. The court may order restitution.~~ Class H felony,  
13 punishable in accordance with G.S. 58-2-161.  
14 (b) The Commission shall:  
15 (1) Perform investigations regarding all cases of suspected fraud and  
16 all violations related to workers' compensation claims, by or  
17 against insurers or self-funded employers, and refer possible  
18 criminal violations to the appropriate prosecutorial authorities;  
19 (2) Conduct administrative violation proceedings; and  
20 (3) Assess and collect penalties and restitution.  
21 (c) Any person who threatens an employee with criminal prosecution under the  
22 provisions of subsection (a) of this section for the purpose of coercing or attempting  
23 to coerce the employee into agreeing to compensation under this Article shall be  
24 guilty of a ~~Class 1 misdemeanor.~~ Class H felony.

## GENERAL ASSEMBLY OF NORTH CAROLINA PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS1781-LTZ147(4.15)

Short Title: Acupuncture Allowable Coverage.

(Public)

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Sponsors: Senator Sherron.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE COVERAGE FOR ACUPUNCTURE SERVICES UNDER  
3 THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES'  
4 COMPREHENSIVE MAJOR MEDICAL PLAN.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 135-40.6(8) is amended by adding a new sub-subdivision  
7 to read:  
8 "u. Acupuncture: Allowable charges for the practice of  
9 acupuncture when performed by a doctor of medicine or an  
10 acupuncturist licensed or certified in the state in which the  
11 acupuncturist practices."  
12 Sec. 2. This act becomes effective October 1, 1996.

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS2674\*-RNZ020(5.7)

Short Title: Transfer Rail Safety.

(Public)

Sponsors: Senator Hoyle.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO TRANSFER THE RAIL SAFETY SECTION FROM THE UTILITIES  
3 COMMISSION TO THE DEPARTMENT OF TRANSPORTATION AND TO  
4 DIRECT THE SECRETARY OF TRANSPORTATION TO STUDY THE NEED  
5 FOR CONTINUATION OF THE RAIL SAFETY INSPECTION PROGRAM.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. The statutory authority, powers, duties, and functions, records,  
8 personnel, property, unexpended balances of appropriations, allocations or other  
9 funds, including the functions of budgeting and purchasing, of the Rail Safety Section  
10 of the Transportation Division of the North Carolina Utilities Commission, is  
11 transferred to the Department of Transportation.  
12 Sec. 2. G.S. 62-41 reads as rewritten:  
13 **"§ 62-41. To investigate accidents involving public utilities; to promote general safety**  
14 **program.**  
15 The Commission may conduct a program of accident prevention and public safety  
16 covering all public utilities with special emphasis on highway safety and transport  
17 safety and may investigate the causes of any accident on a ~~railroad or~~ highway  
18 involving a ~~public utility, or any accident in connection with any other~~ public utility.  
19 Any information obtained upon such investigation shall be reduced to writing and a  
20 report thereof filed in the office of the Commission, which shall be subject to public  
21 inspection but such report shall not be admissible in evidence in any civil or  
22 criminal proceeding arising from such accident. The Commission may adopt  
23 reasonable rules and regulations for the safety of the public as affected by public  
24 utilities and the safety of public utility employees. The Commission shall cooperate  
25 with and coordinate its activities for public utilities with similar programs of the

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

SENATE DRS6653\*-RLZ(2.22)

S 1256

MAY 21 1996

PRINCIPAL CLERK

Short Title: High-Voltage Line Safety Act.

(Public)

Sponsors: Senator Hoyle.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENACT THE OVERHEAD HIGH-VOLTAGE LINE SAFETY ACT  
3 AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW  
4 COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 95 of the General Statutes is amended by adding the  
7 following new Article to read:

8 "ARTICLE 19A.

9 "Overhead High-Voltage Line Safety Act.

10 "§ 95-229.5. Purpose; scope.

11 The purpose of this Article is to promote the safety and protection of persons  
12 engaged in work or activity in the vicinity of high-voltage overhead lines. This  
13 Article defines the conditions under which work may be carried on safely and  
14 provides for the precautionary safety arrangements to be taken when any person  
15 engages in work or other activity in proximity to overhead high-voltage lines.

16 "§ 95-229.6. Definitions.

17 As used in this Article, unless the context requires otherwise:

18 (1) 'Covered equipment' or 'covered items' means any mechanical  
19 equipment, hoisting equipment, antenna, boat mast, or rigging; any  
20 part of which is capable of vertical, lateral, or swinging motion that  
21 could cause any portion of the equipment or item to come closer  
22 than 10 feet to a high-voltage line during erection, construction,  
23 operation, or maintenance; including, but not limited to,  
24 equipment such as cranes, derricks, power shovels, backhoes,  
25 dump trucks, drilling rigs, pile drivers, excavating equipment, hay-  
26 loaders, haystackers, combines, irrigation equipment, portable grain

FILED - SENATE

S 1257 MAY 21 1996

GENERAL ASSEMBLY OF NORTH CAROLINA  
CLERK

SESSION 1995

S

D

SENATE DRS8700\*-LBZ403V(3.11)

Short Title: Budget Adjustments/Conforming.

(Public)

Sponsors: Senators Plyler, Martin of Pitt, Martin of Guilford, and Odom.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CONFORMING CHANGES TO IMPLEMENT BUDGET  
3 ADJUSTMENTS AND ALLOCATIONS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. (a) Article 1 of Chapter 143 of the General Statutes is  
6 amended by adding a new section to read:  
7 "§ 143-4.2. Budget Adjustment and Allocation Commission.  
8 (a) There is established within the Legislative Branch the Budget Adjustment and  
9 Allocation Commission.  
10 (b) The Budget Adjustment and Allocation Commission shall consist of 17  
11 members as follows:  
12 (1) The Speaker of the House of Representatives or a member of the  
13 House of Representatives designated by that officer.  
14 (2) The President Pro Tempore of the Senate or a member of the  
15 Senate designated by that officer.  
16 (3) Five members of the House of Representatives appointed by the  
17 Speaker of the House of Representatives.  
18 (4) Five members of the Senate appointed by the President Pro  
19 Tempore of the Senate.  
20 (5) Five members of the General Assembly appointed by the  
21 Governor, at least two of whom shall be members of the House of  
22 Representatives, and at least two of whom shall be members of the  
23 Senate.  
24 An appointed member serves a term beginning 10 days after convening of the  
25 regular session and ending 10 days after convening of the next regular session, except

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S1258 MAY 21 1996

SENATE DRS7751-LGQ243(5.13)

PRINCIPAL CLERK

Short Title: Museum of the New South Funds.

(Public)

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Sponsors: Senator Plyler.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE MUSEUM OF THE NEW  
3 SOUTH, INC., A NONPROFIT CORPORATION, FOR CAPITAL  
4 IMPROVEMENTS.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the Museum  
7 of the New South, Inc., a nonprofit organization, the sum of one million dollars  
8 (\$1,000,000) for the 1996-97 fiscal year for capital improvements.  
9 Sec. 2. This act becomes effective July 1, 1996.



## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRSA685\*-LBZ401G(3.11)

Short Title: Budget/Const. Amendment.

(Public)

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Sponsors: Senators Plyler, Martin of Pitt, Martin of Guilford, and Odom.

---

Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CERTAIN CHANGES IN THE CONSTITUTION FOR  
3 IMPLEMENTING BUDGET ADJUSTMENTS AND ALLOCATIONS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Chapter 5 of the Session Laws of 1995 is amended by adding  
6 a new section to read:  
7 "Sec. 1.1. Section 5(3) of Article III of the Constitution of North Carolina reads as  
8 rewritten:  
9 "(3) Budget. The Governor shall prepare and recommend to the General  
10 Assembly a comprehensive budget of the anticipated revenue and proposed  
11 expenditures of the State for the ensuing fiscal period. The budget as enacted by the  
12 General Assembly shall be administered by the Governor. The General Assembly  
13 may by law provide that the Governor may adjust the enacted budget and make  
14 allocations from reserves designated by law, subject in certain circumstances to  
15 approval by a commission within the legislative branch composed of members of the  
16 General Assembly. The power to appoint any commission exercising powers under  
17 this subsection may by law be delegated to members of the General Assembly.  
18 The total expenditures of the State for the fiscal period covered by the budget shall  
19 not exceed the total of receipts during that fiscal period and the surplus remaining in  
20 the State Treasury at the beginning of the period. To insure that the State does not  
21 incur a deficit for any fiscal period, the Governor shall continually survey the  
22 collection of the revenue and shall effect the necessary economies in State  
23 expenditures, after first making adequate provision for the prompt payment of the  
24 principal of and interest on bonds and notes of the State according to their terms,  
25 whenever he determines that receipts during the fiscal period, when added to any



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1260

MAY 31 1996

SENATE DRS2702-RSZ005.1(5.10)

PRINCIPAL CLERK

Short Title: Foreclosure Filing Fees.

(Public)

Sponsors: Senators Ballantine and Rand.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO RAISE THE FORECLOSURE FILING FEES.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. G.S. 7A-308(a) reads as rewritten:  
5 "(a) The following miscellaneous fees and commissions shall be collected by the  
6 clerk of superior court and remitted to the State for the support of the General Court  
7 of Justice:
- 8 (1) Foreclosure under power of sale in deed of trust or  
9 mortgage \$25.00 ~~\$30.00~~  
10 ~~Plus if the property is sold pursuant to the power of~~  
11 ~~sale, an additional sum of thirty cents (30¢) per one~~  
12 ~~hundred dollars (\$100.00), or major fraction thereof,~~  
13 ~~of the final sale price shall be collected. In no case~~  
14 ~~shall the additional sum exceed two hundred dollars~~  
15 ~~(\$200.00). If the property is sold under the power of~~  
16 ~~sale, an additional amount will be charged,~~  
17 ~~determined by the following formula: thirty cents~~  
18 ~~(30¢) per one hundred dollars (\$100.00), or major~~  
19 ~~fraction thereof, of the final sale price. If the amount~~  
20 ~~determined by the formula is less than ten dollars~~  
21 ~~(\$10.00), a minimum ten dollar (\$10.00) fee will be~~  
22 ~~collected. If the amount determined by the formula is~~  
23 ~~more than two hundred dollars (\$200.00), a maximum~~  
24 ~~two hundred dollar (\$200.00) fee will be collected.~~  
25 (2) Proceeding supplemental to execution 20.00

S

D

SENATE DRS7749\*-LK232(3.8)

Short Title: DWI-Indefinite Civil Suspension.

(Public)

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Sponsors: Senator Ballantine.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR AN INDEFINITE CIVIL SUSPENSION OF A  
3 DRIVERS LICENSE WHEN A DRIVER IS CHARGED WITH AN IMPAIRED  
4 DRIVING OFFENSE WHILE ANOTHER IMPAIRED DRIVING OFFENSE IS  
5 PENDING DISPOSITION.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 20-16.5(f) reads as rewritten:  
8 "(f) Procedure if Report Filed with Clerk of Court When Person Not Present. --  
9 When a clerk receives a properly executed report under subdivision (d)(3) and the  
10 person named in the revocation report is not present before the clerk, the clerk must  
11 determine whether there is probable cause to believe that each of the conditions of  
12 subsection (b) has been met. If he determines that there is such probable cause, he  
13 must mail to the person a revocation order by first-class mail. The order must direct  
14 that the person on or before the effective date of the order either surrender his  
15 license to the clerk or appear before the clerk and demonstrate that he is not  
16 currently licensed, and the order must inform the person of the time and effective  
17 date of the revocation and of its duration, of his right to a hearing as specified in  
18 subsection (g), and that the revocation remains in effect pending the hearing.  
19 Revocation orders mailed under this subsection become effective on the fourth day  
20 after the order is deposited in the United States mail. If within five working days of  
21 the effective date of the order, the person does not surrender his license to the clerk  
22 or appear before the clerk to demonstrate that he is not currently licensed, the clerk  
23 must immediately issue a pick-up order. The pick-up order must be issued and  
24 served in the same manner as specified in subsection (e) for pick-up orders issued  
25 pursuant to that subsection. A revocation under this subsection begins at the date

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1995

FILED - SENATE  
S 1262 MAY 21 1996  
D

S

SENATE DRS4674-LC324(3.25) PRINCIPAL CLERK

Short Title: Exempt Audiovisual Masters.

(Public)

Sponsors: Senator Ballantine.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT FROM SALES TAX AUDIOVISUAL MASTER TAPES  
3 USED IN THE MOTION PICTURE, TELEVISION, AND AUDIO  
4 PRODUCTION INDUSTRIES.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 105-164.13 is amended by adding a new subdivision to  
7 read:  
8 "(22a) Sales of audiovisual masters made or used by a production  
9 company in making visual and audio images for first generation  
10 reproduction. For the purpose of this subdivision, an 'audiovisual  
11 master' is an audio or video film, tape, or disk or another audio or  
12 video storage device from which all other copies are made. For  
13 the purpose of this subdivision, a production company is a person  
14 engaged in the business of making motion picture, television, or  
15 radio images for theatrical, commercial, advertising, or educational  
16 purposes."  
17 Sec. 2. This act becomes effective July 1, 1996, and applies to sales made  
18 on or after that date.

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS1791\*-LL251(5.15)

Short Title: Northampton Road Hunting.

(Local)

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Sponsors: Senator Ballance.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC  
3 ROADS IN NORTHAMPTON COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. It is unlawful to hunt, take, or kill any wild animal or wild  
6 bird with a firearm on, from, or across the right-of-way of any public road or highway  
7 in Northampton County.  
8 Sec. 2. Violation of this act is a Class 3 misdemeanor.  
9 Sec. 3. This act is enforceable by law enforcement officers of the Wildlife  
10 Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers  
11 with general subject matter jurisdiction.  
12 Sec. 4. This act becomes effective December 1, 1996.

FILED - SENATE

S 1 2 6 4 MAY 21 1996

GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS2707-LL254(5.16)

Short Title: Narcotics Task Force Funds.

(Public)

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Sponsors: Senator Ballance.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE ROANOKE-CHOWAN  
3 NARCOTICS TASK FORCE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the  
6 Department of Crime Control and Public Safety the sum of two hundred thousand  
7 dollars (\$200,000) for the 1996-97 fiscal year to support the Roanoke/Chowan  
8 Narcotics Task Force.  
9 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA689-LGQ264(5.16)

FILED - SENATE  
D

S 1 26 5 MAY 22 1996

PRINCIPAL CLERK

Short Title: FFA Capital Improvement Funds.

(Public)

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Sponsors: Senator Soles.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FUTURE  
3 FARMERS OF AMERICA CENTER.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the North  
6 Carolina Future Farmers of America Foundation, Incorporated, a nonprofit  
7 corporation, the sum of three hundred seventy-five thousand dollars (\$375,000) for  
8 the 1996-97 fiscal year for further development, repairs, and renovations at the North  
9 Carolina Future Farmers of America Center, provided that these funds are matched  
10 on the basis of one dollar (\$1.00) of non-State funds for every one dollar (\$1.00) of  
11 State funds.  
12 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1266 MAY 22 1996

S

SENATE DRS1761-LC315(3.5)

PRINCIPAL CLERK

Short Title: Pitt School Acquisition.

(Local)

Sponsors: Senator Warren.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW PITT COUNTY TO ACQUIRE PROPERTY FOR USE BY  
3 ITS COUNTY BOARD OF EDUCATION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 153A-158.1 reads as rewritten:  
6 "**§ 153A-158.1. Acquisition and improvement of school property in certain counties.**  
7 (a) Acquisition by County. -- A county may acquire, by any lawful method, any  
8 interest in real or personal property for use by a school administrative unit within the  
9 county. In exercising the power of eminent domain a county shall use the procedures  
10 of Chapter 40A. The county shall use its authority under this subsection to acquire  
11 property for use by a school administrative unit within the county only upon the  
12 request of the board of education of that school administrative unit and after a public  
13 hearing.  
14 (b) Construction or Improvement by County. -- A county may construct, equip,  
15 expand, improve, renovate, or otherwise make available property for use by a school  
16 administrative unit within the county. The local board of education shall be involved  
17 in the design, construction, equipping, expansion, improvement, or renovation of the  
18 property to the same extent as if the local board owned the property.  
19 (c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S.  
20 115C-518 and G.S. 160A-274, a local board of education may, in connection with  
21 additions, improvements, renovations, or repairs to all or part of any of its property,  
22 lease or sell the property to the board of commissioners of the county in which the  
23 property is located for any price negotiated between the two boards.  
24 (d) Board of Education May Contract for Construction. -- Notwithstanding the  
25 provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1267 MAY 22 1996

PRINCIPAL CLERK D

S

SENATE DRSA680-LL250(5.15)

Short Title: New Hanover/Refusal to Perform.

(Local)

Sponsors: Senator Ballantine.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO ADD NEW HANOVER COUNTY TO THOSE COUNTIES IN  
3 WHICH A TENANT'S REFUSAL TO PERFORM A CONTRACT FOR THE  
4 RENTAL OF LAND IS GROUNDS FOR DISPOSSESSION.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 42-27 reads as rewritten:

7 "**§ 42-27. Local: Refusal to perform contract ground for dispossession.**

8 When any tenant or cropper who enters into a contract for the rental of land for  
9 the current or ensuing year willfully neglects or refuses to perform the terms of his  
10 contract without just cause, he shall forfeit his right of possession to the premises.  
11 This section applies only to the following counties: Alamance, Alexander, Alleghany,  
12 Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Burke, Cabarrus, Camden,  
13 Carteret, Caswell, Chatham, Chowan, Cleveland, Columbus, Craven, Cumberland,  
14 Currituck, Davidson, Duplin, Edgecombe, Forsyth, Franklin, Gaston, Gates, Greene,  
15 Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Jackson, Johnston, Jones, Lee,  
16 Lenoir, Martin, Mecklenburg, Montgomery, Moore, Nash, New Hanover,  
17 Northampton, Onslow, Pasquotank, Pender, Perquimans, Pitt, Polk, Randolph,  
18 Robeson, Rockingham, Rowan, Rutherford, Sampson, Stokes, Surry, Swain, Tyrrell,  
19 Union, Wake, Warren, Washington, Wayne, Wilson, Yadkin."

20 Sec. 2. This act applies only to New Hanover County.

21 Sec. 3. This act is effective upon ratification and applies to contracts  
22 entered into on or after that date.



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1566/5--12:47 PM

MAY 30, 1996

LEGISLATIVE DAY 121

LT. GOVERNOR WICKER

-- Presiding

BALLANTINE  
NEW HANOVER/REFUSAL TO PERFORM

SENATE BILL 1267  
READING 2

|     |    |  |   |  |  |
|-----|----|--|---|--|--|
| AYE | 46 | ALBERTSON<br>ALLRAN<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PAGE<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 0  |  |   |  |  |

EXCUSED 0

NOT CAST

3 BALLANCE

SHAW

SHERRON

ABSENT

1 MCKOY

PAIRS

0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1575/4-- 7:27 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

LT. GOVERNOR WICKER

-- Presiding

BALLANTINE  
NEW HANOVER/REFUSAL TO PERFORM

SENATE BILL 1267  
READING 3

|     |    |            |                |           |         |
|-----|----|------------|----------------|-----------|---------|
| AYE | 50 | ALBERTSON  | DANNELLY, 1775 | KINCAID   | PLEXICO |
|     |    | ALLRAN     | DAVIS          | LEDBETTER | PLYLER  |
|     |    | BALLANCE   | EAST           | LITTLE    | RAND    |
|     |    | BALLANTINE | EDWARDS        | LUCAS     | SHAW    |
|     |    | BASNIGHT   | FORRESTER      | MARTIN R. | SHERRON |
|     |    | BLACKMON   | FOXX           | MARTIN W. | SIMPSON |
|     |    | BLUST      | GULLEY         | MCDANIEL  | SMITH   |
|     |    | CARPENTER  | HARTSELL       | MCKOY     | SOLES   |
|     |    | CARRINGTON | HOBBS          | ODOM      | SPEED   |
|     |    | CLARK      | HORTON         | PAGE      | WARREN  |
|     |    | COCHRANE   | HOYLE          | PARNELL   | WEBSTER |
|     |    | CONDER     | JORDAN         | PERDUE    | WINNER  |
|     |    | COOPER     | KERR           |           |         |
| NO  | 0  |            |                |           |         |

EXCUSED 0

NOT CAST 0

ABSENT 0

PAIRS 0

AYE

NO

# 1990  
LEGISLATIVE DAY 131  
S1267  
READING 2

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

6/17/96  
4:31 PM  
IN CHAIR: SPEAKER

RC

NEW HANOVER/REFUSAL TO PERFORM

AYES - 97

|             |            |            |              |
|-------------|------------|------------|--------------|
| ADAMS       | CREECH     | HUNT       | PRESTON      |
| ALDRIDGE    | CULP       | HUNTER, H. | PULLEY       |
| ALEXANDER   | CULPEPPER  | HURLEY     | RAMSEY       |
| ALLRED      | CUMMINGS   | IVES       | RAYFIELD     |
| ARNOLD      | DAUGHTRY   | JUSTUS     | REDWINE      |
| BAKER       | DAVIS      | KISER      | REYNOLDS     |
| BARBEE      | DECKER     | LEE        | ROBINSON, J. |
| BARNES      | EASTERLING | LEMOND     | ROGERS       |
| BEALL       | EDDINS     | LOCKE      | RUSSELL      |
| BERRY       | EDWARDS    | LUEBKE     | SEXTON       |
| BLACK       | ELLIS      | MCALLISTER | SHARPE       |
| BOWEN       | ESPOSITO   | MCCOMAS    | SHAW         |
| BOWIE       | FITCH      | MCCOMBS    | SHERRILL     |
| BRASWELL    | FOX        | MCCRARY    | SHUBERT      |
| BRAWLEY     | GAMBLE     | MERCER     | THOMPSON     |
| BROWN, J.   | GARDNER    | MINER      | TOLSON       |
| BROWN, W.   | GRADY      | MITCHELL   | WAINWRIGHT   |
| BUCHANAN    | GRAY       | MORGAN     | WARNER       |
| CANSLER     | HACKNEY    | NEELY      | WATSON       |
| CAPPS       | HAYES      | NICHOLS    | WILKINS      |
| CARPENTER   | HENSLEY    | NYE        | WILSON, C.   |
| CHURCH      | HILL       | OLDHAM     | WILSON, G.   |
| CLARY       | HOLMES     | OWENS      | WOMBLE       |
| COCKLEREECE | HOWARD     | PATE       | YONGUE       |
| CRAWFORD    |            |            |              |

NOES - 0

EXCUSED ABSENCE - 11

|            |            |              |        |
|------------|------------|--------------|--------|
| BLUE       | EARLE      | MCMAHAN      | WOOD   |
| CUNNINGHAM | HIGHTOWER  | MILLER, G.   | WRIGHT |
| DOCKHAM    | HUNTER, R. | ROBINSON, G. |        |

EXCUSED VOTE - 0

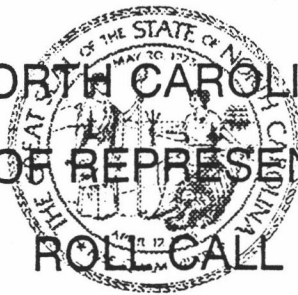
NOT VOTING - 12

|               |            |            |           |
|---------------|------------|------------|-----------|
| SPEAKER       | HIATT      | MICHAUX    | SUTTON    |
| BOYD-MCINTYRE | LINNEY     | MILLER, K. | TALLENT   |
| DICKSON       | MCLAUGHLIN | RICHARDSON | WEATHERLY |

S1267

# 2000  
LEGISLATIVE DAY 132  
S1267  
READING 3

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES



6/18/96  
4:44 PM  
IN CHAIR: SPEAKER

RL

NEW HANOVER/REFUSAL TO PERFORM

AYES - 111

ADAMS  
ALDRIDGE  
ALEXANDER  
ALLRED  
ARNOLD  
BAKER  
BARBEE  
BARNES  
BEALL  
BERRY  
BLACK  
BOWEN  
BOWIE  
BOYD-MCINTYRE  
BRASWELL  
BRAWLEY  
BROWN, J.  
BROWN, W.  
BUCHANAN  
CANSLER  
CAPPS  
CARPENTER  
CLARY  
COCKLEREECE  
CREECH  
CULP  
CULPEPPER  
CUMMINGS

DAUGHTRY  
DAVIS  
DECKER  
DICKSON  
DOCKHAM  
EARLE  
EASTERLING  
EDDINS  
EDWARDS  
ELLIS  
ESPOSITO  
FITCH  
FOX  
GAMBLE  
GARDNER  
GRADY  
GRAY  
HACKNEY  
HAYES  
HENSLEY  
HIATT  
HIGHTOWER  
HILL  
HOLMES  
HOWARD  
HUNT  
HUNTER, H.  
HUNTER, R.

IVES  
JUSTUS  
KISER  
LEE  
LEMMOND  
LINNEY  
LOCKE  
LUEBKE  
MCALLISTER  
MCCOMAS  
MCCOMBS  
MCCRARY  
MCLAUGHLIN  
MCMAHAN  
MERCER  
MICHAUX  
MINER  
MITCHELL  
MORGAN  
NEELY  
NICHOLS  
NYE  
OLDHAM  
OWENS  
PATE  
PRESTON  
PULLEY  
RAMSEY

RAYFIELD  
REDWINE  
REYNOLDS  
RICHARDSON  
ROBINSON, G.  
ROBINSON, J.  
ROGERS  
RUSSELL  
SEXTON  
SHARPE  
SHAW  
SHERRILL  
SHUBERT  
SUTTON  
TALLENT  
THOMPSON  
TOLSON  
WAINWRIGHT  
WARNER  
WATSON  
WILKINS  
WILSON, C.  
WILSON, G.  
WOMBLE  
WOOD  
WRIGHT  
YONGUE

NOES - 1

CUNNINGHAM

EXCUSED ABSENCE - 3

BLUE

MILLER, G. MILLER, K.

EXCUSED VOTE - 0

NOT VOTING - 5

SPEAKER  
CHURCH

CRAWFORD HURLEY

WEATHERLY

S1267

GENERAL ASSEMBLY OF NORTH CAROLINA

FILED - SENATE

SESSION 1995

61268 MAY 22 1996

S

PRINCIPAL CLERK D

SENATE DRS2706-LC371(5.15)

Short Title: New Hanover School Acquisition.

(Local)

Sponsors: Senator Ballantine.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW NEW HANOVER COUNTY TO ACQUIRE PROPERTY  
3 FOR USE BY ITS COUNTY BOARD OF EDUCATION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 153A-158.1 reads as rewritten:  
6 "**§ 153A-158.1. Acquisition and improvement of school property in certain counties.**  
7 (a) Acquisition by County. -- A county may acquire, by any lawful method, any  
8 interest in real or personal property for use by a school administrative unit within the  
9 county. In exercising the power of eminent domain a county shall use the procedures  
10 of Chapter 40A. The county shall use its authority under this subsection to acquire  
11 property for use by a school administrative unit within the county only upon the  
12 request of the board of education of that school administrative unit and after a public  
13 hearing.  
14 (b) Construction or Improvement by County. -- A county may construct, equip,  
15 expand, improve, renovate, or otherwise make available property for use by a school  
16 administrative unit within the county. The local board of education shall be involved  
17 in the design, construction, equipping, expansion, improvement, or renovation of the  
18 property to the same extent as if the local board owned the property.  
19 (c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S.  
20 115C-518 and G.S. 160A-274, a local board of education may, in connection with  
21 additions, improvements, renovations, or repairs to all or part of any of its property,  
22 lease or sell the property to the board of commissioners of the county in which the  
23 property is located for any price negotiated between the two boards.  
24 (d) Board of Education May Contract for Construction. -- Notwithstanding the  
25 provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE  
S 1 2 6 9 MAY 22 1996

S

PRINCIPAL CLERK D

SENATE DRS1803\*-LG262(5.16)

Short Title: Bladen CC Swine Funds.

(Public)

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Sponsors: Senator Soles.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 COMMUNITY COLLEGES FOR THE BLADEN CENTER FOR SWINE  
4 MANAGEMENT, MEAT PROCESSING, AND ENVIRONMENTAL  
5 PROTECTION AT THE BLADEN COMMUNITY COLLEGE.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. There is appropriated from the General Fund to the  
8 Department of Community Colleges the sum of one hundred one thousand five  
9 hundred dollars (\$101,500) for the 1996-97 fiscal year to provide instructional and  
10 administrative resources in support of the Bladen Center for Swine Management,  
11 Meat Processing, and Environmental Protection at the Bladen Community College.  
12 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1 270

MAY 22 1996

D

SENATE DRS4685\*-RWZ001B(5.10)

PRINCIPAL CLERK

S

Short Title: Speed Limits.

(Public)

Sponsors: Senator Hoyle.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO  
3 ESTABLISH SPEED LIMITS UP TO SEVENTY MILES PER HOUR ON  
4 DESIGNATED PARTS OF CONTROLLED ACCESS HIGHWAYS.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 20-141 reads as rewritten:  
7 "§ 20-141. Speed restrictions.  
8 (a) No person shall drive a vehicle on a highway or in a public vehicular area at a  
9 speed greater than is reasonable and prudent under the conditions then existing.  
10 (b) Except as otherwise provided in this Chapter, it shall be unlawful to operate a  
11 vehicle in excess of the following speeds:  
12 (1) Thirty-five miles per hour inside municipal corporate limits for all  
13 vehicles.  
14 (2) Fifty-five miles per hour outside municipal corporate limits for all  
15 vehicles ~~vehicles, except on rural Interstate Highways where the~~  
16 ~~speed limit has been raised pursuant to G.S. 20-141(d)(2), and~~  
17 ~~except for school buses and school activity buses.~~  
18 (c) Except while towing another vehicle, or when an advisory safe-speed sign  
19 indicates a slower speed, or as otherwise provided by law, it shall be unlawful to  
20 operate a passenger vehicle upon the interstate and primary highway system at less  
21 than the following speeds:  
22 (1) Forty miles per hour in a speed zone of 55 miles per hour.  
23 (2) Forty-five miles per hour in a speed zone of 60 miles per hour or  
24 greater.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1270

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)  
Page 1 of 1

SI270-ARW-001

Date 6-10, 1996

Comm. Sub. ☐  
Amends Title ☐

Sen. Hoyle

- 1 moves to amend the bill on page 3, line 29 and 30,  
2 by removing the strike-throughs on those lines.

SIGNED Sen. Hoyle  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 6/10/96 FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

50-0

S. H. H.



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1640/28-- 8:42 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

LT. GOVERNOR WICKER

-- Presiding

HOYLE  
SPEED LIMITS

SENATE BILL 1270

AMEND 1

AYE

50

ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

0

ABSENT

0

PAIRS

0

AYE

NO

(COPY)



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1270

AMENDMENT NO. 2 (Two)  
(to be filled in by  
Principal Clerk)  
Page 1 of 2

SI270-ARS-001

Date 6-17, 1996

Comm. Sub. [ ]  
Amends Title [YES]

Senator Hoyle

1 moves to amend the bill on page 1, line 4, by deleting the phrase  
2 "HIGHWAYS." and by substituting the phrase "HIGHWAYS AND TO PROVIDE  
3 FOR SUSPENSION OF THE LICENSE OF A PERSON DRIVING IN EXCESS OF 80 *Mph*  
4 MILES PER HOUR.";  
5

6 and on page 3, lines 31-38, by rewriting those lines to read:

7 "(j) Any-person-convicted-of-violating-this-section-by-operating  
8 a-vehicle-on-a-street-or-highway-in-excess-of-55-miles-per-hour-and  
9 at-least-15-miles-per-hour-over-the-legal-limit-while-fleeing-or  
10 attempting-to-elude-arrest-or-apprehension-by-a-law-enforcement  
11 officer-with-authority-to-enforce-the-motor-vehicle-laws-is-guilty  
12 of-a-Class-1-misdemeanor. A person who does one of the following  
13 while fleeing or attempting to elude arrest or apprehension by a law  
14 enforcement officer with authority to enforce the motor vehicle laws  
15 is guilty of a Class 1 misdemeanor:

16 (1) Drives a vehicle on a street or highway in excess of  
17 55 miles per hour and more than 15 miles per hour over  
18 the legal limit.

19 (2) Drives a vehicle in excess of 80 miles per hour.

20 (j1) A person who drives a vehicle on a highway at a speed that  
21 is either more than 15 miles per hour more than the speed limit  
22 established by law for the highway where the offense occurred or  
23 over 80 miles per hour is guilty of a Class 2 misdemeanor.";  
24 *Best*

25 and on page 4, line 27, by rewriting the line to read:

26 "Sec. 2. G.S. 20-16.1(a) reads as rewritten:

27 '(a) Notwithstanding any other provisions of this Article, the  
28 Division shall suspend for a period of 30 days the license of any  
29 driver without preliminary hearing on receiving a record of such the  
30 driver's conviction of either (1) exceeding by more than 15 miles  
31 per hour the speed limit, either within or outside the corporate  
32 limits of a municipality, if such the person was also driving at a  
33 speed in excess of 55 miles per hour at the time of the offense.

*Se p. 2*



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1270

AMENDMENT NO. 2 (Two)  
(to be filled in by  
Principal Clerk)  
Page 2 of 2

S1270-ARS-001

1 offense, or (2) driving at a speed in excess of 80 miles per hour at  
2 the time of the offense.  
3 Sec. 3. This act becomes effective October 1, 1996."  
4  
5  
6

SIGNED [Signature]  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 6/18/96  
46-2

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

S. Smith  
CHANGES TITLE

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1685/7-- 3:58 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

HOYLE  
SPEED LIMITS

SENATE BILL 1270

AMEND 2

|     |    |  |  |  |  |
|-----|----|--|--|--|--|
| AYE | 46 | ALBERTSON<br>ALLRAN<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>KERR<br>KINCAID | LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE<br>PLEXICO | PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 2  | BALLANCE   | MCKOY  |  |  |

EXCUSED 0

NOT CAST 1 JORDAN

ABSENT 1 DANNELLY

PAIRS 0

AYE

NO

# NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

S. B. No. 1270

COMMITTEE SUBSTITUTE \_\_\_\_\_

DATE

6/17/96

Amendment No.

3 (THREE)

(to be filled in by  
Principal Clerk)

Rep. )

Sen. )

GULLEY

1 moves to amend the bill on page

1

, line

3

2 (✓) WHICH CHANGES THE TITLE

3 by DELETING THE WORDS

4 "SEVENTY MILES"

5 AND INSERTING THE WORDS

6 "SIXTY FIVE MILES"

7 PAGE 2

8 AND BY MAKING THE SAME CHANGE ON LINE 22.

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

SIGNED

W.B.D.

ADOPTED

FAILED

6/18/96

TABLED

(CHANGE TITLE)

14-35

S. J. W.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1686/8-- 4:03 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

HOYLE  
SPEED LIMITS

SENATE BILL 1270

AMEND 3

|     |    |   |  |  |  |
|-----|----|---|--|--|--|
| AYE | 14 | ALLRAN<br>CARPENTER<br>COCHRANE<br>COOPER   | FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL  | JORDAN<br>MCDANIEL<br>ODOM   | SIMPSON<br>SPEED<br>WINNER   |
| NO  | 35 | ALBERTSON<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARRINGTON<br>CLARK<br>CONDER | DAVIS<br>EAST<br>EDWARDS<br>HOBBS<br>HORTON<br>HOYLE<br>KERR<br>KINCAID<br>LEDBETTER | LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCKOY<br>PAGE<br>PARNELL<br>PERDUE<br>PLEXICO | PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SMITH<br>SOLES<br>WARREN<br>WEBSTER |

EXCUSED 0

NOT CAST 0

ABSENT 1 DANNELLY

PAIRS 0

AYE  
NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1687/9-- 4:05 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

HOYLE  
SPEED LIMITS

SENATE BILL 1270  
READING 3

|     |    |   |  |   |   |
|-----|----|---|--|---|---|
| AYE | 34 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARRINGTON<br>CLARK | CONDER<br>DAVIS<br>EAST<br>EDWARDS<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>KERR | LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SMITH<br>SOLES<br>WARREN<br>WEBSTER |
| NO  | 14 | CARPENTER<br>COCHRANE<br>COOPER<br>FORRESTER  | FOXX<br>GULLEY<br>JORDAN<br>KINCAID  | MCDANIEL<br>MCKOY<br>ODOM   | SHAW<br>SIMPSON<br>SPEED  |

|          |   |          |
|----------|---|----------|
| EXCUSED  | 0 |          |
| NOT CAST | 1 | WINNER   |
| ABSENT   | 1 | DANNELLY |
| PAIRS    | 0 |          |
| AYE      |   |          |
| NO       |   |          |

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

EV

# 2117  
LEGISLATIVE DAY 134  
S1270  
READING 2

6/20/96  
8:15 PM  
IN CHAIR: SPEAKER

SPEED LIMITS

AYES - 83

|               |            |            |            |
|---------------|------------|------------|------------|
| ADAMS         | CULPEPPER  | HURLEY     | RAMSEY     |
| ALDRIDGE      | CUNNINGHAM | KISER      | RAYFIELD   |
| ALLRED        | DAUGHTRY   | LEE        | REYNOLDS   |
| ARNOLD        | DICKSON    | LINNEY     | RUSSELL    |
| BAKER         | DOCKHAM    | LOCKE      | SEXTON     |
| BARBEE        | EARLE      | MCALLISTER | SHARPE     |
| BERRY         | EDDINS     | MCCOMBS    | SHUBERT    |
| BLACK         | EDWARDS    | MCCRARY    | SUTTON     |
| BOWEN         | ELLIS      | MCMAHAN    | TALLENT    |
| BOWIE         | ESPOSITO   | MERCER     | TOLSON     |
| BOYD-MCINTYRE | FITCH      | MICHAUX    | WAINWRIGHT |
| BRASWELL      | GAMBLE     | MILLER, G. | WATSON     |
| BRAWLEY       | GARDNER    | MINER      | WEATHERLY  |
| BROWN, W.     | GRADY      | MITCHELL   | WILKINS    |
| BUCHANAN      | GRAY       | MORGAN     | WILSON, C. |
| CANSLER       | HAYES      | NEELY      | WILSON, G. |
| CARPENTER     | HIGHTOWER  | NICHOLS    | WOMBLE     |
| CHURCH        | HILL       | OWENS      | WOOD       |
| CRAWFORD      | HOLMES     | PATE       | WRIGHT     |
| CREECH        | HOWARD     | PRESTON    | YONGUE     |
| CULP          | HUNTER, R. | PULLEY     |            |

NOES - 20

|           |            |            |              |
|-----------|------------|------------|--------------|
| ALEXANDER | DAVIS      | HIATT      | MCCOMAS      |
| BARNES    | DECKER     | HUNTER, H. | NYE          |
| BROWN, J. | EASTERLING | IVES       | REDWINE      |
| CAPPS     | HACKNEY    | JUSTUS     | ROBINSON, J. |
| CUMMINGS  | HENSLEY    | LUEBKE     | SHERRILL     |

EXCUSED ABSENCE - 7

|       |      |              |        |
|-------|------|--------------|--------|
| BEALL | FOX  | OLDHAM       | WARNER |
| BLUE  | HUNT | ROBINSON, G. |        |

EXCUSED VOTE - 0

NOT VOTING - 10

|             |            |            |          |
|-------------|------------|------------|----------|
| SPEAKER     | LEMMOND    | RICHARDSON | SHAW     |
| CLARY       | MCLAUGHLIN | ROGERS     | THOMPSON |
| COCKLEREECE | MILLER, K. |            |          |

S1270



# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

### ROLL CALL

EV

S # 2160  
LEGISLATIVE DAY 135  
S1270  
READING 3

6/21/96  
12:33 PM  
IN CHAIR: SPEAKER

#### SPEED LIMITS

#### AYES - 87

|               |            |            |            |
|---------------|------------|------------|------------|
| ADAMS         | CUNNINGHAM | LEE        | REYNOLDS   |
| ALLRED        | DAUGHTRY   | LEMMOND    | RICHARDSON |
| ARNOLD        | DICKSON    | LINNEY     | ROGERS     |
| BAKER         | DOCKHAM    | LOCKE      | RUSSELL    |
| BARBEE        | EARLE      | MCALLISTER | SHARPE     |
| BERRY         | EDDINS     | MCCOMBS    | SHAW       |
| BLACK         | EDWARDS    | MCCRARY    | SHUBERT    |
| BOWEN         | ELLIS      | MCPAHAN    | SUTTON     |
| BOWIE         | ESPOSITO   | MERCER     | TALLENT    |
| BOYD-MCINTYRE | FITCH      | MICHAUX    | THOMPSON   |
| BRASWELL      | GAMBLE     | MILLER, G. | TOLSON     |
| BRAWLEY       | GARDNER    | MINER      | WAINWRIGHT |
| BROWN, W.     | GRADY      | MITCHELL   | WATSON     |
| BUCHANAN      | GRAY       | MORGAN     | WEATHERLY  |
| CANSLER       | HIGHTOWER  | NEELY      | WILKINS    |
| CARPENTER     | HILL       | NICHOLS    | WILSON, C. |
| CHURCH        | HOLMES     | OWENS      | WILSON, G. |
| COCKLEREECE   | HOWARD     | PATE       | WOMBLE     |
| CRAWFORD      | HUNTER, H. | PRESTON    | WOOD       |
| CULP          | HUNTER, R. | PULLEY     | WRIGHT     |
| CULPEPPER     | HURLEY     | RAYFIELD   | YONGUE     |
| CUMMINGS      | KISER      | REDWINE    |            |

#### NOES - 17

|           |            |        |              |
|-----------|------------|--------|--------------|
| ALEXANDER | DECKER     | HIATT  | MCCOMAS      |
| BARNES    | EASTERLING | IVES   | NYE          |
| BROWN, J. | HACKNEY    | JUSTUS | ROBINSON, J. |
| CAPPS     | HENSLEY    | LUEBKE | SHERRILL     |
| DAVIS     |            |        |              |

#### EXCUSED ABSENCE - 8

|          |      |        |              |
|----------|------|--------|--------------|
| ALDRIDGE | BLUE | HUNT   | ROBINSON, G. |
| BEALL    | FOX  | OLDHAM | WARNER       |

#### EXCUSED VOTE - 0

#### NOT VOTING - 8

|         |        |            |        |
|---------|--------|------------|--------|
| SPEAKER | CREECH | MCLAUGHLIN | RAMSEY |
| CLARY   | HAYES  | MILLER, K. | SEXTON |

S1270

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

81271 MAY 22 1996

PRINCIPAL CLERK

S

D

SENATE DRS7756\*-LC355(5.13)

Short Title: Phase Down Corporate Income Tax.

(Public)

Sponsors: Senator Hoyle.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REDUCE THE CORPORATE INCOME TAX FROM SEVEN AND  
3 THREE-FOURTHS PERCENT TO SIX AND THREE-FOURTHS PERCENT  
4 OVER A FOUR-YEAR PERIOD.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 105-130.3 reads as rewritten:

7 "**§ 105-130.3. Corporations.**

8 A tax is imposed on the State net income of every C Corporation doing business in  
9 this State at seven and seventy five one hundredths percent (7.75%) of the  
10 corporation's State net income. State. An S Corporation is not subject to the tax  
11 levied in this section. The tax is a percentage of the taxpayer's State net income  
12 computed as follows:

| <u>Income Years Beginning</u> | <u>Tax</u>    |
|-------------------------------|---------------|
| 13 <u>In 1997</u>             | <u>7.5%</u>   |
| 14 <u>In 1998</u>             | <u>7.25%</u>  |
| 15 <u>In 1999</u>             | <u>7%</u>     |
| 16 <u>After 1999</u>          | <u>6.25%"</u> |

17 Sec. 2. G.S. 115C-546.1 reads as rewritten:

18 "**§ 115C-546.1. Creation of Fund; administration.**

19 (a) There is created the Public School Building Capital Fund. The Fund shall be  
20 used to assist county governments in meeting their public school building capital  
21 needs.

22 (b) Each calendar quarter, the Secretary of Revenue shall remit to the State  
23 Treasurer for credit to the Public School Building Capital Fund an amount equal to  
24 two thirty firsts (2/31) the applicable proportion provided in the table below of the  
25

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

81 272

MAY 22 1990

PRINCIPAL CLERK

S

D

SENATE DRS2705-LC361(5.14)

Short Title: Cellular Phones Sales Tax.

(Public)

Sponsors: Senator Hoyle.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE SALES AND USE TAX TREATMENT OF  
3 CELLULAR TELEPHONES AND OTHER ITEMS SOLD IN CONNECTION  
4 WITH COMMERCIAL MOBILE RADIO SERVICE.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Article 5 of Chapter 105 of the General Statutes is amended  
7 by adding a new section to read:  
8 "§ 105-164.12B. Mobile radio service transactions.  
9 (a) Definitions. -- The following definitions apply in this section:  
10 (1) Commercial mobile service. -- Defined in 47 U.S.C. § 332(d).  
11 (2) Mobile radio equipment. -- Equipment, accessories, fixtures, and  
12 other similar tangible personal property used in connection with  
13 the sale of commercial mobile service.  
14 (b) Tax Treatment. -- For the purpose of this Article, a retail transaction in which  
15 a seller transfers mobile radio equipment to a consumer for a consideration is a sale  
16 and the sales price is the price in money the seller charges the consumer, regardless  
17 of whether the price charged is below the cost price the seller paid for the  
18 equipment."  
19 Sec. 2. This act becomes effective on the first day of the second month  
20 following its ratification and applies to sales made on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

FILED - SENATE

SESSION 1995

S1273 MAY 22 1996

S

PRINCIPAL CLERK D

SENATE DRS1797-LJZ37(1.3)

Short Title: DMV Audit Recommendations.

(Public)

Sponsors: Senator Hoyle.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE  
3 PERFORMANCE AUDIT OF THE DIVISION OF MOTOR VEHICLES OF  
4 THE DEPARTMENT OF TRANSPORTATION.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 20-1 reads as rewritten:  
7 "§ 20-1. Division of Motor Vehicles of the Department of Transportation; powers and  
8 duties: Transportation.  
9 The ~~Department of Motor Vehicles is hereby redesignated the Division of Motor~~  
10 ~~Vehicles of the Department of Transportation. The Division of Motor Vehicles shall~~  
11 ~~have the same powers and duties as were held by the Department of Motor Vehicles~~  
12 ~~except as otherwise provided in this Article. All powers, duties and functions relating~~  
13 ~~to the collection of motor fuel taxes and the collection of the gasoline and oil~~  
14 ~~inspection taxes shall continue to be vested in and exercised by the Secretary of~~  
15 ~~Revenue, and wherever it is now provided by law that reports shall be filed with the~~  
16 ~~Secretary of Revenue, or Department of Revenue, as a basis for collecting the motor~~  
17 ~~fuel or gasoline and oil inspection taxes, or enforcing any of the laws regarding the~~  
18 ~~motor fuel or gasoline and oil inspection taxes, such reports shall continue to be~~  
19 ~~made to the Department of Revenue and the Commissioner of Motor Vehicles shall~~  
20 ~~make available to the Secretary of Revenue all information from files of the Division~~  
21 ~~of Motor Vehicles which the Secretary of Revenue may request to enable him to~~  
22 ~~better enforce the law with respect to the collection of such taxes. Nothing in this~~  
23 ~~Article shall deprive the Utilities Commission of any of the duties or powers now~~  
24 ~~vested in it with regard to the regulation of motor vehicle carriers. Transportation is~~  
25 established. This Chapter sets out the powers and duties of the Division."

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1816/29-- 4:19 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

HOYLE  
NO DMV COMMISSIONER POSITION  
COM SUB/2ND EDITION

SENATE BILL 1273  
READING 2

|     |    |  |  |  |  |
|-----|----|--|--|--|--|
| AYE | 44 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE | CONDER<br>COOPER<br>DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>HARTSELL<br>HOBBS<br>HORTON | HOYLE<br>JORDAN<br>KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM | PAGE<br>PARNELL<br>PERDUE<br>PLEXICO<br>RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
|-----|----|--|--|--|--|

NO 0

EXCUSED 0

|          |   |                 |        |      |         |
|----------|---|-----------------|--------|------|---------|
| NOT CAST | 5 | GULLEY<br>MCKOY | PLYLER | SHAW | SIMPSON |
|----------|---|-----------------|--------|------|---------|

ABSENT 1 SMITH

PAIRS 0  
AYE  
NO

(COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

1274 MAY 22 1996

PRINCIPAL CLERK

S

D

SENATE DRS6669\*-LDZ006.01(5.16)

Short Title: Recycling Busi. Asst. Ctr. Funds.

(Public)

Sponsors: Senators Horton and Odom.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE RECYCLING BUSINESS  
3 ASSISTANCE CENTER WITHIN THE DEPARTMENT OF ENVIRONMENT,  
4 HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE  
5 ENVIRONMENTAL REVIEW COMMISSION.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. There is appropriated from the General Fund to the  
8 Department of Environment, Health, and Natural Resources the sum of one hundred  
9 seventy-six thousand dollars (\$176,000) for the 1996-97 fiscal year to support the  
10 Recycling Business Assistance Center within the Department.  
11 Sec. 2. It is the intent of the General Assembly to include funds  
12 appropriated for this purpose in the continuation budget for the 1997-99 biennium.  
13 Sec. 3. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED SENATE  
S 1275

MAY 22 1996

S

PRINCIPAL CLERK D

SENATE DRS8701\*-LCX326C(3.26)

Short Title: Quality Jobs & Business Expansion.

(Public)

Sponsors: Senator Kerr.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE INCENTIVES FOR HIGH QUALITY JOBS AND  
3 BUSINESS EXPANSION IN NORTH CAROLINA.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Chapter 105 of the General Statutes is amended by adding a  
6 new Article 3A entitled "Tax Incentives for New and Expanding Businesses."  
7 Sec. 2. G.S. 105-130.40 is recodified as G.S. 105-129.8 in Article 3A of  
8 Chapter 105 of the General Statutes.  
9 Sec. 3. Article 3A of Chapter 105 of the General Statutes, as enacted by  
10 this act, reads as rewritten:  
11 "ARTICLE 3A.  
12 "Tax Incentives for New and Expanding Businesses.  
13 "§ 105-129.2. Definitions.  
14 The following definitions apply in this Article:  
15 (1) Cost. -- Defined in section 179 of the Code.  
16 (2) Data processing. -- Defined in the Standard Industrial  
17 Classification Manual issued by the United States Bureau of the  
18 Census.  
19 (3) Distress tier. -- The classification assigned to an area pursuant to  
20 G.S. 105-129.3.  
21 (4) Full-time job. -- A position that requires at least 1,600 hours of  
22 work per year and is intended to be held by one employee during  
23 the entire year. A full-time employee is an employee who holds a  
24 full-time job.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1275

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

SI275-ARB-1

Page 1 of 1

Date May 30, 1996

Comm. Sub. ☒  
Amends Title ☐  
Second Edition

Senator McDaniel

- 1 moves to amend the bill on page 6, line 24, by deleting the word  
2 "nine" and substituting the word "five";  
3  
4 and on page 10, line 4, by deleting the word "nine" and substituting  
5 the word "five".

SIGNED [Signature]  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 5/30/96 FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

(47-0)

S. Fink



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1567/6-- 1:19 PM

MAY 30, 1996

LEGISLATIVE DAY 121

LT. GOVERNOR WICKER

-- Presiding

KERR  
QUALITY JOBS & BUSINESS EXPANSION  
COM SUB/2ND EDITION

SENATE BILL 1275

AMEND 1

|     |    |  |   |   |  |
|-----|----|--|---|---|--|
| AYE | 47 | ALBERTSON<br>ALLRAN<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE<br>PLEXICO | PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
|-----|----|--|---|---|--|

NO 0

EXCUSED 0

NOT CAST 2 BALLANCE HORTON

ABSENT 1 MCKOY

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1568/7-- 1:27 PM

MAY 30, 1996

LEGISLATIVE DAY 121

LT. GOVERNOR WICKER

-- Presiding

KERR  
QUALITY JOBS & BUSINESS EXPANSION  
COM SUB/2ND EDITION

SENATE BILL 1275  
READING 2

|     |    |  |   |  |  |
|-----|----|--|---|--|--|
| AYE | 46 | ALBERTSON<br>ALLRAN<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 1  | WEBSTER  |   |  |  |

EXCUSED 0

NOT CAST 2 BALLANCE HORTON

ABSENT 1 MCKOY

PAIRS 0

AYE

NO



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1275

AMENDMENT NO. 2 (Two)  
(to be filled in by  
Principal Clerk)

SI275-ARB-3

Page 1 of 2

Date 6/3/, 1996

Comm. Sub. [YES]  
Amends Title []  
Second Edition

Senator Webster

1 moves to amend the bill on page 6, line 12, by rewriting the line to  
2 read:

3 "'§ 105-129.7. Substantiation; public record.'";  
4

5 and on page 6, line 13, by inserting the following at the beginning  
6 of that line to read:

7 "(a) Substantiation. --";  
8

9 and on page 6, lines 20 and 21, by inserting a new subsection to  
10 read:

11 "(b) Public Record. -- To claim a credit allowed by this Article,  
12 a taxpayer must agree that the tax information relative to a credit  
13 taken under this Article, and any records or information necessary  
14 to determine and verify the amount of a credit taken under this  
15 Article, are public records under Chapter 132 of the General  
16 Statutes and are not subject to the tax secrecy provisions of G.S.  
17 105-259. As used in this subsection, 'tax information' has the same  
18 meaning as in G.S. 105-259.'";  
19

20 and on page 14, lines 10 and 11, by inserting a new section to read:

21 "Sec. 12. G.S. 132-1.1(b) reads as rewritten:

22 '(b) State Tax Information. -- Tax information may not be  
23 disclosed except as provided in G.S. 105-259, 105-129.7, 153A-148.1,  
24 and 160A-208.1. As used in this subsection, "tax information" has  
25 the same meaning as in G.S. 105-259.'";

see p 2



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1275

AMENDMENT NO. 2 (Two)  
(to be filled in by  
Principal Clerk)  
Page 2 of 2

S1275-ARB-3

- 1 and on page 14, line 11, by renumbering the remaining section  
2 accordingly.

SIGNED [Signature]  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED

6/3/96

TABLED \_\_\_\_\_

11-38

[Signature]

CORRECTED vote 10-39

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1585/14-- 9:05 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

SENATOR BASNIGHT

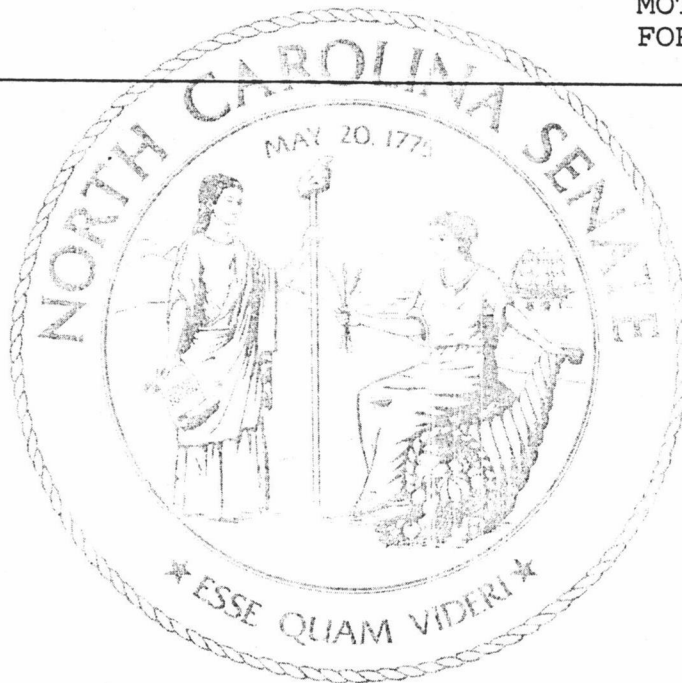
-- Presiding

KERR  
QUALITY JOBS & BUSINESS EXPANSION  
COM SUB/2ND EDITION

SENATE BILL 1275

MOTION 2  
FOR PREVIOUS QUESTION

RECORDED  
AYE 1 LUCAS  
ADJUSTED TOTAL  
AYE 40  
NO 9  
NOT CAST 1  
ABSENT 0



RY)

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1585/14-- 9:05 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

SENATOR BASNIGHT

-- Presiding

KERR  
QUALITY JOBS & BUSINESS EXPANSION  
COM SUB/2ND EDITION

SENATE BILL 1275

MOTION 2  
FOR PREVIOUS QUESTION

|     |    |  |  |  |   |
|-----|----|--|--|--|---|
| AYE | 40 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BASNIGHT<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 9  | BALLANTINE<br>BLACKMON<br>COCHRANE   | EDWARDS<br>JORDAN  | MCKOY<br>PAGE  | SHAW<br>SIMPSON   |

EXCUSED 0

NOT CAST 1 SHERRON

ABSENT 0

PAIRS 0

AYE  
NO

(COPY)

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1586/15-- 9:11 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

SENATOR BASNIGHT

-- Presiding

KERR  
QUALITY JOBS & BUSINESS EXPANSION  
COM SUB/2ND EDITION

SENATE BILL 1275

AMEND 2

|     |    |   |   |   |   |
|-----|----|---|---|---|---|
| AYE | 10 | BLUST<br>CARPENTER<br>CLARK   | COCHRANE<br>FOXX<br>HORTON  | LEDBETTER<br>SHAW   | SIMPSON<br>WEBSTER  |
| NO  | 39 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>CARRINGTON<br>CONDER<br>COOPER<br>DANNELLY | DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>GULLEY<br>HARTSELL<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR | LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WINNER |

|          |   |         |
|----------|---|---------|
| EXCUSED  | 0 |         |
| NOT CAST | 1 | KINCAID |
| ABSENT   | 0 |         |
| PAIRS    | 0 |         |
| AYE      |   |         |
| NO       |   |         |

(COPY)



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1275

AMENDMENT NO. 3 (three)  
(to be filled in by  
Principal Clerk)

SI275-ALC-6/3

Page 1 of 2

Date June 3, 1996

Comm. Sub. [YES]  
Amends Title []  
Second Edition

Senator McDaniel

1 moves to amend the bill on page 4, line 9, by rewriting the line to  
2 read:

3 "submit with the tax return on which the credit is claimed the  
4 certification of the";  
5

6 and on page 5, lines 2 through 4, by rewriting those lines to read:  
7 "be claimed when filing the return on which the credit is claimed.

8 This election is binding. Any carryforwards of the credit must be  
9 claimed against the same tax.";  
10

11 and on page 5, line 12 through page 6, line 20, by rewriting those  
12 lines to read:

13 "§ 105-129.6. Substantiation; reports.

14 (a) Substantiation. -- To claim a credit allowed by this Article,  
15 the taxpayer must provide any information required by the Secretary  
16 of Revenue. Every taxpayer claiming a credit under this Article  
17 shall maintain and make available for inspection by the Secretary of  
18 Revenue any records the Secretary considers necessary to determine  
19 and verify the amount of the credit to which the taxpayer is  
20 entitled. The burden of proving eligibility for the credit and the  
21 amount of the credit shall rest upon the taxpayer, and no credit  
22 shall be allowed to a taxpayer that fails to maintain adequate  
23 records or to make them available for inspection.

24 (b) Reports. -- The Department shall report to the Department of  
25 Commerce and to the Fiscal Research Division of the General Assembly  
26 by May 1 of each year the following information for the 12-month  
27 period ending the preceding April 1:

28 (1) The number of taxpayers claiming each credit allowed  
29 in this Article.

30 (2) The number and distress tier area of new jobs with  
31 respect to which credits were claimed.

32 (3) The cost of new machinery and equipment with respect  
33 to which credits were claimed.

— L' P 2 —





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1275

AMENDMENT NO. 3 (three)  
(to be filled in by  
Principal Clerk)

S1275-ALC-6/3

Page 2 of 2

- 1 '§ 105-129.7. Reserved for future codification."  
2  
3 and on page 14, lines 15 and 16, by rewriting the lines to read:  
4 "Chapter 105 of the General Statutes is repealed effective January  
5 1, 2002, for credits for jobs created on or after that date, for  
6 credits for new machinery and equipment placed in service on or  
7 after that date, for credits for research and development activities  
8 conducted on or after that date, and for credits for worker training  
9 expenditures expended on or after that date."

SIGNED (J. McDaniel)  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED 6-3-95

TABLED \_\_\_\_\_

25-25 ——— LACK OF MAJORITY

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1579/8-- 8:09 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

SENATOR BASNIGHT

-- Presiding

KERR  
QUALITY JOBS & BUSINESS EXPANSION  
COM SUB/2ND EDITION

SENATE BILL 1275

MOTION 2  
FOR PREVIOUS QUESTION

|     |    |  |  |   |   |
|-----|----|--|--|---|---|
| AYE | 39 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BASNIGHT<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 9  | BALLANTINE<br>BLACKMON<br>COCHRANE   | EDWARDS<br>JORDAN  | MCKOY<br>PAGE   | SHAW<br>SIMPSON   |

|          |   |       |         |
|----------|---|-------|---------|
| EXCUSED  | 0 |       |         |
| NOT CAST | 2 | LUCAS | SHERRON |
| ABSENT   | 0 |       |         |
| PAIRS    | 0 |       |         |
| AYE      |   |       |         |
| NO       |   |       |         |

(CONTINUED)

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1581/10-- 8:25 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

SENATOR BASNIGHT

-- Presiding

KERR  
QUALITY JOBS & BUSINESS EXPANSION  
COM SUB/2ND EDITION

SENATE BILL 1275

MOTION 2  
FOR PREVIOUS QUESTION

|     |    |  |  |   |   |
|-----|----|--|--|---|---|
| AYE | 41 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BASNIGHT<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>CONDER<br>COOPER<br>DANNELLY | DAVIS<br>EAST<br>EDWARDS<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN | KERR<br>KINCAID<br>LEDBETTER<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 9  | BALLANTINE<br>BLACKMON<br>COCHRANE   | FORRESTER<br>LITTLE  | PAGE<br>SHAW  | SIMPSON<br>SMITH  |

EXCUSED 0

NOT CAST 0

ABSENT 0

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1582/11-- 8:26 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

SENATOR BASNIGHT

-- Presiding

KERR  
QUALITY JOBS & BUSINESS EXPANSION  
COM SUB/2ND EDITION

SENATE BILL 1275

AMEND 3

|     |    |   |  |  |   |
|-----|----|---|--|--|---|
| AYE | 25 | ALLRAN<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK | COCHRANE<br>DAVIS<br>EAST<br>FORRESTER<br>FOXX<br>HARTSELL | HORTON<br>JORDAN<br>KINCAID<br>LEDBETTER<br>LITTLE<br>MCDANIEL | MCKOY<br>PAGE<br>SHAW<br>SIMPSON<br>SMITH<br>WEBSTER  |
|     | 25 | ALBERTSON<br>BALLANCE<br>BASNIGHT<br>CONDER<br>COOPER<br>DANNELLY<br>EDWARDS  | GULLEY<br>HOBBS<br>HOYLE<br>KERR<br>LUCAS<br>MARTIN R.     | MARTIN W.<br>ODOM<br>PARNELL<br>PERDUE<br>PLEXICO<br>PLYLER    | RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |

EXCUSED 0

NOT CAST 0

ABSENT 0

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SUBJECT TO ADJUSTMENT

SEQ. 1583/12-- 8:30 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

LT. GOVERNOR WICKER

-- Presiding

KERR  
QUALITY JOBS & BUSINESS EXPANSION  
COM SUB/2ND EDITION

SENATE BILL 1275  
READING 3

|     |    |  |   |   |  |
|-----|----|--|---|---|--|
| AYE | 49 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 1  | WEBSTER  |   |   |  |

EXCUSED 0

NOT CAST 0

ABSENT 0

PAIRS 0

AYE  
NO



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1275

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)  
Page 1 of 2

SI275-ALCX-6/13

Date June 14, 1990

Comm. Sub. [YES]  
Amends Title 13  
Fourth Edition

Rep. Owens

moves to amend the bill on page 1, lines 7 - 8,  
by rewriting the lines to read:

"II. ALLOW ECONOMIC INCENTIVE TAX CREDITS"

and on page 2, line 31, through page 5, line 15,  
by rewriting the lines to read:

"PART II. ALLOW ECONOMIC INCENTIVE TAX CREDITS

"Sec. 2.1. Chapter 105 of the General Statutes is amended  
by adding a new Article 3A entitled 'Tax Incentives for New and  
Expanding Businesses.'

Sec. 2.2. G.S. 105-130.40 is recodified as G.S. 105-129.8  
in Article 3A of Chapter 105 of the General Statutes.

Sec. 2.3: Article 3A of Chapter 105 of the General  
Statutes, as enacted by this act, reads as rewritten:

'ARTICLE 3A.

'Tax Incentives for New and Expanding Businesses.

§ 105-129.2. Definitions.

The following definitions apply in this Article:

- (1) Cost. -- Defined in section 179 of the Code.
- (2) Data processing. -- Defined in the Standard Industrial Classification Manual issued by the United States Bureau of the Census.
- (3) Distress tier. -- The classification assigned to an area pursuant to G.S. 105-129.3.
- (4) Full-time job. -- A position that requires at least 1,600 hours of work per year and is intended to be held by one employee during the entire year. A full-time employee is an employee who holds a full-time job.
- (5) Machinery and equipment. -- Engines, machinery, tools, and implements used or designed to be used in manufacturing or processing, warehousing and distribution, or data processing. The term does not include real property as defined in G.S. 105-273 or rolling stock as defined in G.S. 105-333.





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1275

AMENDMENT NO. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Page 2 of 17

SI275-ALCX-6/13

- (6) Manufacturing and processing. -- Defined in the Standard Industrial Classification Manual issued by the United States Bureau of the Census.
- (7) New machinery and equipment. -- Machinery and equipment the first use of which in this State occurs after its purchase by the taxpayer and which is capitalized on the taxpayer's books in accordance with generally accepted accounting principles, including financial accounting standards issued by the Financial Accounting Standards Board.
- (8) Purchase. -- Defined in section 179 of the Code.
- (9) Warehousing and distribution. -- Defined in the Standard Industrial Classification Manual issued by the United States Bureau of the Census.

§ 105-129.3. Distress tier designation.

(a) Tiers Defined. -- A distress tier one area is a county whose distress factor is one of the 10 highest in the State. A distress tier two area is a county whose distress factor is one of the next 15 highest in the State. A distress tier three area is a county whose distress factor is one of the next 25 highest in the State. A distress tier four area is a county whose distress factor is one of the next 25 highest in the State. A distress tier five area is any area that is not in a lower-numbered distress tier.

(b) Annual Designation. -- Each year, on or before December 31, the Secretary of Commerce shall assign to each county in the State a distress factor that is the sum of the following:

- (1) The county's rank in a ranking of counties by rate of unemployment from lowest to highest.
- (2) The county's rank in a ranking of counties by per capita income from highest to lowest.
- (3) The county's rank in a ranking of counties by percentage growth in population from highest to lowest.

The Secretary of Commerce shall then rank all the counties within the State according to their distress factor from highest to lowest, identify all the areas of the State by distress tier, and provide this information to the Secretary of Revenue. A distress tier designation is effective only for the calendar year following the designation.

In measuring rates of unemployment and per capita income, the Secretary shall use the latest available data published by a State or federal agency generally recognized as having expertise concerning the data. In measuring population growth, the Secretary shall use the most recent estimates of population certified by the State Planning Officer.

§ 105-129.4. Eligibility; forfeiture.

(a) Type of Business. -- A taxpayer is eligible for a credit allowed by this Article if the taxpayer engages in manufacturing or



NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 1275

AMENDMENT NO. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

SI275-ALCX-6/13

Page 3 of 12

1 processing, warehousing or distributing, or data processing, and the  
2 jobs with respect to which a credit is claimed are created in that  
3 business, the machinery and equipment with respect to which a credit  
4 is claimed are used in that business, and the research and  
5 development for which a credit is claimed is carried out as part of  
6 that business.

7 (b) Wage Standard. -- A taxpayer is eligible for the credit for  
8 creating jobs or the credit for worker training if the jobs for  
9 which the credit is claimed meet the wage standard at the time the  
10 taxpayer applies for the credit. A taxpayer is eligible for the  
11 credit for investing in machinery and equipment or the credit for  
12 research and development if the jobs at the location with respect to  
13 which the credit is claimed meet the wage standard at the time the  
14 taxpayer applies for the credit. Jobs meet the wage standard if  
15 they pay an average weekly wage that is at least ten percent (10%)  
16 above the average weekly wage paid in the county in which the jobs  
17 will be located. In calculating the average weekly wage of jobs,  
18 positions that pay a wage or salary at a rate that exceeds one  
19 hundred thousand dollars (\$100,000) a year shall be excluded. For  
20 the purpose of this subsection, the average wage in a county is the  
21 average wage for all insured industries in the county as computed by  
22 the Employment Security Commission for the most recent period for  
23 which data are available.

24 (c) Health Insurance. -- A taxpayer is eligible for the credit for  
25 creating jobs or the credit for worker training if the taxpayer  
26 provides health insurance for the positions for which the credit is  
27 claimed at the time the taxpayer applies for the credit. A taxpayer  
28 is eligible for the credit for investing in machinery and equipment  
29 or the credit for research and development if the taxpayer provides  
30 health insurance for the full-time positions at the location with  
31 respect to which the credit is claimed at the time the taxpayer  
32 applies for the credit. For the purpose of this subsection, a  
33 taxpayer provides health insurance if it pays at least fifty percent  
34 (50%) of the premiums for health care coverage that equals or  
35 exceeds the minimum provisions of the basic health care plan of  
36 coverage recommended by the Small Employer Carrier Committee  
37 pursuant to G.S. 58-50-125.

38 Each year that a taxpayer claims an installment or carryforward of  
39 a credit allowed under this Article, the taxpayer shall provide with  
40 the tax return the taxpayer's certification that the taxpayer  
41 continues to provide health insurance for the jobs for which the  
42 credit was claimed or the full-time jobs at the location with  
43 respect to which the credit was claimed. If the taxpayer ceases to  
44 provide health insurance for the jobs during a taxable year, the  
45 credit expires and the taxpayer may not take any remaining  
46 installment or carryforward of the credit.

47 (d) Worker Training. -- A taxpayer is eligible for the tax credit  
48 for worker training only for training workers who occupy jobs for





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1 which the taxpayer is eligible to claim an installment of the credit  
2 for creating jobs or which are full-time positions at a location  
3 with respect to which the taxpayer is eligible to claim an  
4 installment of the credit for investing in machinery and equipment  
5 for the taxable year.

6 The credit for worker training is allowed only with respect to  
7 employees in positions not classified as exempt under the Fair Labor  
8 Standards Act, 29 U.S.C. § 213(a)(1) and for expenditures for  
9 training that would be eligible for expenditure or reimbursement  
10 under the Department of Community Colleges' New and Expanding  
11 Industry Program, as determined by guidelines adopted by the Board  
12 of Trustees of the Department of Community Colleges. To establish  
13 eligibility, the taxpayer must obtain as part of the application  
14 process under G.S. 105-129.6 the certification of the Department of  
15 Community Colleges that the taxpayer's planned worker training would  
16 satisfy the requirements of this paragraph. A taxpayer shall apply  
17 to the Department of Community Colleges for this certification. The  
18 application must be on a form provided by the Department of  
19 Community Colleges, must provide a detailed plan of the worker  
20 training to be provided, and must contain any information required  
21 by the Department of Community Colleges to determine whether the  
22 requirements of this paragraph will be satisfied. If the Department  
23 of Community Colleges determines that the planned worker training  
24 meets the requirements of this paragraph, the Department of  
25 Community Colleges shall issue a certificate describing the location  
26 with respect to which the credit is claimed and stating that the  
27 planned worker training meets the requirements of this paragraph.  
28 The Department of Community Colleges may adopt rules in accordance  
29 with Chapter 150B of the General Statutes that are needed to carry  
30 out its responsibilities under this paragraph.

31 (e) Forfeiture. -- A taxpayer forfeits a credit allowed under this  
32 Article if the taxpayer was not eligible for the credit at the time  
33 the taxpayer applied for the credit. A taxpayer who forfeits a  
34 credit under this Article is liable for all past taxes avoided as a  
35 result of the credit plus interest at the rate established under  
36 G.S. 105-241.1(i), computed from the date the taxes would have been  
37 due if the credit had not been allowed. The past taxes and interest  
38 are due 30 days after the date the credit is forfeited; a taxpayer  
39 who fails to pay the past taxes and interest by the due date is  
40 subject to the penalties provided in G.S. 105-236. If a taxpayer  
41 forfeits the credit for creating jobs or the credit for investing in  
42 machinery and equipment, the taxpayer also forfeits any credit for  
43 worker training claimed for the jobs for which the credit for  
44 creating jobs was claimed or the jobs at the location with respect  
45 to which the credit for investing in machinery and equipment was  
46 claimed.

47 (f) Change in Ownership of Business. -- The sale, merger,  
48 acquisition, or bankruptcy of a business, or any other transaction



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1 by which an existing business reformulates itself as another  
2 business, does not create new eligibility in a succeeding business  
3 with respect to credits for which the predecessor was not eligible  
4 under this Article. A successor business may, however, take any  
5 installment of or carried-over portion of a credit that its  
6 predecessor could have taken if it had a tax liability.

7 § 105-129.5. Tax election; cap.

8 (a) Tax Election. -- The credits provided in this Article are  
9 allowed against the franchise tax levied in Article 3 of this  
10 Chapter and the income taxes levied in Article 4 of this Chapter.  
11 The taxpayer shall elect the tax against which a credit will be  
12 claimed when filing the application for the credit. This election  
13 is binding. Any carryforwards of the credit must be claimed against  
14 the same tax elected in the application.

15 (b) Cap. -- The credits allowed under this Article may not exceed  
16 fifty percent (50%) of the tax against which they are claimed for  
17 the taxable year, reduced by the sum of all other credits allowed  
18 against that tax, except tax payments made by or on behalf of the  
19 taxpayer. This limitation applies to the cumulative amount of  
20 credit, including carryforwards, claimed by the taxpayer under this  
21 Article against each tax for the taxable year. Any unused portion  
22 of the credit may be carried forward for the succeeding five years.

23 § 105-129.6. Application; fee; reports.

24 (a) Application. -- To claim the credits allowed by this Article,  
25 the taxpayer must provide with the tax return the certification of  
26 the Secretary of Commerce that the taxpayer meets all of the  
27 eligibility requirements of G.S. 105-129.4 with respect to each  
28 credit. A taxpayer shall apply to the Secretary of Commerce for  
29 certification of eligibility. The application must be on a form  
30 provided by the Secretary of Commerce, must specify the credit and  
31 the tax against which it will be claimed, and must contain any  
32 information required by the Secretary of Commerce. If the Secretary  
33 determines that the taxpayer meets all of the eligibility  
34 requirements of G.S. 105-129.4 with respect to a credit, the  
35 Secretary shall issue a certificate describing the location with  
36 respect to which the credit is claimed, specifying the tax against  
37 which the credit will be claimed, outlining the eligibility  
38 requirements for the credit, and stating that the taxpayer meets the  
39 eligibility requirements. The Secretary of Commerce may adopt rules  
40 in accordance with Chapter 150B of the General Statutes that are  
41 needed to carry out the Secretary of Commerce's responsibilities  
42 under this section.

43 (b) Fee. -- When filing an application for certification under  
44 this section, the taxpayer must pay the Department of Commerce a fee  
45 for each credit the taxpayer intends to claim, subject to a maximum  
46 fee. The amount of the per credit fee and the maximum fee is  
47 provided in the table below based on the distress tier of the  
48 location with respect to which the credits are claimed. If the



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taxpayer applies for certification for credits that relate to locations in more than one distress tier area, the fee is based on the highest-numbered distress tier area.

| Area Distress Tier | Per Credit Fee | Maximum Fee |
|--------------------|----------------|-------------|
| Tier One           | \$ 50          | \$ 100      |
| Tier Two           | 100            | 250         |
| Tier Three         | 200            | 500         |
| Tier Four          | 350            | 1,000       |
| Tier Five          | 500            | 1,500       |

The Secretary of Commerce shall retain one-fourth of the proceeds of the fee imposed in this section for the costs of administering this section. The Secretary of Commerce shall credit the remaining proceeds of the fee imposed in this section to the Department of Revenue for the costs of administering and auditing the credits allowed in this Article. The proceeds of the fee are receipts of the Department to which they are credited.

(c) Reports. -- The Department of Commerce shall report to the Department of Revenue and to the Fiscal Research Division of the General Assembly by May 1 of each year the following information for the 12-month period ending the preceding April 1:

- (1) The number of applications for each credit allowed in this Article.
- (2) The number and distress tier area of new jobs with respect to which credits were applied for.
- (3) The cost of new machinery and equipment with respect to which credits were applied for.

§ 105-129.7. Substantiation.

To claim a credit allowed by this Article, the taxpayer must provide any information required by the Secretary of Revenue. Every taxpayer claiming a credit under this Article shall maintain and make available for inspection by the Secretary of Revenue any records the Secretary considers necessary to determine and verify the amount of the credit to which the taxpayer is entitled. The burden of proving eligibility for the credit and the amount of the credit shall rest upon the taxpayer, and no credit shall be allowed to a taxpayer that fails to maintain adequate records or to make them available for inspection.

§ 105-129.8. Credit for creating jobs-in-severely-distressed county: jobs.

(a) Credit. -- A corporation that (i) for at least 40 weeks during the year has at least nine employees and (ii) is located, for part or all of its taxable year, in a severely-distressed county taxpayer that has nine or more employees for at least 40 weeks during the taxable year may qualify for a credit against the tax imposed by this Division by creating new full-time jobs with the corporation in the severely-distressed county taxpayer's





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business during that year. A corporation taxpayer that hires an additional full-time employee during that year to fill a position located in a severely-distressed county this State is allowed a credit of two-thousand-eight-hundred-dollars-(\$2,800)-for-the additional-employee; for that employee in the amount provided in the following table based on the distress tier of the area in which the position is located:

| Area Distress Tier | Amount of Credit |
|--------------------|------------------|
| Tier One           | \$20,000         |
| Tier Two           | 4,000            |
| Tier Three         | 3,000            |
| Tier Four          | 1,000            |
| Tier Five          | 300              |

A position is located in a county an area if ~~it~~-at-least more than fifty percent (50%) of the employee's duties are performed in the county; ~~or~~-~~it~~ area or the employee is a resident of the county; area. If an employee resides in an area in this State and more than fifty percent (50%) of the employee's duties are performed in a different area in this State, the position is located in the area with the lower-numbered distress tier. The credit may not be taken in the income taxable year in which the additional employee is hired. Instead, the credit shall be taken in equal installments over the four years following the income taxable year in which the additional employee was hired and shall be conditioned on the continued employment by the corporation taxpayer of the number of full-time employees the corporation taxpayer had upon hiring the employee that caused the corporation taxpayer to qualify for the credit. ~~if~~;

If, in one of the four years in which the installment of a credit accrues, the number of the corporation's taxpayer's full-time employees falls below the number of full-time employees the company taxpayer had in the year in which the corporation taxpayer qualified for the credit ~~or the position filled by the employee is moved to another county~~; credit, the credit expires and the corporation taxpayer may not take any remaining installment of the credit. The corporation taxpayer may, however, take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under subsection ~~(e)~~-of-this-section: G.S. 105-129.5.

Jobs transferred from one area in the State to another area in the State shall not be considered new jobs for purposes of this section. If, in one of the four years in which the installment of a credit accrues, the position filled by the employee is moved to an area in a higher-numbered distress tier, the remaining installments of the credit shall be calculated as if the position had been created initially in the area to which it was moved.

For the purposes of this section, a full-time job is a position that requires at least 1,600 hours of work per year and is



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intended to be held by one employee during the entire year. -- A full-time employee is an employee who holds a full-time job.

(b) Repealed by Session Laws 1989, c. 111, s. 1.

(b1) -- Eligibility. -- A corporation is eligible for the tax credit allowed by this section only if it obtained a credit under this section for taxable year 1988 or the Department of Commerce determines that it engages in the manufacturing of goods, or that it engages in an industrial activity such as the processing of foods, raw materials, chemicals and process agents, goods in process, or finished products.

(c) -- County Designation. -- A severely distressed county is a county designated as severely distressed by the Secretary of Commerce. Each year, on or before December 31, the Secretary of Commerce shall designate which counties are considered severely distressed, and shall provide that information to the Secretary of Revenue. -- A county is considered severely distressed if its distress factor is one of the fifty highest in the State.

The Secretary shall assign to each county in the State a distress factor that is the sum of the following:

(1) The county's rank in a ranking of counties by rate of unemployment from lowest to highest.

(2) The county's rank in a ranking of counties by per capita income from highest to lowest.

(3) The county's rank in a ranking of counties by percentage growth in population from lowest to highest.

In measuring rates of unemployment and per capita income, the Secretary shall use the latest available data published by a State or Federal agency generally recognized as having expertise concerning the data. -- In measuring population growth, the Secretary shall use the most recent estimates of population certified by the State Planning Officer. -- A designation as a severely distressed county is effective only for the calendar year following the designation.

(d) Planned Expansion. -- A corporation that, during the year in which a county is designated as a severely distressed county, taxpayer that signs a letter of commitment with the Department of Commerce to create at least twenty new full-time jobs in that distressed county a specific area within two years of the date the letter is signed qualifies for the credit in the amount allowed by this section based on the area's distress tier for that year even though the employees are not hired that year. The credit shall be available in the income taxable year after at least twenty employees have been hired if such the hirings are within the two-year commitment period. The conditions outlined in subsection (a) apply to a credit taken under this subsection except that if the county is no longer designated a severely distressed county area is redesignated to a higher-numbered



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distress tier after the year the letter of commitment was signed;  
the credit is still available; allowed based on the area's  
distress tier for the year the letter was signed. If the  
corporation taxpayer does not hire the employees within the  
two-year period, the corporation taxpayer does not qualify for  
the credit. However, if the corporation taxpayer qualifies for a  
credit under subsection (a) in the year any new employees are  
hired, it the taxpayer may take the credit under that subsection.

(e) Limitations: --- The sale, merger, acquisition, or  
bankruptcy of a business, or any other transaction by which an  
existing business reformulates itself as another business, does  
not create new eligibility in a succeeding business with respect  
to jobs for which the predecessor was not eligible under this  
section. A successor corporation may, however, take any  
installment of or carried over portion of a credit that its  
predecessor could have taken if it had taxable income.

Jobs transferred from one county in the State to another county  
in the State shall not be considered new jobs for purposes of  
this section. A credit taken under this section may not exceed  
fifty percent (50%) of the tax imposed by this Division for the  
taxable year, reduced by the sum of all other credits allowed  
under this Division, except tax payments made by or on behalf of  
the corporation. Any unused portion of the credit may be carried  
forward for the succeeding five years.

(f) Substantiation: --- Every corporation claiming the credit  
provided in subsection (a) shall maintain and make available for  
inspection by the Secretary of Revenue or his agent such records  
as may be necessary to determine and verify the amount of the  
credit to which it is entitled. The burden of proving  
eligibility for the credit and the amount of the credit shall  
rest upon the corporation, and no credit shall be allowed to a  
corporation that fails to maintain adequate records or to make  
them available for inspection.

§ 105-129.9. Credit for investing in machinery and equipment.

(a) Credit. -- A taxpayer that has purchased new machinery and  
equipment and places it in service in this State during the  
taxable year is allowed a credit equal to a percentage of the  
excess of the eligible investment amount over the applicable  
threshold. If the new machinery and equipment are placed in  
service in a distress tier one area, the percentage rate is ten  
percent (10%). If the new machinery and equipment are placed in  
service in another area, the percentage rate is seven percent  
(7%). The credit may not be taken for the taxable year in which  
the equipment is placed in service but shall be taken in equal  
installments over the seven years following the taxable year in  
which the equipment is placed in service.

(b) Eligible Investment Amount. -- The eligible investment  
amount is the lesser of (i) the cost of the machinery and





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equipment and (iii) the amount by which the cost of all of the taxpayer's machinery and equipment that is in service in this State on the last day of the taxable year exceeds the cost of all of the taxpayer's machinery and equipment that was in service in this State on the last day of the base year. The base year is that year, of the three immediately preceding taxable years, in which the taxpayer had the most machinery and equipment in service in this State.

(c) Threshold. -- The applicable threshold is the appropriate amount set out in the following table based on the distress tier of the area where the new machinery and equipment are placed in service during the taxable year. If the taxpayer places new machinery and equipment in service in more than one area during the taxable year, the threshold applies separately to the new machinery and equipment placed in service in each area.

| Area Distress Tier | Threshold |
|--------------------|-----------|
| Tier One           | \$0       |
| Tier Two           | 100,000   |
| Tier Three         | 200,000   |
| Tier Four          | 500,000   |
| Tier Five          | 1,000,000 |

(d) Expiration. -- If, in one of the seven years in which the installment of a credit accrues, the machinery and equipment with respect to which the credit was claimed are sold or moved out of State, the credit expires and the taxpayer may not take any remaining installment of the credit. The taxpayer may, however, take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under G.S. 105-129.5.

If, in one of the seven years in which the installment of a credit accrues, the machinery and equipment with respect to which the credit was claimed are moved to an area in a higher-numbered distress tier, the remaining installments of the credit are allowed only to the extent they would have been allowed if the machinery and equipment had been placed in service initially in the area to which they were moved.

**§ 105-129.10. Credit for research and development.**

A taxpayer who claims for the taxable year a federal income tax credit under section 41 of the Code for increasing research activities is allowed a credit equal to five percent (5%) of the State's apportioned share of the taxpayer's expenditures for increasing research activities. The State's apportioned share of a taxpayer's expenditures for increasing research activities is the excess of the taxpayer's qualified research expenses for the taxable year over the base amount, as determined under section 41 of the Code, multiplied by a percentage equal to the ratio of the taxpayer's qualified research expenses in this State for the taxable year to the taxpayer's total qualified research expenses



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for the taxable year. As used in this section, the terms  
qualified research expenses and base amount have the meaning  
provided in section 11 of the Code.

§ 105-129.11. Credit for worker training.

(a) Credit. - A taxpayer that provides worker training for  
nine or more of its eligible employees during the taxable year is  
allowed a credit equal to fifty percent (50%) of its eligible  
expenditures for the training. For positions located in a tier  
one distress area, the credit may not exceed one thousand dollars  
(\$1,000) per employee trained during the taxable year. For other  
positions, the credit may not exceed five hundred dollars  
(\$500.00) per employee trained during the taxable year. A  
position is located in an area if more than fifty percent (50%)  
of the employee's duties are performed in the area or the  
employee is a resident of the area. If an employee resides in an  
area in this State and more than fifty percent (50%) of the  
employee's duties are performed in a different area in this  
State, the position is located in the area with the  
lower-numbered distress tier.

(b) Eligibility. - The eligibility of a taxpayer's  
expenditures and employees is determined as provided in G.S.  
105-129.1.

Sec. 2.4. - G.S. 105-151.17 is recodified as G.S.  
105-129.8. G.S. 105-129.9, as rewritten by this act,  
incorporates both G.S. 105-130.40 and G.S. 105-151.17."

and on page 5, lines 16 and 40 and page 6, line 1, by renumbering  
Sections 2.2, 2.3, and 2.4 accordingly;

and on page 5, lines 40 and 44,

by deleting "105-129.4" each time it appears and substituting  
"105-129.10";

and on page 18, lines 3 - 10,

by rewriting the lines to read:

"(2) Allow economic incentive tax credits. Part II of this act  
is effective for taxable years beginning on or after January 1,  
1996, and applies to jobs created on or after July 1, 1996, and  
new machinery and equipment placed in service on or after July 1,  
1996. Article 3A of Chapter 105 of the General Statutes is





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1. repealed effective for applications for credits filed under G.S.
2. 105-139.6 on or after January 1, 2002."

SIGNED [Signature]  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

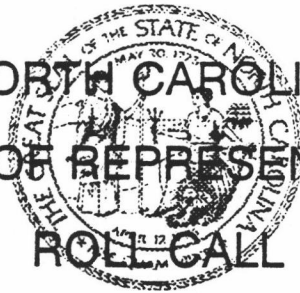
TABLED 62-48 20

D. W. Wicks

*Ruled to be material - thus constituting a ruling  
if adopted*

# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES



# 1985  
LEGISLATIVE DAY 130  
S1275HCS  
READING 2

6/14/96  
11:19 AM  
IN CHAIR: SPEAKER

AMEND #1-OWENS

TAX REDUCTION ACT OF 1996

MOTION #2 - Rep. Morgan moves that Rep. Owens's amendment be tabled

### AYES - 62

ALDRIDGE  
ALLRED  
ARNOLD  
BAKER  
BARBEE  
BERRY  
BOWIE  
BRAWLEY  
BROWN, J.  
CANSLER  
CAPPS  
CARPENTER  
CLARY  
COCKLEREECE  
CREECH  
CULP

CUMMINGS  
DAUGHTRY  
DAVIS  
DECKER  
DICKSON  
DOCKHAM  
EDDINS  
EDWARDS  
ELLIS  
ESPOSITO  
GARDNER  
GRADY  
GRAY  
HAYES  
HIATT  
HOLMES

HOWARD  
IVES  
JUSTUS  
KISER  
LEMMOND  
LINNEY  
MCCOMAS  
MCCOMBS  
MCMAHAN  
MINER  
MITCHELL  
MORGAN  
NICHOLS  
PATE  
PRESTON

PULLEY  
RAYFIELD  
REYNOLDS  
ROBINSON, J.  
SEXTON  
SHARPE  
SHERRILL  
SHUBERT  
TALLENT  
THOMPSON  
WATSON  
WEATHERLY  
WILSON, C.  
WILSON, G.  
WOOD

### NOES - 48

ADAMS  
ALEXANDER  
BARNES  
BEALL  
BLACK  
BLUE  
BOWEN  
BOYD-MCINTYRE  
BRASWELL  
BROWN, W.  
CHURCH  
CRAWFORD

CULPEPPER  
CUNNINGHAM  
EARLE  
EASTERLING  
FITCH  
FOX  
HACKNEY  
HENSLEY  
HIGHTOWER  
HILL  
HUNT  
HUNTER, H.

HUNTER, R.  
HURLEY  
LEE  
LOCKE  
LUEBKE  
MCALLISTER  
MCCRARY  
MCLAUGHLIN  
MERCER  
MILLER, G.  
NYE  
OLDHAM

OWENS  
RAMSEY  
REDWINE  
RICHARDSON  
ROGERS  
SHAW  
TOLSON  
WAINWRIGHT  
WARNER  
WILKINS  
WOMBLE  
YONGUE

### EXCUSED ABSENCE - 5

BUCHANAN  
GAMBLE

ROBINSON, G. SUTTON

WRIGHT

### EXCUSED VOTE - 0

### NOT VOTING - 5

SPEAKER  
MICHAX

MILLER, K. NEELY

RUSSELL

## NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. \_\_\_\_\_

DATE

6-14-96

S. B. No. 1275, 4th EdAmendment No. 2(to be filled in by  
Principal Clerk)

Rep. )

Sen. )

Luebkemoves to amend the bill on page 17, line 30

by

by adding the following immediately before  
the ~~quoted period~~ period at the end of the  
line:

" , not to exceed a maximum  
of thirty-five thousand dollars (\$35,000)  
for the taxable year " .

SIGNED

P. Luebke

ADOPTED

6/14/96

FAILED

TABLED

65-38 EV  
SWW

# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

ROLL CALL

EV

# 1986  
LEGISLATIVE DAY 130  
S1275HCS  
READING 2

6/14/96  
11:23 AM  
IN CHAIR: SPEAKER

AMEND #2 - *Wetke*  
TAX REDUCTION ACT OF 1996

### AYES - 65

|               |             |            |            |
|---------------|-------------|------------|------------|
| ADAMS         | COCKLEREECE | HILL       | MITCHELL   |
| ALEXANDER     | CRAWFORD    | HOWARD     | OLDHAM     |
| ALLRED        | CULP        | HUNT       | PULLEY     |
| ARNOLD        | CULPEPPER   | HURLEY     | RAMSEY     |
| BARNES        | CUNNINGHAM  | IVES       | RAYFIELD   |
| BEALL         | DAVIS       | KISER      | RICHARDSON |
| BLACK         | DECKER      | LEE        | ROGERS     |
| BLUE          | EARLE       | LINNEY     | SEXTON     |
| BOWEN         | EASTERLING  | LUEBKE     | SHAW       |
| BOYD-MCINTYRE | FITCH       | MCALLISTER | TOLSON     |
| BRASWELL      | FOX         | MCCOMAS    | WAINWRIGHT |
| BRAWLEY       | GARDNER     | MCCOMBS    | WARNER     |
| BROWN, W.     | HACKNEY     | MCCRARY    | WATSON     |
| CANSLER       | HENSLEY     | MCLAUGHLIN | WILKINS    |
| CAPPS         | HIATT       | MERCER     | WOMBLE     |
| CARPENTER     | HIGHTOWER   | MILLER, G. | YONGUE     |
| CHURCH        |             |            |            |

### NOES - 38

|           |          |              |            |
|-----------|----------|--------------|------------|
| ALDRIDGE  | EDDINS   | MCMAHAN      | RUSSELL    |
| BAKER     | EDWARDS  | MINER        | SHARPE     |
| BARBEE    | ELLIS    | MORGAN       | SHERRILL   |
| BERRY     | ESPOSITO | NICHOLS      | SHUBERT    |
| BOWIE     | GRADY    | OWENS        | TALLENT    |
| BROWN, J. | GRAY     | PATE         | THOMPSON   |
| CLARY     | HAYES    | PRESTON      | WEATHERLY  |
| CREECH    | HOLMES   | REYNOLDS     | WILSON, C. |
| CUMMINGS  | LEMMOND  | ROBINSON, J. | WILSON, G. |
| DOCKHAM   | LOCKE    |              |            |

### EXCUSED ABSENCE - 5

|          |              |        |        |
|----------|--------------|--------|--------|
| BUCHANAN | ROBINSON, G. | SUTTON | WRIGHT |
| GAMBLE   |              |        |        |

### EXCUSED VOTE - 0

### NOT VOTING - 12

|          |            |            |         |
|----------|------------|------------|---------|
| SPEAKER  | HUNTER, H. | MICHAUX    | NYE     |
| DAUGHTRY | HUNTER, R. | MILLER, K. | REDWINE |
| DICKSON  | JUSTUS     | NEELY      | WOOD    |

S1275HCS

RC

# 1987  
LEGISLATIVE DAY 130  
S1275HCS  
READING 2

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES



6/14/96  
11:42 AM  
IN CHAIR: SPEAKER

TAX REDUCTION ACT OF 1996

AYES - 94

|               |            |            |              |
|---------------|------------|------------|--------------|
| SPEAKER       | DAVIS      | KISER      | RAMSEY       |
| ALDRIDGE      | DECKER     | LEE        | RAYFIELD     |
| ALLRED        | DICKSON    | LEMMOND    | REDWINE      |
| ARNOLD        | DOCKHAM    | LINNEY     | REYNOLDS     |
| BAKER         | EARLE      | LOCKE      | ROBINSON, J. |
| BARBEE        | EDDINS     | MCCOMAS    | RUSSELL      |
| BEALL         | EDWARDS    | MCCOMBS    | SEXTON       |
| BERRY         | ELLIS      | MCCRARY    | SHARPE       |
| BLACK         | ESPOSITO   | MCLAUGHLIN | SHAW         |
| BOWEN         | FOX        | MCMAHAN    | SHERRILL     |
| BOWIE         | GARDNER    | MERCER     | SHUBERT      |
| BOYD-MCINTYRE | GRADY      | MILLER, G. | TALLENT      |
| BRASWELL      | GRAY       | MINER      | THOMPSON     |
| BRAWLEY       | HAYES      | MITCHELL   | TOLSON       |
| BROWN, J.     | HIATT      | MORGAN     | WAINWRIGHT   |
| CANSLER       | HIGHTOWER  | NEELY      | WARNER       |
| CAPPS         | HILL       | NICHOLS    | WATSON       |
| CARPENTER     | HOLMES     | NYE        | WEATHERLY    |
| CLARY         | HOWARD     | OLDHAM     | WILKINS      |
| COCKLEREECE   | HUNT       | OWENS      | WILSON, C.   |
| CRAWFORD      | HUNTER, R. | PATE       | WILSON, G.   |
| CREECH        | HURLEY     | PRESTON    | WOOD         |
| CULP          | IVES       | PULLEY     | YONGUE       |
| CUMMINGS      | JUSTUS     |            |              |

NOES - 15

|           |            |            |            |
|-----------|------------|------------|------------|
| ADAMS     | CULPEPPER  | HENSLEY    | RICHARDSON |
| ALEXANDER | EASTERLING | HUNTER, H. | ROGERS     |
| BARNES    | FITCH      | LUEBKE     | WOMBLE     |
| BLUE      | HACKNEY    | MCALLISTER |            |

EXCUSED ABSENCE - 5

|          |              |        |        |
|----------|--------------|--------|--------|
| BUCHANAN | ROBINSON, G. | SUTTON | WRIGHT |
| GAMBLE   |              |        |        |

EXCUSED VOTE - 0

|           |            |         |            |
|-----------|------------|---------|------------|
| BROWN, W. | CUNNINGHAM | MICHAUX | MILLER, K. |
| CHURCH    | DAUGHTRY   |         |            |

S1275HCS



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Date June 7, 1996

Comm. Sub. [YES]  
Amends Title EJ  
Fourth Edition

Rep. Owens

moves to amend the bill on page 1, lines 7 - 8,  
by rewriting the lines to read:

"II. ALLOW ECONOMIC INCENTIVE TAX CREDITS"

and on page 2, line 31, through page 5, line 15,  
by rewriting the lines to read:

"PART II. ALLOW ECONOMIC INCENTIVE TAX CREDITS

"Sec. 2.1. Chapter 105 of the General Statutes is amended  
by adding a new Article 3A entitled "Tax Incentives for New and  
Expanding Businesses."

Sec. 2.2. G.S. 105-130.40 is recodified as G.S. 105-129.8  
in Article 3A of Chapter 105 of the General Statutes.

Sec. 2.3. Article 3A of Chapter 105 of the General  
Statutes, as enacted by this act, reads as rewritten:

ARTICLE 3A.

Tax Incentives for New and Expanding Businesses.

§ 105-129.2. Definitions.

The following definitions apply to this Article:

(1) Data processing. -- Defined in the Standard Industrial  
Classification Manual issued by the United States  
Bureau of the Census.

(2) Distress tier. -- The classification assigned to an  
area pursuant to G.S. 105-129.3.

(3) Full-time job. -- A position that requires at least  
1,000 hours of work per year and is intended to be  
held by one employee during the entire year. A  
full-time employee is an employee who holds a  
full-time job.

(4) Manufacturing and processing. -- Defined in the  
Standard Industrial Classification Manual issued by  
the United States Bureau of the Census.

(5) Warehousing and distribution. -- Defined in the  
Standard Industrial Classification Manual issued by  
the United States Bureau of the Census.

§ 105-129.3. Distress tier designation.





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(a) Tiers Defined. -- A distress tier one area is a county whose distress factor is one of the 10 highest in the State. A distress tier two area is a county whose distress factor is one of the next 15 highest in the State. A distress tier three area is a county whose distress factor is one of the next 25 highest in the State. A distress tier four area is a county whose distress factor is one of the next 25 highest in the State. A distress tier five area is any area that is not in a lower numbered distress tier.

(b) Annual Designation. -- Each year, on or before December 31, the Secretary of Commerce shall assign to each county in the State a distress factor that is the sum of the following:

- (1) The county's rank in a ranking of counties by rate of unemployment from lowest to highest.
- (2) The county's rank in a ranking of counties by per capita income from highest to lowest.
- (3) The county's rank in a ranking of counties by percentage growth in population from highest to lowest.

The Secretary of Commerce shall then rank all the counties within the State according to their distress factor from highest to lowest, identify all the areas of the State by distress tier, and provide this information to the Secretary of Revenue. A distress tier designation is effective only for the calendar year following the designation.

In measuring rates of unemployment and per capita income, the Secretary shall use the latest available data published by a State or federal agency generally recognized as having expertise concerning the data. In measuring population growth, the Secretary shall use the most recent estimates of population certified by the State Planning Office.

§ 105-129.4. Eligibility: forfeiture.

(a) Type of Business. -- A taxpayer is eligible for a credit allowed by this Article if the taxpayer engages in manufacturing or processing, warehousing or distributing, or data processing, and the jobs with respect to which a credit is claimed are created in that business and the research and development for which a credit is claimed is carried out as part of that business.

(b) Wage Standard. -- A taxpayer is eligible for the credit for creating jobs or the credit for worker training if the jobs for which the credit is claimed meet the wage standard at the time the taxpayer applies for the credit. A taxpayer is eligible for the credit for research and development if the jobs at the location with respect to which the credit is claimed meet the wage standard at the time the taxpayer applies for the credit. Jobs meet the wage standard if they pay an average weekly wage that is at least ten percent (10%) above the average weekly wage paid in the county in which the jobs will be located. In calculating the average weekly wage of jobs, positions that pay a wage or salary at a rate that





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1 exceeds one hundred thousand dollars (\$100,000) a year shall be  
2 excluded. For the purpose of this subsection, the average wage in a  
3 county is the average wage for all insured industries in the county  
4 as computed by the Employment Security Commission for the most  
5 recent period for which data are available.

6 (c) Health Insurance. -- A taxpayer is eligible for the credit for  
7 creating jobs or the credit for worker training if the taxpayer  
8 provides health insurance for the positions for which the credit is  
9 claimed at the time the taxpayer applies for the credit. A taxpayer  
10 is eligible for the credit for research and development if the  
11 taxpayer provides health insurance for the full-time positions at  
12 the location with respect to which the credit is claimed at the time  
13 the taxpayer applies for the credit. For the purpose of this  
14 subsection, a taxpayer provides health insurance if it pays at least  
15 fifty percent (50%) of the premiums for health care coverage that  
16 equals or exceeds the minimum provisions of the basic health care  
17 plan of coverage recommended by the Small Employer Carrier Committee  
18 pursuant to G.S. 58-59-125.

19 Each year that a taxpayer claims an installment or carryforward of  
20 a credit allowed under this Article, the taxpayer shall provide with  
21 the tax return the taxpayer's certification that the taxpayer  
22 continues to provide health insurance for the jobs for which the  
23 credit was claimed or the full-time jobs at the location with  
24 respect to which the credit was claimed. If the taxpayer ceases to  
25 provide health insurance for the jobs during a taxable year, the  
26 credit expires and the taxpayer may not take any remaining  
27 installment or carryforward of the credit.

28 (d) Worker Training. -- A taxpayer is eligible for the tax credit  
29 for worker training only for training workers who occupy jobs for  
30 which the taxpayer is eligible to claim an installment of the credit  
31 for creating jobs.

32 The credit for worker training is allowed only with respect to  
33 employees in positions not classified as exempt under the Fair Labor  
34 Standards Act, 29 U.S.C. § 213(a)(1) and for expenditures for  
35 training that would be eligible for expenditure or reimbursement  
36 under the Department of Community Colleges New and Expanding  
37 Industry Program, as determined by guidelines adopted by the State  
38 Board of Community Colleges. To establish eligibility, the taxpayer  
39 must obtain as part of the application process under G.S. 105-122.6  
40 the certification of the Department of Community Colleges that the  
41 taxpayer's planned worker training would satisfy the requirements of  
42 this paragraph. A taxpayer shall apply to the Department of  
43 Community Colleges for this certification. The application must be  
44 on a form provided by the Department of Community Colleges, must  
45 provide a detailed plan of the worker training to be provided, and  
46 must contain any information required by the Department of Community  
47 Colleges to determine whether the requirements of this paragraph  
48 will be satisfied. If the Department of Community Colleges



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1 determines that the planned worker training meets the requirements  
2 of this paragraph, the Department of Community Colleges shall issue  
3 a certificate describing the location with respect to which the  
4 credit is claimed and stating that the planned worker training meets  
5 the requirements of this paragraph. The State Board of Community  
6 Colleges may adopt rules in accordance with Chapter 150B of the  
7 General Statutes that are needed to carry out its responsibilities  
8 under this paragraph.

9 (e) Forfeiture. -- A taxpayer forfeits a credit allowed under this  
10 Article if the taxpayer was not eligible for the credit at the time  
11 the taxpayer applied for the credit. A taxpayer who forfeits a  
12 credit under this Article is liable for all past taxes avoided as a  
13 result of the credit plus interest at the rate established under  
14 G.S. 105-231.1(f), computed from the date the taxes would have been  
15 due if the credit had not been allowed. The past taxes and interest  
16 are due 30 days after the date the credit is forfeited; a taxpayer  
17 who fails to pay the past taxes and interest by the due date is  
18 subject to the penalties provided in G.S. 105-236. If a taxpayer  
19 forfeits the credit for creating jobs, the taxpayer also forfeits  
20 any credit for worker training claimed for the jobs for which the  
21 credit for creating jobs was claimed.

22 (f) Change in Ownership of Business. -- The sale, merger,  
23 acquisition, or bankruptcy of a business, or any other transaction  
24 by which an existing business reformulates itself as another  
25 business, does not create new eligibility in a succeeding business  
26 with respect to credits for which the predecessor was not eligible  
27 under this Article. A successor business may, however, take any  
28 installment of or carried-over portion of a credit that its  
29 predecessor could have taken if it had a tax liability.

30 § 105-129.5. Tax election; cap.

31 (a) Tax Election. -- The credits provided in this Article are  
32 allowed against the franchise tax levied in Article 3 of this  
33 Chapter and the income taxes levied in Article 4 of this Chapter.  
34 The taxpayer shall elect the tax against which a credit will be  
35 claimed when filing the application for the credit. This election  
36 is binding. Any carryforwards of the credit must be claimed against  
37 the same tax elected in the application.

38 (b) Cap. -- The credits allowed under this Article may not exceed  
39 fifty percent (50%) of the tax against which they are claimed for  
40 the taxable year, reduced by the sum of all other credits allowed  
41 against that tax, except tax payments made by or on behalf of the  
42 taxpayer. This limitation applies to the cumulative amount of  
43 credit, including carryforwards, claimed by the taxpayer under this  
44 Article against each tax for the taxable year. Any unused portion  
45 of the credit may be carried forward for the succeeding five years.

46 § 105-129.6. Application; fee; reports.

47 (a) Application. -- To claim the credits allowed by this Article,  
48 the taxpayer must provide with the tax return the certification of



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1 the Secretary of Commerce that the taxpayer meets all of the  
2 eligibility requirements of G.S. 105-129.4 with respect to each  
3 credit. A taxpayer shall apply to the Secretary of Commerce for  
4 certification of eligibility. The application must be on a form  
5 provided by the Secretary of Commerce, must specify the credit and  
6 the tax against which it will be claimed, and must contain any  
7 information required by the Secretary of Commerce. If the Secretary  
8 determines that the taxpayer meets all of the eligibility  
9 requirements of G.S. 105-129.4 with respect to a credit, the  
10 Secretary shall issue a certificate describing the location with  
11 respect to which the credit is claimed, specifying the tax against  
12 which the credit will be claimed, outlining the eligibility  
13 requirements for the credit, and stating that the taxpayer meets the  
14 eligibility requirements. The Secretary of Commerce may adopt rules  
15 in accordance with Chapter 150B of the General Statutes that are  
16 needed to carry out the Secretary of Commerce's responsibilities  
17 under this section.

18 (b) Fee. -- When filing an application for certification under  
19 this section, the taxpayer must pay the Department of Commerce a fee  
20 for each credit the taxpayer intends to claim, subject to a maximum  
21 fee. The amount of the per credit fee and the maximum fee is  
22 provided in the table below based on the distress tier of the  
23 location with respect to which the credits are claimed. If the  
24 taxpayer applies for certification for credits that relate to  
25 locations in more than one distress tier area, the fee is based on  
26 the highest-numbered distress tier area.

| Area Distress Tier | Per Credit Fee | Maximum Fee |
|--------------------|----------------|-------------|
| Tier One           | 50             | 100         |
| Tier Two           | 100            | 250         |
| Tier Three         | 200            | 500         |
| Tier Four          | 400            | 1,000       |
| Tier Five          | 600            | 1,500       |

33 The Secretary of Commerce shall retain one-fourth of the  
34 proceeds of the fee imposed in this section for the costs of  
35 administering this section. The Secretary of Commerce shall  
36 credit the remaining proceeds of the fee imposed in this section  
37 to the Department of Revenue for the costs of administering and  
38 auditing the credits allowed in this Article. The proceeds of  
39 the fee are receipts of the Department to which they are  
40 credited.

41 (c) Reports. -- The Department of Commerce shall report to the  
42 Department of Revenue and to the Fiscal Research Division of the  
43 General Assembly by May 1 of each year the following information  
44 for the 12-month period ending the preceding April 1:

- 45 (1) The number of applications for each credit allowed  
46 in this Article.
- 47 (2) The number and distress tier area of new jobs with  
48 respect to which credits were applied for.





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§ 105-129.7. Substantiation.

To claim a credit allowed by this Article, the taxpayer must provide any information required by the Secretary of Revenue. Every taxpayer claiming a credit under this Article shall maintain and make available for inspection by the Secretary of Revenue any records the Secretary considers necessary to determine and verify the amount of the credit to which the taxpayer is entitled. The burden of proving eligibility for the credit and the amount of the credit shall rest upon the taxpayer, and no credit shall be allowed to a taxpayer that fails to maintain adequate records or to make them available for inspection.

§ 105-129.8. Credit for creating jobs in severely-distressed county: jobs.

(a) Credit. -- A corporation that (i) for at least 40 weeks during the year has at least nine employees and (ii) is located, for part or all of its taxable year, in a severely-distressed county taxpayer that has five or more employees for at least 40 weeks during the taxable year may qualify for a credit against the tax imposed by this Division by creating new full-time jobs with the corporation in the severely-distressed county taxpayer's business during that year. A corporation taxpayer that hires an additional full-time employee during that year to fill a position located in a severely-distressed county this State is allowed a credit of two thousand eight hundred dollars (\$2,800) for the additional employee, for that employee in the amount provided in the following table based on the distress tier of the area in which the position is located:

| Area Distress Tier | Amount of Credit |
|--------------------|------------------|
| Tier One           | \$20,000         |
| Tier Two           | 1,000            |
| Tier Three         | 3,000            |
| Tier Four          | 1,000            |
| Tier Five          | 300              |

A position is located in a county an area if (i) at least more than fifty percent (50%) of the employee's duties are performed in the county, or (ii) the employee is a resident of the county area. The credit may not be taken in the income taxable year in which the additional employee is hired. Instead, the credit shall be taken in equal installments over the four years following the income taxable year in which the additional employee was hired and shall be conditioned on the continued employment by the corporation taxpayer of the number of full-time employees the corporation taxpayer had upon hiring the employee that caused the corporation taxpayer to qualify for the credit.

If, in one of the four years in which the installment of a credit accrues, the number of the corporation's taxpayer's



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1 full-time employees falls below the number of full-time employees  
2 the company taxpayer had in the year in which the corporation  
3 taxpayer qualified for the credit or the position filled by the  
4 employee is moved to another county; credit, the credit expires  
5 and the corporation taxpayer may not take any remaining  
6 installment of the credit. The corporation taxpayer may,  
7 however, take the portion of an installment that accrued in a  
8 previous year and was carried forward to the extent permitted  
9 under subsection (c) of this section, G.S. 105-129.5.

10 Jobs transferred from one area in the State to another area in  
11 the State shall not be considered new jobs for purposes of this  
12 section. If, in one of the four years in which the installment  
13 of a credit accrues, the position filled by the employee is moved  
14 to an area in a higher-numbered distress tier, the remaining  
15 installments of the credit shall be calculated as if the position  
16 had been created initially in the area to which it was moved.

17 For the purposes of this section, a full-time job is a position  
18 that requires at least 1,600 hours of work per year and is  
19 intended to be held by one employee during the entire year. A  
20 full-time employee is an employee who holds a full-time job.

21 (b) Repealed by Session Laws 1989, c. 111, s. 1.

22 (b1) Eligibility. --- A corporation is eligible for the tax  
23 credit allowed by this section only if it obtained a credit under  
24 this section for taxable year 1988 or the Department of Commerce  
25 determines that it engages in the manufacturing of goods, or that  
26 it engages in an industrial activity such as the processing of  
27 foods, raw materials, chemicals and process agents, goods in  
28 process, or finished products.

29 (c) County Designation. --- A severely distressed county is a  
30 county designated as severely distressed by the Secretary of  
31 Commerce. Each year, on or before December 31, the Secretary of  
32 Commerce shall designate which counties are considered severely  
33 distressed and shall provide that information to the Secretary  
34 of Revenue. A county is considered severely distressed if its  
35 distress factor is one of the fifty highest in the State.

36 The Secretary shall assign to each county in the State a  
37 distress factor that is the sum of the following:

- 38 (1) The county's rank in a ranking of counties by rate  
39 of unemployment from lowest to highest;
- 40 (2) The county's rank in a ranking of counties by per  
41 capita income from highest to lowest;
- 42 (3) The county's rank in a ranking of counties by  
43 percentage growth in population from lowest to  
44 highest;

45 In measuring rates of unemployment and per capita income, the  
46 Secretary shall use the latest available data published by a  
47 State or federal agency generally recognized as having expertise  
48 concerning the data. In measuring population growth, the



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Secretary shall use the most recent estimates of population certified by the State Planning Officer. -- A designation as a severely distressed county is effective only for the calendar year following the designation.

(d) Planned Expansion. -- A corporation that, during the year in which a county is designated as a severely distressed county, taxpayer that signs a letter of commitment with the Department of Commerce to create at least twenty new full-time jobs in that distressed county a specific area within two years of the date the letter is signed qualifies for the credit in the amount allowed by this section based on the area's distress tier for that year even though the employees are not hired that year. The credit shall be available in the income taxable year after at least twenty employees have been hired if such the hirings are within the two-year commitment period. The conditions outlined in subsection (a) apply to a credit taken under this subsection except that if the county is no longer designated a severely distressed county area is redesignated to a higher-numbered distress tier after the year the letter of commitment was signed, the credit is still available, allowed based on the area's distress tier for the year the letter was signed. If the

corporation taxpayer does not hire the employees within the two-year period, the corporation taxpayer does not qualify for the credit. However, if the corporation taxpayer qualifies for a credit under subsection (a) in the year any new employees are hired, it the taxpayer may take the credit under that subsection.

(e) Limitations. -- The sale, merger, acquisition, or bankruptcy of a business, or any other transaction by which an existing business reformulates itself as another business, does not create new eligibility in a succeeding business with respect to jobs for which the predecessor was not eligible under this section. -- A successor corporation may, however, take any installment of or carried-over portion of a credit that its predecessor could have taken if it had taxable income.

Jobs transferred from one county in the State to another county in the State shall not be considered new jobs for purposes of this section. -- A credit taken under this section may not exceed fifty percent (50%) of the tax imposed by this Division for the taxable year, reduced by the sum of all other credits allowed under this Division, except tax payments made by or on behalf of the corporation. -- Any unused portion of the credit may be carried forward for the succeeding five years.

(f) Substantiation. -- Every corporation claiming the credit provided in subsection (a) shall maintain and make available for inspection by the Secretary of Revenue or his agent such records as may be necessary to determine and verify the amount of the credit to which it is entitled. -- The burden of proving eligibility for the credit and the amount of the credit shall





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rest upon the corporation, and no credit shall be allowed to a corporation that fails to maintain adequate records or to make them available for inspection.

§ 105-129.9. Credit for research and development.

A taxpayer who claims for the taxable year a federal income tax credit under section 41 of the Code for increasing research activities is allowed a credit equal to five percent (5%) of the State's apportioned share of the taxpayer's expenditures for increasing research activities. The State's apportioned share of a taxpayer's expenditures for increasing research activities is the excess of the taxpayer's qualified research expenses for the taxable year over the base amount, as determined under section 41 of the Code, multiplied by a percentage equal to the ratio of the taxpayer's qualified research expenses in this State for the taxable year to the taxpayer's total qualified research expenses for the taxable year. As used in this section, the terms "qualified research expenses" and "base amount" have the meaning provided in section 41 of the Code.

§ 105-129.10. Credit for worker training.

(a) Credit. -- A taxpayer that provides worker training for five or more of its eligible employees during the taxable year is allowed a credit equal to fifty percent (50%) of its eligible expenditures for the training. For positions located in a tier one distress area, the credit may not exceed one thousand dollars (\$1,000) per employee trained during the taxable year. For other positions, the credit may not exceed five hundred dollars (\$500.00) per employee trained during the taxable year. A position is located in an area if more than fifty percent (50%) of the employee's duties are performed in the area.

(b) Eligibility. -- The eligibility of a taxpayer's expenditures and employees is determined as provided in G.S. 105-129.4.

Sec. 2.4. G.S. 105-151.17 is recodified as G.S. 105-129.8. G.S. 105-129.8, as rewritten by this act, incorporates both G.S. 105-130.40 and G.S. 105-151.17.

Sec. 2.5. Chapter 105 of the General Statutes is amended by adding a new Article to read:

ARTICLE 3B.

Investment Tax Credit.

§ 105-129.15. Definitions.

The following definitions apply in this Article:

- (1) Business property. -- Tangible personal property that is used by the taxpayer in connection with a business or for the production of income and is capitalized by the taxpayer for tax purposes under the Code.
- (2) Cost. -- Defined in section 179 of the Code.
- (3) Purchase. -- Defined in section 179 of the Code.





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1 § 105-129.16. Credit for investing in business property.

2 (a) Credit. -- A taxpayer that has purchased business property  
3 and places it in service in this State during the taxable year is  
4 allowed a credit equal to seven and seventy-five one-hundredths  
5 percent (7.75%) of the cost of the property. The maximum credit  
6 allowed a taxpayer for property placed in service during a  
7 taxable year is thirty-eight thousand seven hundred fifty dollars  
8 (\$38,750). The entire credit may not be taken for the taxable  
9 year in which the property is placed in service but must be taken  
10 in five equal installments beginning with the taxable year in  
11 which the property is placed in service.

12 (b) Expiration. -- If, in one of the five years in which the  
13 installment of a credit accrues, the business property with  
14 respect to which the credit was claimed is sold or moved out of  
15 State, the credit expires and the taxpayer may not take any  
16 remaining installment of the credit. The taxpayer may, however,  
17 take the portion of an installment that accrued in a previous  
18 year and was carried forward to the extent permitted under G.S.  
19 105-129.17.

20 § 105-129.17. Tax election; cap.

21 (a) Tax Election. -- The credit allowed in this Article is  
22 allowed against the franchise tax levied in Article 3 of this  
23 Chapter or the income taxes levied in Article 4 of this Chapter.  
24 The taxpayer must elect the tax against which the credit will be  
25 claimed when filing the return on which the first installment of  
26 the credit is claimed. This election is binding. Any  
27 carryforwards of the credit must be claimed against the same tax.

28 (b) Cap. -- The credit allowed in this Article may not exceed  
29 fifty percent (50%) of the tax against which it is claimed for  
30 the taxable year, reduced by the sum of all other credits allowed  
31 against that tax, except tax payments made by or on behalf of the  
32 taxpayer. This limitation applies to the cumulative amount of  
33 credit, including carryforwards, claimed by the taxpayer under  
34 this Article against each tax for the taxable year. Any unused  
35 portion of the credit may be carried forward for the succeeding  
36 five years.

37 § 105-129.18. Substantiation.

38 To claim the credit allowed by this Article, the taxpayer must  
39 provide any information required by the Secretary. Every  
40 taxpayer claiming a credit under this Article must maintain and  
41 make available for inspection by the Secretary any records the  
42 Secretary considers necessary to determine and verify the amount  
43 of the credit to which the taxpayer is entitled. The burden of  
44 proving eligibility for the credit and the amount of the credit  
45 rests upon the taxpayer, and no credit may be allowed to a  
46 taxpayer that fails to maintain adequate records or to make them  
47 available for inspection.

48 § 105-129.19. Reports.



NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 1275

AMENDMENT NO. 2

(to be filled in by  
Principal Clerk)

SI275-ALCX-6/15

Page 11 of 11

The Department of Revenue shall report to the Legislative Research Commission and to the Fiscal Research Division of the General Assembly by May 1 of each year the following information for the 12-month period ending the preceding April 1:

(1) The number of taxpayers that claimed the credit allowed in this Article.

(2) The cost of business property with respect to which credits were claimed.

(3) The total cost to the General Fund of the credits claimed."

and on page 5, lines 16 and 40 and page 6, line 1, by renumbering Sections 2.2, 2.3, and 2.4 accordingly;

and on page 5, lines 40 and 44,

by deleting "105-129.4" each time it appears and substituting "105-129.3";

and on page 18, lines 3 - 10,

by rewriting the lines to read:

"(2) Allow economic incentive tax credits. Part II of this act is effective for taxable years beginning on or after January 1, 1996, and applies to jobs created on or after July 1, 1996, and business property placed in service on or after July 1, 1996. Articles 3A and 3B of Chapter 105 of the General Statutes are repealed effective for business property placed in service on or after January 1, 2002 and applications for credits filed under G.S. 105-129.6 on or after January 1, 2002."

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED

6/17/96

60-4201

SWW

filed material - was constituting 1<sup>st</sup> reading  
if adopted

# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

### ROLL CALL

EV

# 1991  
LEGISLATIVE DAY 131  
S1275HCS  
READING 2

6/17/96  
4:55 PM  
IN CHAIR: SPEAKER

AMEND #3-Owens

TAX REDUCTION ACT OF 1996

MOTION #2-Rep Daughtry moves to table Rep Owens amendment

#### AYES - 60

|           |             |          |              |
|-----------|-------------|----------|--------------|
| SPEAKER   | COCKLEREECE | HAYES    | PULLEY       |
| ALDRIDGE  | CREECH      | HIATT    | RAYFIELD     |
| ALLRED    | CULP        | HOLMES   | REYNOLDS     |
| ARNOLD    | CUMMINGS    | HOWARD   | ROBINSON, J. |
| BAKER     | DAUGHTRY    | IVES     | RUSSELL      |
| BARBEE    | DAVIS       | JUSTUS   | SEXTON       |
| BERRY     | DECKER      | KISER    | SHARPE       |
| BOWIE     | DICKSON     | MCCOMAS  | SHERRILL     |
| BRAWLEY   | EDDINS      | MCCOMBS  | SHUBERT      |
| BROWN, J. | EDWARDS     | MINER    | THOMPSON     |
| BUCHANAN  | ELLIS       | MITCHELL | WATSON       |
| CANSLER   | ESPOSITO    | MORGAN   | WEATHERLY    |
| CAPPS     | GARDNER     | NICHOLS  | WILSON, C.   |
| CARPENTER | GRADY       | PATE     | WILSON, G.   |
| CLARY     | GRAY        | PRESTON  | WOOD         |

#### NOES - 43

|               |            |            |            |
|---------------|------------|------------|------------|
| ADAMS         | CULPEPPER  | LEE        | REDWINE    |
| ALEXANDER     | EASTERLING | LOCKE      | ROGERS     |
| BARNES        | FITCH      | LUEBKE     | SHAW       |
| BEALL         | FOX        | MCALLISTER | SUTTON     |
| BLACK         | GAMBLE     | MCCRARY    | TOLSON     |
| BOWEN         | HACKNEY    | MCLAUGHLIN | WAINWRIGHT |
| BOYD-MCINTYRE | HENSLEY    | MERCER     | WARNER     |
| BRASWELL      | HILL       | NYE        | WILKINS    |
| BROWN, W.     | HUNT       | OLDHAM     | WOMBLE     |
| CHURCH        | HUNTER, H. | OWENS      | YONGUE     |
| CRAWFORD      | HURLEY     | RAMSEY     |            |

#### EXCUSED ABSENCE - 10

|            |            |            |              |
|------------|------------|------------|--------------|
| BLUE       | EARLE      | MCMAHAN    | ROBINSON, G. |
| CUNNINGHAM | HIGHTOWER  | MILLER, G. | WRIGHT       |
| DOCKHAM    | HUNTER, R. |            |              |

#### EXCUSED VOTE - 0

#### NOT VOTING - 7

|         |            |            |         |
|---------|------------|------------|---------|
| LEMMOND | MICHAUX    | NEELY      | TALLENT |
| LINNEY  | MILLER, K. | RICHARDSON |         |

S1275HCS



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT

Senate Bill 1275

AMENDMENT NO. 4  
(to be filled in by  
Principal Clerk)

SI275-ALC-6/15

Page 1 of 1

Date June 17, 1996

Comm. Sub. [YES]  
Amends Title []  
Fourth Edition

Rep. Willis Brown

- 1 moves to amend the bill on page 1, line 14,  
2 by rewriting the line to read:  
3 "VIII. EXPAND HOMESTEAD EXEMPTION  
4 IX. EFFECTIVE DATES";  
5  
6 and on page 17, line 36,  
7 by rewriting the line to read:  
8 "PART VIII. EXPAND HOMESTEAD EXEMPTION  
9 Sec. 8.1. G.S. 105-277.1 reads as rewritten:  
10 "\$ 105-277.1. Property classified for taxation at reduced  
11 valuation.  
12 (a) Exclusion. -- The following class of property is designated a  
13 special class of property under Article V, Sec. 2(2) of the North  
14 Carolina Constitution and shall be assessed for taxation in  
15 accordance with this section. The first fifteen-thousand-dollars  
16 ~~(\$15,000)~~ eighteen thousand dollars (\$18,000) in appraised value of  
17 a permanent residence owned and occupied by a qualifying owner is  
18 excluded from taxation. A qualifying owner is an owner who meets  
19 all of the following requirements as of January 1 preceding the  
20 taxable year for which the benefit is claimed:  
21 (1) Is at least 65 years of age or totally and permanently  
22 disabled.  
23 (2) Has an income for the preceding calendar year of not  
24 more than eleven thousand dollars (\$11,000).  
25 (3) Is a North Carolina resident.  
26 An otherwise qualifying owner does not lose the benefit of this  
27 exclusion because of a temporary absence from his or her permanent  
28 residence for reasons of health, or because of an extended absence  
29 while confined to a rest home or nursing home, so long as the  
30 residence is unoccupied or occupied by the owner's spouse or other  
31 dependent.  
32 (b) Definitions. -- When used in this section, the following  
33 definitions shall apply:  
34 (1) Code. -- The Internal Revenue Code, as defined in G.S.  
35 105-228.90.





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT

Senate Bill 1275

AMENDMENT NO.         
(to be filled in by  
Principal Clerk)

S1275-ALC-6/15

Page 2 of 7

- 1 (1a) Income. -- Adjusted gross income, as defined in  
2 section 62 of the Code, plus all other moneys received  
3 from every source other than gifts or inheritances  
4 received from a spouse, lineal ancestor, or lineal  
5 descendant. For married applicants residing with  
6 their spouses, the income of both spouses must be  
7 included, whether or not the property is in both  
8 names.  
9 (1b) Owner. -- A person who holds legal or equitable title,  
10 whether individually, as a tenant by the entirety, a  
11 joint tenant, or a tenant in common, or as the holder  
12 of a life estate or an estate for the life of another.  
13 A manufactured home jointly owned by husband and wife  
14 is considered property held by the entirety.  
15 (2) Repealed by Session Laws 1993, c. 360, s. 1.  
16 (2a) Repealed by Session Laws 1985 (Reg. Sess., 1986), c.  
17 982, s. 20.  
18 (3) Permanent residence. -- A person's legal residence. It  
19 includes the dwelling, the dwelling site, not to  
20 exceed one acre, and related improvements. The  
21 dwelling may be a single family residence, a unit in a  
22 multi-family residential complex, or a manufactured  
23 home.  
24 (4) Totally and permanently disabled. -- A person is  
25 totally and permanently disabled if the person has a  
26 physical or mental impairment that substantially  
27 precludes him or her from obtaining gainful employment  
28 and appears reasonably certain to continue without  
29 substantial improvement throughout his or her life.  
30 (c) Application. -- An application for the exclusion provided by  
31 this section should be filed during the regular listing period, but  
32 may be filed and must be accepted at any time up to and through  
33 April 15 preceding the tax year for which the exclusion is claimed.  
34 When property is owned by two or more persons other than husband and  
35 wife and one or more of them qualifies for this exclusion, each  
36 owner shall apply separately for his or her proportionate share of  
37 the exclusion.  
38 (1) Elderly Applicants. -- Persons 65 years of age or  
39 older may apply for this exclusion by entering the  
40 appropriate information on a form made available by  
41 the assessor under G.S. 105-282.1.  
42 (2) Disabled Applicants. -- Persons who are totally and  
43 permanently disabled may apply for this exclusion by  
44 (i) entering the appropriate information on a form  
45 made available by the assessor under G.S. 105-282.1  
46 and (ii) furnishing acceptable proof of their  
47 disability. The proof shall be in the form of a  
48 certificate from a physician licensed to practice



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT

Senate Bill 1275

AMENDMENT NO. 4  
(to be filled in by  
Principal Clerk)

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1 medicine in North Carolina or from a governmental  
2 agency authorized to determine qualification for  
3 disability benefits. After a disabled applicant has  
4 qualified for this classification, he or she shall not  
5 be required to furnish an additional certificate  
6 unless the applicant's disability is reduced to the  
7 extent that the applicant could no longer be certified  
8 for the taxation at reduced valuation.

9 (d) Multiple Ownership. -- A permanent residence owned and  
10 occupied by husband and wife as tenants by the entirety is entitled  
11 to the full benefit of this exclusion notwithstanding that only one  
12 of them meets the age or disability requirements of this section.  
13 When a permanent residence is owned and occupied by two or more  
14 persons other than husband and wife and one or more of the owners  
15 qualifies for this exclusion, each qualifying owner is entitled to  
16 the full amount of the exclusion not to exceed his or her  
17 proportionate share of the valuation of the property. No part of an  
18 exclusion available to one co-owner may be claimed by any other co-  
19 owner and in no event may the total exclusion allowed for a  
20 permanent residence exceed fifteen-thousand-dollars-(\$15,000)- the  
21 exclusion amount provided in this section."

22 Sec. 8.2. G.S. 105-309(f) reads as rewritten:

23 "(f) The following information shall appear on each abstract or  
24 on an information sheet distributed with the abstract. The abstract  
25 or sheet must include the address and telephone number of the  
26 assessor below the notice required by this subsection. The notice  
27 shall read as follows:  
28

29 'PROPERTY TAX RELIEF FOR ELDERLY AND  
30 PERMANENTLY DISABLED PERSONS.  
31

32 North Carolina excludes from property taxes the first fifteen  
33 ~~thousand-dollars-(\$15,000)~~ eighteen thousand dollars (\$18,000) in  
34 appraised value of a permanent residence owned and occupied by North  
35 Carolina residents aged 65 or older or totally and permanently  
36 disabled whose income does not exceed eleven thousand dollars  
37 (\$11,000). Income means the owner's adjusted gross income as  
38 determined for federal income tax purposes, plus all moneys received  
39 other than gifts or inheritances received from a spouse, lineal  
40 ancestor or lineal descendant.

41 If you received this exclusion in (assessor insert previous year),  
42 you do not need to apply again unless you have changed your  
43 permanent residence. If you received the exclusion in (assessor  
44 insert previous year) and your income in (assessor insert previous  
45 year) was above eleven thousand dollars (\$11,000), you must notify  
46 the assessor. If you received the exclusion in (assessor insert  
47 previous year) because you were totally and permanently disabled and  
48 you are no longer totally and permanently disabled, you must notify



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT

Senate Bill 1275

AMENDMENT NO. 4

(to be filled in by  
Principal Clerk)

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1 the assessor. If the person receiving the exclusion in (assessor  
2 insert previous year) has died, the person required by law to list  
3 the property must notify the assessor. Failure to make any of the  
4 notices required by this paragraph before April 15 will result in  
5 penalties and interest.

6 If you did not receive the exclusion in (assessor insert previous  
7 year) but are now eligible, you may obtain a copy of an application  
8 from the assessor. It must be filed by April 15."

9 Sec. 8.3. G.S. 105-277.1(a), as amended by Section 8.1 of  
10 this act, reads as rewritten:

11 "(a) Exclusion. -- The following class of property is designated  
12 a special class of property under Article V, Sec. 2(2) of the North  
13 Carolina Constitution and shall be assessed for taxation in  
14 accordance with this section. The first eighteen thousand dollars  
15 (\$18,000) in appraised value of a permanent residence owned and  
16 occupied by a qualifying owner is excluded from taxation. A  
17 qualifying owner is an owner who meets all of the following  
18 requirements as of January 1 preceding the taxable year for which  
19 the benefit is claimed:

- 20 (1) Is at least 65 years of age or totally and permanently  
21 disabled.  
22 (2) Has an income for the preceding calendar year of not  
23 more than ~~eleven-thousand-dollars-(\$11,000)-~~ fifteen  
24 thousand dollars (\$15,000).  
25 (3) Is a North Carolina resident.

26 An otherwise qualifying owner does not lose the benefit of this  
27 exclusion because of a temporary absence from his or her permanent  
28 residence for reasons of health, or because of an extended absence  
29 while confined to a rest home or nursing home, so long as the  
30 residence is unoccupied or occupied by the owner's spouse or other  
31 dependent."

32 Sec. 8.4. G.S. 105-309(f), as amended by Section 8.2 of  
33 this act, reads as rewritten:

34 "(f) The following information shall appear on each abstract or  
35 on an information sheet distributed with the abstract. The abstract  
36 or sheet must include the address and telephone number of the  
37 assessor below the notice required by this subsection. The notice  
38 shall read as follows:

39  
40 'PROPERTY TAX RELIEF FOR ELDERLY AND  
41 PERMANENTLY DISABLED PERSONS.  
42

43 North Carolina excludes from property taxes the first eighteen  
44 thousand dollars (\$18,000) in appraised value of a permanent  
45 residence owned and occupied by North Carolina residents aged 65 or  
46 older or totally and permanently disabled whose income does not  
47 exceed ~~eleven-thousand-dollars-(\$11,000)-~~ fifteen thousand dollars  
48 (\$15,000). Income means the owner's adjusted gross income as





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT

Senate Bill 1275

AMENDMENT NO. 4  
(to be filled in by  
Principal Clerk)

S1275-ALC-6/15

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1 determined for federal income tax purposes, plus all moneys received  
2 other than gifts or inheritances received from a spouse, lineal  
3 ancestor or lineal descendant.

4 If you received this exclusion in (assessor insert previous year),  
5 you do not need to apply again unless you have changed your  
6 permanent residence. If you received the exclusion in (assessor  
7 insert previous year) and your income in (assessor insert previous  
8 year) was above ~~eleven-thousand-dollars-(\$11,000)~~, fifteen thousand  
9 dollars (\$15,000), you must notify the assessor. If you received the  
10 exclusion in (assessor insert previous year) because you were  
11 totally and permanently disabled and you are no longer totally and  
12 permanently disabled, you must notify the assessor. If the person  
13 receiving the exclusion in (assessor insert previous year) has died,  
14 the person required by law to list the property must notify the  
15 assessor. Failure to make any of the notices required by this  
16 paragraph before April 15 will result in penalties and interest.

17 If you did not receive the exclusion in (assessor insert previous  
18 year) but are now eligible, you may obtain a copy of an application  
19 from the assessor. It must be filed by April 15."

20 Sec. 8.5. G.S. 105-277.1A reads as rewritten:  
21 "§ 105-277.1A. Property classified for taxation at reduced  
22 valuation; duties of tax collectors; reimbursement of localities for  
23 portion of tax lost.

24 (a) On September 1, 1990, the tax collector of each county and  
25 the tax collector of each city shall furnish to the Secretary of  
26 Revenue a list containing the name and address of each person who  
27 has qualified in that year for the exemption provided in G.S. 105-  
28 277.1. The list shall also contain for each name the total amount of  
29 property exempted, the tax rate the property is subject to, and the  
30 product obtained by multiplying those two numbers by each other. The  
31 lists shall be accompanied by an affidavit attesting to the accuracy  
32 of the list and shall all be on a form prescribed by the Secretary  
33 of Revenue.

34 (a1) On December 1, 1996, the tax collector of each county and the  
35 tax collector of each city shall furnish to the Secretary of Revenue  
36 a list containing the name and address of each taxpayer who has  
37 qualified in that year for the exemption provided in G.S. 105-277.1.  
38 On the list, the tax collector shall provide for each name the  
39 amount of property above fifteen thousand dollars (\$15,000)  
40 exempted, the tax rate the property is subject to, and the product  
41 obtained by multiplying the two. The list shall be accompanied by  
42 an affidavit attesting to the accuracy of the list and shall be on a  
43 form prescribed by the Secretary of Revenue.

44 On December 1, 1997, the tax collector of each county and the tax  
45 collector of each city shall furnish to the Secretary of Revenue two  
46 lists containing the name and address of each taxpayer who has  
47 qualified in that year for the exemption provided in G.S. 105-277.1.  
48 The first list shall include those taxpayers whose income was above



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT

Senate Bill 1275

AMENDMENT NO. 4  
(to be filled in by  
Principal Clerk)

SL275-ALC-6/15

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1 eleven thousand dollars (\$11,000) and the second list shall include  
2 those taxpayers whose income was eleven thousand dollars (\$11,000)  
3 or less. On the first list, the tax collector shall provide for  
4 each name the total amount of property exempted and on the second  
5 list, the tax collector shall provide for each name the amount of  
6 property above fifteen thousand dollars (\$15,000) exempted. On both  
7 lists, the tax collector shall provide the tax rate the property is  
8 subject to and the product obtained by multiplying the tax rate by  
9 the amount of property. The lists shall be accompanied by an  
10 affidavit attesting to the accuracy of the list and shall be on a  
11 form prescribed by the Secretary of Revenue.

12 ~~(b)--In-addition-to-the-list-required-by-subsection-(a)-of-this~~  
13 ~~section,-the-county-or-city-may-provide-a-supplemental-list-on~~  
14 ~~December-1-~~

15 (c) The Secretary of Revenue may, for cause, grant an extension  
16 for the submission of the a list required by this section.

17 (d) Before May 31, 1991, the Secretary of Revenue shall  
18 distribute to the county or city fifty percent (50%) of the total  
19 for the entire list provided pursuant to subsection (a) of this  
20 section of the product obtained by multiplying the tax exemption for  
21 each taxpayer times the applicable tax rate. Each year thereafter,  
22 on or before May 31, the Secretary of Revenue shall pay to each  
23 county and city that was entitled to receive a distribution under  
24 this section subsection in 1991 the amount it was entitled to  
25 receive in 1991.

26 (dl) Before May 31, 1997, the Secretary of Revenue shall  
27 distribute to the county or city the total for the list provided  
28 pursuant to subsection (a1) of this section of the product obtained  
29 by multiplying the applicable tax rate times the amount listed for  
30 each taxpayer. Before May 31, 1998, the Secretary of Revenue shall  
31 distribute to the county or city the total for both lists provided  
32 pursuant to subsection (a1) of this section of the product obtained  
33 by multiplying the applicable tax rate times the amount listed for  
34 each taxpayer. Each year thereafter, on or before May 31, the  
35 Secretary of Revenue shall pay to each county and city the amount it  
36 received under this subsection in 1998.

37 (e) Any funds received by any county or city pursuant to this  
38 section because the county or city was collecting taxes for another  
39 unit of government or special district shall be credited to the  
40 funds of that other unit or district in accordance with regulations  
41 issued by the Local Government Commission.

42 (f) In order to pay for the reimbursement under this section and  
43 the cost to the Department of Revenue of administering the  
44 reimbursement, the Secretary of Revenue shall draw from collections  
45 received under Division I of Article 4 of this Chapter an amount  
46 equal to the reimbursement and the cost of administration.

47  
48 PART IX. EFFECTIVE DATES";



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT

Senate Bill 1275

AMENDMENT NO. 4  
(to be filled in by  
Principal Clerk)

Page 7 of 7

S1275-ALC-6/15

- 1 and on page 17, lines 37 and 42,  
2 by renumbering Sections 8.1 and 8.2 as 9.1 and 9.2, respectively;  
3  
4 and on page 18, lines 30 - 31,  
5 by rewriting the lines to read:  
6 "(8) Expand homestead exemption. Sections 8.1 and 8.2 of Part  
7 VIII of this act are effective for taxes imposed for taxable years  
8 beginning on or after July 1, 1996. Sections 8.3 and 8.4 of Part  
9 VIII of this act are effective for taxes imposed for taxable years  
10 beginning on or after July 1, 1997.  
11 (9) Remainder. The remainder of this act is effective upon  
12 ratification."  
13  
14

SIGNED *William H. Brown*  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_

TABLED 6/17/96  
57-46  
EV  
*DM*

# 1992  
LEGISLATIVE DAY 131  
S1275HCS  
READING 2

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

6/17/96  
5:06 PM  
IN CHAIR: SPEAKER

AMEND #4- *W. Brown*

TAX REDUCTION ACT OF 1996

MOTION #2- *Rep Daughtry moves to table Rep W. Brown's amendment*

AYES - 57

ALDRIDGE  
ALLRED  
ARNOLD  
BAKER  
BARBEE  
BERRY  
BOWIE  
BRAWLEY  
BROWN, J.  
BUCHANAN  
CANSLER  
CAPPS  
CARPENTER  
CLARY  
COCKLEREECE

CREECH  
CULP  
CUMMINGS  
DAUGHTRY  
DAVIS  
DICKSON  
EDDINS  
EDWARDS  
ELLIS  
ESPOSITO  
GARDNER  
GRADY  
GRAY  
HAYES

HIATT  
HOLMES  
HOWARD  
IVES  
JUSTUS  
KISER  
MCCOMAS  
MCCOMBS  
MINER  
MITCHELL  
MORGAN  
NEELY  
NICHOLS  
PATE

PRESTON  
PULLEY  
RAYFIELD  
REYNOLDS  
ROBINSON, J.  
RUSSELL  
SEXTON  
SHARPE  
SHERRILL  
SHUBERT  
THOMPSON  
WEATHERLY  
WILSON, C.  
WILSON, G.

NOES - 46

ADAMS  
ALEXANDER  
BARNES  
BEALL  
BLACK  
BOWEN  
BOYD-MCINTYRE  
BRASWELL  
BROWN, W.  
CHURCH  
CRAWFORD  
CULPEPPER

EASTERLING  
FITCH  
FOX  
GAMBLE  
HACKNEY  
HENSLEY  
HILL  
HUNT  
HUNTER, H.  
HURLEY  
LEE  
LEMMOND

LOCKE  
LUEBKE  
MCALLISTER  
MCCRARY  
MCLAUGHLIN  
MERCER  
MICHAUX  
NYE  
OLDHAM  
OWENS  
RAMSEY

REDWINE  
ROGERS  
SHAW  
TOLSON  
WAINWRIGHT  
WARNER  
WATSON  
WILKINS  
WOMBLE  
WOOD  
YONGUE

EXCUSED ABSENCE - 10

BLUE  
CUNNINGHAM  
DOCKHAM

EARLE  
HIGHTOWER  
HUNTER, R.  
MCMAHAN  
MILLER, G.

ROBINSON, G.  
WRIGHT

EXCUSED VOTE - 0

NOT VOTING - 7

SPEAKER  
DECKER

LINNEY  
MILLER, K.  
RICHARDSON  
SUTTON

TALLENT

# 1993  
LEGISLATIVE DAY 131  
S1275HCS  
READING 2

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

6/17/96  
5:06 PM  
IN CHAIR: SPEAKER

RC

TAX REDUCTION ACT OF 1996

AYES - 93

|               |           |            |              |
|---------------|-----------|------------|--------------|
| SPEAKER       | CREECH    | IVES       | PULLEY       |
| ADAMS         | CULP      | JUSTUS     | RAMSEY       |
| ALDRIDGE      | CULPEPPER | KISER      | RAYFIELD     |
| ALLRED        | CUMMINGS  | LEE        | REDWINE      |
| ARNOLD        | DAUGHTRY  | LEMOND     | REYNOLDS     |
| BAKER         | DAVIS     | LOCKE      | ROBINSON, J. |
| BARBEE        | DECKER    | MCALLISTER | ROGERS       |
| BEALL         | DICKSON   | MCCOMAS    | RUSSELL      |
| BERRY         | EDDINS    | MCCOMBS    | SEXTON       |
| BLACK         | EDWARDS   | MCCRARY    | SHARPE       |
| BOWIE         | ELLIS     | MCLAUGHLIN | SHAW         |
| BOYD-MCINTYRE | ESPOSITO  | MERCER     | SHERRILL     |
| BRASWELL      | FOX       | MICHAUX    | SHUBERT      |
| BRAWLEY       | GARDNER   | MINER      | THOMPSON     |
| BROWN, J.     | GRADY     | MITCHELL   | TOLSON       |
| BROWN, W.     | GRAY      | MORGAN     | WAINWRIGHT   |
| BUCHANAN      | HAYES     | NEELY      | WARNER       |
| CANSLER       | HIATT     | NICHOLS    | WATSON       |
| CAPPS         | HILL      | NYE        | WEATHERLY    |
| CARPENTER     | HOLMES    | OLDHAM     | WILSON, C.   |
| CHURCH        | HOWARD    | OWENS      | WILSON, G.   |
| CLARY         | HUNT      | PATE       | WOOD         |
| COCKLEREECE   | HURLEY    | PRESTON    | YONGUE       |
| CRAWFORD      |           |            |              |

NOES - 11

|            |         |            |         |
|------------|---------|------------|---------|
| ALEXANDER  | FITCH   | HENSLEY    | WILKINS |
| BARNES     | GAMBLE  | HUNTER, H. | WOMBLE  |
| EASTERLING | HACKNEY | LUEBKE     |         |

EXCUSED ABSENCE - 10

|            |            |            |              |
|------------|------------|------------|--------------|
| BLUE       | EARLE      | MCMAHAN    | ROBINSON, G. |
| CUNNINGHAM | HIGHTOWER  | MILLER, G. | WRIGHT       |
| DOCKHAM    | HUNTER, R. |            |              |

EXCUSED VOTE - 0

NOT VOTING - 6

|        |            |        |         |
|--------|------------|--------|---------|
| BOWEN  | MILLER, K. | SUTTON | TALLENT |
| LINNEY | RICHARDSON |        |         |

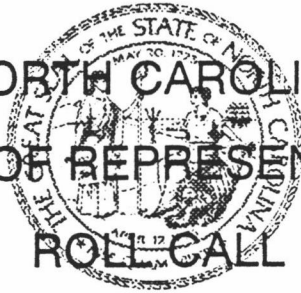
S1275HCS



EV

# 2006  
LEGISLATIVE DAY 132  
S1275HCS  
READING 3

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES



6/18/96  
5:01 PM  
IN CHAIR: SPEAKER

TAX REDUCTION ACT OF 1996

MOTION #3 - Rep. Morgan calls the previous question

AYES - 77  
77  
BW

|               |           |            |              |
|---------------|-----------|------------|--------------|
| ALDRIDGE      | CREECH    | HOLMES     | PULLEY       |
| ALLRED        | CULP      | HOWARD     | RAMSEY       |
| ARNOLD        | CULPEPPER | HUNT       | RAYFIELD     |
| BAKER         | CUMMINGS  | IVES       | REYNOLDS     |
| BARBEE        | DAUGHTRY  | JUSTUS     | ROBINSON, G. |
| BEALL         | DAVIS     | KISER      | ROBINSON, J. |
| BERRY         | DECKER    | LEMMOND    | ROGERS       |
| BLACK         | DICKSON   | LINNEY     | RUSSELL      |
| BOWIE         | DOCKHAM   | MCCOMAS    | SEXTON       |
| BOYD-MCINTYRE | EDDINS    | MCCOMBS    | SHARPE       |
| BRAWLEY       | EDWARDS   | MCLAUGHLIN | SHERRILL     |
| BROWN, J.     | ELLIS     | MCMAHAN    | SHUBERT      |
| BROWN, W.     | ESPOSITO  | MERCER     | TALLENT      |
| BUCHANAN      | GARDNER   | MINER      | THOMPSON     |
| CANSLER       | GRADY     | MITCHELL   | WATSON       |
| CAPPS         | GRAY      | MORGAN     | WEATHERLY    |
| CARPENTER     | HAYES     | NICHOLS    | WILSON, C.   |
| CLARY         | HIATT     | PATE       | WILSON, G.   |
| COCKLEREECE   | HILL      | PRESTON    | WOOD         |

NOES - 34

|            |            |            |         |
|------------|------------|------------|---------|
| ADAMS      | HACKNEY    | MCALLISTER | SHAW    |
| ALEXANDER  | HENSLEY    | MCCRARY    | SUTTON  |
| BRASWELL   | HIGHTOWER  | MICHAUX    | TOLSON  |
| CUNNINGHAM | HUNTER, H. | NEELY      | WARNER  |
| EARLE      | HUNTER, R. | NYE        | WILKINS |
| EASTERLING | HURLEY     | OLDHAM     | WOMBLE  |
| FITCH      | LEE        | OWENS      | WRIGHT  |
| FOX        | LOCKE      | REDWINE    | YONGUE  |
| GAMBLE     | LUEBKE     |            |         |

EXCUSED ABSENCE - 3

BLUE MILLER, G. MILLER, K.

EXCUSED VOTE - 0

NOT VOTING - 6  
BW

|         |        |            |            |
|---------|--------|------------|------------|
| SPEAKER | BOWEN  | CRAWFORD   | WAINWRIGHT |
| BARNES  | CHURCH | RICHARDSON |            |

S1275HCS

Rep. Wainwright request to be recorded as  
noting "aye". Speaker no orders BW

# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

### ROLL CALL

RC

# 2007  
LEGISLATIVE DAY 132  
51275 HCS  
READING 3

6/18/96  
5:02 PM  
IN CHAIR: SPEAKER

AYES - 104 *104 DW*

SPEAKER  
ADAMS  
ALDRIDGE  
ALLRED  
ARNOLD  
BAKER  
BARBEE  
BEALL  
BERRY  
BLACK  
BOWEN  
BOWIE  
BRASWELL  
BRAWLEY  
BROWN, J.  
BROWN, W.  
BUCHANAN  
CANSLER  
CAPPS  
CARPENTER  
CLARY  
COCKLEREECE  
CRAWFORD  
CREECH  
CULP  
CULPEPPER

CUMMINGS  
DAUGHTRY  
DAVIS  
DECKER  
DICKSON  
DOCKHAM  
EARLE  
EDDINS  
EDWARDS  
ELLIS  
ESPOSITO  
FOX  
GARDNER  
GRADY  
GRAY  
HAYES  
HIATT  
HIGHTOWER  
HILL  
HOLMES  
HOWARD  
HUNT  
HUNTER, H.  
HUNTER, R.  
HURLEY  
IVES

JUSTUS  
KISER  
LEMMOND  
LINNEY  
LOCKE  
MCCOMAS  
MCCOMBS  
MCCRARY  
MCLAUGHLIN  
MCMAHAN  
MERCER  
MICHAUX  
MINER  
MITCHELL  
MORGAN  
NEELY  
NICHOLS  
NYE  
OLDHAM  
OWENS  
PATE  
PRESTON  
PULLEY  
RAMSEY  
RAYFIELD  
REDWINE

REYNOLDS  
ROBINSON, G.  
ROBINSON, J.  
ROGERS  
RUSSELL  
SEXTON  
SHARPE  
SHAW  
SHERRILL  
SHUBERT  
SUTTON  
TALLENT  
THOMPSON  
TOLSON  
WAINWRIGHT  
WARNER  
WATSON  
WEATHERLY  
WILKINS  
WILSON, C.  
WILSON, G.  
WOMBLE  
WOOD  
WRIGHT  
YONGUE  
*BOYD-MCINTYRE DW*

NOES - 12 11

ALEXANDER  
BARNES  
~~BOYD-MCINTYRE~~

CUNNINGHAM  
EASTERLING  
FITCH

GAMBLE  
HACKNEY  
HENSLEY

LEE  
LUEBKE  
MCALLISTER

EXCUSED ABSENCE - 3

BLUE

MILLER, G.

MILLER, K.

EXCUSED VOTE - 0

NOT VOTING - 2

CHURCH

RICHARDSON

*Rep. Boyd-McIntyre request to be recorded as voting "aye"  
Speaker so orders.*

*D. W. W.*



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

51276

MAY 22 1995

PRINCIPAL CLERK

D

S

SENATE DRS7757\*-LH246(5.8)

Short Title: IOG Funds.

(Public)

Sponsors: Senators Kerr, Conder, Cooper, Hartsell, Hobbs, Little, McKoy, Rand, and Simpson.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE  
3 INSTITUTE OF GOVERNMENT.  
4 Whereas, the Institute of Government since 1931 has made important  
5 contributions to North Carolina's good government and its excellent financial  
6 management by serving the entire State from its base in Chapel Hill; and  
7 Whereas, the Institute's building has been inadequate and outmoded for  
8 many years, which threatens its ability to maintain the highest quality of services for  
9 North Carolina's public officials; and  
10 Whereas, the 1994 General Assembly recognized the need for a renovated  
11 and expanded building by appropriating \$700,000 to plan necessary improvements  
12 and additions to the Institute of Government; and  
13 Whereas, the Institute has planned the necessary capital improvements  
14 that will enable it to provide North Carolina public officials with the latest and most  
15 efficient instructional technologies and a higher quality of service; and  
16 Whereas, the necessary improvements will include a teleconferencing  
17 classroom, a computer training room, increased classroom and office space, an  
18 expanded and accessible library, increased parking, improved dining facilities, and  
19 access for persons with disabilities; and  
20 Whereas, the planned capital project has been approved by the University  
21 of North Carolina at Chapel Hill Board of Trustees, is rated as one of the  
22 University's highest capital priorities, and is also a legislative priority for the Board of  
23 Governors of The University of North Carolina; Now, therefore,  
24 The General Assembly of North Carolina enacts:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1277 MAY 22 1996

S

PRINCIPAL CLERK D

SENATE DRS7759\*-RTZ003.02(5.9)

Short Title: Unlined Landfills/Temporary Extension.

(Public)

Sponsors: Senator Kerr.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE CONTINUED OPERATION OF CERTAIN  
3 UNLINED MUNICIPAL SOLID WASTE LANDFILLS, AS RECOMMENDED  
4 BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE  
5 OVERSIGHT COMMITTEE.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. (a) A person who holds a permit for an existing municipal  
8 solid waste landfill that is not designed and constructed with a liner and leachate  
9 collection system may continue to receive municipal solid waste for disposal in that  
10 landfill after 1 January 1998 and until 1 January 2003 in order to establish improved  
11 final contours of that landfill if the permittee has implemented a solid waste  
12 reduction and recycling program that is determined by the Department of  
13 Environment, Health, and Natural Resources, in accordance with subsections (c1) and  
14 (c2) of G.S. 130A-309.04, to have reduced the amount of solid waste eligible for  
15 disposal at that landfill and the Department approves an amended transition plan  
16 pursuant to this act.  
17 (b) Waste received at a municipal solid waste landfill that is authorized  
18 to continue operation under this act shall be disposed of in a vertical expansion  
19 within the perimeter of the area in which waste had been disposed of as of 9 October  
20 1991. The quantity of municipal solid waste received at a municipal solid waste  
21 landfill that is authorized to continue operation under this act shall not exceed the  
22 quantity of municipal solid waste received in the landfill between 1 July 1991 and 30  
23 June 1996. The Department of Environment, Health, and Natural Resources shall  
24 not approve an amended transition plan that provides for the receipt of waste in  
25 excess of the quantity authorized by this subsection.

GENERAL ASSEMBLY OF NORTH CAROLINA CLERK  
SESSION 1995

S

D

SENATE DRS2701-LR211(4.24)

Short Title: Jacksonville Site Plan Review.

(Local)

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Sponsors: Senators Jordan, Albertson, and Ballantine.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO REQUIRE  
3 SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW  
4 PROCESS UNDER THE AUTHORITY OF THE CITY ZONING ORDINANCE.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. The city council may require sidewalk improvements for all  
7 development that is subject to be reviewed under the site plan review provisions of  
8 the city zoning ordinance.  
9 Sec. 2. This act applies to the City of Jacksonville only.  
10 Sec. 3. This act is effective upon ratification.

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS2711-LL230(4.22)

Short Title: Jones Beaver Manage. Funds.

(Public)

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Sponsors: Senator Jordan.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO EXTEND THE BEAVER DAMAGE CONTROL PROGRAM AND  
3 TO ADD JONES COUNTY TO THAT PROGRAM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Subsection (b) of Section 69 of Chapter 1044 of the 1991  
6 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws,  
7 by Section 27.3 of Chapter 769 of the 1993 Session Laws, and by Section 26.6 of  
8 Chapter 507 of the 1995 Session Laws, reads as rewritten:  
9 "(b) The Beaver Damage Control Advisory Board shall develop a pilot program  
10 to control beaver damage on private and public lands. Bladen, Brunswick, Carteret,  
11 Chatham, Craven, Columbus, Duplin, Edgecombe, Franklin, Greene, Halifax,  
12 Hertford, Johnston, Jones, Lincoln, Nash, Onslow, Pamlico, Pender, Pitt, Robeson,  
13 Sampson, Scotland, Vance, Warren, Washington, Wayne, and Wilson Counties shall  
14 participate in the pilot program. The Beaver Damage Control Advisory Board shall  
15 act in an advisory capacity to the Wildlife Resources Commission in the  
16 implementation of the program. In developing the program, the Board shall:  
17 (1) Orient the program primarily toward public health and safety and  
18 toward landowner assistance, providing some relief to landowners  
19 through beaver control and management rather than eradication;  
20 (2) Develop a priority system for responding to complaints about  
21 beaver damage;  
22 (3) Develop a system for documenting all activities associated with  
23 beaver damage control, so as to facilitate evaluation of the  
24 program;

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1280 MAY 22 1996

PRINCIPAL CLERK

S

SENATE DRS1793-LB458(5.15)

Short Title: Wilson One-Stop Voting.

(Local)

Sponsors: Senator Martin of Pitt.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT ONE-STOP VOTING ON DIRECT RECORD VOTING  
3 EQUIPMENT IN WILSON COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Section 3 of Chapter 197 of the 1995 Session Laws reads as  
6 rewritten:  
7 "Sec. 3. This act applies only to Gaston, Guilford, Mecklenburg, and Union  
8 Counties. Section 1 of this act also applies to Wilson County."  
9 Sec. 2. This act is effective upon ratification.

FILED - SENATE

S 1 28 1 MAY 22 1996

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS2717-LL222(3.4)

Short Title: Increase Jail Fees.

(Public)

Sponsors: Senator Martin of Pitt.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE UNIFORM JAIL FEES AND MAKE THOSE FEES  
3 MANDATORY AS PART OF ALL SENTENCES UNLESS THE JUDGE  
4 ORDERS OTHERWISE.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 7A-313 reads as rewritten:  
7 "§ 7A-313. Uniform jail fees.  
8 ~~Only persons~~ Persons who are lawfully confined in jail awaiting trial, or who are  
9 ~~ordered to pay jail fees pursuant to a probationary sentence, trial~~ shall be liable to the  
10 county or municipality maintaining the jail in the sum of ~~five dollars (\$5.00)~~ twenty-  
11 five dollars (\$25.00) for each 24 hours' confinement, or fraction thereof, except that a  
12 person so confined shall not be liable for this fee if the case or proceeding against  
13 him is dismissed, or if acquitted, or if judgment is arrested, or if probable cause is not  
14 found, or if the grand jury fails to return a true bill. Unless the judge orders  
15 otherwise, the clerk of superior court shall include jail fees in the computation of  
16 court costs regardless of the type of sentence imposed."  
17 Sec. 2. This act becomes effective July 1, 1996, and applies to all periods  
18 of confinement on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA  
PRINCIPAL CLERK  
SESSION 1995

S

D

SENATE DRS1796-LB472(5.21)

Short Title: Martin School Acquisition.

(Local)

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Sponsors: Senator Martin of Pitt.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW MARTIN COUNTY TO ACQUIRE PROPERTY FOR USE  
3 BY ITS COUNTY BOARD OF EDUCATION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 153A-158.1 reads as rewritten:  
6 **"§ 153A-158.1. Acquisition and improvement of school property in certain counties.**  
7 (a) Acquisition by County. -- A county may acquire, by any lawful method, any  
8 interest in real or personal property for use by a school administrative unit within the  
9 county. In exercising the power of eminent domain a county shall use the procedures  
10 of Chapter 40A. The county shall use its authority under this subsection to acquire  
11 property for use by a school administrative unit within the county only upon the  
12 request of the board of education of that school administrative unit and after a public  
13 hearing.  
14 (b) Construction or Improvement by County. -- A county may construct, equip,  
15 expand, improve, renovate, or otherwise make available property for use by a school  
16 administrative unit within the county. The local board of education shall be involved  
17 in the design, construction, equipping, expansion, improvement, or renovation of the  
18 property to the same extent as if the local board owned the property.  
19 (c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S.  
20 115C-518 and G.S. 160A-274, a local board of education may, in connection with  
21 additions, improvements, renovations, or repairs to all or part of any of its property,  
22 lease or sell the property to the board of commissioners of the county in which the  
23 property is located for any price negotiated between the two boards.  
24 (d) Board of Education May Contract for Construction. -- Notwithstanding the  
25 provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED  
51283 MAY 22 1996  
PRINCIPAL CLERK D

S

SENATE DRSA702\*-LG274(5.21)

Short Title: Pitt Forestry Funds.

(Public)

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Sponsors: Senator Martin of Pitt.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, DIVISION OF  
4 FOREST RESOURCES, TO PROVIDE AN ASSISTANT COUNTY RANGER  
5 IN PITT COUNTY.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. There is appropriated from the General Fund to the  
8 Department of Environment, Health, and Natural Resources, Division of Forest  
9 Resources, the sum of forty thousand nine hundred twenty-eight dollars (\$40,928) for  
10 the 1996-97 fiscal year to provide an assistant county ranger in Pitt County.  
11 Sec. 2. This act becomes effective July 1, 1996.

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS1798-LC357(5.13)

Short Title: Modify State Ports Tax Incentive.

(Public)

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Sponsors: Senator Plyler.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE STATE PORTS TAX CREDIT BY EXPANDING IT  
3 TO INCLUDE FOREST PRODUCTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 105-130.41(a) reads as rewritten:

6 "(a) Credit. -- A taxpayer whose waterborne cargo is loaded onto or unloaded  
7 from an ocean carrier calling at the State-owned port terminal at Wilmington or  
8 Morehead City, without consideration of the terms under which the cargo is moved,  
9 is allowed a credit against the tax imposed by this Division. The amount of credit  
10 allowed is equal to the excess of the wharfage, handling (in or out), and throughput  
11 charges assessed on the cargo for the current taxable year over an amount equal to  
12 the average of the charges for the current taxable year and the two preceding taxable  
13 years. The credit applies to forest products, break-bulk cargo and container cargo,  
14 including less-than-container-load cargo, that is loaded onto or unloaded from an  
15 ocean carrier calling at either the Wilmington or Morehead City port terminal and to  
16 bulk cargo that is loaded onto or unloaded from an ocean carrier calling at the  
17 Morehead City port terminal. To obtain the credit, taxpayers must provide to the  
18 Secretary a statement from the State Ports Authority certifying the amount of charges  
19 for which a credit is claimed and any other information required by the Secretary."

20 Sec. 2. G.S. 105-151.22(a) reads as rewritten:

21 "(a) Credit. -- A taxpayer whose waterborne cargo is loaded onto or unloaded  
22 from an ocean carrier calling at the State-owned port terminal at Wilmington or  
23 Morehead City, without consideration of the terms under which the cargo is moved,  
24 is allowed a credit against the tax imposed by this Division. The amount of credit  
25 allowed is equal to the excess of the wharfage, handling (in or out), and throughput

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1584/13-- 8:45 PM

JUNE 3, 1996

LEGISLATIVE DAY 122

LT. GOVERNOR WICKER

-- Presiding

PLYLER  
MODIFY STATE PORTS TAX INCENTIVE

SENATE BILL 1284  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 48 | ALBERTSON  | COOPER    | JORDAN    | PERDUE  |
|     |    | ALLRAN     | DANNELLY  | KERR      | PLEXICO |
|     |    | BALLANCE   | DAVIS     | LEDBETTER | PLYLER  |
|     |    | BALLANTINE | EAST      | LITTLE    | RAND    |
|     |    | BASNIGHT   | EDWARDS   | LUCAS     | SHAW    |
|     |    | BLACKMON   | FORRESTER | MARTIN R. | SHERRON |
|     |    | BLUST      | FOXX      | MARTIN W. | SMITH   |
|     |    | CARPENTER  | GULLEY    | MCDANIEL  | SOLES   |
|     |    | CARRINGTON | HARTSELL  | MCKOY     | SPEED   |
|     |    | CLARK      | HOBBS     | ODOM      | WARREN  |
|     |    | COCHRANE   | HORTON    | PAGE      | WEBSTER |
|     |    | CONDER     | HOYLE     | PARNELL   | WINNER  |

NO 0

EXCUSED 0

NOT CAST 2 KINCAID SIMPSON

ABSENT 0

PAIRS 0

AYE  
NO

FILED - SENATE  
S 1 28 5 MAY 22 1996  
GENERAL ASSEMBLY OF NORTH CAROLINA  
PRINCIPAL CLERK  
SESSION 1995

S

D

SENATE DRS7760\*-RTXZ007.01(5.16)

Short Title: Amend Env. Mgt. Comm. Fee Auth.

(Public)

Sponsors: Senator Blackmon.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE MAXIMUM FEES THAT THE  
3 ENVIRONMENTAL MANAGEMENT COMMISSION MAY CHARGE FOR  
4 PERMITS AND COMPLIANCE MONITORING UNDER THE WATER  
5 QUALITY PROGRAM AND TO INCREASE THE MAXIMUM PERCENTAGE  
6 OF THE TOTAL BUDGETS OF CERTAIN ENVIRONMENTAL PROGRAMS  
7 THAT MAY BE DERIVED FROM FEES FROM THIRTY TO FIFTY  
8 PERCENT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW  
9 COMMISSION.  
10 The General Assembly of North Carolina enacts:  
11 Section 1. G.S. 143-215.3(a)(1a) reads as rewritten:  
12 "(1a) To charge fees for the following:  
13 a. Processing of applications for ~~permits~~ or permits,  
14 certifications, and registrations issued under Articles 21,  
15 21A, 21B, and 38 of this Chapter;  
16 b. Administering ~~permits~~ or permits, certifications, and  
17 registrations issued under Articles 21, 21A, 21B, ~~or~~ and 38  
18 of this Chapter including monitoring compliance with the  
19 terms of those permits; and  
20 c. Reviewing, processing, and publicizing applications for  
21 construction grant awards under the Federal Water  
22 Pollution Control Act.  
23 No fee may be charged under this provision, however, to a farmer  
24 who submits an application that pertains to his farming ~~operations.~~  
25 operation except for a permit that is required under Article 21,

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS2715\*-RT/RJZ003.01(5.16)

FILED - SENATE  
51286 MAY 22 1996  
D  
PRINCIPAL CLERK

Short Title: Restructure Forestry Council.

(Public)

Sponsors: Senator Blackmon.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE MEMBERSHIP OF THE FORESTRY COUNCIL OF  
3 THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL  
4 RESOURCES AND REDEFINE ITS RESPONSIBILITIES, AS  
5 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 143B-308 reads as rewritten:  
8 "§ 143B-308. Forestry Council -- creation; powers and duties.  
9 There is hereby created the Forestry Council of the Department of Environment,  
10 Health, and Natural Resources. The Forestry Council shall have the following  
11 functions and duties:  
12 (1) To advise the Secretary of Environment, Health, and Natural  
13 Resources with respect to all matters concerning the ~~conservation~~  
14 ~~and development of both state-owned and privately-owned forests~~  
15 ~~in the State, including, the promotion of a more profitable use of~~  
16 ~~forestlands; protection, management, and preservation of State-~~  
17 ~~owned, privately owned, and municipally owned forests in the~~  
18 ~~State, including but not limited to:~~  
19 a. Profitable use of the State's forests consistent with the  
20 principles of sustained productivity.  
21 b. Best management practices, including those for protection of  
22 soil, water, wildlife, and wildlife habitat, to be used in  
23 managing the State's forests and their resources.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1591/4-- 2:32 PM

JUNE 4, 1996

LEGISLATIVE DAY 123

LT. GOVERNOR WICKER

-- Presiding

BLACKMON  
RESTRUCTURE FORESTRY COUNCIL

SENATE BILL 1286  
READING 2

|     |    |  |   |   |   |
|-----|----|--|---|---|---|
| AYE | 50 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
|-----|----|--|---|---|---|

NO 0

EXCUSED 0

NOT CAST 0

ABSENT 0

PAIRS 0

AYE

NO

EV

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES



# 2119  
LEGISLATIVE DAY 134  
S1286  
READING 2

6/20/96  
8:18 PM  
IN CHAIR: SPEAKER

RESTRUCTURE FORESTRY COUNCIL

AYES - 104

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | CUMMINGS   | HUNTER, H. | PULLEY       |
| ALDRIDGE      | CUNNINGHAM | HUNTER, R. | RAYFIELD     |
| ALEXANDER     | DAUGHTRY   | HURLEY     | REDWINE      |
| ALLRED        | DAVIS      | IVES       | REYNOLDS     |
| ARNOLD        | DECKER     | JUSTUS     | RICHARDSON   |
| BAKER         | DICKSON    | KISER      | ROBINSON, J. |
| BARBEE        | DOCKHAM    | LEE        | ROGERS       |
| BERRY         | EARLE      | LOCKE      | RUSSELL      |
| BLACK         | EASTERLING | LUEBKE     | SEXTON       |
| BOWEN         | EDDINS     | MCALLISTER | SHARPE       |
| BOWIE         | EDWARDS    | MCCOMAS    | SHERRILL     |
| BOYD-MCINTYRE | ELLIS      | MCCOMBS    | SHUBERT      |
| BRASWELL      | ESPOSITO   | MCCRARY    | SUTTON       |
| BRAWLEY       | FITCH      | MCMAHAN    | TALLENT      |
| BROWN, J.     | GAMBLE     | MERCER     | THOMPSON     |
| BROWN, W.     | GARDNER    | MICHAUX    | TOLSON       |
| BUCHANAN      | GRADY      | MILLER, G. | WAINWRIGHT   |
| CANSLER       | GRAY       | MINER      | WATSON       |
| CAPPS         | HACKNEY    | MITCHELL   | WEATHERLY    |
| CARPENTER     | HAYES      | MORGAN     | WILKINS      |
| CHURCH        | HENSLEY    | NEELY      | WILSON, C.   |
| COCKLEREECE   | HIATT      | NICHOLS    | WILSON, G.   |
| CRAWFORD      | HIGHTOWER  | NYE        | WOMBLE       |
| CREECH        | HILL       | OWENS      | WOOD         |
| CULP          | HOLMES     | PATE       | WRIGHT       |
| CULPEPPER     | HOWARD     | PRESTON    | YONGUE       |

NOES - 1

LINNEY

EXCUSED ABSENCE - 7

|       |      |              |        |
|-------|------|--------------|--------|
| BEALL | FOX  | OLDHAM       | WARNER |
| BLUE  | HUNT | ROBINSON, G. |        |

EXCUSED VOTE - 0

NOT VOTING - 8

|         |         |            |        |
|---------|---------|------------|--------|
| SPEAKER | CLARY   | MCLAUGHLIN | RAMSEY |
| BARNES  | LEMMOND | MILLER, K. | SHAW   |



# 2159  
LEGISLATIVE DAY 135  
S1286  
READING 3

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

EV  
6/21/96  
12:32 PM  
IN CHAIR: SPEAKER

RESTRUCTURE FORESTRY COUNCIL

AYES - 103

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | CUMMINGS   | HUNTER, R. | RAYFIELD     |
| ALEXANDER     | CUNNINGHAM | HURLEY     | REDWINE      |
| ALLRED        | DAUGHTRY   | IVES       | REYNOLDS     |
| ARNOLD        | DAVIS      | JUSTUS     | RICHARDSON   |
| BAKER         | DECKER     | KISER      | ROBINSON, J. |
| BARBEE        | DICKSON    | LEE        | ROGERS       |
| BARNES        | DOCKHAM    | LEMMOND    | RUSSELL      |
| BERRY         | EARLE      | LOCKE      | SEXTON       |
| BLACK         | EASTERLING | LUEBKE     | SHARPE       |
| BOWEN         | EDDINS     | MCALLISTER | SHERRILL     |
| BOWIE         | EDWARDS    | MCCOMAS    | SHUBERT      |
| BOYD-MCINTYRE | ELLIS      | MCCOMBS    | SUTTON       |
| BRASWELL      | FITCH      | MCCRARY    | TALLENT      |
| BRAWLEY       | GAMBLE     | MCMAHAN    | THOMPSON     |
| BROWN, J.     | GARDNER    | MICHAUX    | TOLSON       |
| BUCHANAN      | GRADY      | MILLER, G. | WAINWRIGHT   |
| CANSLER       | GRAY       | MINER      | WATSON       |
| CAPPS         | HACKNEY    | MITCHELL   | WEATHERLY    |
| CARPENTER     | HAYES      | MORGAN     | WILKINS      |
| CHURCH        | HENSLEY    | NEELY      | WILSON, C.   |
| CLARY         | HIATT      | NICHOLS    | WILSON, G.   |
| COCKLEREECE   | HIGHTOWER  | NYE        | WOMBLE       |
| CRAWFORD      | HILL       | OWENS      | WOOD         |
| CREECH        | HOLMES     | PATE       | WRIGHT       |
| CULP          | HOWARD     | PRESTON    | YONGUE       |
| CULPEPPER     | HUNTER, H. | PULLEY     |              |

NOES - 1

LINNEY

EXCUSED ABSENCE - 8

|          |      |        |              |
|----------|------|--------|--------------|
| ALDRIDGE | BLUE | HUNT   | ROBINSON, G. |
| BEALL    | FOX  | OLDHAM | WARNER       |

EXCUSED VOTE - 0

NOT VOTING - 8

|           |            |            |        |
|-----------|------------|------------|--------|
| SPEAKER   | ESPOSITO   | MERCER     | RAMSEY |
| BROWN, W. | MCLAUGHLIN | MILLER, K. | SHAW   |

S1286

FILED - SENATE

S 1 287 MAY 22 1996

GENERAL ASSEMBLY OF NORTH CAROLINA  
PRINCIPAL CLERK  
SESSION 1995

S

D

SENATE DRS7761\*-LV012(5.15)

Short Title: CDBG Program Study.

(Public)

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Sponsors: Senator Winner.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A LEGISLATIVE  
3 RESEARCH COMMISSION STUDY ON IMPROVING THE SMALL CITIES  
4 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. The Legislative Research Commission may study the issue of  
7 block grant awards by the Small Cities Community Block Grant (CDBG) Program.  
8 Sec. 2. The Legislative Research Commission may report the results of  
9 its study, along with any legislative proposals and cost analyses, to the 1997 General  
10 Assembly.  
11 Sec. 3. There is appropriated from the General Fund to the General  
12 Assembly the sum of twenty-five thousand dollars (\$25,000) for the 1996-97 fiscal  
13 year to fund this act.  
14 Sec. 4. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA686\*-LFZ326A(4.29)

FILED - SENATE  
S 1288 MAY 22 1996  
PRINCIPAL CLERK

D

Short Title: CFTF Extension.

(Public)

Sponsors: Senators Winner, Allran, Cooper, Martin of Guilford, and Martin of Pitt.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO  
3 EXTEND THE TASK FORCE UNTIL 1999.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Section 285(b) of Chapter 321 of the 1993 Session Laws, as  
6 amended by Section 27.8(b) of Chapter 769 of the 1993 Session Laws, Regular  
7 Session 1994, reads as rewritten:  
8 "(b) The Task Force shall provide updated reports to the Governor and General  
9 Assembly within the first week of the convening of the 1993 General Assembly,  
10 within the first week of the convening of the 1994 Regular Session of the 1993  
11 General Assembly, within the first week of the convening of the 1995 General  
12 Assembly, ~~and~~ within the first week of the convening of the 1996 Regular Session of  
13 the 1995 General Assembly. ~~The Task Force shall provide a final report to the~~  
14 ~~Governor and General Assembly within the first week of the convening of the 1997~~  
15 ~~General Assembly.~~ Assembly, and within the first week of the convening of the 1997  
16 General Assembly. The Task Force may provide updated reports to the Governor  
17 and General Assembly within one week of the convening of any regular session of  
18 the General Assembly meeting in even-numbered years, up to and including 1998.  
19 The Task Force shall provide a final report to the Governor and General Assembly  
20 within the first week of the convening of the 1999 General Assembly. The final  
21 report shall include final conclusions and recommendations for each of the Task  
22 Force's duties, as well as any other recommendations for changes to any law, rule,  
23 and policy that it has determined will promote the safety and well-being of children.  
24 Any recommendations of changes to law, rule, or policy shall be accompanied by

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS7754-RH013.1(5.20)

Short Title: Charter Schools Start-Up Funds.

(Public)

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Sponsors: Senator Gulley.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO ASSIST APPROVED CHARTER  
3 SCHOOLS TO MEET THEIR START-UP COSTS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the State  
6 Board of Education the sum of one million five hundred thousand dollars  
7 (\$1,500,000) for the 1996-97 fiscal year for the State Board to establish and  
8 implement a program that provides grants or loans to charter schools for whom  
9 charters are approved. The State Board shall determine the amount of each grant or  
10 loan; however, no charter school shall receive more than fifty thousand dollars  
11 (\$50,000). Each grant or loan shall be used during the first year after the charter has  
12 been approved. The grant or loan shall be used for one-time costs or expenses  
13 related to starting the school.  
14 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA699-LKQ258(5-21)

FILED - SENATE

S 1290

MAY 22 1996

D

PRINCIPAL CLERK

Short Title: Butner Cemetery Funds.

(Public)

Sponsors: Senators Gulley and East.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE GRANVILLE COUNTY BOARD  
3 OF COUNTY COMMISSIONERS FOR CONSTRUCTION OF A NEW  
4 CEMETERY IN BUTNER.  
5 Whereas, in the 1940s when Camp Butner was located in Granville  
6 county, families and churches were required to leave 27 cemeteries containing the  
7 remains of more than 1,400 people behind; and  
8 Whereas, following World War II the State of North Carolina purchased  
9 Camp Butner and did not provide maintenance for the cemeteries located there; and  
10 Whereas, in 1992, Butner celebrated its fiftieth anniversary by beginning  
11 the reclamation of these cemeteries, some with graves from the Revolutionary War  
12 period, and determined the need for a new cemetery at Butner; and  
13 Whereas, the State granted to Granville County 11.3 acres of land that  
14 the Department of Agriculture had set aside for a current cemetery for persons now  
15 living in the Butner area; Now, therefore,  
16 The General Assembly of North Carolina enacts:  
17 Section 1. There is appropriated from the General Fund to the Granville  
18 County Board of County Commissioners the sum of thirty thousand dollars (\$30,000)  
19 for the 1996-97 fiscal year for the grading, landscaping, and construction of two drives  
20 for a new cemetery in Butner.  
21 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA698\*-LHZ236A(4.29)

FILED - SENATE  
S 1 291 MAY 22 1996  
PRINCIPAL CLERK

Short Title: Amend Criminal Penalties.

(Public)

Sponsors: Senators Gulley and Cooper.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO RECLASSIFY OR CHANGE THE PENALTIES FOR VARIOUS  
3 CRIMINAL OFFENSES AS RECOMMENDED BY THE NORTH CAROLINA  
4 SENTENCING AND POLICY ADVISORY COMMISSION.

5 The General Assembly of North Carolina enacts:

6

7 PART 1. RECLASSIFY ACCESSORY AFTER THE FACT

8 Section 1. G.S. 14-7 reads as rewritten:

9 "§ 14-7. Accessories after the fact; trial and punishment.

10 If any person shall become an accessory after the fact to any felony, whether the  
11 same be a felony at common law or by virtue of any statute made, or to be made,  
12 such person shall be guilty of a ~~felony~~, crime, and may be indicted and convicted  
13 together with the principal felon, or after the conviction of the principal felon, or  
14 may be indicted and convicted for such ~~felony~~ crime whether the principal felon shall  
15 or shall not have been previously convicted, or shall or shall not be amenable to  
16 ~~justice, and shall be punished as a Class H felon.~~ justice. Unless a different  
17 classification is expressly stated, that person shall be punished for an offense that is  
18 two classes lower than the felony the principal felon committed, except that an  
19 accessory after the fact to a Class A or Class B1 felony is a Class C felony, an  
20 accessory after the fact to a Class B2 felony is a Class D felony, an accessory after the  
21 fact to a Class H felony is a Class 1 misdemeanor, and an accessory after the fact to a  
22 Class I felony is a Class 2 misdemeanor. The offense of such person may be inquired  
23 of, tried, determined and punished by any court which shall have jurisdiction of the  
24 principal felon, in the same manner as if the act, by reason whereof such person shall  
25 have become an accessory, had been committed at the same place as the principal

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

S 1 282

MAY 22 1996

D

SENATE DRS7758\*-LTZ150(4.29)

Short Title: Length of Juvenile Commitment.

(Public)

Sponsors: Senator Gulley.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE MAXIMUM PERIOD OF TIME A JUVENILE MAY  
3 BE COMMITTED IN ACCORDANCE WITH THE STRUCTURED  
4 SENTENCING ACT AS RECOMMENDED BY THE SENTENCING AND  
5 POLICY ADVISORY COMMISSION.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 7A-646 reads as rewritten:

8 "**§ 7A-646. Purpose.**

9 The purpose of dispositions in juvenile actions is to design an appropriate plan to  
10 meet the needs of the juvenile and to achieve the objectives of the State in exercising  
11 jurisdiction. If possible, the initial approach should involve working with the juvenile  
12 and ~~his~~ the juvenile's family in their own home so that the appropriate community  
13 resources may be involved in care, supervision, and treatment according to the needs  
14 of the juvenile. Thus, the judge should arrange for appropriate community-level  
15 services to be provided to the juvenile and ~~his~~ the juvenile's family in order to  
16 strengthen the home situation.

17 In choosing among statutorily permissible dispositions for a delinquent juvenile,  
18 the judge shall select the least restrictive disposition both in terms of kind and  
19 duration, that is appropriate to the seriousness of the offense, the degree of  
20 culpability indicated by the circumstances of the particular case and the age and prior  
21 record of the juvenile. A juvenile should not be committed to training school or to  
22 any other institution if ~~he~~ the juvenile can be helped through community-level  
23 resources. Article 81B of Chapter 15A of the General Statutes does not apply to  
24 juvenile dispositions, except as provided in G.S. 7A-652(c)."

25 Sec. 2. G.S. 7A-652(c) reads as rewritten:





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1292

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)  
Page 1 of    

S1292-ARV-1

Date June 18, 1996

Comm. Sub. ☐  
Amends Title ☐

Senator Carpenter

- 1 moves to amend the bill on page 2, line 11,  
2 by deleting "December 1, 1996" and substituting "January 1, 1997".

SIGNED *R.C. Carpenter*  
Amendment Sponsor

SIGNED *W.O.D.*  
Committee Chair if Senate Committee Amendment

ADOPTED 6/20/96 FAILED                      TABLED                     

⑤

*Stick*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

51293

MAY 22 1996

PRINCIPAL CLERK

S

SENATE DRSA697\*-LHZ235(4.29)

Short Title: DWI/Felony Prior Record Level.

(Public)

Sponsors: Senators Gulley and Cooper.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN  
3 FELONY PRIOR RECORD LEVEL CALCULATION AS RECOMMENDED BY  
4 THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY  
5 COMMISSION.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 15A-1340.14(b) reads as rewritten:  
8 "(b) Points. -- Points are assigned as follows:  
9 (1) For each prior felony Class A conviction, 10 points.  
10 (1a) For each prior felony Class B1 conviction, 9 points.  
11 (2) For each prior felony Class B2, C, or D conviction, 6 points.  
12 (3) For each prior felony Class E, F, or G conviction, 4 points.  
13 (4) For each prior felony Class H or I conviction, 2 points.  
14 (5) For each prior Class A1 or Class 1 misdemeanor ~~conviction~~  
15 conviction or prior impaired driving conviction under G.S. 20-  
16 138.1, 1 point, except that convictions for Class 1 misdemeanor  
17 offenses under Chapter 20 of the General Statutes, other than  
18 conviction for misdemeanor death by vehicle (~~G.S. 20-141.4(a2)~~);  
19 [G.S. 20-141.4(a2)] and conviction for impaired driving in a  
20 commercial vehicle (G.S. 20-138.2), shall not be assigned any  
21 points for purposes of determining a person's prior record for  
22 felony sentencing.  
23 (6) If all the elements of the present offense are included in the prior  
24 offense, 1 point.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1703/25-- 6:38 PM JUNE 18, 1996 LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

GULLEY  
LIFT ESC VOTER SUNSET

SENATE BILL 1122  
READING 2

|     |    |   |   |   |   |
|-----|----|---|---|---|---|
| AYE | 40 | ALLRAN<br>BALLANCE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>COCHRANE<br>CONDER<br>COOPER<br>DAVIS | EAST<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR<br>LEDBETTER | LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 2  | BALLANTINE  | CLARK   |   |   |

EXCUSED 0

|          |   |                     |         |         |         |
|----------|---|---------------------|---------|---------|---------|
| NOT CAST | 5 | BASNIGHT<br>EDWARDS | KINCAID | SIMPSON | WEBSTER |
|----------|---|---------------------|---------|---------|---------|

|        |   |           |          |           |
|--------|---|-----------|----------|-----------|
| ABSENT | 3 | ALBERTSON | DANNELLY | FORRESTER |
|--------|---|-----------|----------|-----------|

PAIRS 0  
AYE  
NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1717/6-- 1:55 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

GULLEY  
DWI/FELONY PRIOR RECORD LEVEL

SENATE BILL 1293

MOTION 5  
TO REFER

|     |    |  |   |  |   |
|-----|----|--|---|--|---|
| AYE | 24 | ALBERTSON<br>BASNIGHT<br>CONDER<br>COOPER<br>DANNELLY<br>EDWARDS     | GULLEY<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR<br>LUCAS     | MARTIN R.<br>MARTIN W.<br>ODOM<br>FARNELL<br>PERDUE<br>FLEXICO | PLYLER<br>RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN |
|     | 22 | ALLRAN<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON | CLARK<br>COCHRANE<br>DAVIS<br>EAST<br>FORRESTER<br>FOXX | HARTSELL<br>HORTON<br>KINCAID<br>LEDBETTER<br>MCDANIEL         | MCKOY<br>PAGE<br>SIMPSON<br>SMITH<br>WEBSTER          |

EXCUSED 0

NOT CAST 3 BALLANCE SHAW WINNER

ABSENT 1 LITTLE

PAIRS 0

AYE  
NO

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS8696-LJ16(1.4) S 1 294 MAY 22 1996

PRINCIPAL CLERK

Short Title: DMV Trucking/Technical Changes.

(Public)

Sponsors: Senators Gulley, Hoyle, Horton, Kerr, Martin of Pitt, Rand, Smith, and Speed.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CONFORM THE MOTOR VEHICLE LAWS TO THE FEDERAL  
3 DEREGULATION OF TRUCKING AND TO MAKE TECHNICAL CHANGES  
4 TO THE MOTOR VEHICLE LAWS.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 20-1 reads as rewritten:  
7 "**§ 20-1. Division of Motor Vehicles of the Department of Transportation, powers and**  
8 **duties: established.**  
9 The Department of Motor Vehicles is hereby redesignated the Division of Motor  
10 Vehicles of the Department of Transportation. The Division of Motor Vehicles shall  
11 have the same powers and duties as were held by the Department of Motor Vehicles  
12 except as otherwise provided in this Article. All powers, duties and functions relating  
13 to the collection of motor fuel taxes and the collection of the gasoline and oil  
14 inspection taxes shall continue to be vested in and exercised by the Secretary of  
15 Revenue, and wherever it is now provided by law that reports shall be filed with the  
16 Secretary of Revenue, or Department of Revenue, as a basis for collecting the motor  
17 fuel or gasoline and oil inspection taxes, or enforcing any of the laws regarding the  
18 motor fuel or gasoline and oil inspection taxes, such reports shall continue to be  
19 made to the Department of Revenue and the Commissioner of Motor Vehicles shall  
20 make available to the Secretary of Revenue all information from files of the Division  
21 of Motor Vehicles which the Secretary of Revenue may request to enable him to  
22 better enforce the law with respect to the collection of such taxes. Nothing in this  
23 Article shall deprive the Utilities Commission of any of the duties or powers now



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1294

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

Page 1 of 2

SL294-ALJ-1

Date 6/11/1996

Comm. Sub. ☐  
Amends Title ☐

Senator Gulley

1 moves to amend the bill on page 9, line 18, by adding the following  
2 sentence at the end of that line to read:

3 "A motor vehicle that is subject to regulation by the North Carolina  
4 Utilities Commission must be marked as required by that Commission  
5 and as otherwise required by this section."

6  
7 and on page 14, line 44, by rewriting that line to read:

8 "is complying with this Article and, if the motor carrier is subject  
9 to regulation by the North Carolina Utilities Commission, with  
10 Chapter 62 of the General Statutes. In conducting the audit, the  
11 Division may examine a";

12  
13 and on page 17, line 9, by rewriting that line to read:

14 "Division: this Chapter or, if the motor vehicle is  
15 subject to regulation by the North Carolina Utilities  
16 Commission, of Chapter 62 of the General Statutes."

17  
18 and on page 17, lines 14 and 15 by rewriting those lines to read:

19 "the-highways-of--all-commodities-including-explosives  
20 or---highway---flammable---or---combustible---liquids,  
21 substances-or--gases: the highways of all hazardous  
22 materials."

23  
24 and on page 19, lines 4 through 11, by rewriting those lines to  
25 read:

26 "(1) Registered For a motor carrier that hauls household  
27 goods, registered its operations with the State by  
28 doing one of the following:

29 a. Obtaining a certificate or--a-permit of authority  
30 from the North Carolina Utilities Commission, if  
31 the---motor---carrier---hauls---regulated--items-  
32 Commission.

200 P 2



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1294

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

Page 2 of 2

S1294-ALJ-1

- b. Obtaining a certificate of exemption from the Division, ~~if the motor carrier hauls only items that are not regulated by the North Carolina Utilities Commission.~~ Division.
- (1a) For a motor carrier that does not haul household goods, registered its operations with the Division.";

and on page 19, lines 40 and 41, by rewriting those lines to read:  
"for a certificate of exemption 25.00";

and on page 20, lines 11 through 17, by deleting Section 30 of the bill;

and on page 20, line 18, page 21, lines 41 and 42, and page 22, line 23, by renumbering the succeeding sections accordingly.

SIGNED W.C.  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 6/11/96 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

49-1

S. Hill



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1645/2-- 4:19 PM

JUNE 11, 1996

LEGISLATIVE DAY 127

LT. GOVERNOR WICKER

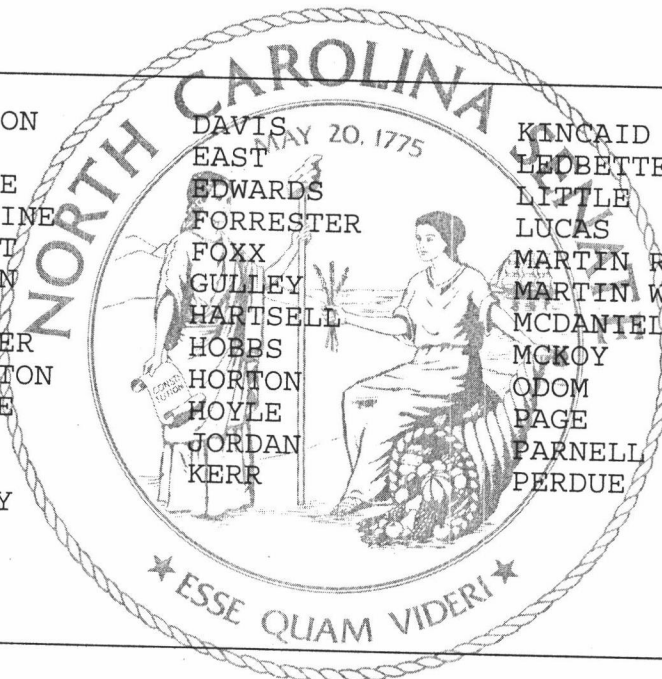
-- Presiding

GULLEY  
DMV TRUCKING/TECHNICAL CHANGES

SENATE BILL 1294

AMEND 1

|     |    |   |   |   |   |
|-----|----|---|---|---|---|
| AYE | 49 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>COCHRANE<br>CONDER<br>COOPER<br>DANNELLY | DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEOBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 1  | CLARK   |   |   |   |



EXCUSED 0  
NOT CAST 0  
ABSENT 0  
PAIRS 0  
    AYE  
    NO

COPY)

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1646/3-- 4:19 PM

JUNE 11, 1996

LEGISLATIVE DAY 127

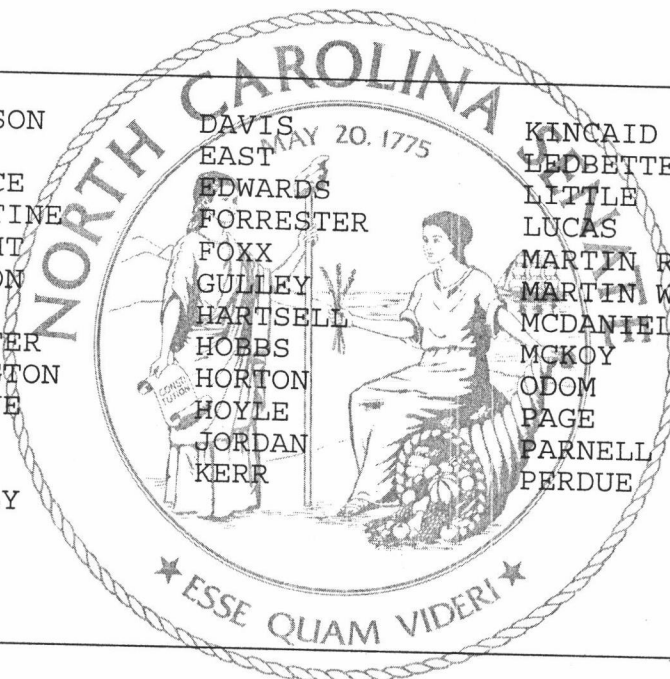
LT. GOVERNOR WICKER

-- Presiding

GULLEY  
DMV TRUCKING/TECHNICAL CHANGES

SENATE BILL 1294  
READING 2

|     |    |   |   |   |   |
|-----|----|---|---|---|---|
| AYE | 49 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>COCHRANE<br>CONDER<br>COOPER<br>DANNELLY | DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 1  | CLARK   |   |   |   |



EXCUSED 0  
NOT CAST 0  
ABSENT 0  
PAIRS 0  
AYE  
NO

COPY)



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1294

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)  
Page 1 of 1

S1294-ARS-001

Date 6/21, 1996

Comm. Sub. ☐  
Amends Title ☐  
Second Edition

Representative *Sexton*

- 1 moves to amend the bill on page 6, line 32, by deleting that line  
2 and by renumbering the remaining sections accordingly.  
3  
4

SIGNED *Wayne Sexton*  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 82-0 ☒ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

*6/21/96*

*Blaker*

# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

### ROLL CALL

6/21/96

IN CHAIR: SPEAKER

S# 2228  
LEGISLATIVE DAY 135  
S1294  
READING 2

AMEND #1-*sexton*  
DIV. OF M. V. TRUCKING/TECH. CHNGS

#### AYES - 82

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | CUNNINGHAM | LEE        | REDWINE      |
| ALEXANDER     | DAUGHTRY   | LINNEY     | RICHARDSON   |
| ALLRED        | DAVIS      | LOCKE      | ROBINSON, J. |
| ARNOLD        | DECKER     | LUEBKE     | SEXTON       |
| BAKER         | DOCKHAM    | MCALLISTER | SHARPE       |
| BARBEE        | EARLE      | MCCOMBS    | SHERRILL     |
| BARNES        | EDDINS     | MCCRARY    | SHUBERT      |
| BLACK         | EDWARDS    | MCMAHAN    | SUTTON       |
| BOWEN         | ELLIS      | MERCER     | TALLENT      |
| BOYD-MCINTYRE | ESPOSITO   | MILLER, G. | THOMPSON     |
| BRAWLEY       | FITCH      | MINER      | TOLSON       |
| BROWN, J.     | GRADY      | MITCHELL   | WAINWRIGHT   |
| CANSLER       | HACKNEY    | MORGAN     | WATSON       |
| CAPPS         | HENSLEY    | NEELY      | WEATHERLY    |
| CARPENTER     | HIATT      | NICHOLS    | WILKINS      |
| CHURCH        | HILL       | OWENS      | WILSON, C.   |
| CLARY         | HOWARD     | PATE       | WILSON, G.   |
| COCKLEREECE   | HURLEY     | PRESTON    | WOOD         |
| CRAWFORD      | IVES       | PULLEY     | WRIGHT       |
| CULP          | JUSTUS     | RAYFIELD   | YONGUE       |
| CUMMINGS      | KISER      |            |              |

#### NOES - 0

#### EXCUSED ABSENCE - 9

|          |         |        |              |
|----------|---------|--------|--------------|
| ALDRIDGE | DICKSON | HUNT   | ROBINSON, G. |
| BEALL    | FOX     | OLDHAM | WARNER       |
| BLUE     |         |        |              |

#### EXCUSED VOTE - 1

MCCOMAS

#### NOT VOTING - 28

|           |            |            |          |
|-----------|------------|------------|----------|
| SPEAKER   | CULPEPPER  | HOLMES     | NYE      |
| BERRY     | EASTERLING | HUNTER, H. | RAMSEY   |
| BOWIE     | GAMBLE     | HUNTER, R. | REYNOLDS |
| BRASWELL  | GARDNER    | LEMOND     | ROGERS   |
| BROWN, W. | GRAY       | MCLAUGHLIN | RUSSELL  |
| BUCHANAN  | HAYES      | MICHAUX    | SHAW     |
| CREECH    | HIGHTOWER  | MILLER, K. | WOMBLE   |

# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

### ROLL CALL

EV

SE # 2229  
LEGISLATIVE DAY 135  
S1294  
READING 2

6/21/96

IN CHAIR: SPEAKER

DIV. OF M. V. TRUCKING/TECH. CHNGS

#### AYES - 85

|             |            |            |              |
|-------------|------------|------------|--------------|
| ADAMS       | DAVIS      | JUSTUS     | REDWINE      |
| ALEXANDER   | DECKER     | KISER      | REYNOLDS     |
| ALLRED      | DOCKHAM    | LINNEY     | RICHARDSON   |
| ARNOLD      | EARLE      | LOCKE      | ROBINSON, J. |
| BAKER       | EASTERLING | LUEBKE     | RUSSELL      |
| BARBEE      | EDDINS     | MCALLISTER | SEXTON       |
| BARNES      | EDWARDS    | MCCOMBS    | SHARPE       |
| BOWEN       | ELLIS      | MCCRARY    | SHERRILL     |
| BRAWLEY     | ESPOSITO   | MCMAHAN    | SHUBERT      |
| BROWN, J.   | FITCH      | MERCER     | SUTTON       |
| BROWN, W.   | GRADY      | MILLER, G. | TALLENT      |
| CANSLER     | HACKNEY    | MINER      | THOMPSON     |
| CAPPS       | HAYES      | MITCHELL   | TOLSON       |
| CARPENTER   | HENSLEY    | MORGAN     | WAINWRIGHT   |
| CHURCH      | HIATT      | NEELY      | WATSON       |
| CLARY       | HIGHTOWER  | NICHOLS    | WEATHERLY    |
| COCKLEREECE | HILL       | OWENS      | WILSON, C.   |
| CRAWFORD    | HOLMES     | PATE       | WILSON, G.   |
| CULP        | HOWARD     | PRESTON    | WOOD         |
| CUMMINGS    | HURLEY     | PULLEY     | WRIGHT       |
| CUNNINGHAM  | IVES       | RAYFIELD   | YONGUE       |
| DAUGHTRY    |            |            |              |

#### NOES - 0

#### EXCUSED ABSENCE - 9

|          |         |        |              |
|----------|---------|--------|--------------|
| ALDRIDGE | DICKSON | HUNT   | ROBINSON, G. |
| BEALL    | FOX     | OLDHAM | WARNER       |
| BLUE     |         |        |              |

#### EXCUSED VOTE - 1

MCCOMAS

#### NOT VOTING - 25

|               |            |            |         |
|---------------|------------|------------|---------|
| SPEAKER       | CREECH     | HUNTER, R. | NYE     |
| BERRY         | CULPEPPER  | LEE        | RAMSEY  |
| BLACK         | GAMBLE     | LEMOND     | ROGERS  |
| BOWIE         | GARDNER    | MCLAUGHLIN | SHAW    |
| BOYD-MCINTYRE | GRAY       | MICHAUX    | WILKINS |
| BRASWELL      | HUNTER, H. | MILLER, K. | WOMBLE  |
| BUCHANAN      |            |            |         |

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1857/70-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

GULLEY  
DMV TRUCKING/TECHNICAL CHANGES  
2ND EDITION

SENATE BILL 1294

MOTION 8  
TO CONCUR

|     |    |            |           |          |           |         |
|-----|----|------------|-----------|----------|-----------|---------|
| AYE | 39 | ALBERTSON  | CONDER    | 20. 1775 | JORDAN    | PLEXICO |
|     |    | ALLRAN     | COOPER    |          | KERR      | PLYLER  |
|     |    | BALLANCE   | DANNELLY  |          | LEDBETTER | RAND    |
|     |    | BALLANTINE | DAVIS     |          | LITTLE    | SHAW    |
|     |    | BASNIGHT   | EAST      |          | LUCAS     | SHERRON |
|     |    | BLACKMON   | FORRESTER |          | MARTIN W. | SOLES   |
|     |    | BLUST      | GULLEY    |          | MCDANIEL  | WARREN  |
|     |    | CARRINGTON | HARTSELL  |          | ODOM      | WEBSTER |
|     |    | CLARK      | HOBBS     |          | PAGE      | WINNER  |
|     |    | COCHRANE   | HOYLE     |          | PERDUE    |         |

NO 0

EXCUSED 0

|          |   |        |           |         |         |
|----------|---|--------|-----------|---------|---------|
| NOT CAST | 8 | FOXX   | KINCAID   | MCKOY   | SIMPSON |
|          |   | HORTON | MARTIN R. | PARNELL | SPEED   |

|        |   |           |         |       |
|--------|---|-----------|---------|-------|
| ABSENT | 3 | CARPENTER | EDWARDS | SMITH |
|--------|---|-----------|---------|-------|

PAIRS 0  
AYE  
NO

COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS2709-RVZ003(5.20)

FILED - SENATE  
S 1295 MAY 22 1996 D  
PRINCIPAL CLERK

Short Title: Salary Continuation In DOC.

(Public)

Sponsors: Senator Odom.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY ELIGIBILITY UNDER THE SALARY CONTINUATION  
3 PLAN FOR EMPLOYEES OF THE DEPARTMENT OF CORRECTION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 143-166.13(b) reads as rewritten:  
6 "(b) The following persons are entitled to benefits under this Article regardless of  
7 whether they are subject to the Criminal Justice Training and Standards Act:  
8 (1) Driver License Examiners injured by accident arising out of and in  
9 the course of giving a road test, Division of Motor Vehicles,  
10 Department of Transportation.  
11 (2) Employees injured by a direct and deliberate act of an inmate or  
12 an individual acting on behalf of an inmate, or while performing  
13 supervisory duties over inmates which place the employee at risk  
14 of such injury, Department of Correction."  
15 Sec. 2. This act is effective July 1, 1996, and applies to injuries occurring  
16 on or after that date.



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1597/4-- 2:27 PM

JUNE 5, 1996

LEGISLATIVE DAY 124

LT. GOVERNOR WICKER

-- Presiding

ODOM  
SALARY CONTINUATION IN DOC

SENATE BILL 1295  
READING 2

|     |    |  |   |  |   |
|-----|----|--|---|--|---|
| AYE | 49 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
|-----|----|--|---|--|---|

NO 0

EXCUSED 0

NOT CAST 1 MARTIN R.

ABSENT 0

PAIRS 0

AYE

NO

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS6665-RVZ006(5.20)

FILED - CLERK  
S1296 MAY 22 1996  
PRINCIPAL CLERK

Short Title: Sex Offender Post-Release Supervision.

(Public)

Sponsors: Senator Odom.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO EXTEND THE REGULAR PERIOD OF POST-RELEASE  
3 SUPERVISION FROM SIX TO NINE MONTHS, TO EXTEND THE PERIOD  
4 OF POST-RELEASE SUPERVISION TO FIVE YEARS FOR SEX OFFENDERS  
5 AND TO PROVIDE FOR SPECIAL CONDITIONS OF POST-RELEASE  
6 SUPERVISION FOR SEX OFFENDERS AND PERSONS CONVICTED OF  
7 OFFENSES INVOLVING PHYSICAL, MENTAL, OR SEXUAL ABUSE OF  
8 MINORS.  
9 The General Assembly of North Carolina enacts:  
10 Section 1. G.S. 15A-1368.2(c) reads as rewritten:  
11 "(c) A supervisee's period of post-release supervision shall be for a period of ~~six~~  
12 ~~months~~ nine months, unless the offense is an offense for which registration is  
13 required pursuant to Article 27A of Chapter 14 of the General Statutes. For offenses  
14 subject to the registration requirement of the aforementioned statute, the period of  
15 post-release supervision is five years. The conditions of post-release supervision are as  
16 authorized in G.S. 15A-1368.5."  
17 Sec. 2. G.S. 15A-1368.4 is amended by adding a new subsection to read:  
18 "(b1) Required Conditions for Sex Offenders. -- For a supervisee who has been  
19 convicted of an offense which is a reportable conviction as defined in G.S. 14-  
20 208.6(4), or which involves the physical, mental, or sexual abuse of a minor,  
21 controlling conditions, violations of which may result in revocation of post-release  
22 supervision, are:  
23 (1) Register as required by G.S. 14-208.7 if the offense is a reportable  
24 conviction as defined by G.S. 14-208.6(4).

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

S. B. No. 1296

COMMITTEE SUBSTITUTE yes

DATE 6-19

Amendment No. 1 (ONE)

(to be filled in by  
Principal Clerk)

Rep.) Ballantine

Sen.)

1 moves to amend the bill on page 2, line 16

2 ( ) WHICH CHANGES THE TITLE

3 by "Sec. 3. GS 15A-2001(b)" to be

4 ~~rewritten~~ rewritten as

5 "Notwithstanding subsection (a) of this  
6 section a person who has been indicted for  
7 an offense punishable by death may enter a plea  
8 of guilty at any time after his indictment,  
9 and the judge of superior court having  
10 jurisdiction may sentence the person to life  
11 imprisonment if the judge determines there are  
12 aggravating factors and if the imposition of  
13 the sentence does not violate any  
14 Constitutional rights of the defendant."

15 "Sec. 4. GS 15A-2002"

16 Second paragraph of GS 15A-2002 to be rewritten  
17 "The judge shall instruct the jury in words substantially  
18 equivalent to those of this section, that a sentence of  
19 life imprisonment means a sentence of life without parole  
20 but that a defendant's sentence may be reviewed by a  
21 superior court judge after a defendant has served 25

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

years in prison and every two years thereafter."

"Sec 5. This act becomes effective Dec. 1, 1996."

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

John Ballantine

Held NOT GENERAL MANE - 6-19-96

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1731/20-- 3:46 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

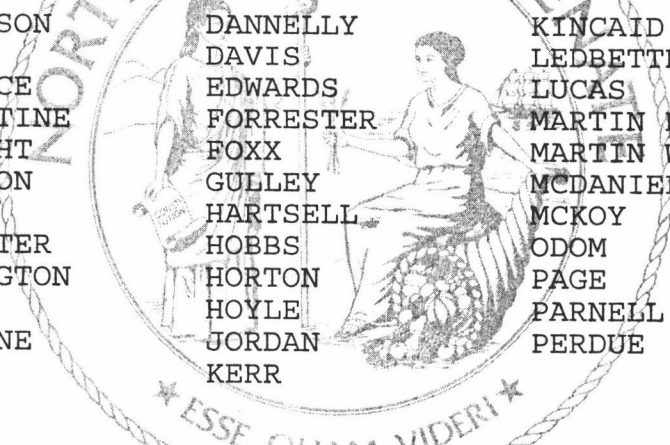
SENATOR BASNIGHT

-- Presiding

ODOM  
SEX OFFENDER SUPERVISION  
COM SUB/2ND EDITION

SENATE BILL 1296  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 46 | ALBERTSON  | DANNELLY  | KINCAID   | PLEXICO |
|     |    | ALLRAN     | DAVIS     | LEDBETTER | PLYLER  |
|     |    | BALLANCE   | EDWARDS   | LUCAS     | RAND    |
|     |    | BALLANTINE | FORRESTER | MARTIN R. | SHAW    |
|     |    | BASNIGHT   | FOXX      | MARTIN W. | SIMPSON |
|     |    | BLACKMON   | GULLEY    | MCDANIEL  | SMITH   |
|     |    | BLUST      | HARTSELL  | MCKOY     | SOLES   |
|     |    | CARPENTER  | HOBBS     | ODOM      | SPEED   |
|     |    | CARRINGTON | HORTON    | PAGE      | WARREN  |
|     |    | CLARK      | HOYLE     | PARNELL   | WEBSTER |
|     |    | COCHRANE   | JORDAN    | PERDUE    | WINNER  |
|     |    | COOPER     | KERR      |           |         |
| NO  | 0  |            |           |           |         |

The seal of the North Carolina Senate is a circular emblem. It features a central illustration of two figures, a man and a woman, standing and facing each other. The man is on the left, wearing a suit and holding a book. The woman is on the right, wearing a long dress and holding a staff. Above them, the words "NORTH CAROLINA SENATE" are written in a semi-circle. Below them, the date "MAY 20, 1775" is inscribed. At the bottom of the seal, the Latin motto "ESSE QUAM VIDERI" is written, flanked by two stars.

EXCUSED 0

NOT CAST 3 CONDER EAST SHERRON

ABSENT 1 LITTLE

PAIRS 0

AYE  
NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1732/21-- 3:47 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

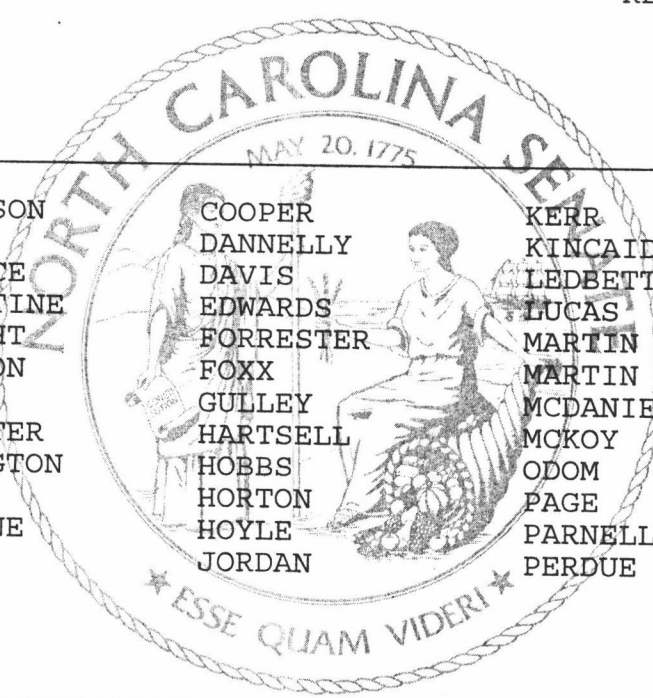
SENATOR BASNIGHT

-- Presiding

ODOM  
SEX OFFENDER SUPERVISION  
COM SUB/2ND EDITION

SENATE BILL 1296  
READING 3

|     |    |  |   |   |  |
|-----|----|--|---|---|--|
| AYE | 47 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER | COOPER<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN | KERR<br>KINCAID<br>LEDBETTER<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 0  |  |   |   |  |



|          |   |        |         |
|----------|---|--------|---------|
| EXCUSED  | 0 |        |         |
| NOT CAST | 2 | EAST   | SHERRON |
| ABSENT   | 1 | LITTLE |         |
| PAIRS    | 0 |        |         |
| AYE      |   |        |         |
| NO       |   |        |         |

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS4681-RVZ005(5.20)

FILED - SENATE  
S1297 MAY 22 1996  
PRINCIPAL CLERK D

Short Title: Conditions of Probation.

(Public)

Sponsors: Senator Odom.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR MANDATORY CONDITIONS OF PROBATION  
3 FOR SEX OFFENDERS AND PERSONS CONVICTED OF OFFENSES  
4 INVOLVING PHYSICAL, MENTAL, OR SEXUAL ABUSE OF CHILDREN.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 15A-1343 is amended by adding a new subsection to  
7 read:  
8 "(b2) Special Conditions of Probation for Sex Offenders. -- As special conditions  
9 of probation, a defendant who has been convicted of an offense which is a reportable  
10 conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or  
11 sexual abuse of a minor, must:  
12 (1) Register as required by G.S. 14-208.7 if the offense is a reportable  
13 conviction as defined by G.S. 14-208.6(4).  
14 (2) Participate in such evaluation and treatment as is necessary to  
15 complete a prescribed course of psychiatric, psychological, or other  
16 rehabilitative treatment as ordered by the court.  
17 (3) Not communicate with, be in the presence of, or found in or on  
18 the premises of the victim of the offense.  
19 (4) Not reside in a household with any minor child if the offense is  
20 one in which there is evidence of physical, mental, or sexual abuse  
21 of a minor, unless the court expressly finds that it is unlikely that  
22 the defendant's harmful or abusive conduct will recur and that it  
23 would be in the minor child's best interest to allow the probationer  
24 to reside in the same household with a minor child.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1733/22-- 3:55 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

ODOM  
CONDITIONS OF PROBATION  
COM SUB/2ND EDITION

SENATE BILL 1297  
READING 2

|     |    |  |   |  |  |
|-----|----|--|---|--|--|
| AYE | 47 | ALBERTSON<br>ALLRAN<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE<br>PLEXICO | PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 2  | BALLANCE   | HORTON  |  |  |

|          |   |        |
|----------|---|--------|
| EXCUSED  | 0 |        |
| NOT CAST | 0 |        |
| ABSENT   | 1 | LITTLE |
| PAIRS    | 0 |        |
| AYE      |   |        |
| NO       |   |        |





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1297

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

SL297-ARV-3

Page 1 of 1

Date 6/21/, 1996

Comm. Sub. [YES]  
Amends Title []  
Second Edition

Senator Odom

moves to amend the bill on page 1, lines 19-20,  
by rewriting those lines to read:

3 "(4) Not reside in the household with the minor child victim if  
4 the offense is one in which there is evidence of sexual abuse of the  
5 minor victim, unless the court expressly finds that it is unlikely  
6 that the defendant's harmful or abusive conduct will recur and that  
7 it would be in the overall best interest of the household to allow  
8 the probationer to reside in the household."

SIGNED Odom  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 6/21/96 FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

34-11

*S. Fink*

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1815/28-- 4:06 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

SENATOR BASNIGHT

-- Presiding

ODOM  
CONDITIONS OF PROBATION  
COM SUB/2ND EDITION

SENATE BILL 1297

AMEND 1

|     |    |  |   |   |  |
|-----|----|--|---|---|--|
| AYE | 34 | ALBERTSON<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK | CONDER<br>COOPER<br>DANNELLY<br>EDWARDS<br>FOXX<br>GULLEY<br>HOBBS<br>HORTON<br>HOYLE | KERR<br>LEDBETTER<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PARNELL | PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 11 | ALLRAN<br>COCHRANE<br>DAVIS  | EAST<br>FORRESTER<br>HARTSELL   | KINCAID<br>LITTLE<br>MCKOY  | PAGE<br>WEBSTER  |

EXCUSED 0

NOT CAST 4 JORDAN

PERDUE

SHAW

SIMPSON

ABSENT 1 SMITH

PAIRS 0

AYE  
NO

(COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED SENATE  
S1298 MAY 22 1996 D  
PRINCIPAL CLERK

S

SENATE DRS4687\*-LDZ011.01(5.16)

Short Title: Emissions Inspection Penalties.

(Public)

Sponsors: Senator Odom.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE CIVIL PENALTIES THAT MAY BE ASSESSED  
3 AGAINST CERTAIN LICENSE HOLDERS FOR EMISSIONS INSPECTIONS  
4 BASED ON WHETHER THE VEHICLE WAS INTENTIONALLY  
5 IMPROPERLY PASSED INSPECTION AND TO CHANGE THE PROVISIONS  
6 REGARDING THE SUSPENSION OR REVOCATION OF LICENSES TO  
7 PROVIDE FOR NOTICE AND HEARING, AS RECOMMENDED BY THE  
8 ENVIRONMENTAL REVIEW COMMISSION.

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 20-183.8B(b) reads as rewritten:

11 "(b) Penalty Schedule. -- The Division must take the following action for a  
12 violation:

13 (1) Type I. -- For a first or second Type I violation within three years  
14 that results in a vehicle being intentionally improperly passed by  
15 an emissions self-inspector or an emissions inspection station, assess  
16 a civil penalty of two hundred fifty dollars (\$250.00) and ~~suspend~~  
17 suspend, after notice and hearing within 14 days, the license of the  
18 business for six months. For a third or subsequent Type I violation  
19 within seven three years that results in a vehicle being intentionally  
20 improperly passed by an emissions self-inspector or an emissions  
21 inspection station, assess a civil penalty of one thousand dollars  
22 (\$1,000) and ~~revoke~~ revoke, after notice and hearing within 14  
23 days, the license of the business for two years.

24 For a first Type I violation that results in a vehicle being not  
25 intentionally improperly passed by an emissions self-inspector or

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1817/30-- 4:20 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

ODOM  
EMISSIONS INSPECTION PENALTIES  
COM SUB/2ND EDITION

SENATE BILL 1298  
READING 2

|     |    |  |  |   |  |
|-----|----|--|--|---|--|
| AYE | 43 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>CONDER | COOPER 20. 1775<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | JORDAN<br>KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PAGE | PARNELL<br>PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SOLES<br>SPEED<br>WEBSTER<br>WINNER |
|-----|----|--|--|---|--|

NO 0

EXCUSED 0

|          |   |                  |               |         |        |
|----------|---|------------------|---------------|---------|--------|
| NOT CAST | 6 | COCHRANE<br>EAST | MCKOY<br>SHAW | SIMPSON | WARREN |
|----------|---|------------------|---------------|---------|--------|

ABSENT 1 SMITH

PAIRS 0  
AYE  
NO

(COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS2708-LH251(5.13)

FILED - SENATE  
1299 MAY 22  
PRINCIPAL CLERK

D

Short Title: Wetlands Restoration Program/Funds.

(Public)

Sponsors: Senators Plexico, Ballantine, Hoyle, and Jordan.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE WETLANDS RESTORATION PROGRAM AND  
3 FUND AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PROGRAM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Article 21 of Chapter 143 of the General Statutes is amended  
6 by adding the following new sections to read:  
7 "§ 143-214.8. Wetlands Restoration Program: established.  
8 The Wetlands Restoration Program is established within the Department of  
9 Environment, Health, and Natural Resources. The Wetlands Restoration Program  
10 shall be developed by the Department as a nonregulatory statewide wetlands  
11 restoration program for the acquisition, restoration, enhancement, and creation of  
12 wetland and riparian resources that contribute to the protection and improvement of  
13 water quality, flood prevention, fisheries, wildlife habitat, and recreational  
14 opportunities. The Wetlands Restoration Program shall consist of the following  
15 components:  
16 (1) Restoration of wetlands.  
17 (2) Development of restoration plans.  
18 (3) Landowner contact and land acquisition.  
19 (4) Evaluation of site plans and engineering studies.  
20 (5) Oversight of construction and monitoring of restoration sites.  
21 (6) Land ownership and management.  
22 (7) Mapping, site identification, and assessment of wetlands functions.  
23 "§ 143-214.9. Wetlands Restoration Program: purposes.  
24 The purposes of the program are as follows:

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS6660\*-LE180(5.12)

Short Title: School Supplemental Budget Requests.

(Public)

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Sponsors: Senators Plexico and Winner.

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Referred to:

---

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE PUBLIC SCHOOLS.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. There is appropriated from the General Fund to State Aid to  
5 Local School Administrative Units the sum of twenty-seven million five hundred  
6 twenty-four thousand four hundred dollars (\$27,524,400) for the 1996-97 fiscal year  
7 to implement the ABCs of Public Education Program. Of these funds:  
8 (1) \$21,000,000 shall be used for incentive funding teachers for each  
9 school that achieves at least 110% of the projected improvement in  
10 student performance at the school;  
11 (2) \$3,500,000 shall be used for incentive funds for teacher assistants;  
12 and  
13 (3) \$3,024,400 shall be used for recruitment, training, and support for  
14 school assistance teams.  
15 Sec. 2. There is appropriated from the General Fund to State Aid to  
16 Local School Administrative Units the sum of twenty-seven million dollars  
17 (\$27,000,000) for the 1996-97 fiscal year to increase the allotment for At-Risk Student  
18 Services/Alternative Schools.  
19 Sec. 3. There is appropriated from the General Fund to State Aid to  
20 Local School Administrative Units the sum of thirty-six million five hundred  
21 thousand dollars (\$36,500,000) for the 1996-97 fiscal year for class-size reduction. Of  
22 these funds:  
23 (1) \$18,500,000 shall be used to reduce class size in grade 2 from one  
24 teacher for every 26 students to one teacher for every 23 students;  
25 and

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S.B. - 1301

S

FILED - SENATE

D

SENATE DRS1799-LG227(3.18)

MAY 22

PRINCIPAL CLERK

Short Title: General Statutes Technical Bill.

(Public)

Sponsors: Senator Hartsell.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE  
3 GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES  
4 COMMISSION.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. (a) G.S. 1-50(a)(7) is recodified as G.S. 1-47(6). G.S. 1-47(6),  
7 as recodified by this section, reads as rewritten:  
8 "(6) a. ~~No action against~~ Against any registered land surveyor as  
9 defined in G.S. 89C-3(9) or any person acting under his  
10 supervision and control for physical damage or for economic  
11 or monetary loss due to negligence or a deficiency in the  
12 performance of surveying or ~~platting shall be brought more~~  
13 ~~than 10~~ platting, within 10 years from after the last act or  
14 omission giving rise to the cause of action.  
15 b. For purposes of this subdivision, 'surveying and platting'  
16 means boundary surveys, topographical surveys, surveys of  
17 property lines, and any other measurement or surveying of  
18 real property and the consequent graphic representation  
19 thereof.  
20 c. The limitation prescribed by this subdivision shall apply to  
21 the exclusion of G.S. 1-15(c) and G.S. 1-52(16)."  
22 (b) G.S. 1-52(18) reads as rewritten:  
23 "(18) Against any registered land surveyor as defined in G.S. 89C-3(9)  
24 or any person acting under his supervision and control for  
25 physical damage or economic or monetary loss due to negligence



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1745/34-- 4:27 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

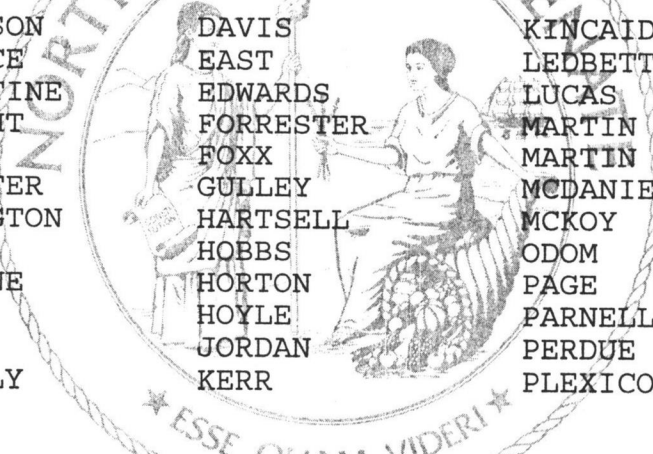
LT. GOVERNOR WICKER

-- Presiding

HARTSELL  
GENERAL STATUTES TECHNICAL BILL  
COM SUB/2ND EDITION

SENATE BILL 1301  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 47 | ALBERTSON  | DAVIS     | KINCAID   | PLYLER  |
|     |    | BALLANCE   | EAST      | LEDBETTER | RAND    |
|     |    | BALLANTINE | EDWARDS   | LUCAS     | SHAW    |
|     |    | BASNIGHT   | FORRESTER | MARTIN R. | SHERRON |
|     |    | BLUST      | FOXX      | MARTIN W. | SIMPSON |
|     |    | CARPENTER  | GULLEY    | MCDANIEL  | SMITH   |
|     |    | CARRINGTON | HARTSELL  | MCKOY     | SOLES   |
|     |    | CLARK      | HOBBS     | ODOM      | SPEED   |
|     |    | COCHRANE   | HORTON    | PAGE      | WARREN  |
|     |    | CONDER     | HOYLE     | PARNELL   | WEBSTER |
|     |    | COOPER     | JORDAN    | PERDUE    | WINNER  |
|     |    | DANNELLY   | KERR      | PLEXICO   |         |
| NO  | 0  |            |           |           |         |

The seal of the North Carolina Senate is circular, featuring a rope border. Inside the border, the words "NORTH CAROLINA" are at the top and "SENATE" is at the bottom. In the center, there is an illustration of two figures, a man and a woman, standing and facing each other. Above them is the date "MAY 20. 1775". Below the illustration is the Latin motto "ESSE QUAM VIDERI" flanked by two stars.

EXCUSED 0

NOT CAST 2 ALLRAN BLACKMON

ABSENT 1 LITTLE

PAIRS 0

AYE  
NO



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1301

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)  
Page 1 of 2

SI301-ALJ-1

Date June 21, 1996

Comm. Sub. [YES]  
Amends Title []

Rep. Culpepper

- 1 moves to amend the bill on page 21, lines 2 and 3, by inserting a  
2 new section between those lines to read:  
3 "Sec. 43. G.S. 150B-21.3(b) reads as rewritten:  
4 '(b) Permanent Rule. -- A permanent rule approved by the  
5 Commission becomes effective on the earlier of the thirty-first  
6 legislative day or the day of adjournment of the next regular  
7 session of the General Assembly that begins at least 25 days after  
8 the date the Commission approved the rule, unless a later different  
9 effective date applies under this subsection- section. If a bill  
10 that specifically disapproves the rule is introduced in either house  
11 of the General Assembly before the thirty-first legislative day of  
12 that session, the rule becomes effective on the earlier of either  
13 the day an unfavorable final action is taken on the bill or the day  
14 that session of the General Assembly adjourns without ratifying a  
15 bill that specifically disapproves the rule. If the agency adopting  
16 the rule specifies a later effective date than the date that would  
17 otherwise apply under this subsection, the later date applies. A  
18 permanent rule that is not approved by the Commission or that is  
19 specifically disapproved by a bill ratified by the General Assembly  
20 before it becomes effective does not become effective.  
21 A bill specifically disapproves a rule if it contains a provision  
22 that refers to the rule by appropriate North Carolina Administrative  
23 Code citation and states that the rule is disapproved.  
24 Notwithstanding any rule of either house of the General Assembly,  
25 any member of the General Assembly may introduce a bill during the  
26 first 30 legislative days of any regular session to disapprove a  
27 rule that has been approved by the Commission and that either has  
28 not become effective or has become effective by executive order



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1301

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk) ✓  
Page 2 of   

S1301-ALJ-1

- 1 under subsection (c) of this section.'";  
2  
3 and on page 21, line 3, by changing "43." to "44."

SIGNED Bail Palpena  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 6/2/96 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

vv  
Shuler



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1301

AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)  
Page 1 of 3

S1301-ARU-001

Date June 21, 1996

Comm. Sub. [YES]  
Amends Title [ ]  
Second Edition

Representative Culpepper

- 1 moves to amend the bill on page 21, lines 2 and 3,  
2 by inserting between the lines the following new section to read:  
3 "Sec. 42.1. Section 2 of Chapter 591 of the 1995 Session  
4 Laws, (Reg. Sess., 1996), reads as rewritten:  
5 "Sec. 2. G.S. 50B-3 reads as rewritten:  
6 "§ 50B-3. Relief.  
7 (a) The court may grant any protective order or approve any  
8 consent agreement to bring about a cessation of acts of domestic  
9 violence. The orders or agreements may:  
10 (1) Direct a party to refrain from such acts;  
11 (2) Grant to a spouse party possession of the residence or  
12 household of the parties and exclude the other spouse  
13 party from the residence or household;  
14 (3) Require a party to provide a spouse and his or her  
15 children suitable alternate housing;  
16 (4) Award temporary custody of minor children and  
17 establish temporary visitation rights;  
18 (5) Order the eviction of a party from the residence or  
19 household and assistance to the victim in returning to  
20 it;  
21 (6) Order either party to make payments for the support of  
22 a minor child as required by law;  
23 (7) Order either party to make payments for the support of  
24 a spouse as required by law;  
25 (8) Provide for possession of personal property of the  
26 parties;  
27 (9) Order a party to refrain from harassing-or-interfering  
28 with-the-other; doing any or all of the following:  
29 a. Threatening, abusing, or following the other  
30 party,  
31 b. Harassing the other party, including by  
32 telephone, visiting the home or workplace,  
33 or other means, or



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1301

AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)  
Page 2 of 3

51301-ARU-001

- c. Otherwise interfering with the other party;
- (10) Award costs and attorney's fees to either party;
- (11) Prohibit a party from purchasing a firearm for a time fixed in the order;
- (12) (Effective October 1, 1996) Order any party the court finds is responsible for acts of domestic violence to attend and complete an abuser treatment program if the program is available within a reasonable distance of that party's residence and is approved by the Department of Administration; and
- (13) Include any additional prohibitions or requirements the court deems necessary to protect any party or any minor child.

(b) Protective orders entered or consent orders approved pursuant to this Chapter shall be for a fixed period of time not to exceed one year. Upon application of the aggrieved party, a judge may renew the original or any succeeding order for up to one additional year. Protective orders entered or consent orders approved shall not be mutual in nature except where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the right of each party to due process is preserved.

(c) A copy of any order entered and filed under this Article shall be issued to each party. In addition, a copy of the order shall be issued to and retained by the police department of the city of the victim's residence. If the victim does not reside in a city or resides in a city with no police department, copies shall be issued to and retained by the sheriff, and the county police department, if any, of the county in which the victim resides.

(d) (Effective April 1, 1996) The sheriff of the county where a domestic violence order is entered shall provide for immediate entry of the order onto the Division of Criminal Information Network and shall provide for access of such orders to magistrates on a 24-hour-a-day basis. Modifications of the order shall also be entered."

Sec. 42.2. Section 5 of Chapter 606 of the 1995 Session Laws, (Reg. Sess., 1996) reads as rewritten:

'Sec. 5. This act becomes effective January 1, 1997, except that the requirements imposed by Section 3 of this act on home care agencies become effective January 1, 1998. Sections 3 2 and 4 3 apply to applicants who apply for employment on or after the appropriate effective date.'



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1301

AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)  
Page 3 of 3

S1301-ARU-001

SIGNED Bill Palmer  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if House Committee Amendment

ADOPTED 6/21/94 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_  
*n* *W. H. H.*



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1301

AMENDMENT NO. 3  
(to be filled in by  
Principal Clerk)  
Page 1 of 2

S1301-ARG-001

Date Jan 21, 1996

Comm. Sub. [YES]  
Amends Title [ ]  
Second Edition

Rep. Culpepper

1 moves to amend the bill on page 21, lines 2 and 3,  
2 by inserting between those lines the following new sections to read:  
3 "Sec. 42.3. G.S. 1-285 reads as rewritten:

4 '§ 1-285. Undertaking on appeal.

5 (a) To render an appeal effectual for any purpose in a civil cause  
6 or special proceeding, a written undertaking must be executed on the  
7 part of the appellant, with good and sufficient surety, in the sum  
8 of two hundred fifty dollars (\$250.00), or any lesser sum as might  
9 be adjudged by the court, to the effect that the appellant will pay  
10 all costs awarded against him on the appeal, and this undertaking  
11 must be filed with the clerk by with whom the judgment or order was  
12 entered; filed; or such sum must be deposited with the appropriate  
13 clerk by-whom-the-judgment-or-order-was-entered,-to-abide-the-event  
14 of-the-appeal- of the appellate division in compliance with the  
15 North Carolina Rules of Appellate Procedure.

16 (b) The provisions of this section do not apply to the State of  
17 North Carolina, a city or a county or a local board of education, an  
18 officer thereof in his official capacity, or an agency thereof.'

19 Sec. 42.4. G.S. 1-286 reads as rewritten:

20 '§1-286. Justification of sureties.

21 The written undertaking on appeal must be accompanied by the  
22 affidavit of one of the sureties that he is worth double the amount  
23 specified therein. The respondent may except to the sufficiency of  
24 the sureties within ten days after the notice of appeal; and unless  
25 they or other sureties justify within the ten days thereafter, the





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1301

AMENDMENT NO. 3  
(to be filled in by  
Principal Clerk)  
Page 2 of 2

51301-ARG-001

1 appeal shall be regarded as if no undertaking had been given. The  
2 justification must be upon a notice of not less than five days."  
3  
4

SIGNED Bill Oulpen  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ 6/21/96 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_  
v  
Wuh



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1301

AMENDMENT NO. 4  
(to be filled in by  
Principal Clerk)  
Page 1 of 1

SI301-ALJ-2

Date June 21, 1996

Comm. Sub. [YES]  
Amends Title []  
2nd Edition as amended

Rep. Culpeper

- 1 moves to amend the bill on page 21, by inserting a new section after  
2 Section 42.4 to read:  
3 "Sec. 42.5. Sections 6 and 7 of Chapter 636 of the 1995  
Session Laws (Reg. Sess., 1996) are repealed."

SIGNED Bill Culpeper  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 6/21/96 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

vv EW

S # 2191  
LEGISLATIVE DAY 135  
S1301SCS  
READING 2

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES



6/21/96

IN CHAIR: SPEAKER

GENERAL STATUTES TECHNICAL BILL

AYES - 91

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | CUMMINGS   | LEMMOND    | RICHARDSON   |
| ALEXANDER     | DAVIS      | LINNEY     | ROBINSON, J. |
| ALLRED        | DICKSON    | LOCKE      | ROGERS       |
| ARNOLD        | DOCKHAM    | LUEBKE     | RUSSELL      |
| BAKER         | EARLE      | MCALLISTER | SEXTON       |
| BARBEE        | EASTERLING | MCCOMAS    | SHARPE       |
| BLACK         | EDDINS     | MCCOMBS    | SHAW         |
| BOWIE         | EDWARDS    | MCCRARY    | SHUBERT      |
| BOYD-MCINTYRE | FITCH      | MCMAHAN    | SUTTON       |
| BRASWELL      | GARDNER    | MERCER     | TALLENT      |
| BRAWLEY       | GRADY      | MICHAUX    | THOMPSON     |
| BROWN, J.     | GRAY       | MINER      | TOLSON       |
| BROWN, W.     | HACKNEY    | MITCHELL   | WAINWRIGHT   |
| BUCHANAN      | HENSLEY    | MORGAN     | WATSON       |
| CANSLER       | HIATT      | NICHOLS    | WEATHERLY    |
| CAPPS         | HILL       | NYE        | WILKINS      |
| CARPENTER     | HOWARD     | OWENS      | WILSON, C.   |
| CHURCH        | HUNTER, R. | PATE       | WILSON, G.   |
| CLARY         | HURLEY     | PRESTON    | WOMBLE       |
| CRAWFORD      | IVES       | RAMSEY     | WOOD         |
| CREECH        | JUSTUS     | RAYFIELD   | WRIGHT       |
| CULP          | KISER      | REDWINE    | YONGUE       |
| CULPEPPER     | LEE        | REYNOLDS   |              |

NOES - 0

EXCUSED ABSENCE - 8

|          |      |        |              |
|----------|------|--------|--------------|
| ALDRIDGE | BLUE | HUNT   | ROBINSON, G. |
| BEALL    | FOX  | OLDHAM | WARNER       |

EXCUSED VOTE - 0

NOT VOTING - 21

|             |          |            |            |
|-------------|----------|------------|------------|
| SPEAKER     | DAUGHTRY | HAYES      | MILLER, G. |
| BARNES      | DECKER   | HIGHTOWER  | MILLER, K. |
| BERRY       | ELLIS    | HOLMES     | NEELY      |
| BOWEN       | ESPOSITO | HUNTER, H. | PULLEY     |
| COCKLEREECE | GAMBLE   | MCLAUGHLIN | SHERRILL   |
| CUNNINGHAM  |          |            |            |

S1301SCS

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1852/65-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

HARTSELL  
GENERAL STATUTES TECHNICAL BILL  
COM SUB/2ND EDITION

SENATE BILL 1301

MOTION 8  
TO CONCUR

|     |    |  |   |  |   |
|-----|----|--|---|--|---|
| AYE | 43 | ALBERTSON<br>ALLAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER | COOPER 20. 1775<br>DANNELLY<br>DAVIS<br>EAST<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | JORDAN<br>KERR<br>LEDEBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE | PARNELL<br>PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
|-----|----|--|---|--|---|

NO 0

EXCUSED 0

NOT CAST 4 KINCAID SHAW SIMPSON WEBSTER

ABSENT 3 CARPENTER EDWARDS SMITH

PAIRS 0  
AYE  
NO

COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS1800-LN177(5.10)

Short Title: No Same-Sex Marriages/Iredell.

(Local)

Sponsors: Senator Forrester.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT MARRIAGES CONTRACTED OUTSIDE OF  
3 THIS STATE BETWEEN PERSONS OF THE SAME GENDER ARE NOT  
4 VALID IN IREDELL COUNTY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Chapter 51 of the General Statutes is amended by adding the  
7 following new section to read:  
8 "§ 51-1.2. Marriages between persons of the same gender not valid in Iredell County.  
9 Marriages contracted or performed outside of North Carolina between individuals  
10 of the same gender are not valid in Iredell County."  
11 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA  
PRINCIPAL CLERK  
SESSION 1995

S

D

SENATE DRS2704\*-LNZX187(5.9)

Short Title: Authorize MSAs.

(Public)

Sponsors: Senator Forrester.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE MEDICAL SAVINGS ACCOUNT PLANS THE  
3 CONTRIBUTIONS TO WHICH ARE DEDUCTIBLE FROM STATE TAXES  
4 UNDER CERTAIN CIRCUMSTANCES.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Article 50 of Chapter 58 of the General Statutes is amended  
7 by adding the following new sections to read:  
8 "§ 58-50-158. Title and reference.  
9 This section and G.S. 58-50-159 through G.S. 58-50-164 are known and may be  
10 referred to as the Medical Savings Account Act, referred to in those sections as 'this  
11 Act'.  
12 "§ 58-50-159. Purpose and intent.  
13 The purpose and intent of this Act is to provide incentives to North Carolina's  
14 citizens to help reduce their health care costs by planning for future medical care  
15 expenses, by foregoing unnecessary medical treatment, and by seeking the best value  
16 for their health care dollars when treatment is necessary. To that end, this Act  
17 authorizes the establishment of medical savings account plans, contributions to which  
18 are State income tax deductible to the extent that funds disbursed from the account  
19 are used to pay eligible medical expenses of the account holder.  
20 "§ 58-50-160. Definitions.  
21 As used in this Act, unless the context clearly requires otherwise, the term:  
22 (1) 'Account administrator' means any of the following:  
23 a. A nationally or state-chartered: bank, savings and loan  
24 association, savings, bank, or credit union;  
25 b. A trust company authorized to act as a fiduciary;

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS1790-LC(5.17)

Short Title: Repeal State Food Tax/Freeze Hiring.

(Public)

Sponsors: Senator Cochrane.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PHASE OUT OVER FOUR YEARS THE FOUR PERCENT STATE  
3 SALES TAX ON FOOD AND REDUCE THE SIZE OF STATE  
4 GOVERNMENT BY AUTHORIZING THE GOVERNOR TO FREEZE HIRING  
5 FOR STATE EMPLOYEES OTHER THAN EDUCATION, PUBLIC SAFETY,  
6 PUBLIC HEALTH, AND OTHER APPROPRIATE POSITIONS.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. Effective January 1, 1997, through December 31, 1999, G.S.  
9 105-164.4(a) is amended by adding a new subdivision to read:  
10 "(1f) The following rates apply to the sales price of food and other items  
11 that would be exempt from the tax imposed by this Article if they  
12 were purchased with coupons issued under the Food Stamp  
13 Program, 7 U.S.C. § 51:  
14 

| <u>Effective Dates</u>  | <u>Rate</u> |
|---|-------------|
| <u>January 1, 1997, through December 31, 1997 -- three percent (3%)</u> |             |
| <u>January 1, 1998, through December 31, 1998 -- two percent (2%)</u>   |             |
| <u>January 1, 1999, through December 31, 1999 -- one percent (1%)."</u> |             |

  
18 Sec. 2. Effective January 1, 2000, Article 5 of Chapter 105 of the General  
19 Statutes is amended by adding a new section to read:  
20 "**§ 105-164.13B. Food exempt from tax.**  
21 The taxes imposed by this Article do not apply to food and other items that are  
22 not otherwise exempt pursuant to G.S. 105-164.13 but would be exempt pursuant to  
23 G.S. 105-164.13 if purchased with coupons issued under the Food Stamp Program, 7  
24 U.S.C. § 51."



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA693-RVZ001(5.20)

FILED - SENATE  
D

81305 MAY 23 1996  
PRINCIPAL CLERK

Short Title: Reimburse Inmate Costs.

(Public)

Sponsors: Senators Speed and Odom.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO  
3 REIMBURSE LOCAL CONFINEMENT FACILITIES FOR THE EXPENSES OF  
4 MAINTAINING INMATES PENDING TRANSFER TO THE STATE PRISON  
5 SYSTEM.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 148-29 reads as rewritten:  
8 "§ 148-29. Transportation of convicts to prison; sheriff's expense affidavit; State not  
9 liable for maintenance expenses until convict received. affidavit.  
10 The sheriff having in charge any prisoner to be taken to the Central Prison at  
11 Raleigh shall send him to the Central Prison within five days after the adjournment of  
12 the court at which he was sentenced, if no appeal has been taken. Beginning on the  
13 sixth day after adjournment of the court at which the prisoner was sentenced and  
14 continuing through the day the prisoner is received by the Division of Prisons, the  
15 Department of Correction shall pay the county a standard sum set by the General  
16 Assembly in its appropriation acts for the cost of providing food, clothing, personal  
17 items, supervision, and necessary ordinary medical services to the inmate awaiting  
18 transfer to the State prison system. The sheriff shall file with the board of  
19 commissioners of his county a copy of his affidavit as to necessary guard, together  
20 with a copy of his itemized account of expenses, both certified to by him as true  
21 copies of those on file in his office. ~~The State is not liable for the expenses of~~  
22 ~~maintaining convicts until they have been received by the State Department of~~  
23 ~~Correction authorities, nor shall any moneys be paid out of the treasury for support~~  
24 ~~of convicts prior to such reception."~~

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA683-LDQ236(5.14) S 1306 MAY 23 1996

FILED - SENATE D

PRINCIPAL CLERK

Short Title: Sweet Potato Weevil Control Funds.

(Public)

Sponsors: Senator Speed.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 AGRICULTURE FOR CONTROL OF THE SWEET POTATO WEEVIL.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the  
6 Department of Agriculture the sum of seventy-two thousand four hundred seventy-  
7 nine dollars (\$72,479) for the 1996-97 fiscal year to be used for control of the sweet  
8 potato weevil.  
9 Sec. 2. This act becomes effective July 1, 1996.

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS6662-LC365(5.14)

Short Title: Wilson School Acquisition.

(Local)

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Sponsors: Senators Speed and Cooper.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW WILSON COUNTY TO ACQUIRE PROPERTY FOR USE  
3 BY ITS COUNTY BOARD OF EDUCATION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 153A-158.1 reads as rewritten:  
6 "§ 153A-158.1. Acquisition and improvement of school property in certain counties.  
7 (a) Acquisition by County. -- A county may acquire, by any lawful method, any  
8 interest in real or personal property for use by a school administrative unit within the  
9 county. In exercising the power of eminent domain a county shall use the procedures  
10 of Chapter 40A. The county shall use its authority under this subsection to acquire  
11 property for use by a school administrative unit within the county only upon the  
12 request of the board of education of that school administrative unit and after a public  
13 hearing.  
14 (b) Construction or Improvement by County. -- A county may construct, equip,  
15 expand, improve, renovate, or otherwise make available property for use by a school  
16 administrative unit within the county. The local board of education shall be involved  
17 in the design, construction, equipping, expansion, improvement, or renovation of the  
18 property to the same extent as if the local board owned the property.  
19 (c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S.  
20 115C-518 and G.S. 160A-274, a local board of education may, in connection with  
21 additions, improvements, renovations, or repairs to all or part of any of its property,  
22 lease or sell the property to the board of commissioners of the county in which the  
23 property is located for any price negotiated between the two boards.  
24 (d) Board of Education May Contract for Construction. -- Notwithstanding the  
25 provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS4688\*-RTZ012.01(5.16)

Short Title: Adm. Search Warrants/When Served.

(Public)

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Sponsors: Senator Blackmon.

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Referred to:

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## A BILL TO BE ENTITLED

1  
2 AN ACT TO AUTHORIZE ADMINISTRATIVE SEARCH WARRANTS TO BE  
3 SERVED AT HOURS OTHER THAN BETWEEN 8:00 A.M. AND 8:00 P.M.  
4 WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ACTIVITY  
5 THAT JUSTIFIES THE ADMINISTRATIVE SEARCH WARRANT WILL  
6 OCCUR AT OTHER HOURS, AS RECOMMENDED BY THE  
7 ENVIRONMENTAL REVIEW COMMISSION.  
8 The General Assembly of North Carolina enacts:  
9 Section 1. G.S. 143-27.2(e) reads as rewritten:  
10 "(e) Any warrant issued under this section for a search or inspection shall be valid  
11 for only 24 hours after its issuance, must be personally served upon the owner or  
12 possessor of the property between the hours of 8:00 A.M. and 8:00 P.M. and must be  
13 returned within 48 hours. However if there is probable cause to believe that the  
14 condition, object, activity, or circumstance that legally justifies the search or  
15 inspection is occurring or will occur at times other than between the hours of 8:00  
16 A.M. and 8:00 P.M., then the warrant may authorize the search or inspection to be  
17 made during times in addition to the hours between 8:00 A.M. and 8:00 P.M., in  
18 which case the times during which the search or inspection may occur shall be  
19 specifically set out on the face of the warrant. If the warrant, however, was procured  
20 pursuant to an investigation authorized by G.S. 58-79-1, the warrant may be executed  
21 at any hour, is valid for 48 hours after its issuance, and must be returned without  
22 unnecessary delay after its execution or after the expiration of the 48 hour period if it  
23 is not executed. If the owner or possessor of the property is not present on the  
24 property at the time of the search or inspection and reasonable efforts to locate the  
25 owner or possessor have been made and have failed, the warrant or a copy thereof



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1308

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

S1308-ARU-001

Page 1 of 1

Date 6-11-96 1996

Comm. Sub. ☐  
Amends Title ☐

- 1 moves to amend the bill on page 1, line 9,  
2 by deleting the citation "G.S. 143-27.2(e)" and substituting the  
3 citation "G.S. 15-27.2(e)".  
4

SIGNED John B. Black  
Amendment Sponsor

SIGNED R. G.  
Committee Chair of Senate Committee Amendment

ADOPTED 6/18/96 FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

(V)

S. Jink

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

D

SENATE DRSA696\*-LHZ238(4.29)

81309

MAY 23 1996

PRINCIPAL CLERK

Short Title: Assault/Serious Bodily Injury.

(Public)

Sponsors: Senators Cooper and Gulley.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE A NEW FELONY OFFENSE OF ASSAULT INFLECTING  
3 SERIOUS BODILY INJURY AS RECOMMENDED BY THE NORTH  
4 CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Chapter 14 of the General Statutes is amended by adding a  
7 new section to read:  
8 "**§ 14-32.4. Assault inflicting serious bodily injury.**  
9 **Unless the conduct is covered under some other provision of law providing greater**  
10 **punishment, any person who assaults another person and inflicts serious bodily injury**  
11 **is guilty of a Class F felony. 'Serious bodily injury' is defined as bodily injury that**  
12 **creates a substantial risk of death, or that causes serious permanent disfigurement,**  
13 **coma, a permanent or protracted condition that causes extreme pain, or permanent**  
14 **or protracted loss or impairment of the function of any bodily member or organ, or**  
15 **that results in prolonged hospitalization.**"  
16 Sec. 2. This act becomes effective December 1, 1996, and applies to  
17 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1310

MAY 23 1996

SENATE DRS4686\*-LDZ005.01(5.16) PRINCIPAL CLERK

Short Title: Mining/Sediment. Tech. Asst. Funds.

(Public)

Sponsors: Senators Cooper and Odom.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE TECHNICAL  
3 ASSISTANCE, TRAINING, AND PUBLIC AWARENESS PROGRAMS UNDER  
4 THE MINING ACT OF 1971 AND THE SEDIMENTATION POLLUTION  
5 CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL  
6 REVIEW COMMISSION.  
7 Whereas, the technical assistance, training, and public awareness  
8 programs under the Mining Act of 1971 (G.S. 74-46, et seq.) and the Sedimentation  
9 Pollution Control Act of 1973 (G.S. 113A-50, et seq.) are critical to the achievement  
10 of the purposes of those acts which regulate land disturbing activities to ensure  
11 protection and responsible use of the environment and natural resources of the State;  
12 and  
13 Whereas, the North Carolina Sedimentation Control Commission and the  
14 North Carolina Mining Commission, acting through the Division of Land Resources  
15 of the Department of Environment, Health, and Natural Resources, have for many  
16 years administered effective technical assistance, training, and public awareness  
17 programs; that these programs significantly contributed to the achievement of the  
18 purposes of the acts cited above; and that these programs have enhanced compliance  
19 with those acts, cooperation among permit applicants and permittees and the  
20 Department, and protection of the environment and natural resources of the State;  
21 and  
22 Whereas, under the law as it existed prior to 1994, these technical  
23 assistance, training, and public awareness programs were funded from civil penalties  
24 assessed and collected for violations under the acts cited above; and



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S1311

MAY 23 1996

SENATE DRS5702-LG255(5.15)

PRINCIPAL CLERK

Short Title: Craniofacial Anomalies Funds.

(Public)

Sponsors: Senator Cooper.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO PROVIDE DIAGNOSTIC AND  
3 TREATMENT SERVICES FOR CHILDREN WITH CRANIOFACIAL  
4 ANOMALIES INCLUDING CLEFT LIP/PALATE.

5 Whereas, approximately 200 infants are born in North Carolina each year  
6 with craniofacial anomalies including cleft lip/palate; and

7 Whereas, it is critical that prompt and comprehensive diagnostic and  
8 treatment services be provided to these children to maximize their health and  
9 development; and

10 Whereas, children who are uninsured or underinsured are generally  
11 referred to the Craniofacial Center of the University of North Carolina at Chapel  
12 Hill; and

13 Whereas, the Center does not have the financial resources to meet the  
14 demand for these critical services; Now, therefore,  
15 The General Assembly of North Carolina enacts:

16 Section 1. There is appropriated from the General Fund to the  
17 Department of Environment, Health, and Natural Resources, Division of Maternal  
18 and Child Health, the sum of two hundred thousand dollars (\$200,000) for the 1996-  
19 97 fiscal year to provide comprehensive diagnostic and treatment services for  
20 uninsured and underinsured children in North Carolina with craniofacial anomalies  
21 including cleft lip/palate.

22 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA  
PRINCIPAL CLERK  
SESSION 1995

S

D

SENATE DRS7748\*-RMZ016(5.15)

Short Title: Public Health Authority Act.

(Public)

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Sponsors: Senator Cooper.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF LOCAL PUBLIC  
3 HEALTH AUTHORITIES, AS RECOMMENDED BY THE NORTH  
4 CAROLINA PUBLIC HEALTH COMMISSION.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Article 2 of Chapter 130A of the General Statutes is amended  
7 by adding a new Part to read:  
8 "Part 1A. Public Health Authorities Authorized.  
9 "§ 130A-43. Title and purpose.  
10 (a) This Part shall be known and may be cited as the 'Public Health Authorities  
11 Act'.  
12 (b) The purpose of this Part is to provide an additional and alternative method for  
13 counties to provide public health services. This Part shall not be regarded as  
14 repealing any powers now existing under any other law, either general, special, or  
15 local.  
16 (c) It is the policy of the General Assembly that Public Health Authorities should  
17 have adequate authority to exercise the powers, rights, duties, functions, privileges,  
18 and immunities conferred upon them by law. To this end the provisions of this Part  
19 shall be broadly construed, and grants of powers shall be construed to include any  
20 powers that are reasonably expedient to the exercise of power.  
21 "§ 130A-44. Definitions.  
22 As used in this Part, unless otherwise specified:  
23 (1) 'Authority service area' means area within the boundaries of the  
24 authority as provided for in G.S. 130A-45.4.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS2718\*(5.22)

FILED - SENATE

§ 1313

MAY 23 1996

PRINCIPAL CLERK

Short Title: Castle Hayne Incorporation.

(Local)

Sponsors: Senator Ballantine.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO  
3 A REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Castle Hayne is enacted to read:

6 "CHARTER OF THE TOWN OF CASTLE HAYNE.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Sec. 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of  
10 Castle Hayne are a body corporate and politic under the name 'Town of Castle  
11 Hayne'. Under that name they have all the powers, duties, rights, privileges, and  
12 immunities conferred and imposed upon cities by the general law of North Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with law, the  
16 boundaries of the Town of Castle Hayne are as follows:

17 Lying and being in New Hanover County and beginning at the center of the  
18 Northeast Cape Fear River in the northeastern most point where Island Creek  
19 intersects the river and is the boundary of Pender County to the East, following said  
20 Island Creek southward under Holly Shelter Road, continuing South approximately 1  
21 mile where Island Creek departs from the New Hanover/Pender line running West  
22 and South to where Island Creek meets Sidbury Road. From the South right-of-way  
23 boundary of Sidbury Road and running at a West by West-South Westward direction  
24 along said Sidbury Road to where it intersects with Blue Clay Road, thence South by  
25 Southwest on Blue Clay Road South right-of-way to where Blue Clay Road intersects



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1313

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

S1313-ARF-001

Page 1 of 1

Date 6/6, 1996

Comm. Sub. ☐  
Amends Title ☐

- 1 moves to amend the bill on page 2, lines 43 through page 3, line 4,  
2 by rewriting those lines to read:  
3  
4 "accordance with the Town Charter and the laws of North Carolina,  
5 Larry E. Lawrence, Jerry L. Kelly, Thomas A. Radewicz, Ernest J.  
6 Puskas, James Bordeaux, and Mary Charlene Pete shall serve as  
7 members of the Town Council and John E. Dyer shall serve as Mayor.  
8 Vacancies in the interim council shall"

SIGNED [Signature]  
Amendment Sponsor

SIGNED [Signature]  
Committee Chair if Senate Committee Amendment

ADOPTED 6/6/96 FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

(V)

*S. Fink*

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1694/16-- 5:23 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

BALLANTINE  
CASTLE HAYNE INCORPORATION  
COM SUB/3RD EDITION

SENATE BILL 1313  
READING 2

|     |    |   |   |   |   |
|-----|----|---|---|---|---|
| AYE | 47 | ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 0  |   |   |   |   |

EXCUSED 0

NOT CAST 1 SHAW

ABSENT 2 ALBERTSON DANNELLY

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1716/5-- 1:46 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

BALLANTINE  
CASTLE HAYNE INCORPORATION  
COM SUB/3RD EDITION

SENATE BILL 1313  
READING 3

|     |    |  |   |  |  |
|-----|----|--|---|--|--|
| AYE | 44 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE | COOPER<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | JORDAN<br>KERR<br>KINCAID<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SOLES<br>SPEED<br>WEBSTER<br>WINNER |
| NO  | 1  | EAST   |   |  |  |

EXCUSED 0

NOT CAST 4 CONDER LEDBETTER SMITH WARREN

ABSENT 1 LITTLE

PAIRS 0  
AYE  
NO

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1314

MAY 23 1996

D

SENATE DRSA701\*-RTZ009.01(5.16) PRINCIPAL CLERK

Short Title: Nitrogen Reduction Goal.

(Public)

Sponsors: Senator Horton.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPROVE WATER QUALITY BY ESTABLISHING A GOAL TO  
3 REDUCE THE AVERAGE LOAD OF NITROGEN DELIVERED TO THE  
4 NEUSE RIVER ESTUARY FROM POINT AND NONPOINT SOURCES BY  
5 THIRTY PERCENT OF THE AVERAGE ANNUAL LOAD FOR THE PERIOD  
6 1991 THROUGH 1995 BY THE YEAR 2001 AND TO REQUIRE THE  
7 ENVIRONMENTAL MANAGEMENT COMMISSION TO DEVELOP A PLAN  
8 TO ACHIEVE THIS GOAL, AS RECOMMENDED BY THE  
9 ENVIRONMENTAL REVIEW COMMISSION.  
10 The General Assembly of North Carolina enacts:  
11 Section 1. The General Assembly hereby determines that it should be  
12 the goal of this State to reduce the average annual load of nitrogen delivered to the  
13 Neuse River Estuary from point and nonpoint sources by thirty percent (30%) of the  
14 average annual load for the period 1991 through 1995 by the year 2001, with  
15 incremental progress demonstrated each year. The Environmental Management  
16 Commission shall develop and adopt a plan to achieve this goal. In developing this  
17 plan, the Commission shall determine and allow appropriate credit toward achieving  
18 this goal for reductions of water pollution by point and nonpoint sources through  
19 voluntary measures.  
20 Sec. 2. The Commission shall publish a proposed plan to achieve the  
21 goal established by this act in the North Carolina Register by 1 November 1996. The  
22 Commission shall adopt the plan as provided in Article 2A of Chapter 150B of the  
23 General Statutes.  
24 Sec. 3. The Environmental Management Commission shall annually  
25 report to the Environmental Review Commission as to its progress in developing and



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS5691\*-LG230(4.16)

FILED - SENATE  
S 1315 MAY 20 1996  
PRINCIPAL CLERK

Short Title: NC Maritime Museum Funds.

(Public)

Sponsors: Senator Perdue.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 AGRICULTURE FOR THE PURCHASE OF THE TOWN CREEK PROPERTY  
4 SITE FOR THE EXPANSION OF THE NORTH CAROLINA MARITIME  
5 MUSEUM.

6 The General Assembly of North Carolina enacts:

7 Section 1. There is appropriated from the General Fund to the  
8 Department of Agriculture the sum of three million two hundred thousand dollars  
9 (\$3,200,000) for the 1996-97 fiscal year for the purchase of the Town Creek Property  
10 Site which will be used to expand the North Carolina Maritime Museum. Purchasing  
11 the property will enable the North Carolina Maritime Museum to meet its growth  
12 needs, promote increased tourism, and provide additional educational programs on  
13 North Carolina coastal history, natural history, and maritime history.

14 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1316 MAY 23 1996

SENATE DRS7764-LB491(5.22)

PRINCIPAL CLERK

Short Title: Senate President Appointments.

(Public)

---

Sponsors: Senator Rand.

---

Referred to:

---

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE  
3 RECOMMENDATION OF THE PRESIDENT OF THE SENATE.

4 Whereas, G.S. 120-121 authorizes the General Assembly to make certain  
5 appointments to public offices upon the recommendation of the President of the  
6 Senate; and

7 Whereas, the President of the Senate has made recommendations; Now,  
8 therefore,

9 The General Assembly of North Carolina enacts:

10 Section 1. Except as provided otherwise, all terms under this act  
11 commence July 1, 1996.

12 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1317 MAY 13 1995

SENATE DRS2722\*-RTXZ001.04(5.16) PRINCIPAL CLERK

Short Title: Underground Storage Tank Amends. '96.

(Public)

Sponsors: Senators Blackmon and Kerr.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE CONTINUED SOLVENCY OF THE  
3 COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK  
4 CLEANUP FUND AND TO MAKE OTHER CHANGES TO THE LEAKING  
5 PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM,  
6 AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. Temporary suspension of cleanups pending adoption of  
9 risk-assessment rules -- (a) The definitions set out in G.S. 143-215.94A apply to this  
10 section.  
11 (b) The Department shall classify the impact of each known discharge or  
12 release of a petroleum product from an underground storage tank as either a Class  
13 AB impact or a Class CDE impact. The Department shall make the classification on  
14 the basis of information currently known by the Department or provided to the  
15 Department as required by law. The Department shall revise the classification as  
16 additional information is received. The impact of a discharge or release is a Class  
17 CDE impact unless and until it is classified as a Class AB impact. A discharge or  
18 release has a Class AB impact if and only if any of the following apply:  
19 (1) A water supply well is contaminated.  
20 (2) Petroleum vapor is present in a confined space.  
21 (3) A water supply well is located within 1,500 feet of the discharge,  
22 release, or known extent of contamination and there is a user of  
23 water from any water supply well located within 1,500 feet of the  
24 discharge, release, or known extent of contamination who is not  
25 served by an existing public water supply.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1317

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

S1317V1-ART-002.01

Page 1 of 2

Date JUNE 5, 1995

Comm. Sub. [NO]  
Amends Title [NO]  
First Edition

Senator BLACKMON

- 1 moves to amend the bill on page 2, line 13
- 2 by deleting the words "person responsible" and substituting the
- 3 words "landowner responsible for cleanup",
- 4
- 5 on page 2, line 17
- 6 by deleting the words "other person responsible for the cleanup" and
- 7 substituting the words "landowner responsible for cleanup",
- 8
- 9 on page 2, line 31 and page 3, line 9
- 10 by deleting the words "this Article" and substituting "Part 2A of
- 11 Article 21A of Chapter 143 of the General Statutes" on each line,
- 12
- 13 on page 3, line 11
- 14 by deleting the words "becomes effective" and substituting the words
- 15 "is ratified",
- 16
- 17 on page 3, line 42
- 18 by deleting the word "cleanup" and substituting the words "clean
- 19 up",
- 20
- 21 on page 4, line 32
- 22 by deleting the word "the",
- 23
- 24 on page 5, line 16
- 25 by deleting the word "becomes" and substituting the word "become",
- 26 and

see p. 2



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1317

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

S1317V1-ART-002.01

Page 2 of 2

- 1 on page 5, line 18
- 2 by deleting the word "becomes" and substituting the word "become".

SIGNED John M. Black  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED

6/5/96

FAILED

TABLED

39-11

Stark

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1598/5-- 2:36 PM

JUNE 5, 1996

LEGISLATIVE DAY 124

LT. GOVERNOR WICKER

-- Presiding

BLACKMON  
UNDERGROUND STORAGE TANK AMENDS.

SENATE BILL 1317

AMEND 1

|     |    |   |   |   |  |
|-----|----|---|---|---|--|
| AYE | 39 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CONDER | COOPER<br>DANNELLY<br>EAST<br>EDWARDS<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | JORDAN<br>KERR<br>KINCAID<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PAGE<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SIMPSON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 11 | CLARK<br>COCHRANE<br>DAVIS  | FORRESTER<br>LEDBETTER<br>LITTLE  | MCKOY<br>SHAW<br>SHERRON  | SMITH<br>WEBSTER   |

|          |   |
|----------|---|
| EXCUSED  | 0 |
| NOT CAST | 0 |
| ABSENT   | 0 |
| PAIRS    | 0 |
| AYE      |   |
| NO       |   |



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1317

AMENDMENT NO. 2 (Two)  
(to be filled in by  
Principal Clerk)

S1317V1-ART-001.05

Page 1 of 2

Date June 5, 1995

Comm. Sub. [NO1]  
Amends Title [NO1]  
First Edition

Senator McDaniel

1 moves to amend the bill on page 3, line 7  
2 by rewriting that line to read:

3  
4 "(7) The Department approves continuation of the cleanup as  
5 provided in subsection (f) of this section.

6 (f) An owner, operator, or landowner who is responsible  
7 for the cleanup from a discharge or release who is not  
8 eligible to have the costs of the cleanup paid or  
9 reimbursed because the impact of the discharge or  
10 release has been classified as a Class CDE impact may  
11 petition the Department for continued eligibility for  
12 payment or reimbursement. The Department shall  
13 authorize continuation of the cleanup only if the  
14 owner, operator, or landowner responsible for the  
15 cleanup establishes that:

- 16 (1) The owner, operator, or landowner  
17 responsible for cleanup has incurred costs  
18 that are reimbursable under G.S.  
19 143-215.94E(e), or that would be  
20 reimbursable if those costs were in excess  
21 of the costs for which the owner, operator,  
22 or landowner is responsible under G.S.  
23 143-215.94B, 143-215.94D, or 143-215.94E.  
24 (2) The owner, operator, or landowner either has  
25 paid or will pay all costs for which the  
26 owner, operator, or landowner is  
27 responsible.  
28 (3) Discontinuation of the cleanup will result  
29 in a hardship. For purposes of this  
30 subdivision, a hardship exists if and only  
31 if the discontinuation of the cleanup will  
32 prevent the conveyance through a bona fide  
33 sale for value of the property where the





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1317

AMENDMENT NO. 2 (two)  
(to be filled in by  
Principal Clerk)  
Page 2 of 2

51317V1-ART-001.05

1 discharge or release occurred. The owner,  
2 operator, or landowner responsible for the  
3 cleanup shall present a contract of sale  
4 executed on or before 31 December 1996 that  
5 is contingent on continuation of the  
6 cleanup. If the conveyance of the property  
7 does not occur under the terms of the  
8 contract for any reason, the Department  
9 shall discontinue eligibility under this  
10 subsection.

11 (g) Except for costs incurred to comply with subsection  
12 (d) of this".

SIGNED (MEDANICK)  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 6/5/96 FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

(47-3)

S. Sink

AS PERFECTED BY AMENDMENT No. 3

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1600/7-- 2:52 PM

JUNE 5, 1996

LEGISLATIVE DAY 124

LT. GOVERNOR WICKER

-- Presiding

BLACKMON  
UNDERGROUND STORAGE TANK AMENDS.

SENATE BILL 1317

AMEND 2

|     |    |  |  |   |  |
|-----|----|--|--|---|--|
| AYE | 47 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER | COOPER 20. 1775<br>DANNELLY<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>MCKOY | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE<br>SHERRON | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 3  | DAVIS  |  |   |  |

|          |   |
|----------|---|
| EXCUSED  | 0 |
| NOT CAST | 0 |
| ABSENT   | 0 |
| PAIRS    | 0 |
| AYE      |   |
| NO       |   |

# NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

S. B. No. 1317

COMMITTEE SUBSTITUTE \_\_\_\_\_

DATE 5 June 1996

Amendment No. 3 (THREE)

(to be filled in by  
Principal Clerk)

Rep. Cooper  
Sen. Cooper

Amendment # 2

1 moves to amend ~~the bill~~ on page 2, line 7

2 ( ) WHICH CHANGES THE TITLE

3 by inserting, after the word "occur",

4 the words " within 120

5 after the contract of sale is

6 executed or "

7 executed or "

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

SIGNED Cooper

ADOPTED 6/5/96 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

50-0 Stink PERFECTING And No 2

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1599/6-- 2:46 PM

JUNE 5, 1996

LEGISLATIVE DAY 124

LT. GOVERNOR WICKER

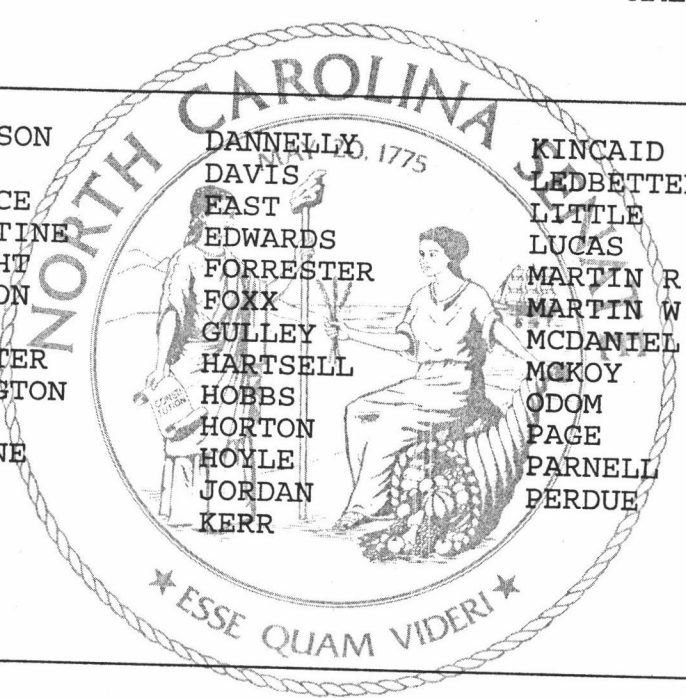
-- Presiding

BLACKMON  
UNDERGROUND STORAGE TANK AMENDS.

SENATE BILL 1317

AMEND 3

|     |    |  |   |   |   |
|-----|----|--|---|---|---|
| AYE | 50 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 0  |  |   |   |   |



EXCUSED 0  
NOT CAST 0  
ABSENT 0  
PAIRS 0  
AYE  
NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1601/8-- 3:22 PM

JUNE 5, 1996

LEGISLATIVE DAY 124

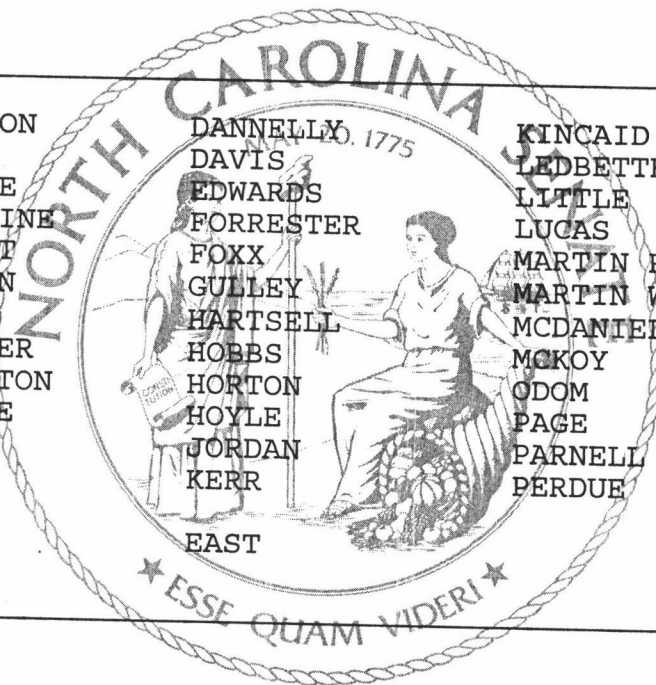
LT. GOVERNOR WICKER

-- Presiding

BLACKMON  
UNDERGROUND STORAGE TANK AMENDS.

SENATE BILL 1317  
READING 2

|     |    |   |   |   |  |
|-----|----|---|---|---|--|
| AYE | 47 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 2  | CLARK   | EAST  |   |  |



|          |   |       |
|----------|---|-------|
| EXCUSED  | 0 |       |
| NOT CAST | 1 | SMITH |
| ABSENT   | 0 |       |
| PAIRS    | 0 |       |
| AYE      |   |       |
| NO       |   |       |

# NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. First

H. B. No. \_\_\_\_\_

DATE 5 June 1996

S. B. No. 1317

Amendment No. 4 (four)

COMMITTEE SUBSTITUTE \_\_\_\_\_

(to be filled in by  
Principal Clerk)

~~Rep.~~

Sen.

Clark

- 1 moves to amend the bill on page \_\_\_\_\_, line \_\_\_\_\_
- 2 ( ) WHICH CHANGES THE TITLE
- 3 by Amending Amendment # 1 on page
- 4 \_\_\_\_\_
- 5 1, lines 5 through 7 by
- 6 deleting those lines
- 7 \_\_\_\_\_
- 8 \_\_\_\_\_
- 9 \_\_\_\_\_
- 10 \_\_\_\_\_
- 11 \_\_\_\_\_
- 12 \_\_\_\_\_
- 13 \_\_\_\_\_
- 14 \_\_\_\_\_
- 15 \_\_\_\_\_
- 16 \_\_\_\_\_
- 17 \_\_\_\_\_
- 18 \_\_\_\_\_
- 19 \_\_\_\_\_

SIGNED \_\_\_\_\_

AP Clark

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1317

AMENDMENT NO. 5 (five)  
(to be filled in by  
Principal Clerk)  
Page 1 of 1

S1317V1-ART-005.03

Date 6-06, 1996

Comm. Sub. [NO]  
Amends Title [NO]  
First Edition

Senator Clark

- 1 moves to amend the bill as amended by Amendment #1 as follows:  
2  
3 on page 1, line 3 of Amendment #1  
4 by rewriting that line of the amendment to read:  
5  
6 "substituting the words 'other person responsible for the cleanup'"  
7 and  
8  
9 on page 1, lines 5 through 7 of Amendment #1  
10 by deleting those lines.

SIGNED Clark  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 6/6/96 FAILED \_\_\_\_\_

(47-1)

Stink

TABLED \_\_\_\_\_



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1610/6-- 2:02 PM

JUNE 6, 1996

LEGISLATIVE DAY 125

LT. GOVERNOR WICKER

-- Presiding

BLACKMON  
UNDERGROUND STORAGE TANK AMENDS.

SENATE BILL 1317

AMEND 5

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 47 | ALBERTSON  | COOPER    | JORDAN    | PERDUE  |
|     |    | ALLRAN     | DANNELLY  | KERR      | PLEXICO |
|     |    | BALLANCE   | DAVIS     | KINCAID   | PLYLER  |
|     |    | BALLANTINE | EAST      | LEDBETTER | RAND    |
|     |    | BASNIGHT   | EDWARDS   | LITTLE    | SHAW    |
|     |    | BLACKMON   | FORRESTER | LUCAS     | SIMPSON |
|     |    | BLUST      | FOXX      | MARTIN R. | SOLES   |
|     |    | CARPENTER  | GULLEY    | MARTIN W. | SPEED   |
|     |    | CARRINGTON | HARTSELL  | MCDANIEL  | WARREN  |
|     |    | CLARK      | HOBBS     | MCKOY     | WEBSTER |
|     |    | COCHRANE   | HORTON    | ODOM      | WINNER  |
|     |    | CONDER     | HOYLE     | PAGE      |         |
| NO  | 1  | SHERRON    |           |           |         |

EXCUSED 0

NOT CAST 2 PARNELL SMITH

ABSENT 0

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1611/7-- 2:03 PM

JUNE 6, 1996

LEGISLATIVE DAY 125

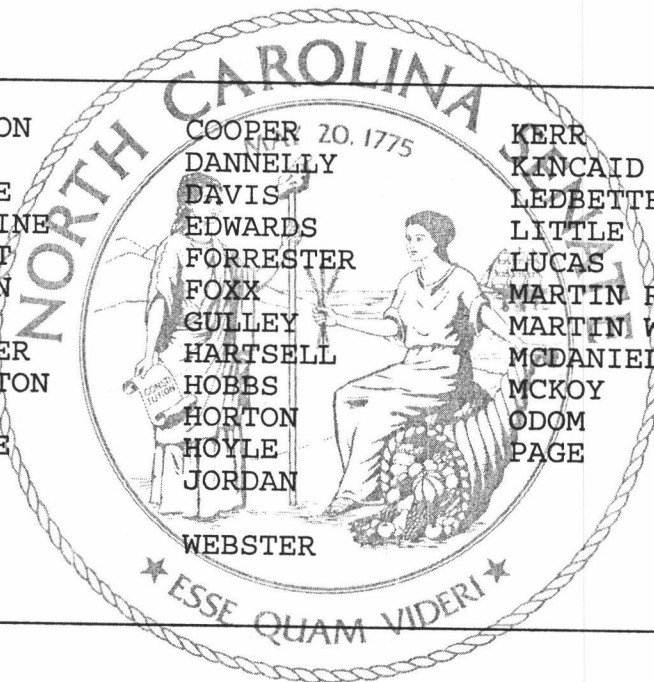
LT. GOVERNOR WICKER

-- Presiding

BLACKMON  
UNDERGROUND STORAGE TANK AMENDS.

SENATE BILL 1317  
READING 3

|     |    |  |  |  |  |
|-----|----|--|--|--|--|
| AYE | 46 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER | COOPER 20. 1775<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE | PARNELL<br>PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 2  | EAST   | WEBSTER  |  |  |



|          |   |              |
|----------|---|--------------|
| EXCUSED  | 0 |              |
| NOT CAST | 2 | PERDUE SMITH |
| ABSENT   | 0 |              |
| PAIRS    | 0 |              |
| AYE      |   |              |
| NO       |   |              |

# 2084  
LEGISLATIVE DAY 134  
S1317  
READING 2

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

RC  
6/20/96  
1:01 PM  
IN CHAIR: SPEAKER

UNDERGROUND STORAGE TANK AMENDMENTS '96

AYES - 106

ADAMS  
ALDRIDGE  
ALEXANDER  
ALLRED  
ARNOLD  
BAKER  
BARNES  
BERRY  
BLACK  
BLUE  
BOWEN  
BOWIE  
BOYD-MCINTYRE  
BRASWELL  
BRAWLEY  
BROWN, J.  
BROWN, W.  
BUCHANAN  
CANSLER  
CAPPS  
CARPENTER  
CHURCH  
CLARY  
COCKLEREECE  
CREECH  
CULPEPPER  
CUMMINGS

CUNNINGHAM  
DAUGHTRY  
DAVIS  
DECKER  
DICKSON  
DOCKHAM  
EARLE  
EASTERLING  
EDDINS  
ELLIS  
ESPOSITO  
FITCH  
GAMBLE  
GARDNER  
GRADY  
GRAY  
HAYES  
HENSLEY  
HIATT  
HIGHTOWER  
HILL  
HOLMES  
HOWARD  
HUNTER, H.  
HUNTER, R.  
HURLEY  
IVES

JUSTUS  
KISER  
LEE  
LINNEY  
LOCKE  
LUEBKE  
MCALLISTER  
MCCOMAS  
MCCOMBS  
MCCRARY  
MCLAUGHLIN  
MCMAHAN  
MERCER  
MICHAUX  
MILLER, G.  
MINER  
MITCHELL  
MORGAN  
NEELY  
NICHOLS  
NYE  
OWENS  
PATE  
PRESTON  
PULLEY  
RAMSEY

RAYFIELD  
REDWINE  
REYNOLDS  
RICHARDSON  
ROBINSON, J.  
ROGERS  
RUSSELL  
SEXTON  
SHARPE  
SHAW  
SHERRILL  
SHUBERT  
SUTTON  
TALLENT  
THOMPSON  
TOLSON  
WAINWRIGHT  
WATSON  
WEATHERLY  
WILKINS  
WILSON, C.  
WILSON, G.  
WOMBLE  
WOOD  
WRIGHT  
YONGUE

NOES - 2

EDWARDS

MILLER, K.

EXCUSED ABSENCE - 7

BEALL  
CULP

FOX  
HUNT  
OLDHAM  
ROBINSON, G.

WARNER

EXCUSED VOTE - 1

HACKNEY

NOT VOTING - 4

SPEAKER

BARBEE

CRAWFORD

LEMMOND

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

# 2152  
LEGISLATIVE DAY 135  
S1317  
READING 3

RC  
6/21/96  
12:20 PM  
IN CHAIR: SPEAKER

UNDERGROUND STORAGE TANK AMENDMENTS '96

AYES - 103

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | DAUGHTRY   | JUSTUS     | REDWINE      |
| ALEXANDER     | DAVIS      | KISER      | REYNOLDS     |
| ALLRED        | DECKER     | LEE        | RICHARDSON   |
| ARNOLD        | DICKSON    | LEMOND     | ROBINSON, J. |
| BARBEE        | DOCKHAM    | LOCKE      | ROGERS       |
| BARNES        | EARLE      | LUEBKE     | RUSSELL      |
| BERRY         | EASTERLING | MCALLISTER | SEXTON       |
| BLACK         | EDDINS     | MCCOMAS    | SHARPE       |
| BOWEN         | EDWARDS    | MCCOMBS    | SHAW         |
| BOWIE         | ELLIS      | MCCRARY    | SHERRILL     |
| BOYD-MCINTYRE | ESPOSITO   | MCMAHAN    | SHUBERT      |
| BRAWLEY       | FITCH      | MERCER     | SUTTON       |
| BROWN, W.     | GAMBLE     | MICHAUX    | TALLENT      |
| BUCHANAN      | GARDNER    | MILLER, G. | THOMPSON     |
| CANSLER       | GRADY      | MINER      | TOLSON       |
| CAPPS         | GRAY       | MITCHELL   | WAINWRIGHT   |
| CARPENTER     | HAYES      | MORGAN     | WATSON       |
| CHURCH        | HENSLEY    | NEELY      | WEATHERLY    |
| CLARY         | HIATT      | NICHOLS    | WILKINS      |
| COCKLEREECE   | HIGHTOWER  | NYE        | WILSON, C.   |
| CRAWFORD      | HILL       | OWENS      | WILSON, G.   |
| CREECH        | HOLMES     | PATE       | WOMBLE       |
| CULP          | HUNTER, H. | PRESTON    | WOOD         |
| CULPEPPER     | HUNTER, R. | PULLEY     | WRIGHT       |
| CUMMINGS      | HURLEY     | RAMSEY     | YONGUE       |
| CUNNINGHAM    | IVES       | RAYFIELD   |              |

NOES - 2

BAKER LINNEY

EXCUSED ABSENCE - 8

|          |      |        |              |
|----------|------|--------|--------------|
| ALDRIDGE | BLUE | HUNT   | ROBINSON, G. |
| BEALL    | FOX  | OLDHAM | WARNER       |

EXCUSED VOTE - 0

NOT VOTING - 7

|          |           |            |            |
|----------|-----------|------------|------------|
| SPEAKER  | BROWN, J. | HOWARD     | MILLER, K. |
| BRASWELL | HACKNEY   | MCLAUGHLIN |            |

S1317

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1318 MAY 23 1996

S

D

SENATE DRSA704\*-RTZ010.01(5.16)

PRINCIPAL CLERK

Short Title: Riparian Buffers Program.

(Public)

Sponsors: Senator Horton.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A NONREGULATORY PROGRAM TO PROTECT  
3 WATER QUALITY AND TO CREATE THE RIPARIAN BUFFER  
4 FACILITATION AND ASSISTANCE GRANT FUND TO SUSTAIN WATER  
5 QUALITY IN THE STATE THROUGH COOPERATIVE METHODS, AS  
6 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. Chapter 113A of the General Statutes is amended by adding a  
9 new Article to read:  
10 "ARTICLE 16.  
11 "Nonregulatory Program for Protecting Water Quality.  
12 "§ 113A-230. Legislative findings; intent.  
13 The General Assembly finds that past efforts to protect water quality in the State's  
14 rivers and streams have been inadequate. These efforts have included a selective  
15 approach for encouraging vegetated buffers along watercourses adjoining only some  
16 water bodies or land uses. While the value of adequate vegetated buffers for  
17 providing water quality protection is well documented, it is clear that a more  
18 comprehensive approach is required if the desired result of maintaining and  
19 improving water quality is to be achieved. The General Assembly finds that  
20 regulatory efforts to protect water quality must be complemented by the  
21 establishment of a nonregulatory program directed to the establishment of vegetated  
22 riparian buffers along the State's rivers, streams, lakes, and estuarine shorelines.  
23 While temporary buffers have transient benefits for water quality protection, this  
24 nonregulatory program to establish vegetated riparian buffers should be directed  
25 toward permanent buffers to protect public waters in perpetuity. Recognizing that

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA705-LBX448(5.14)

FILED - SENATE  
D

S 1319 MAY 23 1996

PRINCIPAL CLERK

Short Title: Reidsville Annexations.

(Local)

Sponsors: Senator Foxx.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE  
3 EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND  
4 TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE  
5 CEILING ON SATELLITE ANNEXATIONS.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. The Charter of the City of Reidsville, being Chapter 957,  
8 Session Laws of 1989, is amended by adding the following new sections:  
9 "Sec. 1.4. Effective date of annexation ordinances.  
10 (a) The provisions of G.S. 160A-31(d), 160A-58.2, and 160A-58.7 notwithstanding,  
11 the city council may make annexation ordinances adopted pursuant to Part 1 or 4 of  
12 Article 4A of Chapter 160A of the General Statutes effective on any specified date  
13 within four years from the date of passage of the annexation ordinance.  
14 (b) The provisions of G.S. 160A-49(e)(4) notwithstanding, the city council may fix  
15 the effective date of annexation ordinances adopted pursuant to Part 3 of Article 4A  
16 of Chapter 160A of the General Statutes for any date not less than 40 days nor more  
17 than four years from the date of passage of the ordinances.  
18 (c) This section applies only to the following described area:  
19 Being a tract of land located in Reidsville Township, Rockingham County, North  
20 Carolina.  
21 BEGINNING at a concrete right-of-way monument at the southwest quadrant  
22 intersection of N.C. Highway 87 and U.S. Highway 29; specifically, said beginning  
23 monument being located by North Carolina Grid system tie North 69 deg. 13 min. 47  
24 sec. West 416.92 feet from North Carolina Grid monument "Holiday Inn," a brass  
25 disc set in concrete on the north side of the N. C. Highway 87 bridge over U.S.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1702/24-- 6:22 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

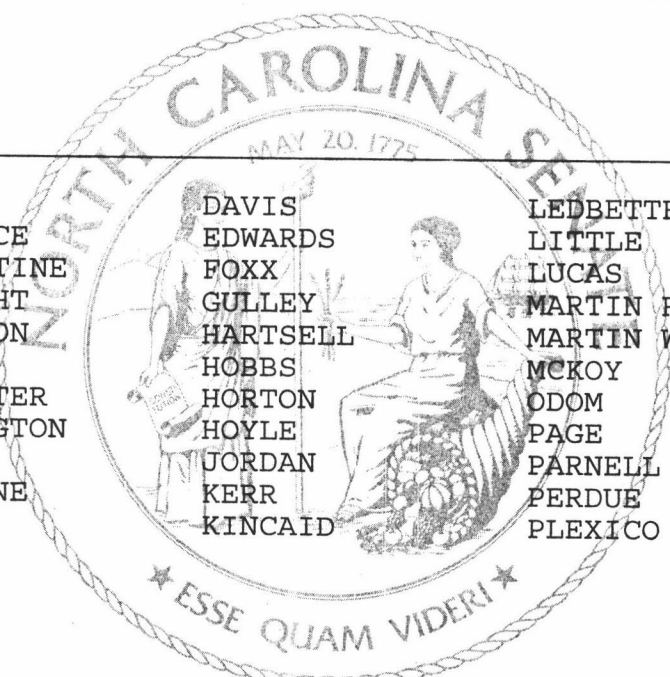
LT. GOVERNOR WICKER

-- Presiding

FOXX  
REIDSVILLE ANNEXATIONS

SENATE BILL 1319  
READING 2

|     |    |            |          |           |         |
|-----|----|------------|----------|-----------|---------|
| AYE | 45 | ALLRAN     | DAVIS    | LEDBETTER | PLYLER  |
|     |    | BALLANCE   | EDWARDS  | LITTLE    | RAND    |
|     |    | BALLANTINE | FOXX     | LUCAS     | SHAW    |
|     |    | BASNIGHT   | GULLEY   | MARTIN R. | SHERRON |
|     |    | BLACKMON   | HARTSELL | MARTIN W. | SIMPSON |
|     |    | BLUST      | HOBBS    | MCKOY     | SMITH   |
|     |    | CARPENTER  | HORTON   | ODOM      | SOLES   |
|     |    | CARRINGTON | HOYLE    | PAGE      | SPEED   |
|     |    | CLARK      | JORDAN   | PARNELL   | WARREN  |
|     |    | COCHRANE   | KERR     | PERDUE    | WEBSTER |
|     |    | CONDER     | KINCAID  | PLEXICO   | WINNER  |
|     |    | COOPER     |          |           |         |
| NO  | 0  |            |          |           |         |



|          |   |           |                    |
|----------|---|-----------|--------------------|
| EXCUSED  | 0 |           |                    |
| NOT CAST | 2 | EAST      | MCDANIEL           |
| ABSENT   | 3 | ALBERTSON | DANNELLY FORRESTER |
| PAIRS    | 0 |           |                    |
| AYE      |   |           |                    |
| NO       |   |           |                    |





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1319

AMENDMENT NO. 1 (one)  
(to be filled in by  
Principal Clerk)

SL1319-ALB-2

Page 1 of 8

Date 6/19/, 1996

Comm. Sub. ☐  
Amends Title ☒ [YES]

*SENATOR FOXX*

- 1 moves to amend the bill on page 1, line 3,  
2 by deleting "AND" and substituting a comma  
3  
4 further moves to amend the bill on page 1, line 5, by inserting  
5 immediately before the period the following: "AND TO REVIVE THE  
6 CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM"  
7  
8 further moves to amend the bill on page 2, line 35, by inserting the  
9 following between lines 35 and 36:  
10 "Sec. 1.1. Chapter 76 of the Private Laws of 1798 is  
11 amended by adding a new section to read:  
12 "VII. The Charter of the Town of Wentworth is revived, revised,  
13 and consolidated to read:  
14 "CHARTER OF THE TOWN OF WENTWORTH.  
15 "CHAPTER I. INCORPORATION AND CORPORATE POWERS.  
16 "Sec. 1.1. The inhabitants of the Town of Wentworth are a body  
17 corporate and politic under the name 'Town of Wentworth'. Under  
18 that name they have all the powers, duties, rights, privileges, and  
19 immunities conferred and imposed upon cities by the general law of  
20 North Carolina.  
21 "CHAPTER II. CORPORATE BOUNDARIES.  
22 "Sec. 2.1. Until changed in accordance with law, the boundaries  
23 of the Town of Wentworth are as follows:  
24 Beginning at a (Point 1) on N.C. 87/65 at the Reidsville Western  
25 City limit line in a generally northerly and easterly direction  
26 following the city limit line to a (Point 2) as shown on T.M.  
27 7995(00) where it intersects with the city limit line; thence  
28 continuing in a northerly direction following the city limit line,  
29 the eastern and northern property lines of Lot 0434, Blk.86 on T. M.  
30 7995-02 and Lot 0498-Blk. 98 T. M. 7995(00) on the western and  
31 northern line of Lot 2111, Blk 09, and the eastern line of Lot 6403,  
32 Blk. 09 on T. M. 8905(00); thence northerly following the Wolf  
33 Island Creek to its intersection with Lot #5476, Blk. 11, T. M.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1319

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

SL319-ALB-2

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1 8906(03); thence northerly following the eastern line of said Lot  
2 5476 to the northernmost corner to a (Point 3), where it intersects  
3 with the eastern property line of 8906(00), Blk 02, Lot #8311;  
4 thence in a generally northwesterly direction following the eastern,  
5 southern, and western lines of said Lot 8311 to a (Point 4) on S. R.  
6 1987 0.6 mile west of its intersection with N. C. 14 (being the  
7 northeast corner of Lot #8360, Blk. 92 on T.M. 7996(04); thence in a  
8 generally northwesterly direction following the Reidsville-Wentworth  
9 Township line to a (Point 5) on the southern property line of Lot  
10 7056, Blk. 74, T.M. 7996(00) where it intersects with the  
11 Reidsville-Wentworth Township lines; thence in a westerly direction  
12 following the southern property lines of Lake La-Mar Subdivision and  
13 Lot # 1009, Blk. 54, on T. M. 7996(00) to a (Point 6) being the  
14 southwest corner of said Lot 1009 where it intersects the eastern  
15 property line of University Estates Subdivision on T. M. 7996(03) on  
16 the eastern line of Lot 5768; thence in a northerly direction to a  
17 (Point 7) being the northwest corner of Lot 2155, Blk. 64, on T.M.  
18 7996(04) where it intersects the southern property line of Lot 9965,  
19 Blk. 47 on T.M. 7996(00); thence in a northwesterly direction  
20 following the southern and western property lines of said lot 9965  
21 to a (Point 8) on S.R. 1991 approximately 0.5 mile southwest of its  
22 intersection with S.R. 1990 (Being the northwest corner of lot 0753,  
23 Blk. 48, T.M. 7996(00) where it intersects S.R. 1991 on T.M.  
24 7996(00)(Point 72 Oregon Hill Fire District) including all of Lots  
25 7927, Blk 29, T.M. 7996(01), 2458, Blk.30, T.M. 7997(03), 8812, Blk  
26 20, 7997(03), 7604, Blk 21, T.M. 7997(03) and 0976, Blk. 11, T.M.  
27 7997(00) to a (Point 9) on the southern property line of Lot 5441,  
28 Blk. 18, T.M. 7987 (00) where it intersects the northern line of Lot  
29 5665, Blk. 06, T.M. 7997(00); thence in a southwesterly and northern  
30 direction following the southern property line of said 5441 to a  
31 (Point 10) being the southwest corner of Lot 8768, Blk. 87, T.M.  
32 7987(00); thence in a northwesterly direction following the western  
33 property lines of Lots 6534 and 7628, Blk. 90, T.M. 7988(00) to a  
34 (Point 11) being the northwest corner of said Lot 7628 where it  
35 intersects the southern property line of Lot 9519, Blk. 82 7988(00);  
36 thence in a westerly direction following the southern property line  
37 of said Lot 9519 to a (Point 12) being the southwest corner of said  
38 Lot 9519 where it intersects the southeast corner of Lot 7934, Blk.  
39 61, T.M. 7988(00); thence in a northerly direction following the  
40 eastern property line of said Lot 7934 to a (Point 13) being the  
41 northeast corner of said 7934 where it intersects the western  
42 property line of said 9519; thence in a westerly direction following  
43 the northern property line of said 7934, the eastern, northern and  
44 western lines of Lot 1382, Blk. 52, on T.M. 7988(00) and the eastern  
45 and southern property lines of Lot 2801, Blk. 32, t. M. 7988(00) to



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1319

AMENDMENT NO. 1 (ONE)  
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Principal Clerk)  
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1 a (Point 14) on S.R. 2020 approximately 0.1 mile south of its  
2 intersection with S.R. 2021 being the northwest corner of Lot #7007,  
3 Blk. 22, t. M. 7988(00); thence in a westerly direction crossing S.  
4 R. 2020 and following the northern line of Lot 2155, Blk. 22, T. M.  
5 7988(00) and the western lines of Lots, 2155, and 1058, Blk. 22, T.  
6 M. 7988(00) and Lot 3744-21 T. M. 7988(00) to a (Point 15) on SR  
7 2203 approximately 1300 feet north of its intersection with SR 2020  
8 and S. R. 2019 being the western line of Lot 3744 where it  
9 intersects with S. R. 2203; thence in a southerly direction  
10 following the western lines of Lots 1524-21, said 1375, 2252, 3141  
11 and 3787-20 on T. M. 7988(00) and the northern and western lines of  
12 Lot 7244-10 on T. M. 7987(00) to a (Point 16) being the southeast  
13 corner of Lot 2765-09 on said map where it intersects with line of  
14 Lot 1314-28 T. M. 7987(00); thence in a westerly direction following  
15 the northern property lines of Lots 2113-03 T. M. 7087(00) and 8644-  
16 87 T. M. 7977(00) to a (Point 17) approximately 800 feet east of S.  
17 R. 2115 (the furthestmost northwest corner of Lot 8644 where it  
18 intersects the northeast corner of Lot 4578 and the eastern and  
19 southern property lines of Lot 6583-69 T. M. 7977(00) to a (Point  
20 18) being the southwestern corner of said lot 6583 where it  
21 intersects with the eastern property line of Lot 9349-48; thence in  
22 a northern direction following the eastern property lines of said  
23 9349 on t. M. 7977(00) and the eastern property line of Lot 7465-41  
24 on T.M. 7978(00) to a (Point 19) on s. R. 2203 0.2 miles east of its  
25 intersection with N. C. 87 being the northeast corner of Lot 7465;  
26 thence in a westerly direction to a (Point 20) on N. C. 87 at its  
27 intersection with S. R. 2108; thence in a southwesterly direction to  
28 a (Point 21) on s. R. 2108 approximately 700 feet southwest of its  
29 intersection with N. C. 87 being the northeastern corner of Lot  
30 4550-32 T. M. 7978(00), thence in a southerly direction following  
31 the western property lines of Lot 7465-41 on 7978(00), the eastern  
32 line of Lot 9630-21 t. M. 7978(00), the northern line of Lot 5156-39  
33 and the western lines of Lot 4937-27 Lot 9581-16 on T. M. 7977(00)  
34 to a (Point 22) being the southwest corner of said Lot 9581 where it  
35 intersects the northern property line of Lot 0180-15 on T. M.  
36 7977(00); thence in a generally westerly direction following the  
37 northern line of said Lot 0180 and Lot 7552-84 on t. M. 7967(00) to  
38 a (Point 23) on the Dan River where it intersects with the  
39 furthestmost northwestern corner of said Lot 7552; thence in a  
40 southwesterly direction following the said river to a (Point 24) on  
41 Dan River where it intersects with the Rock House Creek; thence  
42 continuing in a southwesterly direction following the creek to a  
43 (Point 25) at the bridge on S. R. 2127 approximate 0.6 mile  
44 northeast of its intersection with S. R. 2260; thence in a  
45 southwesterly direction to a (Point 26) on S. R. 2127 at its



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1319

AMENDMENT NO. 1 (one)  
(to be filled in by  
Principal Clerk) 8  
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1 intersection with S. R. 2260; thence in a northwesterly direction  
2 following the center of S. R. 2260 to a (Point 27) approximately 0.2  
3 mile west of its intersection with S. R. 2131 on the western  
4 property line of Lot 1176-22 T. M. 7967(00) if projected, where it  
5 intersects S. R. 2260 on T. M. 7967(00), excluding any property on  
6 the northern side of S. R. 2260 between this and the preceding  
7 point; thence in a southwesterly direction following the western  
8 property lines of Lots 1176, 4805-31 on T. M. 7967(00) and Lot 5340-  
9 19 on 7966(00) to a (Point 28) being the southwestern corner of Lot  
10 5340 where it intersects the northern corner of Lot 8459-08  
11 T.M.7966(00); thence in a generally southeasterly direction  
12 following the southern lines of said 5340 and Lot 9002-19 T. M. 7966  
13 and western line of Lot 6531-28 on said map to a (Point 29) on S. R.  
14 2145 approximately 825 feet northwest of its intersection with S. R.  
15 2130 being the southwestern corner of Lot 6531 where it intersects  
16 S. R. 2145; thence in a westerly direction following the northern  
17 property line of Lot 3884-16 T. M. 7966(00) to a (Point 30) being  
18 the northwestern corner of Lot 0581-17 T.M. 7966(00); thence in a  
19 southerly direction following the western and southern lines of said  
20 Lot 3884 to its intersection with s. R. 2145 and following the  
21 center of said road to where it intersects S. R. 2127 to (Point 31)  
22 on T.M. 7966(00); thence southerly following said S.R. 2127 to the  
23 intersection of the northwest corner of Lot 5621-23 T.M. 7966(00);  
24 thence in a southern direction following the north property line of  
25 said Lot 5621 to a (Point 32) on N. c. 65 400 feet northeast of its  
26 intersection with N. C. 704; thence in a generally southerly  
27 direction following the western property line of Lot 9666-22 T.M.  
28 7966(00) if projected, and northern and eastern lines of Lot 1839-21  
29 on said map, the western & northern lines of Lot 4610-21, Lot 9627-  
30 31 on T. M. 7966(00) and the northern and eastern lines of Lots  
31 4837-40 T.M. 7966(00) and Lot 7694-38 T. M. 7965(00) to a (Point 33)  
32 at its intersection of the Rock House Creek as shown on T. M.  
33 7966(00) where it intersects with the northwestern corner of Lot  
34 5430-80 on T. M. 7966(00); thence in a southern direction following  
35 the Rock House Creek to a (Point 34) on the creek where it  
36 intersects the northeastern corner of Lot 9613 on said map and the  
37 western property line of Lot 6562-31 on 7965(00) to a (Point 35) on  
38 s. R. 2380 approximately 0.6 mile southeast of its intersection with  
39 N. C. 65; thence in an easterly direction approximately 450 feet to  
40 a (Point 36) where it intersects S. R. 2380 on T. M. 7965(00)  
41 excluding all property on the south side of S. R. 2380 between this  
42 and the preceding point; thence in a generally southeasterly  
43 direction following the western and southern lines of Lot 3571-40 on  
44 T. M. 7965(00) and the northern line of Lot 5905-57 T. M. 7964(00)  
45 and the northern property line of Lot 5905-57 on t. M. 7964(00) to a





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1319

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

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1 (Point 37) being approximately 350 feet south of S.R. 2380 being the  
2 northeast corner of said 5905; thence in a southerly direction  
3 following the western property line of Lot 6316-77 T. M. 7964(00) to  
4 a (Point 38) on S.R. 2381 approximately 150 feet west of its  
5 intersection with S.R. 2441 being the southwestern corner of Lot  
6 6316 where it intersects S.R. 2381; thence in an easterly direction  
7 down the center of S.R. 2381 to a (Point 39) on S.R. 2381  
8 approximately 225 feet east of its intersection with S.R. 2441 being  
9 the northeast corner of Lot 6529-64 T. M. 7964(00) where it  
10 intersect with S.R. 2381 if projected on T.M. 7964(00) excluding  
11 property on the south side of S.R. 2381 between this and the  
12 preceding point; thence in a southeasterly direction following the  
13 western and southern property lines of said 6316 the western  
14 property lines of Lot 0345-03 T. M. 7974(00) and the western line of  
15 Lot 5037-92 T.M. 7964(00) to a (Point 40) being the southeast corner  
16 of Lot 1164-13 7974(00); where it intersects with the northern line  
17 of Lot 2651-11 T.M. 7974(00); thence in a westerly direction to a  
18 (Point 41) being the northeast corner of Lot 2651 where it  
19 intersects the eastern property line of Lot 5037-92 T.M. 7964(00);  
20 thence in a southerly direction following the western property line  
21 of said Lot 2651 to a (Point 42) being the southwestern corner of  
22 said Lot 2651 where it intersects the eastern property line of Lot  
23 3649-09 T.M. 7973(00); thence in an easterly direction following the  
24 southern lines of Lots 2651 and Lot 3201-21 T.M. 7974(00) to a  
25 (Point 43) on N. C. 1001 approximately 1250 feet southwest of its  
26 intersection with S.R. 2385 being the southeast corner of Lot 3201-  
27 21 T.M. 7974(00); thence in a northeasterly direction down the  
28 center of N.C. 1001 to a (Point 44) on S.R. 1001 at its intersection  
29 with S.R. 2407 being the southwest corner of Lot 8220-42 on T.M.  
30 7974(00) excluding all property on the eastern side of N. C. 1001  
31 between this and the preceding point; thence in a general easterly  
32 direction following the southern property line of Lot 8220, the  
33 western and northern property lines of Lot 1485-49 T.M. 7973(00) and  
34 the western and northern property line of Lot 1371-82 T.M. 7974(00);  
35 thence in a general southeasterly direction following the western  
36 and southern property lines of Lot 1371 to (Point 46) being the  
37 northeast corner of Lot 0169-70(00) where it intersects the western  
38 property line of Lot 0587-90 t. M. 7974(00); thence in a southerly  
39 direction to a (Point 47) on the western property line of Lot 7294-  
40 89 T.M. 7973(00) where it intersects with the northeast corner of  
41 Lot 2359-78 T.M. 7973(00); thence in a northeasterly direction to a  
42 (Point 48) on N. C. 2409 0.6 mile south of its intersection with N.  
43 C. 2408; thence in a northeasterly direction following the original  
44 Wentworth fire district line to a (Point 49) on the southern  
45 property line of Lot 8144-25 T.M. 7994(00) approximately 850 feet



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1319

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

Sl319-ALB-2

Page 6 of 8

1 west of S.R. 2414; thence in an easterly direction following the  
2 southern property line of Lot 8144 to a (Point 50) at the Reidsville  
3 City Limits line; thence in a generally northerly direction  
4 following the said City Limit line as shown on T.M. 7994(00),  
5 7995(00) and 7995(03) to POINT 1 THE BEGINNING.

6 Excluded from this description, however, is any territory which on  
7 May 13, 1996, was either in the corporate limits of the City of  
8 Reidsville or in the area where the City of Reidsville exercises  
9 extraterritorial jurisdiction under Article 19 of Chapter 160A of  
10 the General Statutes.

11 "CHAPTER III. GOVERNING BODY.

12 "Sec. 3.1. The governing body of the Town of Wentworth is the  
13 Town Council, which has five members.

14 "Sec. 3.2. The qualified voters of the entire Town elect the  
15 members of the Town Council.

16 "Sec. 3.3. From the effective date of this Charter until the  
17 organizational meeting of the Town Council after the 1997 municipal  
18 election, the members of the Town Council shall be Cassandra  
19 Broadnax, Wayne Hall, George Murphy, Larry Terrell, and Dennis  
20 Paschal.

21 "Sec. 3.4. At the regular town election in 1997, five Town  
22 Council members shall be elected. The persons receiving the three  
23 highest numbers of votes shall be elected for four-year terms, and  
24 the two persons receiving the next highest numbers of votes shall be  
25 elected for two-year terms. In 1999 and quadrennially thereafter,  
26 two Town Council members shall be elected for four-year terms. In  
27 2001 and quadrennially thereafter, three Town Council members shall  
28 be elected for four-year terms.

29 "Sec. 3.5. At the organizational meeting of the initial Town  
30 Council and at the organizational meeting after each election, the  
31 council shall elect one of its members to serve at its pleasure as  
32 Mayor.

33 "CHAPTER IV. ELECTIONS.

34 "Sec. 4.1. The Town Council shall be elected on the nonpartisan  
35 basis and the results determined by plurality in accordance with  
36 G.S. 163-292.

37 "Sec. 4.2. Elections shall be conducted in accordance with  
38 Chapter 163 of the General Statutes.

39 "CHAPTER V. ADMINISTRATION.

40 "Sec. 5.1. The Town of Wentworth shall operate under the mayor-  
41 council plan as provided in Part 3 of Article 7 of Chapter 160A of  
42 the General Statutes."

43 Sec. 1.2. From and after the effective date of the revival  
44 of the Charter, the citizens and property in the Town of Wentworth  
45 shall be subject to municipal taxes levied for the year beginning



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1319

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)  
Page 7 of 8

S1319-ALB-2

1 July 1, 1996, and for that purpose the Town shall obtain from  
2 Rockingham County a record of property in the area herein  
3 incorporated which was listed for taxes as of January 1, 1996, and  
4 the businesses in the Town shall be liable for privilege license tax  
5 from the effective date of the privilege license tax ordinance. The  
6 Town may adopt a budget ordinance for fiscal year 1996-97 without  
7 following the timetable in the Local Government Budget and Fiscal  
8 Control Act, but shall follow the sequence of actions in the spirit  
9 of the act insofar as is practical. For fiscal year 1996-97, ad  
10 valorem taxes may be paid at par or face amount within 90 days of  
11 adoption of the budget ordinance, and thereafter in accordance with  
12 the schedule in G.S. 105-360 as if the taxes had been due and  
13 payable on September 1, 1996.

14 Sec. 1.3. (a) The Rockingham County Board of Elections  
15 shall conduct an election on November 5, 1996, for the purpose of  
16 submission to the qualified voters of the area described in Section  
17 2.1 of the Charter of Wentworth, the question of whether or not the  
18 Charter of the Town of Wentworth should be revived and new  
19 boundaries established. Registration for the election shall be  
20 conducted in accordance with G.S. 163-288.2.

21 (b) In the election, the question on the ballot shall be:  
22 "[ ] FOR [ ] AGAINST  
23

24 Revival of the Charter of the Town of Wentworth and  
25 establishment of new boundaries for the town."

26 Sec. 1.4. In such election, if a majority of the votes  
27 cast shall be cast "FOR Revival of the Charter of the Town of  
28 Wentworth and establishment of new boundaries for the Town", then  
29 Sections 1.1 and 1.2 of this act become effective on the date  
30 that the Rockingham County Board of Elections determines the  
31 result of the election. Otherwise, those sections have no effect.





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1319

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

S1319-ALB-2

Page 8 of 8

1           Sec. 1.5. Between the date of ratification of this act  
2 and the date of certification of the election results of the  
3 election held under Section 1.1 of this act, none of the  
4 territory in Section 2.1 of the proposed Charter of the Town of  
5 Wentworth in Section 1.1 of this act may be included in any  
6 annexation ordinance under Article 4A of Chapter 160A of the  
7 General Statutes."

SIGNED V. J. Fox  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

CHANGES TITLE

Held To be NOT GERMANE

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1715/4-- 1:44 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

FOXX  
REIDSVILLE ANNEXATIONS

SENATE BILL 1319  
READING 3

|     |    |   |   |  |  |
|-----|----|---|---|--|--|
| AYE | 45 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | JORDAN<br>KINCAID<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 0  |   |   |  |  |

EXCUSED 0

NOT CAST 4 BLUST KERR LEDBETTER SMITH

ABSENT 1 LITTLE

PAIRS 0

AYE  
NO

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1320 MAY 23 1996 D

SENATE DRS2691-RDZ011(4.26) PRINCIPAL CLERK

Short Title: Citizen Water Quality Monitoring Prog.

(Public)

Sponsors: Senators Conder, Albertson, Martin of Pitt, Odom, Perdue, and Rand.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A CITIZEN WATER QUALITY MONITORING  
3 PROGRAM IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND  
4 NATURAL RESOURCES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 21 of Chapter 143 of the General Statutes is amended  
7 by adding a new section to read:

8 "**§ 143-215A. Citizen Water Quality Monitoring Program.**

9 The Department shall establish a Citizen Water Quality Monitoring Program to  
10 provide an avenue for individuals to play a role in and to take personal responsibility  
11 for protecting the State's water quality. The goals of the Citizen Water Quality  
12 Monitoring Program are to coordinate monitoring activities among volunteers by  
13 river basins; to provide adequate training of volunteers and quality assurance of all  
14 data collected; to establish a comprehensive data collection system that supplements  
15 the State's data; to incorporate the data collected by volunteers into the State's  
16 overall management of water quality; and to provide access of the data to the public  
17 through a centralized database located in the Center for Marine Science and  
18 Technology."

19 Sec. 2. There is appropriated from the General Fund to the Department  
20 of Environment, Health, and Natural Resources, Division of Environmental  
21 Management, the sum of five hundred eighty-eight thousand dollars (\$588,000) in  
22 recurring funds for the 1996-97 fiscal year for four positions and operating expenses  
23 to establish a coordinated Citizen Monitoring Program within the Department.

24 Sec. 3. This act becomes effective July 1, 1996.

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS1804-LB472(5.21)

Short Title: Rockingham Dam.

(Local)

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Sponsors: Senator Conder.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT CONCERNING HINSON LAKE DAM IN THE CITY OF  
3 ROCKINGHAM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. This act applies only to Hinson Lake Dam in the City of  
6 Rockingham.  
7 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA  
PRINCIPAL CLERK  
SESSION 1995

S

D

SENATE DRS7763\*-RUZ010(5.22)

Short Title: Resid. Building Code Rules Review.

(Public)

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Sponsors: Senator Sherron.

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Referred to:

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## 1 A BILL TO BE ENTITLED

2 AN ACT TO REQUIRE THE STATE BUILDING CODE COUNCIL TO SUBMIT  
3 PROPOSED AMENDMENTS TO THE RESIDENTIAL BUILDING CODE TO  
4 THE RULES REVIEW COMMISSION FOR APPROVAL AND TO SUBJECT  
5 THE AMENDMENTS APPROVED BY THE RULES REVIEW COMMISSION  
6 TO LEGISLATIVE DISAPPROVAL.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 143-137(a) reads as rewritten:

9 "(a) Preparation and Adoption. -- The Building Code Council is hereby  
10 empowered to prepare and adopt, in accordance with the provisions of this Article, a  
11 North Carolina State Building Code. Prior to the adoption of this Code, or any part  
12 thereof, the Council shall hold at least one public hearing. A notice of such public  
13 hearing shall be given once a week for two successive calendar weeks in a newspaper  
14 published in Raleigh, said notice to be published the first time not less than 15 days  
15 prior to the date fixed for said hearing. The Council may hold such other public  
16 hearings and give such other notice as it may deem necessary.

17 The Council shall request the Office of State Budget and Management to prepare  
18 a fiscal note for a proposed Code change that has a substantial economic impact, as  
19 defined in G.S. 150B-21.4(b1). The Council shall not take final action on a proposed  
20 Code change that has a substantial economic impact until at least 60 days after the  
21 fiscal note has been prepared.

22 Notwithstanding any other provision of this section or G.S. 150B-2(8a)h., all  
23 proposed changes to the North Carolina Uniform Residential Building Code shall be  
24 subject to the provisions of Part 3 of Article 2A of Chapter 150B of the General  
25 Statutes as if the proposed changes were considered rules, and all proposed changes

GENERAL ASSEMBLY OF NORTH CAROLINA PRINCIPAL CLERK  
SESSION 1995

S

D

SENATE DRS4690\*-RUZ011(5.9)

Short Title: Substance Abuse Cert. Rule Disapproved.

(Public)

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Sponsors: Senator Sherron.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO SPECIFICALLY DISAPPROVE PROPOSED ADMINISTRATIVE  
3 RULES BY THE NORTH CAROLINA SUBSTANCE ABUSE  
4 PROFESSIONALS CERTIFICATION BOARD THAT HAVE BEEN  
5 APPROVED BY THE RULES REVIEW COMMISSION.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Pursuant to G.S. 150B-21.3, the General Assembly disapproves  
8 the following proposed permanent rules proposed by the North Carolina Substance  
9 Abuse Professionals Certification Board:  
10 21 NCAC 68 .0201, 21 NCAC 68 .0203, 21 NCAC 68 .02011, and 21  
11 NCAC 68 .0212.  
12 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS7762\*-LJXZ35(1.2)

FILED - SENATE

S 1324 MAY 23 1995  
PRINCIPAL CLERK

Short Title: Resolve APA Problems.

(Public)

Sponsors: Senator Sherron.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES IN THE ADMINISTRATIVE PROCEDURE ACT,  
3 TO MAKE CHANGES IN VARIOUS LAWS GRANTING THE POWER TO  
4 ADOPT RULES, AND TO CLARIFY THE REQUIREMENTS CONCERNING  
5 CERTAIN REMOVALS OF UNDERGROUND STORAGE TANKS, AS  
6 RECOMMENDED BY THE ADMINISTRATIVE PROCEDURE OVERSIGHT  
7 COMMITTEE.  
8 The General Assembly of North Carolina enacts:  
9 Section 1. G.S. 150B-19 reads as rewritten:  
10 "§ 150B-19. Restrictions on what can be adopted as a rule.  
11 An agency may not adopt a rule that does one or more of the following:  
12 (1) Implements or interprets a law unless that law or another law  
13 specifically authorizes the agency to do so.  
14 (2) Enlarges or restricts the scope of a profession, occupation, or field  
15 of endeavor for which an occupational license is required.  
16 (2a) Sets qualifications for a job or position unless a law specifically  
17 authorizes the agency to do so.  
18 (3) Imposes criminal liability or a civil penalty for an act or omission,  
19 including the violation of a rule, unless a law specifically  
20 authorizes the agency to do so or a law declares that violation of  
21 the rule is a criminal offense or is grounds for a civil penalty.  
22 (4) Repeats the content of a law, a rule, or a federal regulation. A  
23 brief statement that informs the public of a requirement imposed  
24 by law does not violate this subdivision and satisfies the





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1324

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)  
Page 1 of 1

51324-ARU-005

Date 6/21/1996

Comm. Sub. [YES]  
Amends Title [ ]  
Second Edition

Senator

Shearon

- 1 moves to amend the bill on page 1, line 14,
- 2 by deleting the words "or restricts";
- 3
- 4 and, on page 1, lines 16 and 17,
- 5 by deleting the lines.

SIGNED J. K. Shearon  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

S. Fink

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

D

SENATE DRS1764\*-RNZ002.5(5.7)

81 325

MAY 23 1996

PRINCIPAL CLERK

Short Title: Confirmation/Appointments.

(Public)

Sponsors: Senator Hoyle.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR LEGISLATIVE CONFIRMATION OF CERTAIN  
3 EXECUTIVE APPOINTMENTS AND TO CHANGE THE COMPOSITION,  
4 APPOINTMENTS, AND TERMS OF VARIOUS BOARDS, COMMISSIONS,  
5 AND AUTHORITIES WITHIN STATE GOVERNMENT.  
6 The General Assembly of North Carolina enacts:

7

8

9

10 --LEGISLATIVE CONFIRMATION PROCEDURE

11 Section 1.1. G.S. 147-12(3c), 147-12(3d), and 147-16.3 are repealed.

12 Sec. 1.2. Chapter 147 of the General Statutes is amended by adding the  
13 following new section:

14 "§ 147-16.4. Confirmation of appointments.

15 (a) Confirmation. -- A person nominated by the Governor to an office requiring  
16 confirmation by the General Assembly may take office only after having been  
17 confirmed by the General Assembly in accordance with this section, except as  
18 otherwise provided in subsections (d) and (e) of this section.

19 (b) Nomination. -- The Governor shall notify the President of the Senate, the  
20 Speaker of the House of Representatives, and the principal clerk of each house of the  
21 legislature of the name of the nominee subject to confirmation no later than:

22 (1) February 1 of the year in which the appointment is to be made for  
23 the office of Commissioner of Banks.

24 (2) May 1 of the year in which the appointment is to be made for all  
25 other offices with fixed terms.

FILED - SENATE  
S 1326 MAY 23 1996  
PRINCIPAL CLERK

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1995

S

D

SENATE DRS4678-RC002(5.17)

Short Title: Comm. Coll. Educ. Improve. Act.

(Public)

Sponsors: Senator Rand.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR NORTH  
3 CAROLINIANS ATTENDING COMMUNITY COLLEGES AND TO MAKE AN  
4 APPROPRIATION.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Article 1 of Chapter 115D of the General Statutes is amended  
7 by adding a new section to read:  
8 "§ 115D-9. The Education Improvement Program.  
9 (a) Grants. -- The State Board shall develop and implement the Education  
10 Improvement Program to provide grants for tuition and fees for eligible persons who  
11 enroll in a community college and pursue an associate degree. The State Board shall  
12 make determinations of eligibility to receive grants. In no event shall a grant exceed  
13 the total cost of tuition and fees charged by a community college. The State  
14 Education Assistance Authority shall administer the funding of the grants.  
15 (b) Eligibility. -- To be eligible to receive an Education Improvement Program  
16 grant, an applicant shall meet all of the following qualifications:  
17 (1) Be a resident for tuition purposes under G.S. 116-143.1;  
18 (2) Be a graduate of an accredited high school or hold a recognized  
19 equivalent diploma or certificate;  
20 (3) Have not been convicted of a Class A through Class E felony or a  
21 felony under G.S. 90-95 or under Article 3 of Chapter 18B of the  
22 General Statutes or adjudicated delinquent for acts that would  
23 constitute a violation of those offenses if committed by an adult, if  
24 the offense occurred before the person reached the age of 16; and  
25 (4) Be found to be in financial need.

S 1327 MAY 23 1996

## GENERAL ASSEMBLY OF NORTH CAROLINA PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS2692-RDZ009.4(4.29)

Short Title: Scientific Advisory Council.

(Public)

---

Sponsors: Senators Rand, Albertson, Ballantine, Conder, Martin of Pitt, Odom, Perdue, and Shaw.

---

Referred to:

---

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A SCIENTIFIC ADVISORY COUNCIL ON WATER  
3 RESOURCES AND COASTAL FISHERIES MANAGEMENT IN THE  
4 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL  
5 RESOURCES.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Article 21 of Chapter 143 of the General Statutes is amended  
8 by adding a new section to read:  
9 "§ 143-215.22J. Scientific Advisory Council on Water Resources and Coastal Fisheries  
10 Management established; membership, compensation.  
11 (a) The Scientific Advisory Council on Water Resources and Coastal Fisheries  
12 Management (hereinafter 'Council') is created in the Department of Environment,  
13 Health, and Natural Resources.  
14 (b) The Council shall have eight members, including the Secretary of the  
15 Department of Environment, Health, and Natural Resources, who shall chair the  
16 Council, and the Dean of the School of Agriculture and Life Sciences of North  
17 Carolina State University. The members of the Council shall elect a vice-chair from  
18 among the Council membership. The Chair of the Council shall solicit three  
19 recommendations from the scientific community including private scientists  
20 representing industrial and environmental concerns, as well as the academic  
21 community for each of the six appointees and shall select members from among those  
22 recommendations. Members shall have the following qualifications:  
23 (1) One member with expertise and training in water quality;

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS6670\*-RTZ002.01(5.16)

Short Title: DEHNR Restructuring.

(Public)

Sponsors: Senator Cooper.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT PHASE ONE OF THE RESTRUCTURING OF  
3 ENVIRONMENTAL PROGRAMS IN THE DEPARTMENT OF  
4 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND TO MAKE  
5 CONFORMING STATUTORY CHANGES, AS RECOMMENDED BY THE  
6 ENVIRONMENTAL PROCESS ACTION TEAM OF THE DEPARTMENT OF  
7 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND TO MAKE  
8 CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO  
9 VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND  
10 NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL  
11 REVIEW COMMISSION.

12 The General Assembly of North Carolina enacts:

13 Section 1. G.S. 20-183.7(c) reads as rewritten:

14 "(c) Fee Distribution. -- Fees collected for inspection stickers are payable to the  
15 Division of Motor Vehicles. The amount of each fee listed in the table below shall be  
16 credited to the Highway Fund, the Emissions Program Account established in  
17 subsection (d) of this section, the Volunteer Rescue/EMS Fund established in G.S.  
18 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the  
19 Division of ~~Environmental Management~~ Air Quality of the Department of  
20 Environment, Health, and Natural Resources:

| <u>Recipient</u>             | <u>Safety Only</u><br><u>Sticker</u> | <u>Emissions and</u><br><u>Safety Sticker</u> |
|------------------------------|--------------------------------------|---|
| 23 Highway Fund              | .75                                  | .00   |
| 24 Emissions Program Account | .00                                  | 1.80  |
| 25 Volunteer Rescue/EMS Fund | .15                                  | .15   |

# NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

S. B. No. 1328

COMMITTEE SUBSTITUTE \_\_\_\_\_

DATE 5/30/96

Amendment No. 1 (ONE)

(to be filled in by  
Principal Clerk)

Rep. )

Sen. )

Shaw

1 moves to amend the bill on page 2, line 39

2 ( ) WHICH CHANGES THE TITLE

3 by deleting "said" between "within"  
4 and "area" and by ~~insert~~ substituting  
5 "the geographic".

6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_

SIGNED

Robert Shaw

ADOPTED BY THE COMMITTEE ON AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES.

ADOPTED

6/4/96

FAILED

TABLED

(✓)

S. Hink

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1592/5-- 2:35 PM

JUNE 4, 1996

LEGISLATIVE DAY 123

LT. GOVERNOR WICKER

-- Presiding

COOPER  
ENV/HEALTH/NAT. RES. DEPT. RESTRUCT

SENATE BILL 1328  
READING 2

AYE

50

ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

0

ABSENT

0

PAIRS

0

AYE

NO



NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

EV

# 2220  
LEGISLATIVE DAY 135  
S1328  
READING 2

6/21/96

IN CHAIR: SPEAKER

ENV., HEALTH, & NR DEPT. RESTRUCTURING

AYES - 95

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | DECKER     | KISER      | RAYFIELD     |
| ALEXANDER     | DOCKHAM    | LEE        | REDWINE      |
| ALLRED        | EARLE      | LINNEY     | REYNOLDS     |
| ARNOLD        | EASTERLING | LOCKE      | RICHARDSON   |
| BAKER         | EDDINS     | LUEBKE     | ROBINSON, J. |
| BARBEE        | EDWARDS    | MCALLISTER | RUSSELL      |
| BARNES        | ELLIS      | MCCOMAS    | SEXTON       |
| BLACK         | ESPOSITO   | MCCOMBS    | SHARPE       |
| BOYD-MCINTYRE | FITCH      | MCCRARY    | SHUBERT      |
| BRAWLEY       | GARDNER    | MCMAHAN    | SUTTON       |
| BROWN, J.     | GRADY      | MERCER     | TALLENT      |
| BROWN, W.     | GRAY       | MICHAUX    | THOMPSON     |
| CANSLER       | HACKNEY    | MILLER, G. | TOLSON       |
| CAPPS         | HAYES      | MINER      | WAINWRIGHT   |
| CARPENTER     | HENSLEY    | MITCHELL   | WATSON       |
| CHURCH        | HIATT      | MORGAN     | WEATHERLY    |
| CLARY         | HIGHTOWER  | NEELY      | WILKINS      |
| COCKLEREECE   | HILL       | NICHOLS    | WILSON, C.   |
| CRAWFORD      | HOWARD     | NYE        | WILSON, G.   |
| CREECH        | HUNTER, H. | OWENS      | WOMBLE       |
| CULP          | HUNTER, R. | PATE       | WOOD         |
| CUMMINGS      | HURLEY     | PRESTON    | WRIGHT       |
| CUNNINGHAM    | IVES       | PULLEY     | YONGUE       |
| DAVIS         | JUSTUS     | RAMSEY     |              |

NOES - 1

SHERRILL

EXCUSED ABSENCE - 9

|          |         |        |              |
|----------|---------|--------|--------------|
| ALDRIDGE | DICKSON | HUNT   | ROBINSON, G. |
| BEALL    | FOX     | OLDHAM | WARNER       |
| BLUE     |         |        |              |

EXCUSED VOTE - 0

NOT VOTING - 15

|         |           |            |            |
|---------|-----------|------------|------------|
| SPEAKER | BRASWELL  | GAMBLE     | MILLER, K. |
| BERRY   | BUCHANAN  | HOLMES     | ROGERS     |
| BOWEN   | CULPEPPER | LEMMOND    | SHAW       |
| BOWIE   | DAUGHTRY  | MCLAUGHLIN |            |

S1328

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS1805\*-RUZ012.1(5.9)

Short Title: Sunset on Rules.

(Public)

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Sponsors: Senator Foxx.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO SUNSET ANY ADMINISTRATIVE RULE ADOPTED UNDER  
3 CHAPTER 150B OF THE GENERAL STATUTES TEN YEARS AFTER THE  
4 RULE BECAME EFFECTIVE.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Part 1 of Article 2A of Chapter 150B of the General Statutes  
7 is amended by adding a new section to read:  
8 "§ 150B-21A. Termination date for rules.  
9 All rules adopted in accordance with the provisions of Chapter 150B of the  
10 General Statutes shall terminate effective August 1 next following the tenth  
11 anniversary of the effective date of the rule. For purposes of this section, the  
12 effective date of the rule shall be the later of the date the rule was adopted or  
13 amended."  
14 Sec. 2. This act becomes effective August 1, 1996, and applies to rules  
15 adopted before, on, or after that date, except for rules that became effective on or  
16 before August 1, 1986, this act becomes effective August 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

D

SENATE DRS4680-LBX461(5.16)

PRINCIPAL CLERK

MAY 23 1996

Short Title: Sedalia Incorporated.

(Local)

Sponsors: Senator Martin of Guilford.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO INCORPORATE THE TOWN OF SEDALIA.

3 The General Assembly of North Carolina enacts:

4 Section 1. A Charter for the Town of Sedalia is enacted to read:

5 "CHARTER OF THE TOWN OF SEDALIA.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

8 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town  
9 of Sedalia are a body corporate and politic under the name 'Town of Sedalia'.

10 Under that name they have all the powers, duties, rights, privileges, and immunities  
11 conferred and imposed on cities by the general law of North Carolina.

12 "CHAPTER II.

13 "CORPORATE BOUNDARIES.

14 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with law the  
15 boundaries of the Town of Sedalia are as follows:

16 Beginning at a point; being the intersection of Bethel Church Road and Knox Road  
17 North along the south line of the Old Bethel Church Road; thence along the  
18 centerline of Old Bethel Church Road the following courses and distances south 88  
19 Degrees 21 Minutes east a distance of 985 feet to a point; thence around a curve to  
20 the left the following courses and distances through a central angle of 12 Degrees 39  
21 Minutes an arc distance of 316 feet a chord bearing of North 85 Degrees 18 Minutes  
22 east a distance of 315 feet to a point; thence the following courses and distances north  
23 81 Degrees 28 Minutes east of 332 feet to a point; thence the following courses and  
24 distances around a curve to the right through a central angle of 15 Degrees 08  
25 Minutes an arc distance of 423 feet a chord bearing of North 89 Degrees 02 Minutes

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1695/17-- 5:25 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

MARTIN W.  
SEDALIA INCORPORATED

SENATE BILL 1330  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 48 | ALLRAN     | DAVIS     | KINCAID   | PLEXICO |
|     |    | BALLANCE   | EAST      | LEDBETTER | PLYLER  |
|     |    | BALLANTINE | EDWARDS   | LITTLE    | RAND    |
|     |    | BASNIGHT   | FORRESTER | LUCAS     | SHAW    |
|     |    | BLACKMON   | FOXX      | MARTIN R. | SHERRON |
|     |    | BLUST      | GULLEY    | MARTIN W. | SIMPSON |
|     |    | CARPENTER  | HARTSELL  | MCDANIEL  | SMITH   |
|     |    | CARRINGTON | HOBBS     | MCKOY     | SOLES   |
|     |    | CLARK      | HORTON    | ODOM      | SPEED   |
|     |    | COCHRANE   | HOYLE     | PAGE      | WARREN  |
|     |    | CONDER     | JORDAN    | PARNELL   | WEBSTER |
|     |    | COOPER     | KERR      | PERDUE    | WINNER  |
| NO  | 0  |            |           |           |         |

EXCUSED 0

NOT CAST 0

ABSENT 2 ALBERTSON DANNELLY

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1750/39-- 1:46 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

MARTIN W.  
SEDALIA INCORPORATED

SENATE BILL 1330  
READING 3

|     |    |  |   |  |  |
|-----|----|--|---|--|--|
| AYE | 44 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE | COOPER<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | JORDAN<br>KERR<br>KINCAID<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SOLES<br>SPEED<br>WEBSTER<br>WINNER |
| NO  | 1  | EAST   |   |  |  |

EXCUSED 0

NOT CAST 4 CONDER LEDBETTER SMITH WARREN

ABSENT 1 LITTLE

PAIRS 0

AYE  
NO

S

D

SENATE DRS7755\*-LVZ011(5.15)

Short Title: Welfare Study Comm. Continued.

(Public)

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Sponsors: Senator Martin of Guilford.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT RECOMMENDED BY THE STUDY COMMISSION ON WELFARE  
3 REFORM TO CONTINUE THE STUDY OF WELFARE REFORM AND  
4 REPORT TO THE GENERAL ASSEMBLY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. (a) Section 47 of Chapter 24 of the 1993 Session Laws, Extra  
7 Session 1994, as continued and amended by Section 23.8B of Chapter 507 of the 1995  
8 Session Laws, and as amended by Part XXIII, Section 23.1 of Chapter 542 of the 1995  
9 Session Laws, reads as rewritten:  
10 "(a) There is created the Legislative Study Commission on Welfare Reform. The  
11 Commission shall consist of 12 members as follows:  
12 (1) Six members of the House of Representatives appointed by the  
13 Speaker of the House of Representatives; and  
14 (2) Six Senators appointed by the President Pro Tempore of the  
15 Senate.  
16 (b) The Speaker of the House of Representatives shall designate one  
17 representative as cochair and the President Pro Tempore of the Senate shall designate  
18 one Senator as cochair.  
19 (c) The Commission shall study the whole issue of the need for welfare reform in  
20 light of the current social crisis caused, in part, by the rapidly increasing incidence of  
21 violent crimes. This study shall include:  
22 (1) A reexamination of the whole purpose of the welfare system and  
23 an identification of those disincentives to raising responsible,  
24 independent participants in society that are built into the system;

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

SENATE DRS7752-LF339(5.17) S 1 332 MAY 23 1996 D

PRINCIPAL CLERK

Short Title: Independent Living Funds.

(Public)

Sponsors: Senators Martin of Guilford, Ballance, Carpenter, Cooper, Perdue, Plyler, Speed, and Warren.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO PROVIDE THE ADDITIONAL  
3 INDEPENDENT LIVING REHABILITATION SERVICE OFFICES AND STAFF  
4 NECESSARY TO ENABLE THE INDEPENDENT LIVING REHABILITATION  
5 PROGRAM TO SERVE ALL THE COUNTIES OF NORTH CAROLINA.

6 The General Assembly of North Carolina enacts:

7 Section 1. There is appropriated to the Division of Vocational  
8 Rehabilitation, Department of Human Resources, the sum of four million one  
9 hundred eighty-seven thousand eight hundred thirty-five dollars (\$4,187,835) for the  
10 1996-97 fiscal year to provide start-up costs for the two additional Independent Living  
11 Rehabilitation Program Service Offices, in Raleigh and Elizabeth City, funding for  
12 staff in underfunded existing offices, funding for purchase of services, and funding for  
13 oversight staff at the State level, needed to enable the Independent Living  
14 Rehabilitation Program to serve adequately all the counties of North Carolina.

15 The Independent Living Rehabilitation Program began operation in 1985  
16 with two service offices, in Charlotte and Winston-Salem. Eighty-five counties are  
17 now funded for services through the 14 existing service offices. The two new offices  
18 will provide services to the remaining 15 counties and complete the statewide  
19 program.

20 The Independent Living Rehabilitation Program provides services to  
21 eligible individuals with severe disabilities, which services assist these individuals to  
22 manage their own lives better, become more independent, and assume more personal  
23 responsibility in their families, homes, and communities.

24 Sec. 2. This act becomes effective July 1, 1996.



## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS8703-LF338(5.7)

Short Title: Child Care Subsidy Funds.

(Public)

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Sponsors: Senator Martin of Guilford.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR CHILD CARE FOR LOW-INCOME  
3 WORKING FAMILIES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. The maximum gross annual income for initial eligibility,  
6 adjusted biennially, for subsidized child care services shall be seventy-five percent  
7 (75%) of the State median income, adjusted for family size.  
8 Sec. 2. (a) Parents who receive child care subsidy to work, look for  
9 work, attend work-related training or education activities, or meet the special  
10 developmental needs of their child, shall share in the cost of child care. No fees shall  
11 be charged to the client when child day care services are provided to the individuals  
12 in the following circumstances:  
13 (1) When children are receiving day care services in conjunction with  
14 protective services as described in 10 NCAC 35E.0106, up to a  
15 maximum of 12 months from the time protective services are  
16 initiated;  
17 (2) When day care services are provided as a support to a child  
18 receiving Child Welfare Services as described in the North  
19 Carolina Division of Social Services Family Services Manual,  
20 Volume 1, Chapter II; or  
21 (3) When a child with no income is living with someone other than  
22 the child's biological or adoptive parent or is living with someone  
23 who does not have court-ordered financial responsibility.  
24 (b) The amount of the fees charged to the client shall be in accordance  
25 with the fee determination process established schedules adopted by the Social

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS4683\*-LFZ331(5.15)

FILED - SENATE

51334

MAY 23 1996

PRINCIPAL CLERK

Short Title: Medicaid Study Extension.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT RECOMMENDED BY THE BLUE RIBBON TASK FORCE ON THE  
3 ISSUE OF THE POTENTIAL IMPACT OF FEDERAL BLOCK GRANT  
4 FUNDING AND OTHER FEDERAL ACTIONS ON MEDICAID IN NORTH  
5 CAROLINA TO EXTEND THE STUDY.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Section 23.5A(d) of Chapter 507 of the 1995 Session Laws  
8 reads as rewritten:  
9 "(d) The task force shall report the results of its study, together with any  
10 legislative proposals and cost analyses, to the 1995 General Assembly, Regular  
11 Session 1996, within a week of its ~~convening or convening~~, to a special session of the  
12 1995 General Assembly called to deal with federal block grant funding ~~issues~~. issues,  
13 or to the 1997 General Assembly within a week of its convening."  
14 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA 835 MAY 23 1996

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS2712\*

Short Title: School District Sales Tax Refunds.

(Public)

Sponsors: Senator Davis.

Referred to:

## A BILL TO BE ENTITLED

AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OBTAIN  
REFUNDS OF SALES AND USE TAXES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.14(c) reads as rewritten:

"(c) Certain Governmental Entities. -- A governmental entity listed in this subsection is allowed an annual refund of sales and use tax paid by it under this Article, except under G.S. 105-164.4(a)(4a) and G.S. 105-164.4(a)(4c), on direct purchases of tangible personal property. Sales and use tax liability indirectly incurred by a governmental entity on building materials, supplies, fixtures, and equipment that become a part of or annexed to any building or structure that is owned or leased by the governmental entity and is being erected, altered, or repaired for use by the governmental entity is considered a sales or use tax liability incurred on direct purchases by the governmental entity for the purpose of this subsection. A request for a refund must be in writing and must include any information and documentation required by the Secretary. A request for a refund is due within six months after the end of the governmental entity's fiscal year.

This subsection applies only to the following governmental entities:

- (1) A county.
- (2) A city as defined in G.S. 160A-1.
- (2a) A consolidated city-county created pursuant to Article 2 or Article 5 of Chapter 160B of the General Statutes.
- (2b) A local school administrative unit.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S.B.-1336

FILED - SENATE

S

D

SENATE DRS2710\*-LHZ299A(43) 6 MAY 23 1996

LEGISLATIVE CLERK

Short Title: Abduction From Legal Custodian.

(Public)

Sponsors: Senator Davis.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT IT IS A CLASS F FELONY TO ABDUCT A  
3 CHILD FROM ANY PERSON, AGENCY, OR INSTITUTION LAWFULLY  
4 ENTITLED TO THE CHILD'S CUSTODY AS RECOMMENDED BY THE  
5 NORTH CAROLINA CHILD FATALITY TASK FORCE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 14-41 reads as rewritten:

8 "§ 14-41. Abduction of children.

9 ~~If anyone shall abduct or by any means induce any child under the age of fourteen~~  
10 ~~years, who shall reside with its father, mother, uncle, aunt, brother or elder sister, or~~  
11 ~~shall reside at a school, or be an orphan and reside with a guardian, to leave such~~  
12 ~~person or school, he shall be punished as a Class F felon.~~

13 (a) Any person who, without legal justification or excuse, abducts any minor child  
14 from any person, agency, or institution lawfully entitled to the child's custody,  
15 placement, or care shall be guilty of a Class F felony.

16 (b) Any person who, without legal justification or excuse and being at least four  
17 years older than the victim, induces any minor child to leave any person, agency, or  
18 institution lawfully entitled to the child's custody, placement, or care shall be guilty  
19 of a Class F felony.

20 (c) The provisions of this section shall not apply to any public officer or employee  
21 in the performance of his or her duty."

22 Sec. 2. This act becomes effective December 1, 1996, and applies to  
23 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

D

SENATE DRS2713-LC367(5.15)

S1387

MAY 23 1996

PRINCIPAL CLERK

Short Title: Reduce Individual Income Tax.

(Public)

Sponsors: Senator McDaniel.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE INCREASE IN THE INDIVIDUAL INCOME TAX  
3 ENACTED IN 1991.

4 The General Assembly of North Carolina enacts:

5 Section 1. G. S. 105-134.2(a) reads as rewritten:

6 "(a) A tax is imposed upon the North Carolina taxable income of every  
7 individual. The tax shall be levied, collected, and paid annually and shall be  
8 computed at the following percentages of the taxpayer's North Carolina taxable  
9 income.

- 10 (1) For married individuals who file a joint return under G.S. 105-152  
11 and for surviving spouses, as defined in section 2(a) of the Code:  
12 On the North Carolina taxable income up to twenty-one thousand  
13 two hundred fifty dollars (\$21,250), six percent (6%).  
14 On the amount over twenty-one thousand two hundred fifty dollars  
15 ~~(\$21,250) and up to one hundred thousand dollars (\$100,000),~~  
16 ~~(\$21,250),~~ seven percent (7%).  
17 ~~On the amount over one hundred thousand dollars (\$100,000),~~  
18 ~~seven and seventy-five one hundredths percent (7.75%).~~  
19 (2) For heads of households, as defined in section 2(b) of the Code:  
20 On the North Carolina taxable income up to seventeen thousand  
21 dollars (\$17,000), six percent (6%).  
22 On the amount over seventeen thousand dollars ~~(\$17,000) and up to~~  
23 ~~eighty thousand dollars (\$80,000), (\$17,000),~~ seven percent  
24 (7%).

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1653/5-- 9:10 PM JUNE 12, 1996 LEGISLATIVE DAY 128

LT. GOVERNOR WICKER

-- Presiding

MCDANIEL  
REDUCE INDIVIDUAL INCOME TAX

SENATE BILL 1337

MOTION 1  
TO TABLE

|     |    |  |  |   |   |
|-----|----|--|--|---|---|
| AYE | 26 | ALBERTSON<br>BALLANCE<br>BASNIGHT<br>CONDER<br>COOPER<br>DANNELLY<br>EDWARDS | GULLEY<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR<br>LUCAS<br>MARTIN R. | MARTIN W.<br>ODOM<br>PARNELL<br>PERDUE<br>PLEXICO<br>PLYLER | RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 20 | ALLRAN<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER                       | CARRINGTON<br>CLARK<br>COCHRANE<br>DAVIS<br>EAST                 | FORRESTER<br>FOXX<br>HARTSELL<br>HORTON<br>LEDBETTER        | LITTLE<br>MCDANIEL<br>PAGE<br>SHAW<br>WEBSTER         |

|          |   |         |         |
|----------|---|---------|---------|
| EXCUSED  | 0 |         |         |
| NOT CAST | 2 | KINCAID | SMITH   |
| ABSENT   | 2 | MCKOY   | SIMPSON |
| PAIRS    | 0 |         |         |
| AYE      |   |         |         |
| NO       |   |         |         |

(COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA694-LC368(5.15)

FILED - SENATE D

81338 MAY 23 1996

PRINCIPAL CLERK

Short Title: Reduce Corporate Income Tax.

(Public)

Sponsors: Senator McDaniel.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE INCREASE IN THE CORPORATE INCOME TAX  
3 ENACTED IN 1991.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 105-139.3 reads as rewritten:  
6 "**§ 105-130.3. Corporations.**  
7 A tax is imposed on the State net income of every C Corporation doing business in  
8 this State at seven ~~and seventy-five one hundredths percent (7.75%)~~ percent (7%) of  
9 the corporation's State net income. An S Corporation is not subject to the tax levied  
10 in this section."  
11 Sec. 2. G.S. 115C-546.1 reads as rewritten:  
12 "**§ 115C-546.1. Creation of Fund; administration.**  
13 (a) There is created the Public School Building Capital Fund. The Fund shall be  
14 used to assist county governments in meeting their public school building capital  
15 needs.  
16 (b) Each calendar quarter, the Secretary of Revenue shall remit to the State  
17 Treasurer for credit to the Public School Building Capital Fund an amount equal to  
18 ~~two-thirty-firsts (2/31)~~ one-seventh (1/7) of the net collections received during the  
19 previous quarter by the Department of Revenue under G.S. 105-130.3 minus two  
20 million five hundred thousand dollars (\$2,500,000). All funds deposited in the Public  
21 School Building Capital Fund shall be invested as provided in G.S. 147-69.2 and G.S.  
22 147-69.3.  
23 (c) The Fund shall be administered by the Office of State Budget and  
24 Management."



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1654/6-- 9:12 PM JUNE 12, 1996 LEGISLATIVE DAY 128

LT. GOVERNOR WICKER

-- Presiding

MCDANIEL  
REDUCE CORPORATE INCOME TAX

SENATE BILL 1338

MOTION 1  
TO TABLE

|     |    |  |  |   |   |
|-----|----|--|--|---|---|
| AYE | 26 | ALBERTSON<br>BALLANCE<br>BASNIGHT<br>CONDER<br>COOPER<br>DANNELLY<br>EDWARDS | GULLEY<br>HOBBS<br>HOYLE<br>JORDAN<br>KERR<br>LUCAS<br>MARTIN R. | MARTIN W.<br>ODOM<br>PARNELL<br>PERDUE<br>PLEXICO<br>PLYLER | RAND<br>SHERRON<br>SOLES<br>SPEED<br>WARREN<br>WINNER |
| NO  | 20 | ALLRAN<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER                       | CARRINGTON<br>CLARK<br>COCHRANE<br>DAVIS<br>EAST                 | FORRESTER<br>FOXX<br>HARTSELL<br>HORTON<br>LEDBETTER        | LITTLE<br>MCDANIEL<br>PAGE<br>SHAW<br>WEBSTER         |

EXCUSED 0

NOT CAST 2 KINCAID

SMITH

ABSENT 2 MCKOY

SIMPSON

PAIRS 0

AYE  
NO

(COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE

D

SENATE DRSA692-LC370(5.15)

S 1339 MAY 23 1996

PRINCIPAL CLERK

Short Title: Reduce Cigarette Tax.

(Public)

Sponsors: Senator McDaniel.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE INCREASE IN THE CIGARETTE TAX ENACTED  
3 IN 1991.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 105-113.5 reads as rewritten:

6 "§ 105-113.5. Tax on cigarettes.

7 A tax is levied on the sale or possession for sale in this State, by a distributor, of  
8 all cigarettes at the rate of ~~two and one-half mills~~ one mill per individual cigarette.

9 This tax does not apply to any of the following:

10 (1) Sample cigarettes distributed without charge in packages  
11 containing five or fewer cigarettes.

12 (2) Cigarettes in a package of cigarettes given without charge by the  
13 manufacturer of the cigarettes to an employee of the manufacturer  
14 who works in a factory where cigarettes are made, if the cigarettes  
15 are not taxed by the federal government."

16 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

81340 MAY 23 1996 D

SENATE DRS1801-LC369(5.15) PRINCIPAL CLERK

Short Title: Reduce Sales Tax.

(Public)

Sponsors: Senator McDaniel.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE INCREASE IN THE SALES TAX ENACTED IN 1991.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. G.S. 105-164.4(a) reads as rewritten:  
5 "(a) A privilege tax is imposed on a retailer at the following percentage rates of  
6 the retailer's net taxable sales or gross receipts, as appropriate. The general rate of  
7 tax is ~~four percent (4%)~~ three percent (3%).  
8 (1) The general rate of tax applies to the sales price of each item or  
9 article of tangible personal property that is sold at retail and is not  
10 subject to tax under another subdivision in this section.  
11 (1a) The rate of two percent (2%) applies to the sales price of each  
12 manufactured home sold at retail, including all accessories attached  
13 to the manufactured home when it is delivered to the purchaser.  
14 The maximum tax is three hundred dollars (\$300.00) per article.  
15 Each section of a manufactured home that is transported separately  
16 to the site where it is to be erected is a separate article.  
17 (1b) The rate of ~~three percent (3%)~~ two percent (2%) applies to the  
18 sales price of each aircraft, boat, railway car, or locomotive sold at  
19 retail, including all accessories attached to the item when it is  
20 delivered to the purchaser. The maximum tax is one thousand five  
21 hundred dollars (\$1,500) per article.  
22 (1c) The rate of one percent (1%) applies to the sales price of the  
23 following articles:  
24 a. Horses or mules by whomsoever sold.  
25 b. Semen to be used in the artificial insemination of animals.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS2695-RDZ016.3(4.26)

FILED - SENATE

S 1341 MAY 23 1996

PRINCIPAL CLERK

Short Title: Fund Cooperative Fisheries/Univ. Project.

(Public)

Sponsors: Senators Albertson, Conder, Martin of Pitt, Odom, Perdue, and Rand.

Referred to:

1 BILL TO BE ENTITLED

2 AN ACT TO ESTABLISH A FISHERIES RESEARCH CENTER WITHIN THE  
3 COOPERATIVE INSTITUTE FOR FISHERIES OCEANOGRAPHY OF THE  
4 UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE THAT THE  
5 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL  
6 RESOURCES CREATE AN EMERGENCY FISH KILL RESPONSE TEAM TO  
7 RESPOND TO SIGNIFICANT FISH KILLS.

8 The General Assembly of North Carolina enacts:

9 Section 1. There is appropriated from the General Fund to the Board of  
10 Governors of The University of North Carolina for the Cooperative Institute of  
11 Fisheries Oceanography the sum of one hundred thirty-two thousand five hundred  
12 dollars (\$132,500) in recurring funds for the 1996-97 fiscal year for graduate stipends,  
13 undergraduate internships, and visiting faculty, to initiate a cooperative effort  
14 between the Division of Marine Fisheries of the Department of Environment, Health,  
15 and Natural Resources and The University of North Carolina System on fisheries and  
16 water quality management.

17 Sec. 2. The Division of Marine Fisheries shall establish priorities for  
18 fisheries and water quality projects on an annual basis in cooperation with university  
19 fisheries scientists. Funding shall be consistent with those priorities.

20 Sec. 3. The Division of Marine Fisheries shall use existing funds to  
21 establish an Emergency Fish Kill Response Team consisting of staff from the Division  
22 of Marine Fisheries, the Division of Environmental Management, the Division of  
23 Environmental Health, and appropriate university scientists. The Division of Marine  
24 Fisheries shall provide detailed procedures for the preparation and implementation of  
25 response efforts in the event of a fish kill. The team shall respond to reported

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS8707-LN195(5.15)

Short Title: TDA Funds.

(Public)

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Sponsors: Senator Plexico.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA  
3 TECHNOLOGICAL DEVELOPMENT AUTHORITY, INC.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the North  
6 Carolina Technological Development Authority, Inc. (TDA), the sum of four million  
7 five hundred thousand dollars (\$4,500,000) for the 1996-97 fiscal year to support the  
8 continued development of the North Carolina Technological Development  
9 Authority's statewide entrepreneurial infrastructure, capital formation, and research  
10 commercialization programs. These funds shall be allocated as follows:  
11 (1) \$2,500,000 for entrepreneurial support and infrastructure, including  
12 support of business incubators, capital formation initiatives, and  
13 research commercialization programs; and  
14 (2) \$2,000,000 for matching funds for a federal investment in a TDA-  
15 sponsored venture capital program that targets businesses in  
16 distressed counties as defined in G.S. 105-130.40(c).  
17 Sec. 2. G.S. 147-69.2(b) is amended by adding the following new  
18 subdivision to read:  
19 "(12) The State Treasurer may invest up to twenty-five million dollars  
20 (\$25,000,000) of the Reserve Fund established under G.S. 96-5(f)  
21 in securities issued by the North Carolina Technological  
22 Development Authority, Inc., the proceeds from which are  
23 directed to support investment in venture capital funds."  
24 Sec. 3. This act becomes effective July 1, 1996.

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS1802\*-RTZ008.01(5.16)

Short Title: Amend. Env. Mgt. Comm. Membership.

(Public)

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Sponsors: Senator Plexico.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO SPECIFY THAT ONE MEMBER OF THE ENVIRONMENTAL  
3 MANAGEMENT COMMISSION SHALL HAVE EMPLOYMENT EXPERIENCE  
4 IN INDUSTRIAL AIR AND WATER POLLUTION CONTROL AT AN  
5 INDUSTRIAL MANUFACTURING FACILITY, AS RECOMMENDED BY THE  
6 ENVIRONMENTAL MANAGEMENT COMMISSION.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. G.S. 143B-283(a) reads as rewritten:  
9 "(a) The Environmental Management Commission shall consist of 13 members  
10 appointed by the Governor. The Governor shall select the members so that the  
11 membership of the Commission shall consist of:  
12 (1) One who shall be a licensed physician with specialized training  
13 and experience in the health effects of environmental pollution;  
14 (2) One who shall, at the time of appointment, be actively connected  
15 with the Commission for Health Services or local board of health  
16 or have experience in health sciences;  
17 (3) One who shall, at the time of appointment, be actively connected  
18 with or have had experience in agriculture;  
19 (4) One who shall, at the time of appointment, be a registered  
20 engineer with specialized training and experience in water supply  
21 or water or air pollution control;  
22 (5) One who shall, at the time of appointment, be actively connected  
23 with or have had experience in the fish and wildlife conservation  
24 activities of the State;



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1343

AMENDMENT NO. 1 (over)  
(to be filled in by  
Principal Clerk)

S1343V1-ART-001.01

Page 1 of 1

Date June 13, 1996

Comm. Sub. ☐  
Amends Title ☒

Senator Gulley

- 1 moves to amend the bill on page 1, line 6,  
2 by deleting the word "MANAGEMENT AND SUBSTITUTING THE WORD "REVIEW".  
3

SIGNED W.C.D.  
Amendment Sponsor

SIGNED Charles W. Hester  
Committee Chair if Senate Committee Amendment

ADOPTED 6/19/96

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

(V)

Large Title

S. Gulley



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1746/35-- 4:29 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

PLEXICO  
AMEND ENV. MGMT. COMM'N MEMBERSHIP

SENATE BILL 1343  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 45 | ALBERTSON  | DANNELLY  | KERR      | PLEXICO |
|     |    | BALLANCE   | DAVIS     | KINCAID   | PLYLER  |
|     |    | BALLANTINE | EAST      | LEDBETTER | RAND    |
|     |    | BASNIGHT   | EDWARDS   | LUCAS     | SHAW    |
|     |    | BLACKMON   | FORRESTER | MARTIN R. | SHERRON |
|     |    | BLUST      | FOXX      | MARTIN W. | SIMPSON |
|     |    | CARPENTER  | GULLEY    | MCKOY     | SMITH   |
|     |    | CARRINGTON | HARTSELL  | ODOM      | SOLES   |
|     |    | CLARK      | HORTON    | PAGE      | SPEED   |
|     |    | COCHRANE   | HOYLE     | PARNELL   | WARREN  |
|     |    | CONDER     | JORDAN    | PERDUE    | WEBSTER |
|     |    | COOPER     |           |           |         |
| NO  | 1  | MCDANIEL   |           |           |         |

EXCUSED 0

NOT CAST 3 ALLRAN HOBBS WINNER

ABSENT 1 LITTLE

PAIRS 0

AYE  
NO

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1344 MAY 23 1995

SENATE DRS7747-RNZ005.3(5.15) PRINCIPAL CLERK

Short Title: Supplemental Insurance Benefits.

(Public)

Sponsors: Senators Soles and Conder.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS GOVERNING EMPLOYEE INSURANCE  
3 COMMITTEES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 58-31-60 reads as rewritten:  
6 "§ 58-31-60. Competitive selection of payroll deduction insurance products paid for by  
7 State employees.  
8 (a) Employee Insurance Committee. -- The head of each State government  
9 employee payroll unit offering payroll deduction insurance products to employees  
10 shall appoint an Employee Insurance Committee for the following purposes:  
11 (1) To review insurance products currently offered through payroll  
12 deduction to the State employees in the Employee Insurance  
13 Committee's payroll unit to determine if those products meet the  
14 needs and desires of employees in the Employee Insurance  
15 Committee's payroll unit.  
16 (2) To select the types of insurance products that reflect the needs and  
17 desires of employees in the Employee Insurance Committee's  
18 payroll unit.  
19 (3) To competitively select the best insurance products of the types  
20 determined by the Employee Insurance Committee to reflect the  
21 needs and desires of the employees of that payroll unit.  
22 As used in this section, 'insurance product' includes a prepaid legal services plan  
23 registered under G.S. 84-23.1.  
24 (b) Appointment of Employee Insurance Committee Members. -- The members of  
25 the Employee Insurance Committee shall be appointed by the head of the payroll

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1804/17-- 2:53 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

SENATOR BASNIGHT

-- Presiding

SOLES  
SUPPLEMENTAL INSURANCE BENEFITS

SENATE BILL 1344  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 45 | ALBERTSON  | DANNELLY  | JORDAN    | PAGE    |
|     |    | ALLRAN     | DAVIS     | KERR      | PARNELL |
|     |    | BALLANCE   | EAST      | KINCAID   | PERDUE  |
|     |    | BALLANTINE | EDWARDS   | LEDBETTER | PLEXICO |
|     |    | BASNIGHT   | FORRESTER | LITTLE    | PLYLER  |
|     |    | BLACKMON   | FOXX      | LUCAS     | RAND    |
|     |    | BLUST      | GULLEY    | MARTIN R. | SHERRON |
|     |    | CARPENTER  | HARTSELL  | MARTIN W. | SOLES   |
|     |    | CARRINGTON | HOBBS     | MCDANIEL  | SPEED   |
|     |    | CLARK      | HORTON    | MCKOY     | WARREN  |
|     |    | COCHRANE   | HOYLE     | ODOM      | WEBSTER |
|     |    | COOPER     |           |           |         |

NO 0

EXCUSED 0

NOT CAST 4 CONDER SHAW SIMPSON WINNER

ABSENT 1 SMITH

PAIRS 0

AYE

NO

(COPY)

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS2696-RDZ017.4(4.30)

Short Title: Animal Waste Permits/Inspections.

(Public)

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Sponsors: Senators Perdue, Albertson, Conder, Martin of Pitt, Odom, and Rand.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND ARTICLE 21 OF CHAPTER 143 OF THE GENERAL  
3 STATUTES TO ESTABLISH PERMITS AND AN INSPECTION SCHEDULE  
4 FOR SPECIFIED ANIMAL OPERATIONS AND TO REQUIRE ENHANCED  
5 COMMUNICATION INCLUDING A PLAN TO DEVELOP SITE SPECIFIC  
6 MANAGEMENT STRATEGIES.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. Article 21 of Chapter 143 of the General Statutes is amended  
9 by adding a new section to read:  
10 "§ 143-215.1B. Applications and permits for animal operations.  
11 (a) All applications for new permits and for renewals of existing permits for animal  
12 operations involving 250 or more swine, 100 confined cattle, or confined poultry  
13 operations, shall be in writing, and the Commission may prescribe the form of the  
14 applications. The Commission shall act on a permit application as quickly as possible.  
15 The Commission may conduct any inquiry or investigation it considers necessary  
16 before acting on an application and may require an applicant to submit plans,  
17 specifications, and other information the Commission considers necessary to evaluate  
18 the application. If the Commission fails to act on an application for a permit,  
19 including a renewal of a permit, within 90 days after the applicant submits all  
20 information required by the Commission, the application is considered to be  
21 approved. Permits and renewals issued in approving facilities pursuant to this section  
22 shall be effective until the date specified therein or until rescinded unless modified or  
23 revoked by the Commission.  
24 (b) Animal operations involving 250 or more swine, 100 confined cattle, or  
25 confined poultry operations shall have an operations review on an annual basis as

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS8697-RDZ(5.13)

Short Title: Water Quality Appropriations.

(Public)

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Sponsors: Odom, Albertson, Conder, Martin of Pitt, Perdue, and Rand.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR THE STUDY OF WATER QUALITY  
3 AND THE ENHANCEMENT OF ENVIRONMENTAL EDUCATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund to the  
6 Department of Environment, Health, and Natural Resources the sum of two hundred  
7 fourteen thousand, nine hundred thirty-two dollars (\$214,932) for the 1996-97 fiscal  
8 year for three positions and operating expenses for enhancement of environmental  
9 education programs.

10 Sec. 2. There is appropriated from the General Fund to the Department  
11 of Environment, Health, and Natural Resources, Division of Environmental  
12 Management, the sum of nine hundred thousand dollars (\$900,000) for the 1996-97  
13 fiscal year to study and prepare a model of atmospheric deposition of nitrogen.

14 Sec. 3. There is appropriated from the General Fund to the Department  
15 of Environment, Health, and Natural Resources, Division of Environmental  
16 Management, the sum of nine hundred thirteen thousand dollars (\$913,000) for the  
17 1996-97 fiscal year for four positions and operating expenses for monitoring activities  
18 including equipment and contract laboratory support.

19 Sec. 4. There is appropriated from the General Fund to the Department  
20 of Environment, Health, and Natural Resources, Division of Environmental  
21 Management, the sum of seven hundred twenty thousand dollars (\$720,000) for the  
22 1996-97 fiscal year to complete a hydrodynamic model of the Neuse River Estuary  
23 and to expedite a fate/transport nutrient model for the Neuse River Basin.

24 Sec. 5. There is appropriated from the General Fund to the Board of  
25 Governors for North Carolina State University Cooperative Extension Service

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

81347

MAY 23 1996

D

SENATE DRS2694-RDZ020.3(4.30)

PRINCIPAL CLERK

Short Title: Target Agriculture Cost Share Funds.

(Public)

Sponsors: Senators Odom, Albertson, Conder, Martin of Pitt, Perdue, and Rand.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE FUNDING OF THE AGRICULTURE COST SHARE  
3 PROGRAM AND TO REQUIRE THAT THE PROGRAM TARGET THE  
4 ADDITIONAL FUNDS TO FARMERS IN THE NEUSE RIVER BASIN TO  
5 REDUCE WATER QUALITY PROBLEMS FROM NONPOINT SOURCE  
6 POLLUTION.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. G.S. 143-215.74 reads as rewritten:  
9 **"§ 143-215.74. Agriculture cost share program.**  
10 (a) There is created the Agriculture Cost Share Program for Nonpoint Source  
11 Pollution Control. The program shall be created, implemented, and supervised by  
12 the Soil and Water Conservation Commission.  
13 (b) The program shall be subject to the following requirements and limitations:  
14 (1) The purpose of the program shall be to reduce the input of  
15 agricultural nonpoint source pollution into the water courses of the  
16 State.  
17 (2) The program shall initially include the present 16 nutrient sensitive  
18 watershed counties and 17 additional counties.  
19 (3) Priority designations for inclusions in the program shall be under  
20 the authority of the Soil and Water Conservation Commission and  
21 the Commission. The Soil and Water Conservation Commission  
22 shall retain the authority to allocate the cost share funds.  
23 (4) Areas shall be included in the program as the funds are  
24 appropriated and the technical assistance becomes available from  
25 the local Soil and Water Conservation District.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1348 MAY 23 1996

SENATE DRSA703\*-RTXZ004.01(5,16)

PRINCIPAL CLERK

Short Title: Well and Pump Contractors.

(Public)

Sponsors: Senator Odom.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO CREATE THE WELL CONTRACTORS AND PUMP  
3 CONTRACTORS CERTIFICATION COMMISSION, TO AMEND THE WELL  
4 DRILLERS AND PUMP INSTALLERS REGISTRATION REQUIREMENTS,  
5 AND TO MAKE VARIOUS AMENDMENTS TO THE WELL  
6 CONSTRUCTION ACT, AS RECOMMENDED BY THE ENVIRONMENTAL  
7 REVIEW COMMISSION.

8 The General Assembly of North Carolina enacts:

9 Section 1. Article 7 of Chapter 143B of the General Statutes is amended  
10 by adding a new Part to read:

11 "Part 9A. Well Contractors and Pump Contractors Certification Commission.

12 "§ 143B-301.10. Definitions.

13 The definitions in G.S. 87-85 and G.S. 87-98.2 apply in this Part.

14 "§ 143B-301.11. Creation, powers, and duties of the Commission.

15 (a) Creation and Duties. -- The Well Contractors and Pump Contractors  
16 Certification Commission is created within the Department. The Commission shall:

17 (1) Adopt rules with respect to the certification of well contractors and  
18 pump contractors as provided by Article 7A of Chapter 87 of the  
19 General Statutes.

20 (2) Exercise quasi-judicial powers in accordance with the provisions of  
21 Chapter 150B of the General Statutes. The Commission shall  
22 make the final agency decision on any matter involving the  
23 certification of well contractors and pump contractors pursuant to  
24 Article 7A of Chapter 87 of the General Statutes and on civil



GENERAL ASSEMBLY OF NORTH CAROLINA  
PRINCIPAL CLERK  
SESSION 1995

S

D

SENATE DRS5703

Short Title: Radio Island Railroad Trestle.

(Public)

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Sponsors: Senators Hoyle and Perdue.

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Referred to:  

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO  
3 AWARD A CONTRACT FOR REPLACEMENT OF THE RADIO ISLAND  
4 RAILROAD TRESTLE ON A DESIGN-BUILD BASIS.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Sec. 18.28 of Chapter 324 of the 1995 Session Laws reads as  
7 rewritten:  
8 "Sec. 18.28. (a) Of the funds appropriated in this act from the General Fund to  
9 the Department of Transportation, the sum of two hundred fifty thousand dollars  
10 (\$250,000) for the 1993-94 fiscal year shall be used to plan for the replacement of the  
11 wooden trestle over the Newport River on the Beaufort and Morehead Railroad with  
12 a modern concrete trestle.  
13 (b) The Department of Transportation shall proceed with the planning and  
14 construction of the trestle, Project P-3100 in the 1996-2002 Transportation  
15 Improvement Program, and shall commence construction of the trestle during  
16 calendar year 1996. The completed bridge shall be owned by the Department of  
17 Transportation and added to the State System for maintenance purposes.  
18 (c) Notwithstanding any other provision of law, the Department of Transportation  
19 may award a contract for Project P-3100 on a design-build basis, utilizing such  
20 procurement process as the Department of Transportation determines will result in  
21 maximum efficiency in constructing this project."  
22 Sec. 2. This act is effective upon ratification.

FILED - SENATE

S 1350 MAY 23 1996

GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS4692

Short Title: Civil Penalties/Insurance/Mfd. Housing Board.

(Public)

Sponsors: Senator Soles.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND INSURANCE DEPARTMENT AND MANUFACTURED  
3 HOUSING BOARD CIVIL PENALTY STATUTES TO CONFORM THOSE  
4 STATUTES WITH CRAVEN COUNTY BOARD OF EDUCATION V.  
5 BOYLES, ET AL, A RECENT NORTH CAROLINA SUPREME COURT  
6 DECISION.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 58-2-70(d) reads as rewritten:

9 "(d) Upon a finding by the Commissioner of a violation as specified in subsection  
10 (c) of this section, the Commissioner shall direct the payment of a penalty of not less  
11 than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000). In  
12 determining the amount of the penalty, the Commissioner shall consider the degree  
13 and extent of harm caused by the violation, the amount of money that inured to the  
14 benefit of the violator as a result of the violation, whether the violation was  
15 committed willfully, and the prior record of the violator in complying or failing to  
16 comply with laws, rules, or orders applicable to the violator. The penalty shall be  
17 payable to the Commissioner, who shall then ~~forward~~ distribute the clear proceeds of  
18 ~~which to the State Treasurer for deposit in the General Fund of the State.~~ in  
19 accordance with Article IX, Section 7 of the Constitution of North Carolina.  
20 Payment of the civil penalty under this section shall be in addition to payment of any  
21 other penalty for a violation of the criminal laws of this State."

22 Sec. 2. G.S. 143-143.13(c) reads as rewritten:

23 "(c) In addition to the authority to deny, suspend, or revoke a license under this  
24 Article, the Board also has the authority to impose a civil penalty upon any person  
25 violating the provisions of this Article. Upon a finding by the Board of a violation of

S 1351 MAY 23 1996

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS2726-RDZ009.6(5.23)

Short Title: Develop Riparian Buffers.

(Public)

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Sponsors: Senators Odom, Albertson, Conder, Martin of Pitt, Perdue, and Rand.

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Referred to:  

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1 A BILL TO BE ENTITLED  
2 AN ACT TO DEVELOP RIPARIAN BUFFERS TO PROTECT WATER  
3 QUALITY AND NATURAL RESOURCES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 143-214.7 reads as rewritten:

6 "§ 143-214.7. Stormwater runoff rules and programs.

7 (a) Policy, Purpose and Intent. -- The Commission shall undertake a continuing  
8 planning process to develop and adopt a statewide plan with regard to establishing  
9 and enforcing stormwater rules for the purpose of protecting the surface waters of the  
10 State. It is the purpose and intent of this section that, in developing stormwater  
11 runoff rules and programs, the Commission may utilize stormwater rules established  
12 by the Commission to protect classified shellfish waters, water supply watersheds, and  
13 outstanding resource waters; and to control stormwater runoff disposal in coastal  
14 counties and other nonpoint sources. Further, it is the intent of this section that the  
15 Commission phase in the stormwater rules on a priority basis for all sources of  
16 pollution to the water. The plan shall be applied evenhandedly throughout the State  
17 to address the State's water quality needs. The Commission shall continually monitor  
18 water quality in the State and shall revise stormwater runoff rules as necessary to  
19 protect water quality. As necessary, the stormwater rules shall be modified to comply  
20 with federal regulations.

21 (b) The Commission shall be authorized and directed to implement stormwater  
22 runoff rules and programs for point and nonpoint sources on a phased-in statewide  
23 basis. The Commission shall consider standards and best management practices for  
24 the protection of the State's water resources in the following order of priority:

25 (1) Classified shellfish waters;

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1352 MAY 23 1996<sup>D</sup>

SENATE DRS7769\*-RNZ(5.8)

PRINCIPAL CLERK

Short Title: Amend Psychology Practice Act.

(Public)

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Sponsors: Senator Parnell.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE PSYCHOLOGY PRACTICE ACT AND RELATED  
3 STATUTES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 90-270.2 is amended by inserting a new subdivision after  
6 subdivision (7) to read:

7 "(7a) Licensed psychologist-masters. -- An individual holding a masters  
8 or specialist degree in psychology to whom a license has been  
9 issued pursuant to the provisions of this Article, whose license is in  
10 force and not suspended or revoked, and whose license permits  
11 him or her to engage in the practice of psychology as defined in  
12 this Article."

13 Sec. 2. G.S. 90-270.3 reads as rewritten:

14 "§ 90-270.3. Practice of medicine and optometry not permitted.

15 Nothing in this Article shall be construed as permitting licensed psychologists,  
16 licensed psychologist-masters, or licensed psychological associates to engage in any  
17 manner in all or any of the parts of the practice of medicine or optometry licensed  
18 under Articles 1 and 6 of Chapter 90 of the General Statutes, including, among  
19 others, the diagnosis and correction of visual and muscular anomalies of the human  
20 eyes and visual apparatus, eye exercises, orthoptics, vision training, visual training  
21 and developmental vision. A licensed psychologist, licensed psychologist-masters, or  
22 licensed psychological associate shall assist his or her client or patient in obtaining  
23 professional help for all aspects of the client's or patient's problems that fall outside  
24 the boundaries of the psychologist's own competence, including provision for the  
25 diagnosis and treatment of relevant medical or optometric problems."

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS4691\*-RTZ001.09(4.23)

Short Title: State Personnel Grievance Procedure.

(Public)

Sponsors: Senator Soles.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO STREAMLINE THE REVIEW OF GRIEVANCES FILED BY STATE  
3 EMPLOYEES AND APPLICANTS FOR STATE EMPLOYMENT.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. The title to Article 8 of Chapter 126 of the General Statutes  
6 reads as rewritten:  
7 "ARTICLE 8.  
8 ~~Employee Appeals of Grievances and Disciplinary Actions.~~  
9 Resolution of Employment Grievances."  
10 Sec. 2. Article 8 of Chapter 126 of the General Statutes is amended by  
11 adding two new sections to read:  
12 "§ 126-32. Short title.  
13 This Article shall be known and may be cited as the State Personnel Act.  
14 "§ 126-33. Definitions; time.  
15 (a) Unless a different meaning is required by the context, as used in this Article:  
16 (1) 'Agency' means all authorities, boards, bureaus, commissions,  
17 councils, departments, divisions, and offices of the State  
18 government; The University of North Carolina; and units of local  
19 government, but only insofar as the unit of local government  
20 employs persons in a county or area social services; public health;  
21 mental health, developmental disabilities, or substance abuse  
22 department or authority; or a local emergency management agency  
23 that receives federal grant-in-aid funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE

D

SENATE DRSA700-LK255(5.20) S 1354

MAY 23 1996

PRINCIPAL CLERK

Short Title: Secondary Road Paving Limitation.

(Public)

Sponsors: Senator Little.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO  
3 OBTAIN THE APPROVAL OF A STATE AGENCY OWNING LAND  
4 CROSSED BY AN UNPAVED SECONDARY ROAD BEFORE PAVING THAT  
5 ROAD.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Chapter 136 of the General Statutes is amended by adding a  
8 new section to read:  
9 "§ 136-44.7A. Submission of secondary roads construction programs to State agencies.  
10 When the Department of Transportation proposes to pave an unpaved secondary  
11 road that crosses land controlled by a State agency, the Department of Transportation  
12 shall obtain the approval of that State agency before paving that secondary road."  
13 Sec. 2. This act is effective upon ratification.

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS2684-RFZ004(5.10)

Short Title: Funds for Waiver Program.

(Public)

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Sponsors: Senator Speed.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO FUND THE  
4 DIVISION OF ENVIRONMENTAL HEALTH TO IMPLEMENT A WAIVER  
5 PROGRAM FOR CERTAIN DRINKING WATER TESTS.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. There is appropriated from the General Fund to the  
8 Department of Environment, Health, and Natural Resources, Division of  
9 Environmental Health, the sum of four hundred twenty-five thousand dollars  
10 (\$425,000) for the 1996-1997 fiscal year to implement a waiver program pursuant to  
11 the regulations of the United States Environmental Protection Agency for drinking  
12 water tests. The Division of Environmental Health shall consider contracting with  
13 private industry to conduct the necessary studies and negotiate the waivers with the  
14 United States Environmental Protection Agency.  
15 Sec. 2. This act becomes effective July 1, 1996.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1356 MAY 27 1996

SENATE DRSA695-LGQ270(5.20) PRINCIPAL CLERK

Short Title: Minority Economic Dev. Funds.

(Public)

Sponsors: Senator Edwards.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR MINORITY ECONOMIC  
3 DEVELOPMENT IN CUMBERLAND COUNTY AND THE CAPE FEAR  
4 REGION.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the Cape  
7 Fear Community Development Corporation, a nonprofit corporation, the sum of one  
8 hundred thousand dollars (\$100,000) for the 1996-97 fiscal year to be used to match  
9 federal or other grants and to provide training, technical assistance, and other general  
10 support to foster minority economic development by assisting community-based  
11 initiatives in Cumberland County and the Cape Fear region.  
12 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1357

MAY 27 1996

PRINCIPAL CLERK  
D

S

SENATE DRSA707-LGQ277(5.21)

Short Title: Youth Development Funds.

(Public)

Sponsors: Senator Ballance.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE JOHN A. HYMAN MEMORIAL  
3 YOUTH DEVELOPMENT FOUNDATION TO ASSIST IN HELPING YOUTHS  
4 REACH THEIR FULL POTENTIAL.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the John A.  
7 Hyman Memorial Youth Development Foundation, Inc., a nonprofit corporation, the  
8 sum of two hundred fifty thousand dollars (\$250,000) for the 1996-97 fiscal year to  
9 assist in helping young persons develop their full potential and talents through the  
10 general purposes of the Foundation outlined in its charter and bylaws.  
11 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1995

FILED - SENATE  
S 1358 MAY 27 1996  
PRINCIPAL CLERK

S

D

SENATE DRS7766-LG279(5.21)

Short Title: HIV Funds.

(Public)

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Sponsors: Senator Ballance.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO PROVIDE  
4 LIFE-SUSTAINING MEDICATION FOR ELIGIBLE PERSONS INFECTED  
5 WITH HIV.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. There is appropriated from the General Fund to the  
8 Department of Environment, Health, and Natural Resources, Division of Adult  
9 Health, the sum of five hundred thousand dollars (\$500,000) for the 1996-97 fiscal  
10 year to provide life-sustaining medications for medically indigent, non-Medicaid  
11 eligible people infected with the human immunodeficiency virus, as defined in rules  
12 adopted by the Commission for Health Services.  
13 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS2725-LG285(5.22) § 1359 MAY 27 1996

PRINCIPAL CLERK

Short Title: Funds/Expand Mycoplasma & Bacteriology.

(Public)

Sponsors: Senators Plyler and Albertson.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 AGRICULTURE FOR EXPANSION OF MYCOPLASMA AND  
4 BACTERIOLOGY SERVICES.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the  
7 Department of Agriculture the sum of four hundred twenty-eight thousand six  
8 hundred seventy-five dollars (\$428,675) for the 1996-97 fiscal year for expansion of  
9 the mycoplasma and bacteriology services programs to serve the expanding animal  
10 industry.  
11 Sec. 2. This act becomes effective July 1, 1996.



FILED - SENATE

GENERAL ASSEMBLY OF NORTH CAROLINA

1360

MAY 27 1996

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS6671\*-LB456(5.14)

Short Title: Stanly Land Conveyance.

(Local)

Sponsors: Senator Plyler.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO CONFIRM THAT STANLY COUNTY MAY PURCHASE AND  
3 CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE  
4 AS A CORRECTIONAL FACILITY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. The County of Stanly has power under general law to acquire  
7 real and personal property and convey it to the State under G.S. 160A-274 or other  
8 applicable law for use as a correctional facility.  
9 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS7772-LC326(3.26)

FILED - SENATE

51361 MAY 27 1996

PRINCIPAL CLERK  
(Public)

Short Title: Utility Account Funds.

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Sponsors: Senator Kerr.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE UTILITY ACCOUNT CREATED  
3 IN THE INDUSTRIAL DEVELOPMENT FUND TO ASSIST THE TEN MOST  
4 DISTRESSED COUNTIES OF THE STATE IN CREATING HIGH QUALITY  
5 JOBS.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. There is appropriated from the General Fund to the  
8 Department of Commerce the sum of five million dollars (\$5,000,000) for the 1996-97  
9 fiscal year for the Utility Account created in the Industrial Development Fund  
10 pursuant to Senate Bill 1275, 1995 General Assembly. These funds shall be used only  
11 in accordance with G.S. 143B-437A(b1), as amended by Senate Bill 1275, 1995  
12 General Assembly, to provide funds to assist the local government units of the most  
13 distressed counties of the State in creating jobs in manufacturing and processing,  
14 warehousing and distribution, and data processing.  
15 Sec. 2. This act becomes effective July 1, 1996.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1995

S

D

SENATE DRSA708-LG261(5.16)

Short Title: Rural Tourism Development Funds.

(Public)

Sponsors: Senators Martin of Pitt and Conder.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO CREATE AND IMPLEMENT THE  
3 RURAL TOURISM DEVELOPMENT PROGRAM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the  
6 Department of Commerce the sum of four hundred thousand dollars (\$400,000) for  
7 the 1996-97 fiscal year to be used for creating and implementing the Rural Tourism  
8 Development Program.  
9 Sec. 2. (a) The Rural Tourism Development Program is created to assist  
10 the State's rural counties in further developing the economic potential of the travel  
11 and tourism industry.  
12 (b) The function of the program shall be:  
13 (1) Stimulate the growth of tourism-based businesses in rural regions  
14 of the State where the potential for economic growth in the  
15 tourism industry is high;  
16 (2) Assist rural regions of the State that have identified tourism  
17 development as a priority for their overall economy;  
18 (3) Promote regional cooperation for the purpose of enhancing the  
19 tourism industry in rural regions of the State;  
20 (4) Strengthen the ability of the rural regions of the State to work  
21 effectively with the National Park Service, National Forest Service,  
22 State Parks, State Travel and Tourism Division, and local  
23 governments for tourism development;

SENATE DRS1810-LC362C(5.14)

Short Title: Expand Homestead Exemption.

(Public)

Sponsors: Senator Rand.

Referred to:

## A BILL TO BE ENTITLED

AN ACT TO EXPAND THE PROPERTY TAX HOMESTEAD EXEMPTION FOR  
LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS AND TO  
REIMBURSE COUNTIES AND CITIES FOR THE RESULTING REVENUE  
LOSS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-277.1 reads as rewritten:

**"§ 105-277.1. Property classified for taxation at reduced valuation.**

(a) Exclusion. -- The following class of property is designated a special class of property under Article V, Sec. 2(2) of the North Carolina Constitution and shall be assessed for taxation in accordance with this section. The first ~~fifteen thousand dollars (\$15,000)~~ eighteen thousand dollars (\$18,000) in appraised value of a permanent residence owned and occupied by a qualifying owner is excluded from taxation. A qualifying owner is an owner who meets all of the following requirements as of January 1 preceding the taxable year for which the benefit is claimed:

- (1) Is at least 65 years of age or totally and permanently disabled.
- (2) Has an income for the preceding calendar year of not more than eleven thousand dollars (\$11,000).
- (3) Is a North Carolina resident.

An otherwise qualifying owner does not lose the benefit of this exclusion because of a temporary absence from his or her permanent residence for reasons of health, or because of an extended absence while confined to a rest home or nursing home, so long as the residence is unoccupied or occupied by the owner's spouse or other dependent.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRSA706-LGQ248(5.14) S1364 MAY 28 1996

PRINCIPAL CLERK

Short Title: Food Bank Funds.

(Public)

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Sponsors: Senator Sherron.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO FOOD BANK, INC., A NONPROFIT  
3 CORPORATION, FOR CAPITAL AND OPERATING EXPENSES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to Food Bank,  
6 Inc., a nonprofit organization, the sum of three hundred thousand dollars (\$300,000)  
7 for the 1996-97 fiscal year for capital and operating expenses to enable the  
8 organization to better serve persons seeking emergency food assistance in the 34  
9 counties of Central and Eastern North Carolina.  
10 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S 1365

MAY 28 1996

PRINCIPAL CLERK  
D

S

SENATE DRS1809-LBX497(5.22)

Short Title: Garner Deannexation.

(Local)

Sponsors: Senator Sherron.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT CONCERNING MODIFICATION OF THE MUNICIPAL LIMITS  
3 BETWEEN THE CITY OF RALEIGH AND THE TOWN OF GARNER.

4 Whereas, the southern extraterritorial zoning jurisdiction limits of the  
5 City of Raleigh and the northern town limits of the Town of Garner coincide in the  
6 area of the future intersection of Hammond Road, a N.C.D.O.T. construction project  
7 in progress, and relocated Mechanical Boulevard, also a D.O.T. highway construction  
8 project in progress; and

9 Whereas, as a result of the relocation of Mechanical Boulevard, the City  
10 of Raleigh and the Town of Garner desire to amend their intermunicipal agreement  
11 so as to relocate their jurisdictional limits to coincide with the relocation of  
12 Mechanical Boulevard, which is anticipated to be completed on approximately June  
13 30, 1997; and

14 Whereas, such realignment of the municipal limits would involve  
15 removing from the annexed area of Garner a small tract of land presently in the  
16 Garner town limits; Now, therefore,

17 The General Assembly of North Carolina enacts:

18 Section 1. The town limits of the Town of Garner in the area generally  
19 north of the present intersection of Mechanical Boulevard and McCormick Street  
20 being approximately 486 feet in length and west of the beginning of the intersection  
21 of relocated Mechanical and Hammond Road, are amended by being moved to the  
22 south, to coincide with the northern right-of-way of the relocated Mechanical  
23 Boulevard as presently under construction and that the aforesaid area is removed  
24 from the corporate limits of the Town of Garner.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1696/18-- 5:26 PM JUNE 18, 1996 LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

SHERRON  
GARNER DEANNEXATION

SENATE BILL 1365  
READING 2

|     |    |  |   |   |  |
|-----|----|--|---|---|--|
| AYE | 47 | ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>COOPER<br>DAVIS | EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR<br>KINCAID | LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE<br>PLEXICO | PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 0  |  |   |   |  |

|          |   |           |          |
|----------|---|-----------|----------|
| EXCUSED  | 0 |           |          |
| NOT CAST | 1 | CONDER    |          |
| ABSENT   | 2 | ALBERTSON | DANNELLY |
| PAIRS    | 0 |           |          |
| AYE      |   |           |          |
| NO       |   |           |          |

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1751/40-- 1:46 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

SHERRON  
GARNER DEANNEXATION

SENATE BILL 1365  
READING 3

|     |    |  |   |  |  |
|-----|----|--|---|--|--|
| AYE | 44 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE | COOPER<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | JORDAN<br>KERR<br>KINCAID<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SOLES<br>SPEED<br>WEBSTER<br>WINNER |
| NO  | 1  | EAST   |   |  |  |

EXCUSED 0

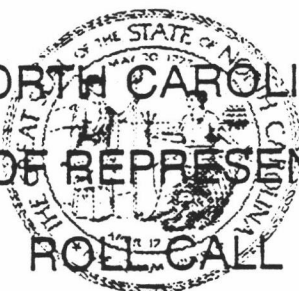
NOT CAST 4 CONDER LEDBETTER SMITH WARREN

ABSENT 1 LITTLE

PAIRS 0  
AYE  
NO

RC

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES



6/20/96  
8:28 PM  
IN CHAIR: SPEAKER

SEN. # 2124  
LEGISLATIVE DAY 134  
SR4  
READING 2

AYES - 104

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | CUNNINGHAM | HUNTER, R. | RAMSEY       |
| ALDRIDGE      | DAUGHTRY   | HURLEY     | RAYFIELD     |
| ALEXANDER     | DAVIS      | IVES       | REDWINE      |
| ALLRED        | DECKER     | JUSTUS     | REYNOLDS     |
| ARNOLD        | DICKSON    | KISER      | RICHARDSON   |
| BAKER         | DOCKHAM    | LEE        | ROBINSON, J. |
| BARBEE        | EARLE      | LINNEY     | ROGERS       |
| BARNES        | EASTERLING | LOCKE      | RUSSELL      |
| BERRY         | EDDINS     | LUEBKE     | SEXTON       |
| BLACK         | EDWARDS    | MCALLISTER | SHARPE       |
| BOWEN         | ELLIS      | MCCOMAS    | SHERRILL     |
| BOYD-MCINTYRE | ESPOSITO   | MCCOMBS    | SHUBERT      |
| BRAWLEY       | FITCH      | MCCRARY    | SUTTON       |
| BROWN, J.     | GAMBLE     | MCPAHAN    | TALLENT      |
| BROWN, W.     | GARDNER    | MERCER     | THOMPSON     |
| BUCHANAN      | GRADY      | MICHAUX    | TOLSON       |
| CAPPS         | GRAY       | MILLER, G. | WAINWRIGHT   |
| CARPENTER     | HACKNEY    | MINER      | WATSON       |
| CHURCH        | HAYES      | MITCHELL   | WEATHERLY    |
| CLARY         | HENSLEY    | MORGAN     | WILKINS      |
| COCKLEREECE   | HIATT      | NICHOLS    | WILSON, C.   |
| CRAWFORD      | HIGHTOWER  | NYE        | WILSON, G.   |
| CREECH        | HILL       | OWENS      | WOMBLE       |
| CULP          | HOLMES     | PATE       | WOOD         |
| CULPEPPER     | HOWARD     | PRESTON    | WRIGHT       |
| CUMMINGS      | HUNTER, H. | PULLEY     | YONGUE       |

NOES - 0

EXCUSED ABSENCE - 7

|       |      |              |        |
|-------|------|--------------|--------|
| BEALL | FOX  | OLDHAM       | WARNER |
| BLUE  | HUNT | ROBINSON, G. |        |

EXCUSED VOTE - 0

NOT VOTING - 9

|          |         |            |       |
|----------|---------|------------|-------|
| SPEAKER  | CANSLER | MCLAUGHLIN | NEELY |
| BOWIE    | LEMMOND | MILLER, K. | SHAW  |
| BRASWELL |         |            |       |

SHORT ROLL: H1098

S1244HCS

S1397

S1365



# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

### ROLL CALL

RC

S # 2144  
L RELATIVE DAY 135  
SR2  
READING 3

6/21/96

11:51 AM

IN CHAIR: RUSSELL

AYES - ~~101~~ <sup>102</sup> *W*

ADAMS  
ALEXANDER  
ARNOLD  
BAKER  
BARBEE  
BARNES  
BERRY  
BLACK  
BOWEN  
BOWIE  
BOYD-MCINTYRE  
BRAWLEY  
BROWN, J.  
BROWN, W.  
BUCHANAN  
CANSLER  
CAPPS  
CARPENTER  
CHURCH  
CLARY  
COCKLEREECE  
CRAWFORD  
CREECH  
CULP  
CULPEPPER  
CUMMINGS

CUNNINGHAM  
DAUGHTRY  
DAVIS  
DECKER  
DICKSON  
DOCKHAM  
EARLE  
EASTERLING  
EDDINS  
EDWARDS  
ELLIS  
ESPOSITO  
FITCH  
GARDNER  
GRADY  
HACKNEY  
HAYES  
HENSLEY  
HIATT  
HIGHTOWER  
HILL  
HOWARD  
HUNTER, R.  
HURLEY  
IVES

JUSTUS  
KISER  
LEE  
LEMOND  
LINNEY  
LOCKE  
LUEBKE  
MCALLISTER  
MCCOMAS  
MCCOMBS  
MCCRARY  
MCMAHAN  
MERCER  
MICHAUX  
MILLER, G.  
MITCHELL  
MORGAN  
NEELY  
NICHOLS  
NYE  
OWENS  
PATE  
PRESTON  
PULLEY  
RAMSEY

RAYFIELD  
REDWINE  
REYNOLDS  
RICHARDSON  
ROBINSON, J.  
ROGERS  
SEXTON  
SHARPE  
SHAW  
SHERRILL  
SHUBERT  
SUTTON  
TALLENT  
THOMPSON  
TOLSON  
WAINWRIGHT  
WATSON  
WEATHERLY  
WILKINS  
WILSON, C.  
WILSON, G.  
WOMBLE  
WOOD  
WRIGHT  
YONGUE

*ALLRED W*

NOES - 0

EXCUSED ABSENCE - 8

ALDRIDGE  
BEALL

BLUE  
FOX

HUNT  
OLDHAM

ROBINSON, G.  
WARNER

EXCUSED VOTE - 0

NOT VOTING - ~~11~~ <sup>10</sup> *W*

SPEAKER  
~~ALLRED~~ *W*  
BRASWELL

GAMBLE  
GRAY  
HOLMES

HUNTER, H.  
MCLAUGHLIN  
MILLER, K.

MINER  
RUSSELL

S. ROLL: S1365 S1397

*Rep Allred request to be recorded as voting 'aye'  
Speaker no order. W*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE  
S1366 MAY 28 1996  
D  
PRINCIPAL CLERK

S

SENATE DRS7767-LG272(5.21)

Short Title: Nashville Police/Fire Funds.

(Public)

Sponsors: Senator Cooper.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF NASHVILLE FOR  
3 THE COMPLETION OF A POLICE AND FIRE DEPARTMENT COMPLEX.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the Town of  
6 Nashville the sum of seventy-five thousand dollars (\$75,000) for the 1996-97 fiscal  
7 year for the completion of a police and fire department complex.  
8 Sec. 2. This act becomes effective July 1, 1996.

51367

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE

D

SENATE DRS2723-LG299(522) 367 MAY 28 1996

PRINCIPAL CLERK

Short Title: Pesticide Enforcement Funds.

(Public)

Sponsors: Senator Albertson.

Referred to:

- 1 A BILL TO BE ENTITLED
- 2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF
- 3 AGRICULTURE FOR PESTICIDE ENFORCEMENT.
- 4 The General Assembly of North Carolina enacts:
- 5 Section 1. There is appropriated from the General Fund to the
- 6 Department of Agriculture the sum of two hundred twenty-eight thousand seventy-
- 7 five dollars (\$228,075) for the 1996-97 fiscal year for additional personnel for
- 8 enforcement of federal pesticide laws.
- 9 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS8709\*-LBX(5.22)

S 1368 MAY 28 1996

PRINCIPAL CLERK

Short Title: University Self-Liquidating.

(Public)

Sponsors: Senator Plexico.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING,  
3 WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN  
4 CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT  
5 INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND THE  
6 UNIVERSITY OF NORTH CAROLINA HOSPITALS AT CHAPEL HILL.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. The purpose of this act is to authorize the construction by  
9 certain constituent institutions of The University of North Carolina and the University  
10 of North Carolina Hospitals at Chapel Hill, of the capital improvements projects  
11 listed in the act for the respective institutions, and authorize the financing of these  
12 projects with funds available to the institutions from gifts, grants, receipts, including  
13 patient receipts at the University of North Carolina Hospitals at Chapel Hill, self-  
14 liquidating indebtedness, or other funds, or any combination of these funds, but not  
15 including funds appropriated from the General Fund of the State.  
16 Sec. 2. The capital improvements projects authorized by this act to be  
17 constructed and financed as provided in Section 1 of this act are as follows:  
18 1. Appalachian State University  
19 600-Space Parking Deck \$5,459,400  
20 2. East Carolina University  
21 Intramural Fields 1,612,800  
22 3. Fayetteville State University  
23 Student Center Addition (partial) 3,042,900  
24 4. North Carolina Central University  
25 Improvements to Six Residence Halls 2,922,600

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS7765\*-LB441(5.13) FILED - SENATE

S 1369 MAY 28 1996

Short Title: Maggie Valley Charter.

PRINCIPAL CLERK (Local)

Sponsors: Senator Plexico.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CHARTER OF MAGGIE VALLEY DEALING WITH  
3 LAND-USE POWERS AND TO REFLECT THAT THE TOWN HAS  
4 ADOPTED THE MANAGER FORM OF GOVERNMENT.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Section 1-1 of the Charter of the Town of Maggie Valley,  
7 being Chapter 1137 of the 1973 Session Laws, as amended by Section 35.1 of Chapter  
8 636 of the 1983 Session Laws, reads as rewritten:  
9 "Sec. 1-1. Incorporation and Corporate Powers: The inhabitants of the Town of  
10 Maggie Valley are a body corporate and politic under the name of the 'Town of  
11 Maggie Valley'. Under that name they have all the powers, duties, rights, privileges,  
12 and immunities conferred and imposed on cities by the general law of North  
13 Carolina; provided, the Town shall have no authority to exercise beyond its corporate  
14 limits any of the powers granted by Article 19 of Chapter 160A of the General  
15 Statutes. Carolina."  
16 Sec. 2. Section 5-1 of the Charter of the Town of Maggie Valley, being  
17 Chapter 1137 of the 1973 Session Laws, reads as rewritten:  
18 "Sec. 5-1. Town to operate under ~~mayor-council~~ council-manager plan. The  
19 Town of Maggie Valley operates under the ~~mayor-council~~ council-manager plan as  
20 provided in ~~G.S. Chapter 160A, Article 7, Part 3.~~ Part 2 of Article 7 of Chapter 160A  
21 of the General Statutes."  
22 Sec. 3. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRSA709-LG269(5.17)

FILED - SENATE

D

S 1370

MAY 28 1996

PRINCIPAL CLERK

Short Title: NC A & T Land Acquisition Funds.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR NORTH CAROLINA  
3 AGRICULTURAL AND TECHNICAL STATE UNIVERSITY TO ACQUIRE  
4 LAND.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the Board of  
7 Governors of The University of North Carolina the sum of six million dollars  
8 (\$6,000,000) for the 1996-97 fiscal year to be used by North Carolina Agricultural and  
9 Technical State University for land acquisition.  
10 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS7771\*-LG267(5.17)

FILED - SENATE D  
S 1371 MAY 28 1996  
PRINCIPAL CLERK

Short Title: NC A & T Agricultural Research Funds.

(Public)

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Sponsors: Senator Martin of Guilford.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR AGRICULTURAL RESEARCH AND  
3 EXTENSION PROGRAMS AT NORTH CAROLINA AGRICULTURAL AND  
4 TECHNICAL STATE UNIVERSITY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the Board of  
7 Governors of The University of North Carolina the sum of five hundred thousand  
8 dollars (\$500,000) for the 1996-97 fiscal year for ongoing State support of agricultural  
9 research and extension programs at North Carolina Agricultural and Technical State  
10 University.  
11 Sec. 2. This act becomes effective July 1, 1996.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS2727\*-LGQ266(5.17)

FILED - SENATE D

S 1372 MAY 28 1996

PRINCIPAL CLERK

Short Title: Charlotte H. Brown Site Funds.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR RENOVATION AT THE  
3 CHARLOTTE HAWKINS BROWN MEMORIAL STATE HISTORIC SITE.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund to the Charlotte  
6 Hawkins Brown Historical Foundation, Inc., a nonprofit corporation, the sum of one  
7 hundred seventy-five thousand dollars (\$175,000) for the 1996-97 fiscal year for  
8 renovation of Galen Stone Hall at the Charlotte Hawkins Brown Memorial State  
9 Historic Site.

10 Sec. 2. This act becomes effective July 1, 1996.

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS2716\*-LG280(5.21)

Short Title: Fayetteville Business Funds.

(Public)

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Sponsors: Senator Edwards.

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Referred to:  

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE  
3 FOR A BUSINESS INCUBATOR FOR THE CITY OF FAYETTEVILLE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the  
6 Department of Commerce the sum of one hundred fifty thousand dollars (\$150,000)  
7 for the 1996-97 fiscal year for a business incubator for the City of Fayetteville to assist  
8 small and emerging businesses.  
9 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

SENATE DRS7768-LB495(5.22)

D  
S 1374 MAY 28 1996

PRINCIPAL CLERK

Short Title: Cerro Gordo Private Sale.

(Local)

Sponsors: Senator Soles.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE TOWN OF CERRO GORDO TO CONVEY BY  
3 PRIVATE SALE CERTAIN PROPERTY TO EUGENE GREEN.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Notwithstanding Article 12 of Chapter 160A of the General  
6 Statutes, the Town of Cerro Gordo may convey at private sale, with or without  
7 monetary consideration, any and all of its right, title, and interest in the following  
8 described property, known as "Tract 2", to Eugene Green.  
9 BEING all of Lot 2 as described in survey for Eugene Green, said tract being a  
10 portion of the property described in Deed recorded in Deed Book 366, Page 590,  
11 Columbus County, North Carolina Registry, and being a portion of the lands  
12 described in Plat Book 41, Page 54, Columbus County, North Carolina Registry and  
13 being more particularly described as follows:  
14 BEGINNING at an existing iron pipe located in the Southwest corner of the aforesaid  
15 Tract No. 2 where the same intersects with the Southeast corner of the Rodney L.  
16 Hammond property as described in Deed Book 262, Page 516, Columbus County,  
17 North Carolina Registry; thence from said existing iron pipe and beginning point  
18 North 84 degrees 20' 14" West 279.80 feet to a point in the Western line of the  
19 Eugene Green property and the Rodney L. Hammond property described in Deed  
20 Book 369 Page 802 Columbus County, North Carolina Registry; thence from said  
21 point North 06 degrees 18' 37" West 3.968 feet to a point; thence from said point  
22 North 81 degrees 10' 30" East 95.094 feet to an existing iron pipe located in the  
23 boundary line of the Cerro Gordo Baptist Church lot as described in Deed Book 203  
24 Page 743 and Plat Book 12 Page 122; thence from said existing iron and along the  
25 aforesaid property line of the Eugene Green property and Cerro Gordo Baptist

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1606/2-- 1:40 PM

JUNE 6, 1996

LEGISLATIVE DAY 125

LT. GOVERNOR WICKER

-- Presiding

SOLES  
CERRO GORDO PRIVATE SALE

SENATE BILL 1374  
READING 2

AYE 48 ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER

COOPER 20. 1775  
DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE

JORDAN  
KERR  
KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
PAGE  
PARNELL

PERDUE  
PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WINNER

NO 0

EXCUSED 0

NOT CAST 2 ODOM

WEBSTER

ABSENT 0

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1616/4-- 8:12 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

SOLES  
CERRO GORDO PRIVATE SALE

SENATE BILL 1374  
READING 3

|     |    |  |   |   |  |
|-----|----|--|---|---|--|
| AYE | 48 | ALBERTSON<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
|-----|----|--|---|---|--|

NO 0

EXCUSED 0

NOT CAST 2 ALLRAN

SIMPSON

ABSENT 0

PAIRS 0

AYE

NO

(COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS8713-LR239(5.22)

<sup>D</sup>  
FILED - SENATE

S 1375 MAY 28 1996

Short Title: Columbus Local Act.

PRINCIPAL CLERK  
(Local)

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Sponsors: Senator Soles.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT CONCERNING COLUMBUS COUNTY AND THE MUNICIPALITIES  
3 IN THAT COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. This act pertains to Columbus County and to the  
6 municipalities in that County.  
7 Sec. 2. This act is effective upon ratification.

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

# 2146  
LEGISLATIVE DAY 135  
S1375SCS  
READING 3

6/21/96  
11:54 AM  
IN CHAIR: RUSSELL

WHITEVILLE SCHOOL ELECTIONS

AYES - <sup>101</sup>100

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | DAUGHTRY   | IVES       | RAYFIELD     |
| ALEXANDER     | DAVIS      | JUSTUS     | REDWINE      |
| ALLRED        | DECKER     | KISER      | REYNOLDS     |
| ARNOLD        | DICKSON    | LEE        | RICHARDSON   |
| BAKER         | DOCKHAM    | LEMOND     | ROBINSON, J. |
| BARBEE        | EARLE      | LINNEY     | ROGERS       |
| BARNES        | EASTERLING | LOCKE      | SEXTON       |
| BERRY         | EDDINS     | LUEBKE     | SHARPE       |
| BLACK         | EDWARDS    | MCALLISTER | SHAW         |
| BOWIE         | ELLIS      | MCCOMBS    | SHERILL      |
| BOYD-MCINTYRE | ESPOSITO   | MCCRARY    | SHUBERT      |
| BRAWLEY       | FITCH      | MCPAHAN    | SUTTON       |
| BROWN, J.     | GAMBLE     | MERCER     | TALLENT      |
| BROWN, W.     | GARDNER    | MICHAUX    | THOMPSON     |
| BUCHANAN      | GRADY      | MILLER, G. | TOLSON       |
| CANSLER       | GRAY       | MITCHELL   | WAINWRIGHT   |
| CAPPS         | HACKNEY    | MORGAN     | WATSON       |
| CHURCH        | HAYES      | NEELY      | WEATHERLY    |
| COCKLEREECE   | HENSLEY    | NICHOLS    | WILKINS      |
| CRAWFORD      | HIATT      | NYE        | WILSON, C.   |
| CREECH        | HIGHTOWER  | OWENS      | WILSON, G.   |
| CULP          | HILL       | PATE       | WOMBLE       |
| CULPEPPER     | HOWARD     | PRESTON    | WOOD         |
| CUMMINGS      | HUNTER, R. | PULLEY     | WRIGHT       |
| CUNNINGHAM    | HURLEY     | RAMSEY     | YONGUE       |

NOES - 0

EXCUSED ABSENCE - 8

|          |      |        |              |
|----------|------|--------|--------------|
| ALDRIDGE | BLUE | HUNT   | ROBINSON, G. |
| BEALL    | FOX  | OLDHAM | WARNER       |

EXCUSED VOTE - 0

NOT VOTING - 12

|          |           |                    |            |
|----------|-----------|--------------------|------------|
| SPEAKER  | CARPENTER | HUNTER, H.         | MILLER, K. |
| BOWEN    | CLARY     | <del>MCCOMAS</del> | MINER      |
| BRASWELL | HOLMES    | MCLAUGHLIN         | RUSSELL    |

S1375SCS

*Rep. M. Comas votes "aye" - Corrected by order of Speaker*



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE  
S 1376 MAY 28 1996

S

SENATE DRSA710-LG260(5.16)

PRINCIPAL CLERK

Short Title: Columbus Co. Econ. Dev. Funds.

(Public)

Sponsors: Senator Soles.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO COLUMBUS COUNTY FOR  
3 ECONOMIC DEVELOPMENT PROJECTS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to Columbus  
6 County the sum of two million dollars (\$2,000,000) for the 1996-97 fiscal year as a  
7 grant-in-aid for the continuation of a natural gas line to the industrial parks in  
8 Columbus County and for other economic development projects in Columbus  
9 County.  
10 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS6674-LR219A(5.14)

51377

MAY 28 1996

PRINCIPAL CLERK

Short Title: Polk/Harmon Field Supervisors.

(Local)

Sponsors: Senator Carpenter.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT ESTABLISHING THE HARMON FIELD BOARD OF SUPERVISORS  
3 FOR ADMINISTRATION OF HARMON FIELD LOCATED IN POLK  
4 COUNTY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is hereby created the Harmon Field Board of  
7 Supervisors (hereinafter "Board") for the administration of Harmon Field located in  
8 the Tryon Township of Polk County.  
9 Sec. 2. (a) The Board shall consist of five members, each of whom shall  
10 reside in Tryon Township. The members of the Board shall be appointed as follows:  
11 (1) Two members from the Town of Tryon appointed by the Tryon  
12 Town Council, each to serve staggered four-year terms;  
13 (2) Two members appointed by the Polk County Commissioners, each  
14 to serve staggered four-year terms; and  
15 (3) One member, appointed alternately by the Tryon Town Council  
16 and the Polk County Commissioners, to serve a two-year term.  
17 (b) The initial members of the Board may be appointed by the respective  
18 appointing authorities to serve less than four-year terms in order to allow for  
19 staggered terms. The initial member appointed pursuant to subdivision (a)(3) of this  
20 section shall be appointed by the Polk County Commissioners. The initial  
21 appointments shall be effective July 1, 1996, and all subsequent appointments shall  
22 run on a year beginning July 1st and ending June 30th. Vacancies on the Board shall  
23 be filled for any unexpired portion of a term by the respective appointing authorities.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION  
MANUALLY RECORDED VOTE

SEQ. 1643/31-- 8:13 PM

JUNE 10, 1996


LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

CARPENTER  
POLK/HARMON FIELD SUPERVISORS

SENATE BILL 1377  
READING 2

|     |    |  |  |   |  |
|-----|----|--|--|---|--|
| AYE | 48 | ALBERTSON<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER |  <p>The seal of the North Carolina General Assembly is circular, featuring a central figure of a woman seated and holding a scroll. The text 'NORTH CAROLINA' is arched across the top, and '1775' is to the right of the figure. The motto 'ESSE QUAM VIDERI' is at the bottom. The names of the senators are listed in columns around the seal.</p> | KERR<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 0  |  |  |   |  |

EXCUSED 0

NOT CAST 2 ALLRAN

SIMPSON

ABSENT 0

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1648/5-- 4:30 PM

JUNE 11, 1996

LEGISLATIVE DAY 127

LT. GOVERNOR WICKER

-- Presiding

CARPENTER  
POLK/HARMON FIELD SUPERVISORS

SENATE BILL 1377  
READING 3

AYE

50 ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

0

ABSENT

0

PAIRS

0

AYE

NO

COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS8715-LR231(5.17) FILED - SENATE

S 1378 MAY 28 1996

Short Title: Durham County Sidewalks.

PRINCIPAL CLERK (Local)

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Sponsors: Senator Gulley.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING DURHAM COUNTY TO ENTER INTO CONTRACTS  
3 TO CONSTRUCT SIDEWALKS WITHIN THE COUNTY'S JURISDICTION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. The County of Durham may enter into contracts with the City  
6 of Durham or private contractors to construct sidewalks within the County's  
7 jurisdiction, which is outside of the incorporated area of any city jurisdiction. The  
8 County may use county funds to pay for the construction of these sidewalks.  
9 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

D

SENATE DRS4694-LRX232(5.17) 1379 MAY 28 1996

PRINCIPAL CLERK

Short Title: Durham County Gun Permit Fee.

(Local)

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Sponsors: Senator Gulley.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING DURHAM COUNTY TO INCREASE ITS FEE FOR  
3 ISSUING WEAPONS PERMITS OR LICENSES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 14-404(e) reads as rewritten:  
6 "(e) The sheriff shall charge for the sheriff's services upon issuing the license or  
7 permit a fee of ~~five dollars (\$5.00)~~ twenty dollars (\$20.00)."  
8 Sec. 2. This act applies to Durham County only.  
9 Sec. 3. This act is effective upon ratification and applies to permits  
10 applied for on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1633/21-- 8:25 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

GULLEY  
DURHAM COUNTY GUN PERMIT FEE

SENATE BILL 1379  
READING 2

AYE

30

ALBERTSON  
BALLANCE  
BASNIGHT  
BLACKMON  
BLUST  
CARRINGTON  
CONDER  
COOPER

DANNELLY  
EDWARDS  
GULLEY  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

LUCAS  
MARTIN R.  
MARTIN W.  
MCKOY  
ODOM  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SOLES  
SPEED  
WARREN  
WINNER

19

ALLRAN  
BALLANTINE  
CARPENTER  
CLARK  
COCHRANE

DAVIS  
EAST  
FORRESTER  
FOXX  
HARTSELL

KINCAID  
LEDBETTER  
LITTLE  
MCDANIEL  
PAGE

SHAW  
SIMPSON  
SMITH  
WEBSTER

EXCUSED

0

NOT CAST

1

SHERRON

ABSENT

0

PAIRS

0

AYE

NO



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1634/22-- 8:26 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

GULLEY  
DURHAM COUNTY GUN PERMIT FEE

SENATE BILL 1379  
READING 3

AYE

30 ALBERTSON  
BALLANCE  
BASNIGHT  
BLACKMON  
BLUST  
CARRINGTON  
CONDER  
COOPER

DANNELLY  
EDWARDS  
GULLEY  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

LUCAS  
MARTIN R.  
MARTIN W.  
MCKOY  
ODOM  
PARNELL  
PERDUE

PLYLER  
RAND  
SHERRON  
SOLES  
SPEED  
WARREN  
WINNER

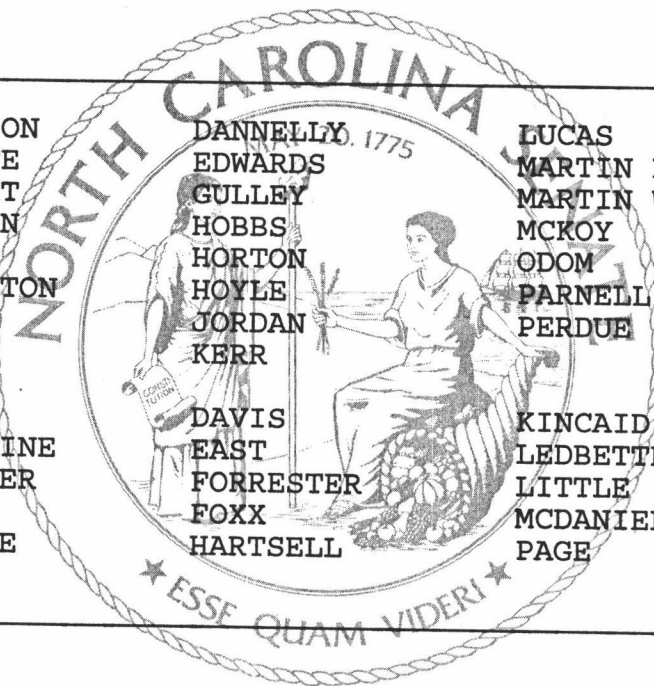
20 ALLRAN  
BALLANTINE  
CARPENTER  
CLARK  
COCHRANE

DAVIS  
EAST  
FORRESTER  
FOXX  
HARTSELL

KINCAID  
LEDBETTER  
LITTLE  
MCDANIEL  
PAGE

PLEXICO  
SHAW  
SIMPSON  
SMITH  
WEBSTER

EXCUSED 0  
NOT CAST 0  
ABSENT 0  
PAIRS 0  
AYE  
NO



## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS1811-LRX230(5.17)

Short Title: Durham Improvements Fees.

(Local)

Sponsors: Senator Gulley.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING DURHAM COUNTY TO ACCEPT PAYMENTS IN  
3 LIEU OF REQUIRED STREET AND SIDEWALK CONSTRUCTION.

4 The General Assembly of North Carolina enacts:

5 Section 1. (a) A county may provide that in lieu of required street and  
6 sidewalk construction, pursuant to the county's subdivision and zoning ordinance, a  
7 developer may provide funds to be used for the development of roads, streets, and  
8 sidewalks to serve the occupants, residents, or invitees of the subdivision or  
9 development.

10 (b) Fees received by the county shall be deposited in a capital  
11 improvements reserve fund. The funds may be expended only on the type of capital  
12 improvements for which the fees were established, and then only in accordance with  
13 the provision of subsection (c) of this section.

14 (c) In order to ensure that fees paid by a particular development are  
15 expended on capital improvements that benefit that development, the county may  
16 establish for each category of capital improvement for which it collects a fee at least  
17 two geographical districts or zones, and fees generated by developments within those  
18 districts or zones shall be spent on improvements that are located within, or that  
19 benefit property located within, those districts or zones.

20 Sec. 2. This act applies to Durham County only.

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

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1622/10-- 8:20 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

GULLEY  
DURHAM IMPROVEMENTS FEES

SENATE BILL 1380  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 49 | ALBERTSON  | DAVIS     | KINCAID   | PLEXICO |
|     |    | ALLRAN     | EAST      | LEDBETTER | PLYLER  |
|     |    | BALLANCE   | EDWARDS   | LITTLE    | RAND    |
|     |    | BALLANTINE | FORRESTER | LUCAS     | SHAW    |
|     |    | BASNIGHT   | FOXX      | MARTIN R. | SHERRON |
|     |    | BLACKMON   | GULLEY    | MARTIN W. | SIMPSON |
|     |    | BLUST      | HARTSELL  | MCDANIEL  | SMITH   |
|     |    | CARPENTER  | HOBBS     | MCKOY     | SOLES   |
|     |    | CARRINGTON | HORTON    | ODOM      | SPEED   |
|     |    | CLARK      | HOYLE     | PAGE      | WARREN  |
|     |    | COCHRANE   | JORDAN    | PARNELL   | WEBSTER |
|     |    | COOPER     | KERR      | PERDUE    | WINNER  |
|     |    | DANNELLY   |           |           |         |

NO 0

EXCUSED 0

NOT CAST 1 CONDER

ABSENT 0

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1630/18-- 8:21 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

GULLEY  
DURHAM IMPROVEMENTS FEES

SENATE BILL 1380  
READING 3

AYE

49 ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN

KERR  
KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

1

MARTIN R.

ABSENT

0

PAIRS

0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1858/71-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

GULLEY  
DURHAM SIDEWALK FEES  
HOUSE COM SUB/2ND EDITION

SENATE BILL 1380

MOTION 8  
TO CONCUR

|          |    |   |  |  |  |
|----------|----|---|--|--|--|
| AYE      | 39 | ALBERTSON<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER | COOPER<br>DANNELLY<br>DAVIS<br>EAST<br>FORRESTER<br>GULLEY<br>HARTSELL<br>HOBBS<br>HOYLE<br>JORDAN | KERR<br>LEEBETTER<br>LITTLE<br>LUCAS<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SOLES<br>WARREN<br>WEBSTER<br>WINNER |
| NO       | 0  |   |  |  |  |
| EXCUSED  | 0  |   |  |  |  |
| NOT CAST | 8  | ALLRAN<br>FOXX  | HORTON<br>KINCAID  | MARTIN R.<br>PARNELL   | SIMPSON<br>SPEED   |
| ABSENT   | 3  | CARPENTER   | EDWARDS  | SMITH  |  |
| PAIRS    | 0  |   |  |  |  |
| AYE      |    |   |  |  |  |
| NO       |    |   |  |  |  |

COPY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS1808-LDQ237(5.15)

FILED - SENATE

S 1381

MAY 28 1996

PRINCIPAL CLERK

Short Title: Grain Grading Training Funds.

(Public)

---

Sponsors: Senators Martin of Pitt, Albertson, and Hoyle.

---

Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 AGRICULTURE TO ESTABLISH A GRAIN GRADING TRAINING  
4 PROGRAM.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the  
7 Department of Agriculture the sum of eighty thousand seven hundred twenty dollars  
8 (\$80,720) for the 1996-97 fiscal year for establishing a program for training grain  
9 graders to promote uniformity in the grading of grain.  
10 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS6672\*-LG275(5.21)

FILED - SENATE

S 1382

MAY 28 1996

Short Title: Farmville Public Library Funds.

(Public)

PRINCIPAL CLERK

Sponsors: Senator Martin of Pitt.

Referred to:

- 1 A BILL TO BE ENTITLED
- 2 AN ACT TO APPROPRIATE FUNDS TO THE FARMVILLE PUBLIC LIBRARY
- 3 FOR CAPITAL EXPENSES.
- 4 The General Assembly of North Carolina enacts:
- 5 Section 1. There is appropriated from the General Fund to the Farmville
- 6 Public Library, in Pitt County, the sum of twenty-five thousand dollars (\$25,000) for
- 7 the 1996-97 fiscal year to provide additional furnishings, equipment, and materials to
- 8 ensure the successful reopening of the new library facility.
- 9 Sec. 2. This act becomes effective July 1, 1996.



FILED - SENATE  
S1883 MAY 28 1996  
GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995  
PRINCIPAL CLERK

S

D

SENATE DRS1807-LDQ239(5.15)

Short Title: Piedmont Farmers' Market Funds.

(Public)

---

Sponsors: Senator Martin of Pitt.

---

Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 AGRICULTURE FOR THE COMPLETION OF THE PIEDMONT TRIAD  
4 FARMERS' MARKET.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the  
7 Department of Agriculture the sum of three million one hundred eighty-three  
8 thousand two hundred dollars (\$3,183,200) for the 1996-97 fiscal year for the  
9 completion of the Piedmont Triad Farmers' Market.  
10 Sec. 2. This act becomes effective July 1, 1996.  
11

FILED - SENATE

S 1384

MAY 28 1996

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

PRINCIPAL CLERK

S

D

SENATE DRS7770\*-LG268(5.17)

Short Title: NC A & T Classroom Bldg. Funds.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS FOR PLANNING AND DESIGNING A  
3 NEW CLASSROOM BUILDING AT NORTH CAROLINA AGRICULTURAL  
4 AND TECHNICAL STATE UNIVERSITY.

5 The General Assembly of North Carolina enacts:

6 Section 1. There is appropriated from the General Fund to the Board of  
7 Governors of The University of North Carolina the sum of one million seven  
8 hundred thousand dollars (\$1,700,000) for the 1996-97 fiscal year for planning and  
9 designing a new classroom building at North Carolina Agricultural and Technical  
10 State University. The new building will be part of a three-building complex  
11 supporting administrative, instructional, laboratory, and faculty needs for the college  
12 of Arts and Sciences, School of Business and Economics, and the Academic Advisory  
13 Counsel Center.

14 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS2720-LB484(5.21)

S'1385

MAY 28 1996

PRINCIPAL CLERK

Short Title: Durham Council Meetings.

(Local)

Sponsors: Senators Gulley and Lucas.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DETERMINE  
3 THE NUMBER OF REGULAR MEETINGS OF THE CITY COUNCIL TO BE  
4 HELD EACH MONTH.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Section 11(1) of the Charter of the City of Durham, being  
7 Chapter 671 of the 1975 Session Laws, reads as rewritten:  
8 "(1) Regular meetings of the City Council shall be held ~~at least twice~~  
9 ~~but not more than four times each month~~ at such times as may be  
10 designated by ordinance of the City Council."  
11 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE DRS4689-LB479(5.21)

S 1386

MAY 28 1996

PRINCE GEORGE

Short Title: Durham Assessments.

(Local)

Sponsors: Senators Gulley and Lucas.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO  
3 ALLOW PAYMENT OF ASSESSMENTS OVER A LONGER PERIOD AND  
4 AT A REDUCED INTEREST RATE IN CASES OF SPECIAL FINANCIAL  
5 HARDSHIP.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Section 77 of the Charter of the City of Durham, being  
8 Chapter 671, 1975 Session Laws, as amended, is further amended by adding a new  
9 subsection to read:  
10 "(22.1) (a) Notwithstanding subsection 22 of this section, the City Council may  
11 allow payment of assessments over up to 20 years and at a reduced interest rate  
12 where the property owner demonstrates special financial hardship. In case of an  
13 assessment for water or sewer improvements, the special payment provisions shall  
14 apply until the earlier of (i) when the owner makes application for connection to  
15 receive water or sewer service; or (ii) such time as a fee interest in the property is  
16 transferred or conveyed, whether voluntarily or involuntarily, and whether during the  
17 lifetime of the owner or by devise or descent. In case of an assessment for street  
18 paving, sidewalks, or other improvements, the special payment provisions shall apply  
19 until such time as a fee interest in the property is transferred or conveyed, whether  
20 voluntarily or involuntarily, and whether during the lifetime of the owner or by  
21 devise or descent. At the time of application for connection or the time of transfer or  
22 conveyance, as applicable, the unpaid balance of the assessment shall become  
23 immediately due and payable in full. For purposes of this subsection, a lease,  
24 mortgage, or deed of trust shall not be considered as a transfer or conveyance of a fee



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1386

AMENDMENT NO. 1 (ONE)  
(to be filled in by  
Principal Clerk)

Page 1 of 1

S1386-ARB-1

Date June 6, 1996

Comm. Sub. ☐  
Amends Title ☐

Senator Lucas

- 1 moves to amend the bill on page 1, line 11, by rewriting the line to  
2 read:  
3 "allow payment of assessments over an extended period of time, not  
4 to exceed 20 years, and at a reduced interest rate";  
5  
6 and on page 2, lines 1 and 2, by rewriting these lines to read:  
7 "interest in the property. In no event may the due date of the  
8 unpaid balance of the assessment extend beyond the lifetime of the  
9 owner."  
10  
11 and on page 2, line 8, by deleting the word "by".

SIGNED Jeanne Lucas  
Amendment Sponsor

SIGNED J. H. Sloman  
Committee Chair if Senate Committee Amendment

ADOPTED 6/10/96 FAILED \_\_\_\_\_

TABLED \_\_\_\_\_



J. H. Sloman

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1641/29-- 8:20 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

GULLEY  
DURHAM ASSESSMENTS

SENATE BILL 1386  
READING 2

AYE

49 ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
COOPER  
DANNELLY

DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

1

CONDER

ABSENT

0

PAIRS

0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1642/30-- 8:21 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

GULLEY  
DURHAM ASSESSMENTS

SENATE BILL 1386  
READING 3

AYE

49 ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN

KERR  
KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

1 MARTIN R.

ABSENT

0

PAIRS

0

AYE

NO



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

FILED - SENATE

S

S 1387 MAY 29 1996

SENATE DRS2724(5.23)

PRINCIPAL CLERK

Short Title: Food Sanitation Funds.

(Public)

Sponsors: Senator Hoyle.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO IMPROVE  
4 THE SANITATION PROGRAM FOR FOOD AND LODGING  
5 ESTABLISHMENTS.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. There is appropriated from the General Fund to the  
8 Department of Environment, Health, and Natural Resources the sum of one million  
9 four hundred ninety-two thousand six hundred seventy-five dollars (\$1,492,675) for  
10 the 1996-97 fiscal year for the Department's Food, Lodging, and Institutional  
11 Sanitation Program. Funds appropriated under this section shall be allocated as  
12 follows:  
13 (1) \$992,675 to fund the following positions and office support: five  
14 regional environmental health supervisors, two environmental  
15 engineers I, one environmental engineer II, two office assistants III,  
16 and one information process assistant.  
17 (2) \$500,000 for aid-to-counties to support the continuing education  
18 and training of persons who conduct food and lodging inspections  
19 for county departments of health.  
20 Sec. 2. This act becomes effective July 1, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS6673-LC353(5.10)

S 1388

MAY 20 1996

PRINCIPAL CLERK

Short Title: Reduce Food Tax.

(Public)

Sponsors: Senator Hoyle.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REDUCE THE STATE SALES TAX ON FOOD FROM FOUR  
3 PERCENT TO THREE PERCENT.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 105-164.4(a) is amended by adding a new subdivision to  
6 read:  
7 "(5) The rate of three percent (3%) applies to the sales price of food  
8 that is not otherwise exempt pursuant to G.S. 105-164.13 but would  
9 be exempt pursuant to G.S. 105-164.13 if it were purchased with  
10 coupons issued under the Food Stamp Program, 7 U.S.C. § 51."  
11 Sec. 2. G.S. 105-465 reads as rewritten:  
12 "§ 105-465. County election as to adoption of local sales and use tax.  
13 The board of elections of any county, upon the written request of the board of  
14 county commissioners thereof, or upon receipt of a petition signed by qualified voters  
15 of the county equal in number to at least fifteen percent (15%) of the total number of  
16 votes cast in the county, at the last preceding election for the office of Governor,  
17 shall call a special election for the purpose of submitting to the voters of the county  
18 the question of whether a one percent (1%) sales and use tax as hereinafter provided  
19 will be levied.  
20 The special election shall be held under the same rules and regulations applicable  
21 to the election of members of the General Assembly. No new registration of voters  
22 shall be required. All qualified voters in the county who are properly registered not  
23 later than 21 days (excluding Saturdays and Sundays) prior to the election shall be  
24 entitled to vote at said election. The county board of elections shall give at least 20

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS7773-LBX503(5.20)

FILED - SENATE

S 1389

MAY 29 1996

PRINCIPAL CLERK  
(Local)

Short Title: Albemarle Deannexation.

Sponsors: Senator Plyler.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO DEANNEX AND DETACH A SMALL AREA OF LAND FROM  
3 THE CORPORATE LIMITS OF THE CITY OF ALBEMARLE, NORTH  
4 CAROLINA.

5 Whereas, the Council of the City of Albemarle, North Carolina, by  
6 Ordinance 94-04, adopted June 6, 1994, pursuant to the provisions of Article 4A, Part  
7 4, Chapter 160A of the General Statutes of North Carolina, annexed a noncontiguous  
8 territory into the corporate limits of the City of Albemarle; and

9 Whereas, by mutual mistake by the City and a landowner, a small area of  
10 the landowner's land was included in the territory annexed, and it is the desire of the  
11 City of Albemarle that the small area be deannexed and detached from the corporate  
12 limits; Now, therefore,

13 The General Assembly of North Carolina enacts:

14 Section 1. There is removed from the corporate limits of the City of  
15 Albemarle, North Carolina, an area of land containing 0.69 acres, more or less, which  
16 was included within the territory annexed by Ordinance 94-04, adopted June 6, 1994,  
17 by the Council of the City of Albemarle, and is more particularly described as  
18 follows:

19 Being the eastern portion of a parcel described in Deed Book 301, page  
20 237, Stanly County Registry (Pin: 6537.05.09.0785), lying in South Albemarle  
21 Township, and owned by Kenneth W. Long and wife, Rebecca Long.

22 Beginning at a point in the City Limit line of the City of Albemarle  
23 (April 30, 1996), the same lying S. 34-15-07 E., at a distance of 103.55 feet from an  
24 axle, the southeast corner of Lot 10, Crystal Village Subdivision, as shown on a map

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1697/19-- 5:27 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

PLYLER  
ALBEMARLE DEANNEXATION

SENATE BILL 1389  
READING 2

AYE

47

ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
COOPER  
DAVIS

EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR  
KINCAID

LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE  
PLEXICO

PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

1

CONDER

ABSENT

2

ALBERTSON

DANNELLY

PAIRS

0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1752/41-- 1:46 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

PLYLER  
ALBEMARLE DEANNEXATION

SENATE BILL 1389  
READING 3

AYE

44 ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE

COOPER  
DANNELLY  
DAVIS  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE

JORDAN  
KERR  
KINCAID  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL

PERDUE  
PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SOLES  
SPEED  
WEBSTER  
WINNER

NO

1 EAST

EXCUSED 0

NOT CAST 4 CONDER

LEDBETTER

SMITH

WARREN

ABSENT 1 LITTLE

PAIRS 0

AYE  
NO

S # 2142  
LEGISLATIVE DAY 135  
SR12  
READING 3

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL

RC  
6/21/96  
11:46 AM  
IN CHAIR: RUSSELL

AYES - 104

|               |            |            |              |
|---------------|------------|------------|--------------|
| ADAMS         | CUMMINGS   | IVES       | RAMSEY       |
| ALEXANDER     | CUNNINGHAM | JUSTUS     | RAYFIELD     |
| ALLRED        | DAUGHTRY   | KISER      | REDWINE      |
| ARNOLD        | DAVIS      | LEE        | REYNOLDS     |
| BAKER         | DECKER     | LEMOND     | RICHARDSON   |
| BARBEE        | DICKSON    | LINNEY     | ROBINSON, J. |
| BARNES        | DOCKHAM    | LOCKE      | ROGERS       |
| BERRY         | EARLE      | LUEBKE     | SEXTON       |
| BLACK         | EASTERLING | MCALLISTER | SHARPE       |
| BOWEN         | EDDINS     | MCCOMAS    | SHAW         |
| BOWIE         | EDWARDS    | MCCOMBS    | SHERRILL     |
| BOYD-MCINTYRE | ELLIS      | MCCRARY    | SHUBERT      |
| BRAWLEY       | ESPOSITO   | MCLAUGHLIN | SUTTON       |
| BROWN, J.     | FITCH      | MCMAHAN    | TALLENT      |
| BROWN, W.     | GAMBLE     | MERCER     | THOMPSON     |
| BUCHANAN      | GARDNER    | MICHAUX    | TOLSON       |
| CANSLER       | GRADY      | MILLER, G. | WAINWRIGHT   |
| CAPPS         | HACKNEY    | MITCHELL   | WATSON       |
| CARPENTER     | HAYES      | MORGAN     | WEATHERLY    |
| CHURCH        | HENSLEY    | NEELY      | WILKINS      |
| CLARY         | HIATT      | NICHOLS    | WILSON, C.   |
| COCKLEREECE   | HIGHTOWER  | NYE        | WILSON, G.   |
| CRAWFORD      | HILL       | OWENS      | WOMBLE       |
| CREECH        | HOWARD     | PATE       | WOOD         |
| CULP          | HUNTER, R. | PRESTON    | WRIGHT       |
| CULPEPPER     | HURLEY     | PULLEY     | YONGUE       |

NOES - 0

EXCUSED ABSENCE - 8

|          |      |        |              |
|----------|------|--------|--------------|
| ALDRIDGE | BLUE | HUNT   | ROBINSON, G. |
| BEALL    | FOX  | OLDHAM | WARNER       |

EXCUSED VOTE - 0

NOT VOTING - 8

|          |        |            |         |
|----------|--------|------------|---------|
| SPEAKER  | GRAY   | HUNTER, H. | MINER   |
| BRASWELL | HOLMES | MILLER, K. | RUSSELL |

S ROLL: H1307HCS H1378 H1390 H1422HCS H1138HCS H1098  
S282 S662 SCS S580 S1389 S598SCS S1244HCS

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

SENATE DRS5705-LG(5.23)

FILED - SENATED

S1390

MAY 29 1996

PRINCIPAL CLERK

Short Title: Funds/Rollins Laboratory.

(Public)

Sponsors: Senator Speed.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 AGRICULTURE FOR IMPROVEMENTS OF THE ROLLINS ANIMAL  
4 DISEASE DIAGNOSTIC LABORATORY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. There is appropriated from the General Fund to the  
7 Department of Agriculture the sum of two hundred forty thousand six hundred  
8 dollars (\$240,600) for the 1996-97 fiscal year for improvements at the Rollins Animal  
9 Disease Diagnostic Laboratory in the City of Raleigh.  
10 Sec. 2. This act becomes effective July 1, 1996.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS4693-LG263(5.16)

FILED - SENATE

S 1391 MAY 29 1996

PRINCIPAL CLERK  
(Public)

Short Title: Food Distribution Bldg Funds.

---

Sponsors: Senator Speed.

---

Referred to:

---

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 AGRICULTURE FOR A FOOD DISTRIBUTION BUILDING.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the  
6 Department of Agriculture the sum of one hundred twenty-five thousand two  
7 hundred dollars (\$125,200) for the 1996-97 fiscal year for construction of a storage  
8 building at the Food Distribution Warehouse facility in Butner.  
9 Sec. 2. This act becomes effective July 1, 1996.

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS5706-LBX502(5.21)

Short Title: Aberdeen Annexation.

(Local)

---

Sponsors: Senator Little.

---

Referred to:

---

## 1 A BILL TO BE ENTITLED

2 AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF ABERDEEN.

3 The General Assembly of North Carolina enacts:

4 Section 1. The corporate limits of the Town of Aberdeen are extended  
5 to include the following described area:

6

7 Area 1

8

9 Lying and being in Sandhills Township, Moore County, North Carolina, on the east  
10 side of, and adjoining, Glasgow Street, on the north and south side of, and adjoining,  
11 Harris Street, and on the southwest side of, and adjoining, the southwest line of the  
12 Aberdeen Town limits, and being more particularly described as follows:

13

14 BEGINNING at the point where the present southwest line of the Aberdeen Town  
15 limits intersects the eastern R/W of Glasgow Street, and runs thence as said southwest  
16 Town limit line about S 61° 57' E about 670 feet to the point where the said Town  
17 limit line intersects the south line of that tract shown on tax map 95, Block 3, parcel  
18 1, Sandhills Township, County of Moore tax department; thence as said south line  
19 about S 88° 55' W about 75.5 feet to a point, the southwest corner of said parcel 1;  
20 thence as the south line of parcel 2 about S 79° 20' W about 195.1 feet to the  
21 southwest corner of parcel 2; thence as the south lines of parcels 3, 3A, 4, 5, 5A, and  
22 6 about N 58° 25' W about 32.6 feet to a point; thence about S 18° 34' W about 29.8  
23 feet to a point; thence about N 74° 12' W about 323.7 feet to a point in the eastern  
24 R/W of Glasgow Street; thence as said eastern R/W of Glasgow Street about N 01°  
25 23' E about 149.5 feet to a point in said R/W; thence continuing as said R/W about N

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1698/20-- 5:28 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

LITTLE  
ABERDEEN ANNEXATION

SENATE BILL 1392  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 47 | ALLRAN     | EAST      | LEDBETTER | PLYLER  |
|     |    | BALLANCE   | EDWARDS   | LITTLE    | RAND    |
|     |    | BALLANTINE | FORRESTER | LUCAS     | SHAW    |
|     |    | BASNIGHT   | FOXX      | MARTIN R. | SHERRON |
|     |    | BLACKMON   | GULLEY    | MARTIN W. | SIMPSON |
|     |    | BLUST      | HARTSELL  | MCDANIEL  | SMITH   |
|     |    | CARPENTER  | HOBBS     | MCKOY     | SOLES   |
|     |    | CARRINGTON | HORTON    | ODOM      | SPEED   |
|     |    | CLARK      | HOYLE     | PAGE      | WARREN  |
|     |    | COCHRANE   | JORDAN    | PARNELL   | WEBSTER |
|     |    | COOPER     | KERR      | PERDUE    | WINNER  |
|     |    | DAVIS      | KINCAID   | PLEXICO   |         |
| NO  | 0  |            |           |           |         |

EXCUSED 0

NOT CAST 1 CONDER

ABSENT 2 ALBERTSON DANNELLY

PAIRS 0

AYE  
NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1753/42-- 1:46 PM

JUNE 19, 1996

LEGISLATIVE DAY 132

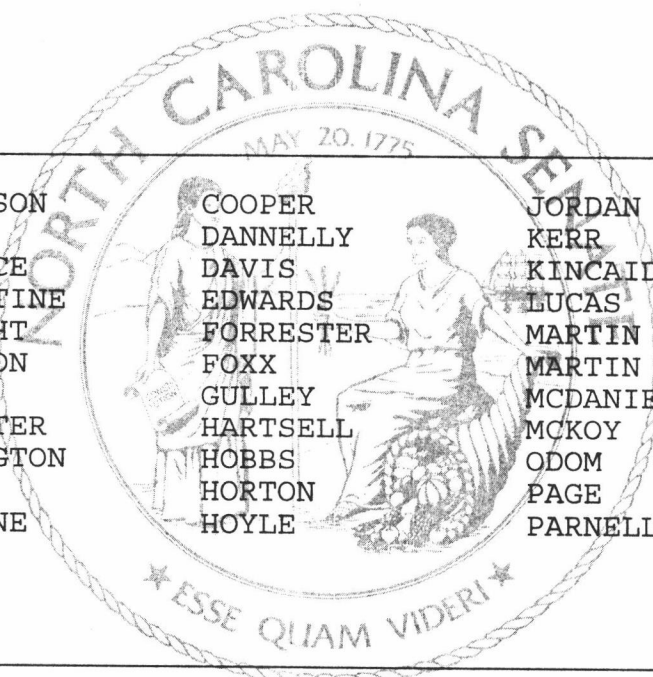
LT. GOVERNOR WICKER

-- Presiding

LITTLE  
ABERDEEN ANNEXATION

SENATE BILL 1392  
READING 3

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 44 | ALBERTSON  | COOPER    | JORDAN    | PERDUE  |
|     |    | ALLRAN     | DANNELLY  | KERR      | PLEXICO |
|     |    | BALLANCE   | DAVIS     | KINCAID   | PLYLER  |
|     |    | BALLANTINE | EDWARDS   | LUCAS     | RAND    |
|     |    | BASNIGHT   | FORRESTER | MARTIN R. | SHAW    |
|     |    | BLACKMON   | FOXX      | MARTIN W. | SHERRON |
|     |    | BLUST      | GULLEY    | MCDANIEL  | SIMPSON |
|     |    | CARPENTER  | HARTSELL  | MCKOY     | SOLES   |
|     |    | CARRINGTON | HOBBS     | ODOM      | SPEED   |
|     |    | CLARK      | HORTON    | PAGE      | WEBSTER |
|     |    | COCHRANE   | HOYLE     | PARNELL   | WINNER  |
| NO  | 1  | EAST       |           |           |         |



|          |   |        |           |       |        |
|----------|---|--------|-----------|-------|--------|
| EXCUSED  | 0 |        |           |       |        |
| NOT CAST | 4 | CONDER | LEDBETTER | SMITH | WARREN |
| ABSENT   | 1 | LITTLE |           |       |        |
| PAIRS    | 0 |        |           |       |        |
| AYE      |   |        |           |       |        |
| NO       |   |        |           |       |        |

GENERAL ASSEMBLY OF NORTH CAROLINA

FILED - SENATE

SESSION 1995

S 1393

MAY 29 1996

S

D

SENATE DRS8712-LR229(5.17)

PRINCIPAL CLERK

Short Title: Meck./Catawba Deputies' Retirement.

(Local)

Sponsors: Senator Odom.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO CLARIFY THE STATUS OF CERTIFIED EMPLOYEES OF THE  
3 MECKLENBURG COUNTY AND CATAWBA COUNTY SHERIFFS' OFFICES  
4 FOR ELIGIBILITY FOR BENEFITS AFFORDED TO LAW ENFORCEMENT  
5 OFFICERS THROUGH THE NORTH CAROLINA LOCAL  
6 GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 1 of Chapter 532 of the 1995 Session Laws reads as  
9 rewritten:

10 "Section 1. For the purposes of benefits afforded on account of membership in the  
11 Local Governmental Employees' Retirement System, a 'law enforcement officer' as  
12 defined in G.S. 128-21(11b) and a 'law-enforcement officer' as defined in G.S. 143-  
13 166.50(a)(3) shall include an employee of the Mecklenburg Sheriff's Department  
14 ~~serving as a sworn and certified jailer or telecommunicator.~~ Office who possesses the  
15 power of arrest, who has taken the law enforcement officer oath administered under  
16 the authority of the State as prescribed by G.S. 11-11, and who is certified as a  
17 deputy sheriff by the North Carolina Sheriffs' Education and Training Standards  
18 Commission under the provisions of Chapter 17E of the General Statutes. 'Law  
19 enforcement officer' also means the sheriff of the county."

20 Sec. 2. Section 1 of Chapter 306 of the 1995 Session Laws reads as  
21 rewritten:

22 "Section 1. For the purposes of benefits afforded on account of membership in the  
23 Local Governmental Employees' Retirement System, a 'law enforcement officer' as  
24 defined in G.S. 128-21(11b) and a 'law-enforcement officer' as defined in G.S. 143-  
25 166.50(a)(3) shall include an employee of the Catawba Sheriff's Department serving

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1823/36-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

ODOM  
MECK./CATAWBA DEPUTIES' RETIREMENT  
HOUSE COM SUB/2ND EDITION

SENATE BILL 1393

MOTION 8  
TO CONCUR

|     |    |  |  |   |  |
|-----|----|--|--|---|--|
| AYE | 38 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE | CONDER<br>COOPER<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS | HOYLE<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCKOY<br>ODOM | PAGE<br>PARNELL<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SOLES<br>WARREN |
|-----|----|--|--|---|--|

NO 0

EXCUSED 0

|          |    |                            |                            |                            |                   |
|----------|----|----------------------------|----------------------------|----------------------------|-------------------|
| NOT CAST | 11 | BASNIGHT<br>EAST<br>HORTON | JORDAN<br>KERR<br>MCDANIEL | PERDUE<br>PLEXICO<br>SPEED | WEBSTER<br>WINNER |
|----------|----|----------------------------|----------------------------|----------------------------|-------------------|

ABSENT 1 SMITH

PAIRS 0

AYE  
NO

(CONTINUED)

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

REQ. 1864/77-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

DOM  
HECK./CATAWBA DEPUTIES' RETIREMENT  
HOUSE COM SUB/2ND EDITION

SENATE BILL 1393

MOTION 8  
TO CONCUR

RECORDED

AYE 1 PLEXICO

ADJUSTED TOTAL

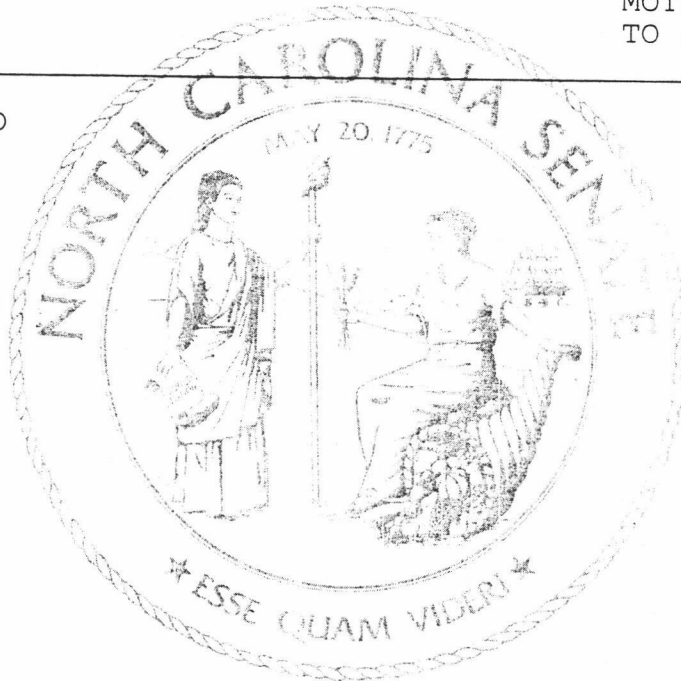
AYE 39

NO 0

NOT CAST 10

SENT 1

Y)





NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1864/77-- 4:55 PM

JUNE 21, 1996

LEGISLATIVE DAY 134

LT. GOVERNOR WICKER

-- Presiding

ODOM  
MECK./CATAWBA DEPUTIES' RETIREMENT  
HOUSE COM SUB/2ND EDITION

SENATE BILL 1393

MOTION 8  
TO CONCUR

|     |    |  |  |   |   |
|-----|----|--|--|---|---|
| AYE | 39 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE | CONDER<br>COOPER<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS | HOYLE<br>KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCKOY<br>ODOM<br>PAGE | PARNELL<br>PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SOLES<br>WARREN |
| NO  | 0  |  |  |   |   |

EXCUSED 0

|          |    |                            |                            |                 |                   |
|----------|----|----------------------------|----------------------------|-----------------|-------------------|
| NOT CAST | 10 | BASNIGHT<br>EAST<br>HORTON | JORDAN<br>KERR<br>MCDANIEL | PERDUE<br>SPEED | WEBSTER<br>WINNER |
|----------|----|----------------------------|----------------------------|-----------------|-------------------|

ABSENT 1 SMITH

PAIRS 0  
AYE  
NO

COPY)

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

## SENATE JOINT RESOLUTION DRSJR5707-LN177AR2

---

Sponsors: Senator Forrester.

---

Referred to:

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1 A JOINT RESOLUTION AUTHORIZING THE 1995 GENERAL ASSEMBLY,  
2 1996 SESSION, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO  
3 PROVIDE THAT MARRIAGES CONTRACTED OUTSIDE OF THIS STATE  
4 BETWEEN PERSONS OF THE SAME GENDER ARE NOT VALID IN  
5 VARIOUS COUNTIES.

6 Be it resolved by the Senate, the House of Representatives concurring:

7 Section 1. The 1995 General Assembly, Regular Session 1996, may  
8 consider "A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT  
9 MARRIAGES CONTRACTED OUTSIDE OF THIS STATE BETWEEN PERSONS  
10 OF THE SAME GENDER ARE NOT VALID IN VARIOUS COUNTIES."

11 Sec. 2. This resolution is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1563/2--12:31 PM

MAY 30, 1996

LEGISLATIVE DAY 121

LT. GOVERNOR WICKER

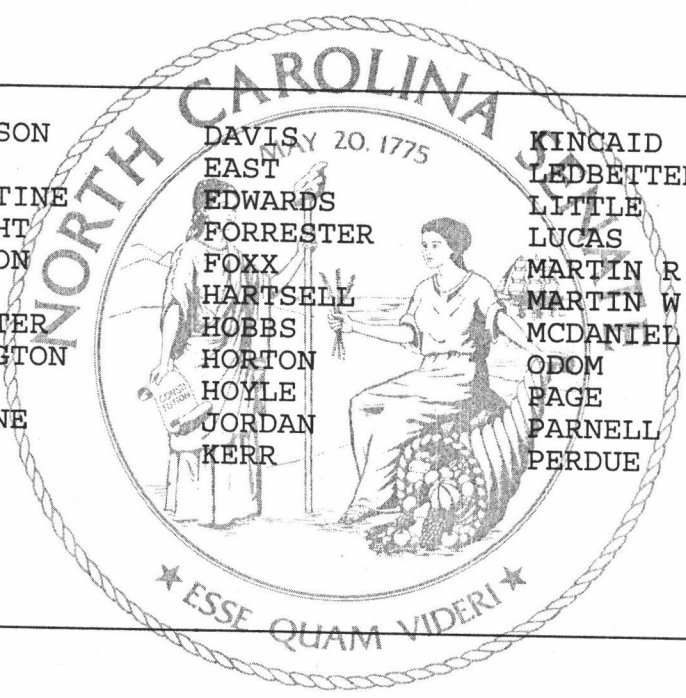
-- Presiding

FORRESTER  
ENABLING/SAME SEX MARRIAGE VALIDITY

SENATE RES. 1394  
READING 2

2/3 MAJORITY

|     |    |  |   |  |   |
|-----|----|--|---|--|---|
| AYE | 45 | ALBERTSON<br>ALLRAN<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 1  | GULLEY   |   |  |   |



EXCUSED 0

NOT CAST 3 BALLANCE

DANNELLY

SHAW

ABSENT 1 MCKOY

PAIRS 0

AYE  
NO

(CONTINUED)

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1571/10--12:31 PM

MAY 30, 1996

LEGISLATIVE DAY 121

LT. GOVERNOR WICKER

-- Presiding

FORRESTER  
ENABLING/SAME SEX MARRIAGE VALIDITY

SENATE RES. 1394  
READING 2

2/3 MAJORITY

|     |    |  |   |  |   |
|-----|----|--|---|--|---|
| AYE | 46 | ALBERTSON<br>ALLRAN<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER | DANNELLY<br>DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR | KINCAID<br>LEDBETTER<br>LITTLE<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>ODOM<br>PAGE<br>PARNELL<br>PERDUE | PLEXICO<br>PLYLER<br>RAND<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 1  | GULLEY   |   |  |   |

EXCUSED 0

NOT CAST 2 BALLANCE SHAW

ABSENT 1 MCKOY

PAIRS 0  
AYE  
NO

(COPY)

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1571/10--12:31 PM

MAY 30, 1996

LEGISLATIVE DAY 121

LT. GOVERNOR WICKER

-- Presiding

FORRESTER  
ENABLING/SAME SEX MARRIAGE VALIDITY

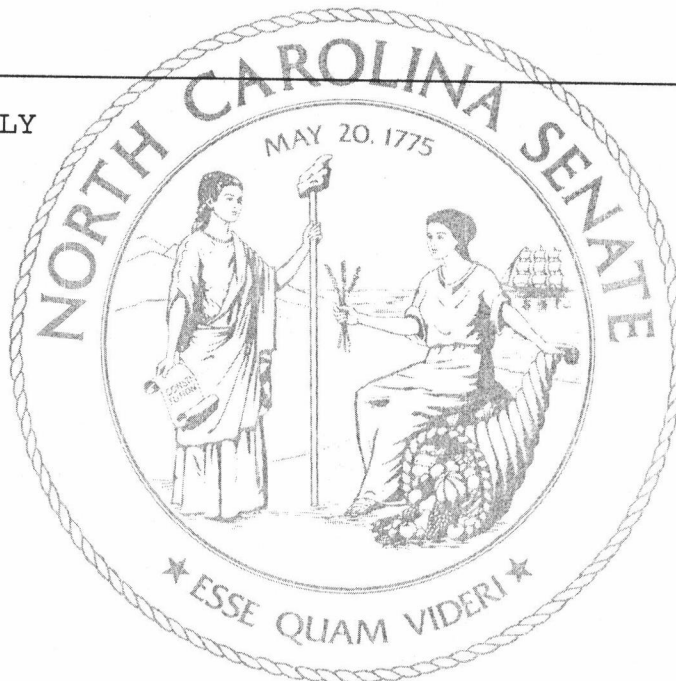
SENATE RES. 1394  
READING 2

2/3 MAJORITY

RECORDED

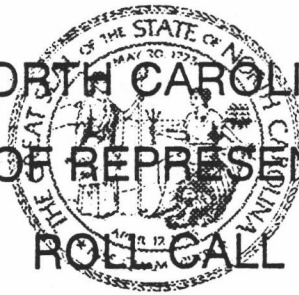
AYE 1 DANNELLY  
ADJUSTED TOTAL  
AYE 46  
NO 1  
NOT CAST 2  
ABSENT 1

OPY)



SJ # 1935  
LEGISLATIVE DAY 126  
SJR1394HCS  
READING 2

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES  
ROLL CALL



EV

6/10/96  
4:42 PM  
IN CHAIR: SPEAKER

MARRIAGES OF THE SAME GENDER

AYES - 100

|               |            |            |              |
|---------------|------------|------------|--------------|
| SPEAKER       | CULPEPPER  | HURLEY     | REDWINE      |
| ADAMS         | CUMMINGS   | IVES       | REYNOLDS     |
| ALDRIDGE      | CUNNINGHAM | JUSTUS     | RICHARDSON   |
| ALLRED        | DAUGHTRY   | KISER      | ROBINSON, J. |
| ARNOLD        | DAVIS      | LEE        | ROGERS       |
| BAKER         | DECKER     | LEMOND     | RUSSELL      |
| BARBEE        | DICKSON    | MCALLISTER | SEXTON       |
| BARNES        | DOCKHAM    | MCCOMAS    | SHARPE       |
| BEALL         | EDDINS     | MCCOMBS    | SHAW         |
| BERRY         | EDWARDS    | MCCRARY    | SHERILL      |
| BOWEN         | ELLIS      | MCLAUGHLIN | SHUBERT      |
| BOWIE         | ESPOSITO   | MCMAHAN    | SUTTON       |
| BOYD-MCINTYRE | FOX        | MERCER     | TALLENT      |
| BRAWLEY       | GARDNER    | MITCHELL   | THOMPSON     |
| BROWN, J.     | GRADY      | MORGAN     | TOLSON       |
| BROWN, W.     | GRAY       | NEELY      | WAINWRIGHT   |
| BUCHANAN      | HACKNEY    | NICHOLS    | WARNER       |
| CANSLER       | HAYES      | NYE        | WATSON       |
| CAPPS         | HENSLEY    | OLDHAM     | WEATHERLY    |
| CARPENTER     | HIATT      | OWENS      | WILKINS      |
| CLARY         | HIGHTOWER  | PATE       | WILSON, C.   |
| COCKLEREECE   | HILL       | PRESTON    | WILSON, G.   |
| CRAWFORD      | HOLMES     | PULLEY     | WOMBLE       |
| CREECH        | HOWARD     | RAMSEY     | WRIGHT       |
| CULP          | HUNTER, R. | RAYFIELD   | YONGUE       |

NOES - 4

|           |       |            |        |
|-----------|-------|------------|--------|
| ALEXANDER | EARLE | EASTERLING | LUEBKE |
|-----------|-------|------------|--------|

EXCUSED ABSENCE - 8

|        |        |            |              |
|--------|--------|------------|--------------|
| CHURCH | HUNT   | LOCKE      | MINER        |
| FITCH  | LINNEY | MILLER, G. | ROBINSON, G. |

EXCUSED VOTE - 0

NOT VOTING - 8

|       |          |            |            |
|-------|----------|------------|------------|
| BLACK | BRASWELL | HUNTER, H. | MILLER, K. |
| BLUE  | GAMBLE   | MICHAUX    | WOOD       |

SJR1394HCS

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1615/3-- 8:05 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

LT. GOVERNOR WICKER

-- Presiding

FORRESTER  
ENABLING/SAME SEX MARRIAGE VALIDITY  
HOUSE COM SUB/2ND EDITION

SENATE RES. 1394

2/3 MAJORITY

MOTION 8  
TO CONCUR

|     |    |  |   |  |  |
|-----|----|--|---|--|--|
| AYE | 46 | ALBERTSON<br>ALLRAN<br>BALLANTINE<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE<br>CONDER<br>COOPER<br>DANNELLY | DAVIS<br>EAST<br>EDWARDS<br>FORRESTER<br>FOXX<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE<br>JORDAN<br>KERR<br>KINCAID<br>LUCAS | LEDBETTER<br>LITTLE<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>FARNELL<br>PERDUE<br>PLEXICO | PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SMITH<br>SOLES<br>SPEED<br>WARREN<br>WEBSTER<br>WINNER |
| NO  | 2  | BALLANCE   |   |  |  |

EXCUSED 0

NOT CAST 2 BASNIGHT GULLEY

ABSENT 0

PAIRS 0

AYE

NO



GENERAL ASSEMBLY OF NORTH CAROLINA PRINCIPAL CLERK  
SESSION 1995

S

D

SENATE DRS8719-LG292(5.22)

Short Title: Glen Alpine Recreation Funds.

(Public)

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Sponsors: Senator Simpson.

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Referred to:

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- 1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF GLEN ALPINE FOR  
3 RECREATIONAL PURPOSES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. There is appropriated from the General Fund to the Town of  
6 Glen Alpine the sum of fifty thousand dollars (\$50,000) for the 1996-97 fiscal year for  
7 recreational purposes to benefit the citizens of the Town of Glen Alpine and  
8 surrounding areas.  
9 Sec. 2. This act becomes effective July 1, 1996.

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

SENATE DRS2729-LF332(5.15)

Short Title: New Hanover Nursing Hm. Bd.

(Local)

Sponsors: Senator Ballantine.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE NURSING HOME ADVISORY COMMITTEE LAW  
3 AND THE OMBUDSMAN LAW AS IT AFFECTS NEW HANOVER COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 131E-128(b) reads as rewritten:  
6 "(b) (1) A community advisory committee shall be established in each  
7 county which has a nursing home, including a nursing home  
8 operated by a hospital licensed under Article 5 of G.S. Chapter  
9 131E, shall serve all the homes in the county, and shall work with  
10 each home in the best interest of the persons residing in each  
11 home. In a county which has one, two, or three nursing homes, the  
12 committee shall have a minimum of five members. In a county  
13 with four or more nursing homes, the committee shall have a  
14 minimum of one additional member for each nursing home in  
15 excess of three.  
16 (2) In each county with four or more nursing homes, the committee  
17 shall establish a subcommittee of ~~no more than five members and~~  
18 no fewer than three members from the committee for each nursing  
19 home in the county. Each member ~~must~~ shall serve on at least one  
20 subcommittee.  
21 (3) Each committee shall be appointed by the board of county  
22 commissioners. Of the members, a minority (not less than one-  
23 third, but as close to one-third as possible) ~~must~~ shall be chosen  
24 from among persons nominated by a majority of the chief  
25 administrators of nursing homes in the county and of the governing

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1623/11-- 8:20 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

BALLANTINE  
NEW HANOVER NURSING HOME BOARD  
COM SUB/2ND EDITION

SENATE BILL 1396  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 49 | ALBERTSON  | DAVIS     | KINCAID   | PLEXICO |
|     |    | ALLRAN     | EAST      | LEDBETTER | PLYLER  |
|     |    | BALLANCE   | EDWARDS   | LITTLE    | RAND    |
|     |    | BALLANTINE | FORRESTER | LUCAS     | SHAW    |
|     |    | BASNIGHT   | FOXX      | MARTIN R. | SHERRON |
|     |    | BLACKMON   | GULLEY    | MARTIN W. | SIMPSON |
|     |    | BLUST      | HARTSELL  | MCDANIEL  | SMITH   |
|     |    | CARPENTER  | HOBBS     | MCKOY     | SOLES   |
|     |    | CARRINGTON | HORTON    | ODOM      | SPEED   |
|     |    | CLARK      | HOYLE     | PAGE      | WARREN  |
|     |    | COCHRANE   | JORDAN    | PARNELL   | WEBSTER |
|     |    | COOPER     | KERR      | PERDUE    | WINNER  |
|     |    | DANNELLY   |           |           |         |

NO 0

EXCUSED 0

NOT CAST 1 CONDER

ABSENT 0

PAIRS 0

AYE

NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1631/19-- 8:21 PM

JUNE 10, 1996

LEGISLATIVE DAY 126

SENATOR BASNIGHT

-- Presiding

BALLANTINE  
NEW HANOVER NURSING HOME BOARD  
COM SUB/2ND EDITION

SENATE BILL 1396  
READING 3

AYE

49

ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN

KERR  
KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELL  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

1

MARTIN R.

ABSENT

0

PAIRS

0

AYE

NO

## GENERAL ASSEMBLY OF NORTH CAROLINA

PRINCIPAL CLERK

SESSION 1995

S

D

SENATE DRS2730-LBX423(5.28)

Short Title: Sloop Point Incorporated.

(Local)

Sponsors: Senator Ballantine.

Referred to:

1 AN ACT TO INCORPORATE THE VILLAGE OF SLOOP POINT IN PENDER  
2 COUNTY.

3 The General Assembly of North Carolina enacts:

4 Section 1. A Charter for the Village of Sloop Point is enacted to read:

5 "CHARTER OF THE VILLAGE OF SLOOP POINT.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

8 "Section 1.1. **Incorporate and Corporate Powers.** The inhabitants of the Village of  
9 Sloop Point are a body corporate and politic under the name, 'Village of Sloop  
10 Point'. Under that name they have all the powers, duties, rights, privileges, and  
11 immunities conferred and imposed on cities by the general law of North Carolina.

12 "CHAPTER II.

13 "CORPORATE POWERS.

14 "Sec. 2.1. **Village Boundaries.** Until modified in accordance with law, the  
15 boundaries of the Village of Sloop Point are located in Topsail Township, Pender  
16 County, North Carolina, more fully described as:

17 1. Western boundary: Westernmost part of the right-of-way N.C. Highway 1563  
18 beginning at the point where the Southern boundary S 42 15' 15" E intersects N.C.  
19 Highway 1563 and extending north to where N.C. Highway 1670 intersects with N.C.  
20 Highway 1563.

21 2. Eastern boundary: Mean low-water line of Western side of the Intercoastal  
22 Waterway, from corner marker N 40 21' 30" W for 300.28 ft. to Northernmost part of  
23 the right-of-way of N.C. Highway 1670 then South along the Westside of the  
24 Intercoastal Waterway to a corner marker at N 42 17' 30" West.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1699/21-- 5:29 PM

JUNE 18, 1996

LEGISLATIVE DAY 131

LT. GOVERNOR WICKER

-- Presiding

BALLANTINE  
SLOOP POINT INCORPORATED

SENATE BILL 1397  
READING 2

|     |    |            |           |           |         |
|-----|----|------------|-----------|-----------|---------|
| AYE | 46 | ALLRAN     | EDWARDS   | LITTLE    | PLYLER  |
|     |    | BALLANTINE | FORRESTER | LUCAS     | RAND    |
|     |    | BASNIGHT   | FOXX      | MARTIN R. | SHAW    |
|     |    | BLACKMON   | GULLEY    | MARTIN W. | SHERRON |
|     |    | BLUST      | HARTSELL  | MCDANIEL  | SIMPSON |
|     |    | CARPENTER  | HOBBS     | MCKOY     | SMITH   |
|     |    | CARRINGTON | HORTON    | ODOM      | SOLES   |
|     |    | CLARK      | HOYLE     | PAGE      | SPEED   |
|     |    | COCHRANE   | JORDAN    | PARNELL   | WARREN  |
|     |    | COOPER     | KERR      | PERDUE    | WEBSTER |
|     |    | DAVIS      | KINCAID   | PLEXICO   | WINNER  |
|     |    | EAST       | LEDBETTER |           |         |
| NO  | 0  |            |           |           |         |

EXCUSED 0

NOT CAST 2 BALLANCE CONDER

ABSENT 2 ALBERTSON DANNELLY

PAIRS 0

AYE  
NO

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1754/43-- 1:46 PM JUNE 19, 1996 LEGISLATIVE DAY 132

LT. GOVERNOR WICKER

-- Presiding

BALLANTINE  
SLOOP POINT INCORPORATED

SENATE BILL 1397  
READING 3

|     |    |  |   |  |  |
|-----|----|--|---|--|--|
| AYE | 44 | ALBERTSON<br>ALLRAN<br>BALLANCE<br>BALLANTINE<br>BASNIGHT<br>BLACKMON<br>BLUST<br>CARPENTER<br>CARRINGTON<br>CLARK<br>COCHRANE | COOPER<br>DANNELLY<br>DAVIS<br>EDWARDS<br>FORRESTER<br>FOXX<br>GULLEY<br>HARTSELL<br>HOBBS<br>HORTON<br>HOYLE | JORDAN<br>KERR<br>KINCAID<br>LUCAS<br>MARTIN R.<br>MARTIN W.<br>MCDANIEL<br>MCKOY<br>ODOM<br>PAGE<br>PARNELL | PERDUE<br>PLEXICO<br>PLYLER<br>RAND<br>SHAW<br>SHERRON<br>SIMPSON<br>SOLES<br>SPEED<br>WEBSTER<br>WINNER |
| NO  | 1  | EAST   |   |  |  |

EXCUSED 0

NOT CAST 4 CONDER LEDBETTER SMITH WARREN

ABSENT 1 LITTLE

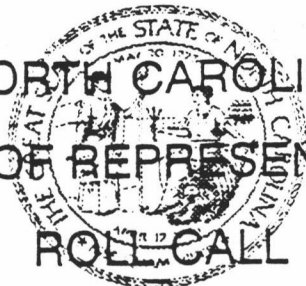
PAIRS 0

AYE  
NO



RC

NORTH CAROLINA  
HOUSE OF REPRESENTATIVES



6/20/96

8:28 PM

IN CHAIR: SPEAKER

SEC. # 2124  
LEGISLATIVE DAY 134  
SR4  
READING 2

AYES - 104

ADAMS  
ALDRIDGE  
ALEXANDER  
ALLRED  
ARNOLD  
BAKER  
BARBEE  
BARNES  
BERRY  
BLACK  
BOWEN  
BOYD-MCINTYRE  
BRAWLEY  
BROWN, J.  
BROWN, W.  
BUCHANAN  
CAPPS  
CARPENTER  
CHURCH  
CLARY  
COCKLEREECE  
CRAWFORD  
CREECH  
CULP  
CULPEPPER  
CUMMINGS

CUNNINGHAM  
DAUGHTRY  
DAVIS  
DECKER  
DICKSON  
DOCKHAM  
EARLE  
EASTERLING  
EDDINS  
EDWARDS  
ELLIS  
ESPOSITO  
FITCH  
GAMBLE  
GARDNER  
GRADY  
GRAY  
HACKNEY  
HAYES  
HENSLEY  
HIATT  
HIGHTOWER  
HILL  
HOLMES  
HOWARD  
HUNTER, H.

HUNTER, R.  
HURLEY  
IVES  
JUSTUS  
KISER  
LEE  
LINNEY  
LOCKE  
LUEBKE  
MCALLISTER  
MCCOMAS  
MCCOMBS  
MCCRARY  
MCMAHAN  
MERCER  
MICHAUX  
MILLER, G.  
MINER  
MITCHELL  
MORGAN  
NICHOLS  
NYE  
OWENS  
PATE  
PRESTON  
PULLEY

RAMSEY  
RAYFIELD  
REDWINE  
REYNOLDS  
RICHARDSON  
ROBINSON, J.  
ROGERS  
RUSSELL  
SEXTON  
SHARPE  
SHERRILL  
SHUBERT  
SUTTON  
TALLENT  
THOMPSON  
TOLSON  
WAINWRIGHT  
WATSON  
WEATHERLY  
WILKINS  
WILSON, C.  
WILSON, G.  
WOMBLE  
WOOD  
WRIGHT  
YONGUE

NOES - 0

EXCUSED ABSENCE - 7

BEALL  
BLUE

FOX  
HUNT

OLDHAM  
ROBINSON, G.

WARNER

EXCUSED VOTE - 0

NOT VOTING - 9

SPEAKER  
BOWIE  
BRASWELL

CANSLER  
LEMMOND

MCLAUGHLIN  
MILLER, K.

NEELY  
SHAW

SHORT ROLL: H1098

S1244HCS

S1397

S1365

# NORTH CAROLINA

## HOUSE OF REPRESENTATIVES

### ROLL CALL

RC

S # 2144  
LEGISLATIVE DAY 135  
SR2  
READING 3

6/21/96

11:51 AM

IN CHAIR: RUSSELL

ADAMS  
ALEXANDER  
ARNOLD  
BAKER  
BARBEE  
BARNES  
BERRY  
BLACK  
BOWEN  
BOWIE  
BOYD-MCINTYRE  
BRAWLEY  
BROWN, J.  
BROWN, W.  
BUCHANAN  
CANSLER  
CAPPS  
CARPENTER  
CHURCH  
CLARY  
COCKLEREECE  
CRAWFORD  
CREECH  
CULP  
CULPEPPER  
CUMMINGS

CUNNINGHAM  
DAUGHTRY  
DAVIS  
DECKER  
DICKSON  
DOCKHAM  
EARLE  
EASTERLING  
EDDINS  
EDWARDS  
ELLIS  
ESPOSITO  
FITCH  
GARDNER  
GRADY  
HACKNEY  
HAYES  
HENSLEY  
HIATT  
HIGHTOWER  
HILL  
HOWARD  
HUNTER, R.  
HURLEY  
IVES

AYES - <sup>102</sup>~~101~~

JUSTUS  
KISER  
LEE  
LEMOND  
LINNEY  
LOCKE  
LUEBKE  
MCALLISTER  
MCCOMAS  
MCCOMBS  
MCCRARY  
MCMAHAN  
MERCER  
MICHAUX  
MILLER, G.  
MITCHELL  
MORGAN  
NEELY  
NICHOLS  
NYE  
OWENS  
PATE  
PRESTON  
PULLEY  
RAMSEY

RAYFIELD  
REDWINE  
REYNOLDS  
RICHARDSON  
ROBINSON, J.  
ROGERS  
SEXTON  
SHARPE  
SHAW  
SHERRILL  
SHUBERT  
SUTTON  
TALLENT  
THOMPSON  
TOLSON  
WAINWRIGHT  
WATSON  
WEATHERLY  
WILKINS  
WILSON, C.  
WILSON, G.  
WOMBLE  
WOOD  
WRIGHT  
YONGUE

*ALLRED RW*

NOES - 0

EXCUSED ABSENCE - 8

ALDRIDGE  
BEALL

BLUE  
FOX

HUNT  
OLDHAM

ROBINSON, G.  
WARNER

EXCUSED VOTE - 0

SPEAKER  
~~ALLRED~~  
BRASWELL

GAMBLE  
GRAY  
HOLMES

NOT VOTING - <sup>11</sup>~~10~~  
HUNTER, H.  
MCLAUGHLIN  
MILLER, K.

MINER  
RUSSELL

SHORT ROLL: S1365

S1397

*Rep Allred request to be recorded as voting "aye"  
Speaker no order.  
RW*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - SENATE D

SENATE RESOLUTION DRSR7780-LG308(5.29)

81398

MAY 29 1996

PRINCIPAL CLERK

---

Sponsors: Senator Soles.

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Referred to:

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1 A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE  
2 APPOINTMENTS OF THE GOVERNOR'S APPOINTMENTS TO THE BOARD  
3 OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES'  
4 RETIREMENT SYSTEM.

5 Whereas, under the provisions of G.S. 135-6, appointments by the  
6 Governor to membership on the Board of Trustees of the Teachers' and State  
7 Employees' Retirement System are subject to confirmation by the Senate; and

8 Whereas, vacancies have occurred on the Board of Trustees of the  
9 Teachers' and State Employees' Retirement System; and

10 Whereas, the Governor has transmitted to the presiding officer of the  
11 Senate, the names of his appointees to fill the terms of membership on the Board of  
12 Trustees of the Teachers' and State Employees' Retirement System;

13 Now, therefore, be it resolved by the Senate:

14 Section 1. (a) The appointment of Carol-Ann Tucker of Pitt County, to  
15 the Board of Trustees of the Teachers' and State Employees' Retirement System, as a  
16 representative of higher education, to fill an unexpired term to expire on June 30,  
17 1997, is confirmed.

18 (b) The appointment of Michael L. Dupree of Granville County, to the  
19 Board of Trustees of the Teachers' and State Employees' Retirement System, as a  
20 representative of State law enforcement, to fill an unexpired term to expire on March  
21 31, 1997, is confirmed.

22 (c) The appointments of Kevin G. Harris of Nash County, Paschal W.  
23 Swann of Forsyth County, and S. Leigh Wilson of Wake County, to the Board of  
24 Trustees of the Teachers' and State Employees' Retirement System, as representatives  
25 of the public, for terms to expire on March 31, 2000, are confirmed.

26 Sec. 2. This resolution is effective upon adoption.

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE

RECORDED VOTE

1995 SESSION  
SECOND REGULAR SESSION

SEQ. 1561/4-- 2:20 PM

MAY 29, 1996

LEGISLATIVE DAY 120

LT. GOVERNOR WICKER

-- Presiding

SOLES  
CONFIRMATION/RETIREMENT SYSTEM

SENATE RES. 1398

MOTION 7  
TO ADOPT

AYE

50

ALBERTSON  
ALLRAN  
BALLANCE  
BALLANTINE  
BASNIGHT  
BLACKMON  
BLUST  
CARPENTER  
CARRINGTON  
CLARK  
COCHRANE  
CONDER  
COOPER

DANNELLY  
DAVIS  
EAST  
EDWARDS  
FORRESTER  
FOXX  
GULLEY  
HARTSELL  
HOBBS  
HORTON  
HOYLE  
JORDAN  
KERR

KINCAID  
LEDBETTER  
LITTLE  
LUCAS  
MARTIN R.  
MARTIN W.  
MCDANIEL  
MCKOY  
ODOM  
PAGE  
PARNELI  
PERDUE

PLEXICO  
PLYLER  
RAND  
SHAW  
SHERRON  
SIMPSON  
SMITH  
SOLES  
SPEED  
WARREN  
WEBSTER  
WINNER

NO

0

EXCUSED

0

NOT CAST

0

ABSENT

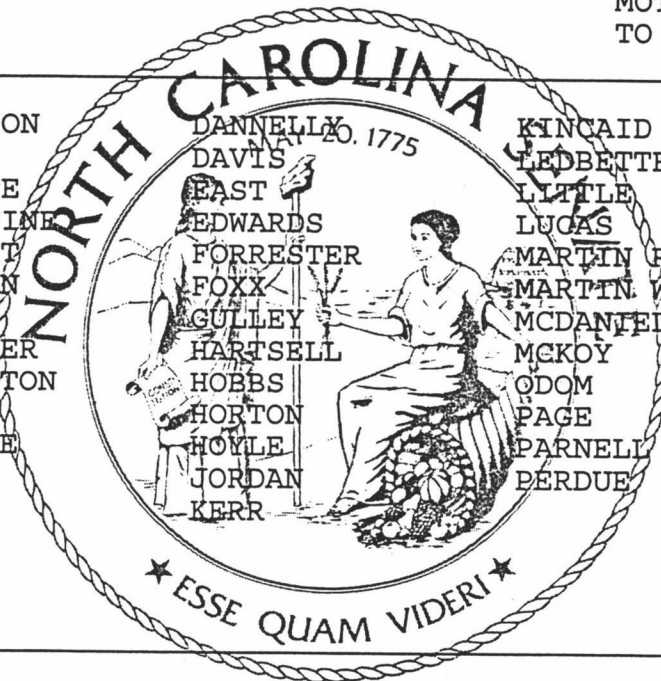
0

PAIRS

0

AYE

NO



GENERAL ASSEMBLY OF NORTH CAROLINA

FILED - SENATE

SESSION 1995

**S 1399**

MAY 29 1996

S

PRINCIPAL CLERK **D**

SENATE DRS7775\*-LR236(5.21)

Short Title: Columbus County Lease Term.

(Local)

Sponsors: Senator Soles.

Referred to:

- 1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING COLUMBUS COUNTY TO ENTER INTO LEASES  
3 FOR TERMS NOT LONGER THAN TWENTY YEARS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 160A-272 reads as rewritten:  
6 "**§ 160A-272. Lease or rental of property.**  
7 Any property owned by a city may be leased or rented for such terms and upon  
8 such conditions as the council may determine, but not for longer than ~~10 years~~ 20  
9 years (except as otherwise provided herein) and only if the council determines that  
10 the property will not be needed by the city for the term of the lease. In determining  
11 the term of a proposed lease, periods that may be added to the original term by  
12 options to renew or extend shall be included. Property may be rented or leased only  
13 pursuant to a resolution of the council authorizing the execution of the lease or rental  
14 agreement adopted at a regular council meeting upon 10 days' public notice. Notice  
15 shall be given by publication describing the property to be leased or rented, stating  
16 the annual rental or lease payments, and announcing the council's intent to authorize  
17 the lease or rental at its next regular meeting.  
18 No public notice need be given for resolutions authorizing leases or rentals for  
19 terms of one year or less, and the council may delegate to the city manager or some  
20 other city administrative officer authority to lease or rent city property for terms of  
21 one year or less. Leases for terms of more than ~~10 years~~ 20 years shall be treated as a  
22 sale of property and may be executed by following any of the procedures authorized  
23 for sale of real property."  
24 Sec. 2. This act applies to Columbus County only.  
25 Sec. 3. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

FILED - JUNE 17 1995

D

SENATE DRSA714\*-LB436(5.10) \$ 1400 MAY 29 1996

PRINCIPAL CLERK

Short Title: Brunswick Terms.

(Local)

Sponsors: Senator Soles.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE FOR A REFERENDUM IN BRUNSWICK COUNTY ON  
3 THE QUESTIONS OF CHANGING THE TERMS OF OFFICE OF THE  
4 BRUNSWICK COUNTY BOARD OF COMMISSIONERS AND THE  
5 BRUNSWICK COUNTY BOARD OF EDUCATION FROM TWO YEARS TO  
6 FOUR YEARS.

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 2.1 of Chapter 444, Session Laws of 1977, as added by  
9 Section 1 of Chapter 373, Session Laws of 1991, reads as rewritten:

10 "Sec. 2.1. In 1992, the members of the board of commissioners up for election  
11 shall be elected to two-year terms. In 1994 ~~and biennially thereafter~~, all members of  
12 the board of commissioners shall be elected to two-year terms. In 1996, the three  
13 members of the board of commissioners who are elected and who receive the highest  
14 numbers of votes shall be elected to four-year terms, and the remaining two members  
15 of the board of commissioners shall be elected to two-year terms. In 1998 and  
16 quadrennially thereafter, two members of the board of commissioners are elected to  
17 four-year terms. In 2000 and quadrennially thereafter, three members of the board of  
18 commissioners are elected to four-year terms."

19 Sec. 2. Section 2.1 of Chapter 443, Session Laws of 1977, as added by  
20 Section 2 of Chapter 373, Session Laws of 1991, reads as rewritten:

21 "Sec. 2.1. In 1992, the members of the board of education up for election shall be  
22 elected to two-year terms. In 1994 ~~and biennially thereafter~~, all members of the  
23 board of education shall be elected to two-year terms. In 1996, the three members of  
24 the board of education who are elected and who receive the highest numbers of votes  
25 shall be elected to four-year terms, and the remaining two members of the board of